

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1307

Amending Multnomah County's Zoning Code to Incorporate Amendments to the City of Portland's Zoning and Development Code to Implement Changes Related to the City of Portland's Historic Resources Code Project and Declaring an Emergency.

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to an intergovernmental agreement executed in 2002 (the "IGA"), the City of Portland, Oregon ("City"), provides, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City's Urban Services Boundary (the "Unincorporated Urban Areas").
- b. Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use policies and regulations as they relate to the Unincorporated Urban Areas to incorporate applicable City land use policies and regulations, and all subsequent amendments thereto.
- c. Ordinance No. 190687 (adopted by the Portland City Council 01-26-22 and in full effect 03-01-22), amends Title 33 (Planning and Zoning) and Title 32 (Signs and Related Regulations) of Portland City Code to clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews, bringing Portland's regulations into conformance with state administrative rules and best practices.
- d. The Historic Resources Code Project amendments update City code provisions related to the identification, designation, protection, and use of historic resources. These updates will apply to those eligible structures and sites located within the Unincorporated Urban Areas.
- e. The City has requested that the County amend the County's Zoning Code to incorporate the changes implemented in City Ordinance 190687.
- f. Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of City Ordinance 190687. The City provided an opportunity for the public to be heard at public hearings, culminating with hearings before the City's Planning and Sustainability Commission and the City Council.

Multnomah County Ordains as Follows:

Section 1. Multnomah County's Zoning Code is amended to incorporate the amendments to Title 33 and Title 32 in City of Portland Ordinance 190687 attached hereto as Exhibit 1. The legislative intent and findings set forth in City of Portland Ordinance 190687 are adopted as findings in support of this Ordinance.

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective dates of this ordinance and that is made complete prior to the applicable effective dates of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective dates of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above are exempt from the requirements of MCC 39.1210. The Board acknowledges, authorizes and agrees that the Portland Planning and Sustainability Commission will act instead of the Multnomah County Planning Commission for the Unincorporated Urban Areas by employing the City's own legislative procedures, including providing notice to, and facilitating participation from, property owners within Unincorporated Urban Areas. The Board will consider the recommendations of the Portland Planning and Sustainability Commission and City Council when legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

Section 5. This ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and adoption of the amendments in Ordinance 190687 described in Section 1 of this Ordinance will take effect within the Unincorporated Urban Areas upon this Ordinance being signed by the Chair of the Board of County Commissioners, as provided by Charter Section 5.50.

FIRST READING AND ADOPTION:

May 12, 2022



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Lori Stegmann

Lori Stegmann, Vice-Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Katherine Thomas*

Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Jamie Waltz, Director, Department of Community Services



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190687

Ordinance

Amend Title 33 Planning and Zoning and Title 32 Signs and Related Regulations to revise and update regulations for historic resources (amend Code Titles 32 and 33)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. On August 29, 1968, the City Council, through ordinance 127512, established the Historic Landmarks Commission and established definitions, regulations, and procedures for Historic Landmark designation.
2. On June 19, 1975, the City Council, through ordinance 140096, established the definitions, regulations, and procedures for Historic District designation.
3. On September 8, 1977, the City Council, through ordinance 144324, established definitions, regulations, and procedures for Conservation District designation.
4. On April 10, 1996, the City Council, through ordinance 169987, updated the definitions, regulations, and procedures for Historic Landmark, Conservation Landmark, Historic District, and Conservation District designation; updated the definitions, regulations, and procedures for adding and removing undesignated resources from the Historic Resources Inventory; and provided for automatic Historic Landmark and Historic District designation for resources listed in the National Register of Historic Places.
5. On January 27, 2017, the Land Conservation and Development Commission adopted a new State Administrative Rule for procedures and requirements for local government compliance with the historic resource provisions of Statewide Land Use Goal 5.
6. Adoption of the State Administrative Rule required updates to the Zoning Code for compliance with State regulations pertaining to the protection of landmarks and districts listed in the federal National Register of Historic Places after January 2017.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability](#)

Prepared by

Brandon Spencer-Hartle

Date Prepared

October 6, 2021

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

January 26, 2022

Requested Start Time

9:45 am

Time Requested

20 minutes

Confirmed Time Certain

Changes City Code

7. The Historic Resources Code Project (HRCP) was initiated by the Bureau of Planning and Sustainability in late 2017, beginning with a review of local historic resource programs and best practices in Oregon, nationally, and internationally.
8. In late 2017 and early 2018, staff held public roundtable discussions and offered a public online survey to solicit concepts related to revising the City's regulations pertaining to the identification, designation, protection, and reuse of historic resources.
9. In January 2019, the Historic Resources Code Project Discussion Draft was released for public review. Staff held public open houses and offered a public online survey to solicit feedback for incorporation into the Proposed Draft.
10. On September 15, 2020, the Historic Resources Code Project Proposed Draft was released for public review.
11. On September 21, 2020, notice of the Proposed Draft was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-0020. Notice of the Proposed Draft was also mailed to owners of historic resources on September 21, 2020 as required by Measure 56.
12. The Planning and Sustainability Commission held hearings on the Proposed Draft on October 27 and November 10, 2020.
13. The Planning and Sustainability Commission conducted seven work sessions before voting to forward the Historic Resource Code Project to City Council on May 4, 2021.
14. On June 30, 2021, staff released the Historic Resources Code Project Recommended Draft for public review.
15. On October 7, 2021, notice of the November 3, 2021 City Council public hearing was provided to those who presented oral and written testimony to the Planning and Sustainability Commission.
16. The City Council held a hearing on the Recommended Draft on November 3, 2021.
17. The City Council held an additional hearing on potential amendments to the Recommended Draft on December 15, 2021.
18. The Historic Resources Code Project amendments update City code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews, bringing Portland's regulations into conformance with state administrative rules and best practices.
19. Changes in Title 33 require minor conforming amendments in Title 32, Sign and Related Regulations. The project makes no substantive changes to Title 32.
20. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.







NOW, THEREFORE, the Council directs:

- A. Adopt amended Exhibit A, dated January 2022, as additional findings.
- B. Adopt Exhibit B, Historic Resources Code Project Recommended Draft - As Amended Volume One, dated January 2022, and the commentary in Exhibit C, Historic Resources Code Project Recommended Draft - As Amended, Volume Two, dated January 2022, as legislative intent and further findings.
- C. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Exhibit C, Historic Resources Code Project Recommended Draft - As Amended Volume Two, dated January 2022.
- D. Amend Title 32, Signs and Related Regulations, of the Municipal Code of the City of Portland as shown in Exhibit C, Historic Resources Code Project Recommended Draft - As Amended Volume Two, dated January 2022.

Section 2. This ordinance shall be in full force and effect on March 1, 2022.

Section 3. If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Documents and Exhibits

-  [Ordinance - As Amended \(strikethrough/underline version\)](#) (114.72 Kb)
-  [Exhibit A - As Amended](#) (1.38 Mb)
-  [Exhibit B - As Amended](#) (4.77 Mb)
-  [Exhibit C - As Amended](#) (2.59 Mb)
-  [Staff Memorandum \(January 11, 2022\)](#) (402.33 Kb)
-  [Amendment Package](#) (951.14 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
January 26, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (187.42 Kb)

Budget Office Financial Impact Analysis

The HRCP Code amendment may result in a minimal short-term and long-term financial impact to the City. Those impacts, however, would mostly affect the Bureau of Development Services (BDS). This legislation is projected to streamline the development review process for many projects. In some cases, the code amendment may result in the shifting of workload among BDS Staff. Some development proposals that currently go through a discretionary demolition review process may skip that and go straight to permitting. Consequently, such workload shifts will have a minor impact to the City, as there will be fewer than anticipated Land Use Review applications. The Land Use and Permit Review fees are intended to provide cost recovery for those reviews. Thus, in the long-term, BDS Land Use Services Schedule Fee may need to be amended to change the descriptions of what work falls under different procedure types and reviews to reflect the HRCP code amendments. The bureau notes that it is unable to estimate specific fee impacts currently. However, it will be reviewing its fee schedules in Spring 2022 and will propose adjustments at that time for Council to review, if necessary. Due to other bureaus setting their fee schedules based on descriptions of work and procedures in the Land Use Services Fee Schedule, BDS will be making Land Use Services Fee Schedule changes in coordination with other bureaus as part of the standard process for Council adoption of the July 1st Fee Schedules.

Agenda Items

791 Time Certain in [November 3, 2021 Council Agenda](#)

Continued

Continued to December 15, 2021 at 2:00 p.m. Time Certain.
Visit Historic Resources Code Project webpage for more information,
<https://www.portland.gov/bps/hrcp>

911 Time Certain in [December 15-16, 2021 Council Agenda](#)

Continued As Amended

Oral and written record are closed.

Motion to allow 10' of bonus height for certain development proposals in Historic and Conservation Districts in the CM2 Commercial Mixed Use zone: Moved by Hardesty and seconded by Rubio. (Y-5)

Motion to allow certain affordable housing proposals subject to historic resource review to be processed through a Type II or Type IX procedure

following a required design advice request meeting: Moved by Ryan and seconded by Hardesty. (Y-5)

Motion to eliminate an existing demolition review approval criterion related to “reasonable economic use” and amend the remaining demolition review approval criteria to ensure underrepresented histories and economic consequences to owners are considered by the decision-maker: Moved by Hardesty and seconded by Rubio. (Y-5)

Motion to allow permits for interior alterations to be issued during 120-day delay, consistent with the applicability of historic resource review: Moved by Ryan and seconded by Hardesty. (Y-5)

Motion to allow for independent recommendations from the Planning and Sustainability Commission and the Historic Landmarks Commission concerning the designation or removal of Historic and Conservation Districts: Moved by Mapps and seconded by Ryan. (Y-1 Mapps; N-4 Rubio, Ryan, Hardesty, Wheeler). Motion failed to pass.

Motion to adjust the Recommended Draft membership categories for the 7-member Historic Landmarks Commission (Amendment 6B): Moved by Mapps and seconded by Rubio. (Y-5)

Motion to allow any Type III historic resource review proposal in the New Chinatown/Japantown Historic District to be processed as a Type II review following a required design advice request meeting: Moved by Mapps and not seconded. Vote not called.

Motion to approve a slate of minor and technical changes intended to clarify and improve the zoning code: Moved by Hardesty and seconded by Rubio. (Y-5)

Continued to January 19, 2022 at 9:45 a.m. Time Certain as amended.

28 Time Certain in [January 19, 2022 Council Agenda](#)

Passed to second reading as amended

Motion to amend the HRCF Ordinance, Findings and Recommended Draft Volumes 1 and 2 as shown in the Memo distributed by Planning: Moved by Hardesty and seconded by Rubio. (Y-5)

Passed to second reading January 26, 2022 at 9:45 a.m. time certain as amended

47 Time Certain in [January 26, 2022 Council Agenda](#)

Passed As Amended

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

Exhibit A: Findings of Fact Report

January 12, 2022

Legislative amendments to the Comprehensive Plan goals, policies and map must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro’s Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by City Council. (33.835.040 and 33.810.050).

The Comprehensive Plan requires that amendments to its elements, supporting documents, and implementation tools comply with the plan itself. “Comply” means that the amendments must be evaluated against the comprehensive plan’s applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole, than the existing language or designation. (Policy 1.10)

Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, and plan district where the amendment is proposed, and any plan associated with the regulations. (33.835.040)

Legislative zoning map amendments must be found to comply with the Comprehensive Plan Map with a zone change to a corresponding zone of the Comprehensive Plan Map. The change also must demonstrate that there are adequate public services capable of supporting the uses allowed by the zone. In addition, the school district(s) within which the sites are located must have adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within the David Douglas School District, which has an adopted school facility plan that has been acknowledged by the City of Portland. (33.855.050)

- 1. Finding:** The Historic Resources Code Project (HRCPP) only makes text amendments to the zoning code. It does not make any changes to Comprehensive Plan goals or policies, the Comprehensive Plan map, or the zoning map.
- 2. Finding:** The City Council has identified and addressed all relevant and applicable goals and policies in these additional findings of fact.
- 3. Finding:** As discussed in more detail below, the City Council has considered the public testimony on this matter and has weighed all applicable goals and policies and on balance has found the Historic Resources Code Project (HRCPP) amendments are consistent with and comply with the goals and policies of the Comprehensive Plan, Metro Urban Growth Management Functional Plan, Statewide Planning Goals and other relevant city plans.

Part I. Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the Statewide Planning Goals.

The Statewide Planning Goals that apply to Portland are:

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 Air, Water and Land Resource Quality
- Goal 7 Areas Subject to Natural Hazards
- Goal 8 Recreational Needs
- Goal 9 Economic Development
- Goal 10 Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 13 Energy Conservation
- Goal 14 Urbanization
- Goal 15 Willamette River Greenway

There are approximately 560 acres of land both within Portland’s municipal boundaries and beyond the regional urban service boundary that can be classified as rural land. In 1991, as part of Ordinance 164517, the City Council took an exception to Goal 3 and 4. the agriculture and forestry goals. Because of the acknowledged exception, the following goals do not apply:

- Goal 3 Agricultural Lands
- Goal 4 Forest Lands

Other Statewide Planning Goals apply only within Oregon’s coastal zone. Since Portland is not within Oregon’s coastal zone, the following goals do not apply to this decision:

- Goal 16 Estuarine Resources
- Goal 17 Coastal Shorelands
- Goal 18 Beaches and Dunes
- Goal 19 Ocean Resources

Goal 1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

4. Finding: Portland adopted a Community Involvement Program on June 15, 2016. The Community Involvement Program serves as a framework to carry out policies from Chapter 2 — Community Involvement, of the 2035 Comprehensive Plan, and applies to legislative land use and transportation projects initiated by the City. Among the commitments that the City is asked to make in the Comprehensive Plan are the following:

- To provide a wide range of opportunities for involvement in planning and investment decisions.
- To achieve greater equity in land use actions through setting priorities and making decisions with meaningful involvement of under-served and under-represented communities.
- To meaningfully involve, in decision making, those who potentially will be adversely affected by the results of those decisions.

- To provide this meaningful involvement throughout the phases of planning and investment projects - issue identification and project design through implementation, monitoring, evaluation, and enforcement.
- To provide well-designed, relevant, responsive and culturally-responsive public involvement.
- To build community capacity for meaningful participation and leadership in planning and investment decisions.

The City has an acknowledged Goal 1 program. Community involvement efforts for the HRCP project have been conducted in accordance with that program. Therefore, the project is in compliance with Goal 1. More specific findings related to the city's community involvement efforts are found in response to the policies in Chapter 2 of the Comprehensive Plan and are incorporated here. The requirements of Goal 1 are met.

Goal 2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

5. Finding: Goal 2, as it applies to the HRCP amendments, requires the City to follow its established procedures for legislative amendments to the Zoning Code. The amendments comply with this goal because, as demonstrated by these findings, the amendments were developed consistent with the Statewide Planning Goals, the Metro Urban Growth Management Functional Plan, 2035 Comprehensive Plan and Portland Zoning Code, as detailed in this ordinance.

Other government agencies received notice from the 35-day DLCD notice and the City's legislative notice. The City did not receive any requests from other government agencies to modify the HRCP amendments.

The City Council's decision is based on the findings in this document, and the findings are based on the evidence presented to the Planning and Sustainability Commission and City Council that are incorporated in the record that provides the adequate factual basis for this decision. The Council legislative record specifically incorporates all materials linked on the project website, the reports, memos and presentations provided to the Planning and Sustainability Commission and City Council, the written and verbal testimony submitted to the Planning and Sustainability Commission and City Council, notices sent to the public, and Historic Resources Code Project electronic box available at <https://efiles.portlandoregon.gov/Record/14768744> that contains reports, documents, and information related to the project. On the Bureau of Planning and Sustainability's website, the following link [<https://www.portland.gov/bps/hrcp>] provides access to a portion of the legislative record. This link was available to the public and City Council during the public hearing process. In light of the COVID-19 pandemic, as well as following directives outlined in Governor Brown's Executive Order no. 20 – 16, the PSC and Council hearings were held virtually, allowing the public to testify using a telephone, mobile device, or computer. All project documents were produced and distributed electronically because staff do not have access to City facilities.

Goal 5. Open Space, Scenic and Historic Areas, and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.

6. Finding: Each category is addressed below:

Open Spaces. The HRCP amendments do not affect the location or extent of Open Space zoning within the City. The HRCP amendments revise Zoning Code provisions related to the identification, designation, protection, and use of existing historic resources. The amendments clarify and

streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. There are existing historic resources located within the Open Space zone, and while the HRCF amendments will affect the zoning code provisions related to the historic resource status, the amendments do not affect the zoning code regulations that apply to the Open Space zone. Therefore, the HRCF package is consistent with the open space elements of Goal 5.

Scenic Resources. The City has designated scenic resources in an adopted inventory and protects them through an overlay zone (Chapter 33.480) which address landscaping, setbacks, screening, building facades and tree removal. The HRCF amendments do not change this program. Therefore, the HRCF amendments are consistent with the scenic elements of Goal 5.

Historic Resources. The HRCF amendments make changes to Zoning Code provisions for identifying, designating, protecting, and using historic resources to bring Portland's regulations into alignment with a new State Administrative Rule, address implementation issues, and establish a framework for future decisions to add or remove resources from the Historic Resource Inventory. The HRCF amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map.

The City of Portland has maintained a program for protecting historic resources since before the creation of Goal 5. The Portland City Council adopted Zoning Code provisions on August 29, 1968, establishing the Historic Landmarks Commission, creating a process for designating historic resources, and codifying procedures for reviewing alteration and demolition proposals affecting designated historic resources. The Portland City Council adopted significant amendments to the historic resource provisions of the Zoning Code on April 15, 1996, in response to changes in State Administrative Rule and State Law. These 1996 changes, the Historic Resource Protection Amendments, developed a framework for the identification, designation, protection, and reuse of historic resources that has been only minimally amended since that time. Subsequent historic resource Zoning Code amendments have generally concerned demolition review applicability, procedures, and approval criteria and historic resource review exemptions, procedures, thresholds, and approval criteria. Changes to the Zoning Map since that time have included the addition of new Historic Landmarks and Historic Districts, changes to the zone designations applied to specific historic resources, and changes to the development allowances applied to specific historic resources.

In January 2017, the Land Conservation and Development Commission (LUBA) adopted a new State Administrative Rule (OAR 660-023-0200) governing the historic resource provisions of Goal 5. Compliance with the rule is required to satisfy Goal 5. The new rule has applied directly to resources listed in the National Register of Historic Places since January 2017, but has not yet been incorporated into Portland's historic resource regulations. The HRCF amendments revise the Zoning Code to incorporate the provisions of the new rule and advance historic resource provisions, consistent with Goal 5 and in support of Portland's Comprehensive Plan goals and policies.

The HRCF amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. Similarly, the HRCF amendments do not remove any inventoried resources or remove the designation of any landmarks or districts. As such, the HRCF amendments do not change the Comprehensive Plan Map or Zoning Map.

The HRCP amendments do, however, revise resource type names and definitions and establish new procedures for inventorying resources, determining resources to be significant, and designating resources consistent with the new rule. Furthermore, the HRCP amendments more clearly define the Historic Resource Inventory (HRI) as a master list of inventoried, significant, City designated, and National Register listed historic resources. The HRI, therefore, consists of all historic resources defined by the rule as “historic resources,” “locally significant historic resources,” “National Register Resources,” “significant resources,” and those resources resulting from a “designation.” Portland’s HRI therefore includes:

- Historic Landmarks and Historic Districts (including resources that have been listed on the National Register of Historic Places and have been designated or identified by the City as a Historic Landmark or Historic District);
- Conservation Landmarks and Conservation Districts (including resources that have been listed on the National Register of Historic Places and have been designated or identified by the City as a Conservation Landmark or Conservation District);
- National Register Landmarks and Districts (resources that have been listed on the National Register of Historic Places but have not been designated or identified by the City as a Historic Landmark or District or Conservation Landmark or District);
- Significant Resources (resources that have been evaluated and determined by the City to be significant, but that have not been designated, identified, or listed as a type of landmark or district. Significant Resources are not designated resources); and,
- Other inventoried resources (including inventoried resources that have neither been evaluated by the City for significance or were evaluated by the City and found not to be significant. Inventoried resources that are not Significant Resources, or designated, identified, or listed as a type of landmark or district are not subject to historic resource protections.)

The HRCP amendments maintain the HRI of historic resources that have been previously inventoried, determined to be significant, designated by the City, and/or listed on the National Register of Historic Places. Although the list of resources comprising the HRI is not being amended as part of the HRCP amendments, the amendments establish new procedures and criteria for adding resources to and removing resources from the HRI in the future, consistent with the rule.

The HRCP amendments remove reference to “unranked resources” from the zoning code. These unranked resources were surveyed in 1984 during a citywide inventory effort, but determined not to have adequate significance to be eligible for designation at that time. Removing reference to unranked resources from the zoning code, as well as the HRCP amendments’ removing the requirement for a legislative procedure to merely inventory resources in the future, allows the City of Portland to survey and inventory resources consistent with OAR 660-023-0200. Together, these changes allow the City to engage the community in the documentation of resources. The 1984 unranked resources—as well as resources surveyed in the future—will remain on the HRI but without being subject to any historic preservation regulatory provisions of the zoning code. The HRCP amendments allow the City to inventory historic resources, and consistent with the OARs, the inventory process is distinct from the designation process.

Consistent with OAR 660-023-0200(5), the HRCP amendments refine the procedure for determining inventoried resources to be significant resources. Significant Resources—those determined to be Rank I, II, or III resources in the 1984 historic resources inventory or those inventoried resources

determined to be significant in the future—are resources that have been (or will be) surveyed, inventoried, and then determined to be significant by the City but that have not been designated or listed as a landmark or district (designated resources are still included in the inventory, but are different than Significant Resources in that they have been designated per OAR 660-023-0200(6) or listed by the National Park service per OAR 660-023-0200(8)). The HRCP amendments remove the existing requirement for owner consent for the City to evaluate the significance of inventoried resources and clarify the legislative procedure that is required for the City to adopt determinations of significance (because determination of significance is not a designation, owner consent is not required). The existing 120-day demolition delay is retained, with minor revisions, for resources that have been determined to be Significant Resources as is required by OAR 660-023-0200(10)(b). Because the HRCP amendments allow for evaluating and determining significance of inventoried resources, the code changes are consistent with OAR 660-023-0200(5).

HRCP amendments related to Goal 5 provisions for designating locally significant historic resources (OAR 660-023-0200(6))

The HRCP amendments adjust the procedures by which resources can be designated, have their designation removed, or have the level of protection (i.e. Historic or Conservation) changed in the future. The HRCP allows individual resources to be designated as Historic or Conservation Landmarks as the result of a quasi-judicial procedure or a legislative procedure, where the Historic Landmarks Commission makes a recommendation to the City Council and the City Council makes a final decision. The HRCP allows collections of resources to be designated as Historic or Conservation Districts as the result of a legislative procedure, where the Historic Landmarks Commission and Planning and Sustainability Commission hold a joint hearing and the Planning and Sustainability Commission makes a recommendation to the City Council and the City Council makes a final decision. The joint hearing allows the public to testify on the merits of the proposed designation, including addressing the historic resource’s significance and integrity and the goals and policies of the Comprehensive Plan. The joint hearing ensures both the Historic Landmarks Commission and Planning and Sustainability Commission can consider the merits of the proposal prior to a formal recommendation being made to the City Council. The HRCP amendments require majority owner consent for designation, as defined by OAR 660-023-0200(1)(h), and the criteria for designation are informed by the criteria provided by OAR 660-023-0200(5)(a) but also include consideration of the resource’s integrity and the appropriateness of protections in the context of other community values. The criteria for removal of a designation satisfy the criteria provided by OAR 660-023-0200(9). The criteria for changing the level of protection take into account the significance and integrity of the resource, as well as the goals and policies of the comprehensive plan. Changing the level of protection of a resource, for example changing a Historic Landmark to a Conservation Landmark, is not the removal of a designation and therefore does not require parity with the criteria in OAR 660-023-0200(9). Therefore, the HRCP amendments satisfy the requirements of OAR 660-023-0200(6)

HRCP amendments related to Goal 5 provisions for National Register Resources (OAR 660-023-0200(8))

The rule provides specific provisions related to the protection of National Register Resources. Primarily, the rule’s provisions related to National Register Resources are articulated in OAR 660-023-0200(8). The overwhelming majority of Portland’s Historic Landmarks and Historic Districts are also listed on the National Register and are, therefore, subject to the provisions of the rule pertaining to National Register Resources. Specifically, the rule provides that local governments must protect National Register Resources by “review of demolition or relocation that includes, at

minimum, a public hearing process.” The HRCP amendments refine demolition review applicability and approval criteria for Historic, Conservation, and National Register Landmarks, and contributing resources in Historic, Conservation, and National Register Districts. Certain detached accessory structures are exempt from demolition review, as allowed by OAR 660-023-0200(8)(a). Similarly, provisions for reviewing relocation proposals are applied to the historic resource types. The rule requires review of demolition and relocation proposals to consider a list of factors. The HRCP amendments amend the approval criteria for demolition review and review of relocation, requiring decision-makers to weigh the factors required by the rule before arriving at a decision to approve, approve with conditions, or deny requests for demolition or relocation.

The rule provides a definition of “demolition” that applies directly to National Register Resources. This definition, by nature of the requirement that demolition of National Register Resources be reviewed, serves as the trigger for demolition review. The HRCP amendments incorporate this definition into a series of clear and objective thresholds that ensure that the various development activities that may be tantamount to loss of the historic resource are subject to demolition review. The City Council finds that the measurable thresholds for demolition review included in the HRCP amendments implement the rule’s description of demolition as an action that “destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost.” The demolition thresholds included in the HRCP amendments are provided for all historic resource types subject to demolition review. The demolition thresholds capture those development activities that would result in the loss of a historic resource. As with all other thresholds for reviews in the Zoning Code, the thresholds for demolition review included in the HRCP amendments are clear and objective. These thresholds capture all circumstances in which the irreparable loss may occur. Clear and objective thresholds for triggering demolition review are critical for Bureau of Development Services staff, including those without extensive training in historic preservation, to have clarity on how to process various development applications affecting historic resources. For example, without such thresholds, there would be no consistency in determining if window replacement, façade removal, or a new backyard structure is subject to demolition review, historic resource review, or no review. With several thousand resources subject to demolition review, consistent, workable, responsive thresholds are necessary to avoid confusion, ambiguity, and the individual judgements of staff. In situations where an alteration proposal meets one of the thresholds for demolition review but the alteration is intended to protect a historic resource—such as removal of a non-historic façade or major seismic upgrade that requires temporary removal of walls—the alteration can be alternatively reviewed against more appropriate approval criteria that apply to alteration, addition, and new construction proposals at the discretion of the applicant.

The City Council received testimony opposed to the HRCP amendments’ approach to clear and objective triggers for demolition review. This testimony preferred the exact language of OAR 660-023-0200(1)(a) serve as the threshold for demolition review and suggested that the National Park Service—through that agency’s criteria for listing in the National Register of Historic Places—serve as the arbiter of loss in cases concerning resources listed in the National Register of Historic Places. City Council disagrees with this testimony. The definition of demolition provided in the rule addresses actions that result in the “loss” of a resource’s “historic, cultural, or architectural character and significance.” The rule does not delegate the determination of “loss” to the National Park Service, State Historic Preservation Office, individual property owner, or any other entity. By its very nature, the rule requires local governments to determine which development activities affecting historic resources would result in the loss of the resource. The rule does not conflate “loss” with “continued eligibility for listing in the National Register of Historic Places” (determination of

eligibility for the National Register of Historic Places can only be made by the National Park Service and is divorced from local government decision-making), meaning that it is only the forever loss of a resource that is intended to trigger Goal 5 demolition review.

Jefferson Station provides evidence of the necessity for Portland's regulations to include clear and objective thresholds for the loss of a historic resource. As evidenced by the "Jefferson Substation Return" document, the National Park Service does not prospectively opine on the likelihood that proposed alterations to historic resources will result in a property's removal from the National Register (In response to a petition to remove the Jefferson Substation from the National Register before alterations to the building had been completed, Paul Lusignan, National Park Service Historian, stated "As the building project is currently ongoing it is premature to consider the removal request at this time."). In the case of the Jefferson Substation, not only did the Historic Landmarks Commission determine that proposed alterations to that resource would not result in its loss, the proposed alterations were determined to meet each of the City's rigorous historic resource review approval criteria that apply to alterations to individual Historic Landmarks. Although the National Park Service—following the completion of the alterations—did remove the resource from the National Register, that decision was divorced from the local decision-making that necessarily predated the National Park Service's decision. Because the National Park Service does not make decisions to de-list resources from the National Register merely on speculation that a proposal may result in diminishment of significance and/or integrity, the approach preferred by those testifiers opposed to the HRCP amendments' approach to demolition review would always be inherently speculative, resulting in instances where demolition review was needlessly applied to proposed alterations that would not result in loss of the resource. Prior to testimony being submitted on the Proposed and Recommended Drafts, HRCP project staff refined the HRCP thresholds for demolition review informed by Jefferson Substation case (as detailed in the 14_LU_16_207720_JEFFERSON_STATION document) ensuring that demolition review is triggered by "The removal of 50 percent or more of the total exterior wall area of a structure; and The removal of 50 percent or more of the total roof area of a structure," a measurement approximating the degree of change that was approved by the Historic Landmarks Commission for the Jefferson Substation. Because demolition review—with criteria that assume the forever loss of the resource—is intended to engage the community only for those proposals that result in the irreparable loss of a resource, the HRCP amendments provide a clear list of alterations that would be tantamount to "loss."

If the Goal 5 definition of "demolition" intended to address the continued eligibility of resources to remain on the National Register, then the rule would not have used the word "lost" but instead made reference to the National Register of Historic Places criteria for eligibility. The City Council therefore finds that the HRCP amendments relating to threshold triggers for demolition review improve the existing code by providing responsive clear and objective thresholds that can be administered by the Bureau of Development Services at the time a development proposal is filed and that capture the range of proposals that would result in the irreparable loss of historic, cultural, or architectural character and significance. Therefore, the City Council finds that the HRCP amendments are consistent with OAR 660-023-0200(8) and that the thresholds for demolition review are consistent with the definition of "demolition" provided by OAR 660-023-0200(1)(a).

HRCP amendments related to Goal 5 provisions for historic resource protection ordinances (OAR 660-023-0200(7))

The rule requires local governments to adopt land use regulations to protect designated historic resources. The HRCP amendments make refinements to Portland's existing historic resource protection ordinance. The amendments retain and refine protective measures including, but not

limited to, demolition review, historic resource review, community design standards, and historic preservation incentives.

Specifically, the HRCP amendments extend the existing demolition review requirement to City-designated Historic and Conservation Landmarks and contributing resources in City-designated Conservation Districts; these designated resources were previously subject only to demolition delay. Additionally, the HRCP amendments refine existing regulations—called historic resource review—pertaining to alteration, addition, and new construction proposals within the boundaries of Historic and Conservation Landmarks and Historic and Conservation Districts. The HRCP amendments adjust the exemptions and thresholds for historic resource review and, for certain historic resources, make minor changes to the approval criteria that apply to alteration, addition, and new construction proposals.

The rule allows, but does not require, a local government to “apply additional protection measures” to National Register Resources. With the exception of existing Historic and Conservation Landmarks and Districts that are also listed on the National Register, the HRCP amendments do not provide a process for applying additional protections to National Register Resources absent a City Historic or Conservation designation. This approach is consistent with Goal 5 and allows the City to consistently apply protections to the different resource types (i.e. Historic Landmark status conveys specific protections, which are different from the protections that apply to Conservation Landmarks).

The HRCP amendments are also consistent with the rule in that the amendments require majority owner consent for landmark and district designation, provide options for removal of landmark and district status, provide for 120-day demolition delay for inventoried resources determined by the City to be significant but not designated by the City, and ensure public participation in all phases of the inventory, evaluation, determination of significance, and designation of historic resources.

Finally, the HRCP amendments provide additional incentives for the preservation, rehabilitation, and reuse of designated historic resources. Incentives provide options to owners and tenants of historic resources that are not provided to owners and tenants of properties not addressed by Goal 5. The new incentives expand previous incentives that allowed additional density in residential zones, nonresidential uses in residential zones, and additional uses in commercial and employment zones. The expanded incentives respond to recent changes in residential and commercial base zones to ensure historic resources maintain opportunities for use that are not generally provided to other similar properties that lack historic resource designation. These expanded use incentives support the ongoing and adaptive use of historic resources, which is necessary for their conservation. The existing historic preservation regulations, refined by the HRCP amendments, satisfy the OAR 660-023-0200(7) requirement for a historic preservation ordinance.

As noted below in the findings for Chapter 4 (Design and Development, including Historic and Cultural Resources), the HRCP amendments are consistent with the goals and policies of the Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the amendments are consistent with the historic resource elements of Statewide Planning Goal 5 and its implementing administrative rules.

Natural Resources. The City protects natural resources by applying environmental zoning to significant natural resources that it identifies through a natural resources inventory. Existing natural resource protections are not amended with the HRCP package. Therefore, the HRCP amendments are consistent with the natural resource elements of Goal 5.

Generally. As noted below in the findings for Chapter 4 (Design and Development, including Historic and Cultural Resources) and Chapter 7 (Environment and Watershed Health), the HRCP

amendments are consistent with the goals and policies of the acknowledged 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 5.

Goal 6. Air, Water, and Land Resource Quality. To maintain and improve the quality of the air, water, and land resources of the state.

7. Finding: Goal 6 requires the maintenance and improvement of the quality of air, water, and land resources. The State has not yet adopted administrative rules for complying with Statewide Planning Goal 6. The City is in compliance with federal and state environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. Existing City regulations including Title 10 (Erosion Control), the Stormwater Management Manual and for the Environmental overlay zones will remain in effect and are applicable to future development. These other regulations are generally the mechanism used to assure compliance with this goal. As noted below in the findings for the 2035 Comprehensive Plan, the HRCP amendments are consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 6.

Goal 7, Areas Subject to Natural Disasters and Hazards. To protect people and property from natural hazards.

8. Finding: The State has not yet adopted specific requirements for complying with Statewide Planning Goal 7. The Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, included a development constraint analysis that identified parts of Portland that are subject to natural hazards. The City of Portland used several sources of information in its Comprehensive Plan to identify potential hazards:

- Special flood hazard area (Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010);
- Floodway (The active flowing channel during a flood, as designated on the flood maps adopted under authority of Title 24 of the Portland City Code);
- 1996 Flood Inundation area (A record peak flow in February of 1996 caused the Willamette River and its major tributaries to flood. This map was created to delineate the inundated areas near the mainstem and major tributaries of the Willamette River);
- Potential Rapidly Moving Landslide Hazard Zones (as shown in the DOGAMI IMS-22 publication); and
- Deep landslide—High Susceptibility or Landslide Deposit or Scarp as shown in the DOGAMI IMS-57 publication.

The HRCP amendments do not include amendments to any maps, programs, or regulations that implement floodplain or landslide hazard policies.

The HRCP amendments are also consistent with this goal because City programs that are deemed in compliance with Metro Title 3 requirements for flood management, and erosion and sediment control (i.e., City Title 10 Erosion Control, and the balanced cut and fill requirements of City Title 24), as well as the environmental overlay zones are unchanged and ensure any new development will be done in a way to protect people and property from hazards.

As noted below in the findings for Chapter 7 (Environment and Watershed Health), the HRCP amendments are consistent with the goals and policies of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the amendments continue to protect people and property from natural hazards and are consistent with the requirements of Statewide Planning Goal 7.

Goal 8. Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

9. Finding: Goal 8 focuses on the provision of destination resorts. However, it does impose a general obligation on the City to plan for meeting its residents' recreational needs: "(1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements."

Goal 8 provides that "Recreation Needs -- refers to existing and future demand by citizens and visitors for recreations areas, facilities and opportunities." Goal 8 also provides that "Recreation Areas, Facilities and Opportunities -- provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelers; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities."

The City of Portland has a robust and diverse system of parks, recreation areas and open spaces. The City's Parks 2020 Vision documents the City's long-term plan to provide a wide variety of high-quality park and recreation services and opportunities for all residents.

The HRCP amendments do not impact that existing vision nor do they result in any new historic resource designations on open space lands. The HRCP amendments modify zoning code regulations to allow for the potential of future identification and designation of historic resources that reflect broader understandings of the city's past and, therefore, provide the opportunity for future recreational benefits citywide. The additional exemptions to historic resource review and refinements to demolition review apply to historic resources citywide and are not unique to resources in the open space zones.

As noted below in the findings for the 2035 Comprehensive Plan, the HRCP amendments are consistent with the goals and policies of Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 8.

Goal 9. Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

10. Finding: Goal 9 requires cities to consider economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas are required to include, among other things: an analysis of economic patterns, potentialities, strengths, and deficiencies; policies concerning economic development; and land use maps that provide for at least an adequate supply of sites for a variety of industrial and commercial uses.

The *2035 Comprehensive Plan* demonstrates compliance with Goal 9. Land needs for a variety of industrial and commercial uses are identified in the *Economic Opportunities Analysis* (EOA), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017.

The City's acknowledged EOA analyzed and demonstrated adequate growth capacity for a diverse range of employment uses. In general, the HRCF project does not reduce the supply of employment land because no base zoning map amendments are proposed, so there is no change to the City's employment land base. The EOA identifies an adequate, but tight, supply of industrial capacity. The HRCF project does provide one new preservation incentive that will allow limited nonindustrial uses within industrial zones that could have a limited impact on industrial land capacity. The new incentive will apply to 16 Historic Landmarks that are located on sites zoned industrial. The incentive is intended to promote the preservation, rehabilitation, and reuse of these designated landmarks. This incentive allows two nonindustrial uses to be approved on sites with Historic Landmarks—Retail Sales And Service and Major Event Entertainment. The following are the employment land characteristics of the 16 landmark sites:

- All 16 landmark sites are zoned General Industrial 1.
- Fifteen are located in the Central City Industrial EOA geography and the remaining site is located in the Town Center EOA geography;
- According to the City's adopted and acknowledged EOA, both geographies have a surplus of buildable land (349 acres surplus);
- All 16 sites are developed, and none of the sites is identified as vacant redevelopable or non-vacant redevelopable land in the City's Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017;
- According to Multnomah County tax assessor records, 10 of the 16 landmark sites are currently described as having nonconforming residential, commercial or office uses;
- According to Multnomah County tax assessor records, the remaining 6 landmark sites may have both conforming uses and nonconforming uses;

Because all 16 landmark sites are within EOA geographies that have a surplus of buildable land, and most if not all of the sites are not currently contributing to the industrial land base because they are developed with non-conforming, non-industrial uses, allowing other non-industrial uses on these sites will have a neutral impact on the industrial land supply. In addition, the new incentive only allows the two nonindustrial uses provided the following approval criteria, which are designed to protect the overall industrial character and function of the area, are met:

- The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
- Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional

transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

- Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

As noted below in the findings for the 2035 Comprehensive Plan, the HRCP amendments are consistent with the goals and policies of Chapter 6 (Economic Development) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. The requirements of Statewide Planning Goal 9 are met.

Goal 10. Housing. To provide for the housing needs of citizens of the state.

11. Finding: Goal 10 specifies that each city must plan for and accommodate needed housing types. As used in ORS 197.307 “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes. Needed housing includes attached and detached single-family housing and multiple family housing for both owner and renter occupancy; government assisted housing, mobile home or manufactured dwelling parks; manufactured homes on individual lots; and housing for farmworkers.

Goal 10 requires each city to inventory its buildable residential lands, forecast future needs, and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Goal 10 and its implementing administrative rules contain the following specific requirements:

1. Identify future housing needs by amount, type, tenure and affordability;
2. Maintain a residential Buildable Lands Inventory (BLI) with sufficient land to meet identified needs;
3. Adopt land use maps, public facility plans and policies to accommodate needed housing (housing capacity, as well as type, tenure and affordability);
4. Meet minimum density and housing mix requirements (including the Metropolitan Housing Rule);
5. Adopt clear and objective standards for needed housing.

The adopted 2035 Comprehensive Plan conducted city-wide analysis to demonstrate compliance with Goal 10. The City's Housing Needs Analysis, which was adopted (Ordinance 185657) and acknowledged by LCDC on June 11, 2014, consists of five distinct reports that analyzed the state of housing supply, housing affordability issues and the City's ability to meet projected housing demand. The Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, identified the supply of land available to provide this needed housing. Supporting documents adopted with the acknowledged 2035 Comprehensive Plan (Ordinance 187832) established that the residential housing capacity of the unconstrained vacant and underutilized parcels in Portland is approximately 169,000 units. This is much more than the

estimated 20-year need of 123,000 housing units by 2035. Portland has a surplus of housing capacity.

Goal 10 mandates that local jurisdictions ensure adequate capacity, and provides a “floor” for such measure, but does not restrict or prevent jurisdictions from increasing housing capacity above a set “ceiling”. In other words, just because the City has shown that it meets the number of requisite units to accommodate the forecast growth, Goal 10 does not prevent the City from increasing the capacity, and especially so when such increases help improve the housing target performance in other areas of the goal (type, tenure and affordability).

The HRCF project is consistent with Goal 10 in that it does not impact the underlying zoning that dictates the number of dwelling units or the amount of floor area that is allowed within each base zone or plan district. The project includes amendments that generally encourage the development of housing that is allowed by the base zone on sites containing designated historic and conservation landmarks and on sites in historic and conservation districts. In historic and conservation districts, the HRCF amendments remove cost-related barriers to developing small accessory dwelling units (ADUs) by more readily allowing for the removal of most detached accessory structures that are contributing resources in Historic and Conservation Districts and providing a clear and objective alternative for constructing new ADUs. Additionally, for sites containing a landmark or located within a district, the HRCF amendments provide incentives for housing types—such as internal conversions of existing buildings into middle housing uses and development of second ADUs—that are not otherwise allowed in base zones. Providing incentives for additional housing types encourage the preservation, rehabilitation, and reuse of historic resources, while also encouraging the development of additional housing units and types, especially middle housing and accessory dwelling uses. Similarly, while demolition review does protect historic resources by requiring a public hearings process and approval criteria that must be met, demolition review does not prohibit the demolition of historic resources. In instances where the decision-maker finds that demolition better meets the goals and policies of the comprehensive plan—as may be the case for certain housing proposals—demolition can be approved. Finally, the HRCF amendments reduce the land use procedure types for historic resource review available to affordable housing developments, reducing the timeline for review of such developments without diminishing protection of historic resources.

As noted below in the findings for the 2035 Comprehensive Plan, the HRCF amendments are consistent with the goals and policies of Chapter 5 (Housing) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 10.

Goal 11. Public Facilities and Services. To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

12. Finding: Statewide Planning Goal 11, Public Facilities, requires cities to adopt and update public facilities plans. Public facilities plans ensure that urban development is guided and supported by types and levels of water, sewer and transportation facilities appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement.

The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer,

and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

The HRCP amendments do not change the zoning allowances of the base zones or plan districts, and so do not impact the capacity of the city's water, sewer or transportation facilities. Although the HRCP amendments refine the use incentives available to historic resources, the incentives do not increase the maximum building size otherwise allowed by the zoning. For example, in the case of single dwelling zones, the maximum height and FAR limits the size of additions and new construction regardless of the uses allowed by the incentives.

Findings addressing water, sanitary sewage disposal, stormwater management, and school district capacity are found in findings in response to Comprehensive Plan Chapter 8 policies. Findings addressing transportation systems are in response to Chapter 9 policies. The findings in response to those goals and policies are incorporated by reference. Therefore, as described in these findings and incorporated by reference here, HRCP amendments are consistent with the requirements of Statewide Planning Goal 11.

Goal 12. Transportation. To provide and encourage a safe, convenient and economic transportation system.

13. Finding: This goal requires Portland to adopt a Transportation System Plan (TSP) that supports safe, convenient and economical movement of people and goods, and supports a pattern of travel that will avoid air pollution, traffic and livability problems. Parts, but not all, of the City's TSP have to be adopted as part of the Comprehensive Plan.

All cities are required to provide safe and convenient motor vehicle, pedestrian and bicycle travel on a well-connected network of streets. Larger cities are required to provide for transit service and to promote more efficient performance of existing transportation facilities through transportation system management and demand management measures.

Goal 12 rules require coordination with the state and regional transportation plans (such as the Oregon Highway Plan and the Regional Transportation Plan), and with other transportation providers. OAR 660-012-0060 states that if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would have a significant negative impact on an existing or planned transportation facility, then the local government must take mitigating action, or plan for additional facilities to accommodate the expected impact. Generally, a jurisdiction cannot take action that significantly increases traffic on a facility that is failing to meet state, regional, or local mobility standards.

The HRCP amendments are consistent with and do not amend the Transportation System Plan. The amendments do not affect an existing or planned transportation facility, do not amend the zoning map, do not increase zoning entitlements or levels of development in a way that could change or affect transportation patterns or the transportation system. The focus of the HRCP amendments is to revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. The HRCP amendments refine the incentives available to historic resources. The incentives to not allow more building area, either for new buildings or additions to existing buildings, than is allowed by the base zones or applicable plan districts. In the case of industrial zones, as described in the findings for Goal 9 and incorporated by reference here, the incentives require consideration of transportation impacts through the approval criteria that must be met to use the incentive.

As noted below and in the findings for the 2035 Comprehensive Plan, the HRCP amendments are consistent with the goals and policies of Chapter 9 (Transportation) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 12.

Goal 13. Energy Conservation. To conserve energy.

14. Finding The State has not adopted specific rules for complying with Statewide Planning Goal 13. Goal 13 generally requires that land use plans contribute to energy conservation.

The HRCP amendments do not adopt or amend a local energy policy or implementing provisions. The amendments support energy conservation by providing exemptions from historic resource review for certain rooftop solar energy systems, certain mechanical units and associated vents and ducting, and installation of electric vehicle charging outlets. By providing these exemptions, the amendments remove a cost-related barrier to these energy conservation measures. Importantly, the HRCP amendments offer incentives that encourage the preservation, rehabilitation, and reuse of existing buildings. Retention of existing buildings retains embodied energy and reduces consumption of new materials (The Greenest Building, Preservation Green Lab, 2011). Encouraging building rehabilitation and reuse through incentives provides motivation for building owners and tenants to advance energy retrofits simultaneously with systems upgrades and/or changes in occupancy. Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 13.

Goal 14. Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

15. Finding: Metro exercises Goal 14 obligations on behalf of Portland and other cities within the Metropolitan region. Metro has adopted an Urban Growth Management Functional Plan and compliance with this plan by constituent cities assures compliance with Goal 14, which is discussed in Part II of this document and those findings are incorporated by reference.

As discussed under Goal 9, the City's acknowledged EOA analyzed and demonstrated adequate growth capacity for a diverse range of employment uses. The HRCP does not reduce the supply of employment land because no land is being removed from the City's employment land base, and with one very qualified exception (described above in response to Goal 9 and incorporated by reference here), no new nonindustrial uses are being allowed within industrial zones. Therefore, the HRCP amendments are consistent with the requirements of Statewide Planning Goal 14.

Goal 15. Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

16. Finding: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development, new uses, and the increase of uses along the river. The City implements Statewide Planning Goal 15 through application of the Greenway and River overlay zones.

The HRCP amendments do not affect the Greenway or River overlay zones regulations. The HRCP amendments affect the Historic Resources overlay zone, which, in some cases, applies in combination with a Greenway or River overlay zone. This occurs where a significant historic resource has been identified or a landmark or district has been designated on land that is in also in

a Greenway or River overlay zone. For this reason, the amendments are consistent with Statewide Planning Goal 15.

Part II. Metro Urban Growth Management Functional Plan

Under ORS 268.380 and its Charter, Metro has the authority to adopt regional plans and require city and county comprehensive plans to comply with the regional plan. Metro adopted its Urban Growth Management Functional Plan under this authority.

In Metro's June 2011 update to its 2010 compliance report Metro found, "The City of Portland is in compliance with all Urban Growth Management Functional Plan requirements in effect on December 15, 2010, except for Title 13, Nature in Neighborhoods. On January 16, 2013 the City received a letter from Metro stating that Portland had achieved compliance with Title 13.

Title 1. Housing Capacity

Title 2. Regional Parking Policy. (Repealed Ord. 10-1241B, Sec. 6, 1997)

Title 3. Water Quality and Flood Management.

Title 4. Industrial and Other Employment Areas.

Title 5. Neighboring Cities (Repealed Ord. 10-1238A, Sec. 4, 1997)

Title 6. Centers, Corridors, Station Communities and Main Streets.

Title 7. Housing Choice.

Title 8. Compliance Procedures.

Title 9. Performance Measures. (repealed Ord. 10-1244B, Sec. 8, 2010)

Title 10. Functional Plan Definitions.

Title 11. Planning for New Urban Areas.

Title 12. Protection of Residential Neighborhoods.

Title 13. Nature in Neighborhoods.

Title 14. Urban Growth Management Plan.

Title 1. Housing Capacity. The Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity, especially in centers, corridors, main streets, and station communities, except as provided in section 3.07.120.

17. Finding: As discussed above under in Part 1, Goal 10, the HRCF amendments do not change the allowable housing capacity within the city. The HRCF project does not impact the underlying zoning that dictates the number of dwelling units or the amount of floor area that is allowed within each base zone or plan district. In situations where unused floor area is allowed to be transferred from historic resources to sites without historic resources (an incentive known as historic resource FAR transfer), the HRCF amendments streamline the process for transferring that unused development capacity, simultaneously encouraging new development while providing compensation to historic resource owners. The HRCF amendments also encourage the development of housing by removing a cost-related barrier to developing small accessory dwelling units (ADUs) in historic and conservation districts. Additionally, the amendments provide new incentives for housing types—such as internal conversions of existing buildings and second ADUs—in certain situations where those housing types are not allowed by the base zone. Therefore, the amendments are consistent with the applicable requirements of Metro Title 1.

Title 2. Regional Parking Policy. (Repealed Ord. 10-1241B, Sec. 6, 1997)

Title 3. Water Quality and Flood Management. To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the

impact on these areas from development activities and protecting life and property from dangers associated with flooding.

18. Finding: Title 3 calls for the protection of the beneficial water uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. Title 3 establishes performance standards for 1) flood management; 2) erosion and sediment control; and 3) water quality. The City implements zoning regulations (Title 33.430, 33.440, 33.465, 33.515, 33.537, 33.563, 33.631, 33.640), as well as erosion control and balanced cut-and-fill standards (Title 10 and Title 24). Metro has found the City to be in substantial compliance with Title 3. This ordinance does not affect any of these overlays or regulations. Therefore, the amendments are consistent with the applicable requirements of Metro Title 3.

Title 4. Industrial and Other Employment Areas. The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

19. Finding: The purpose of Title 4 is to maintain a regional supply of existing industrial and employment land by limiting competing uses for this land. Metro has not adopted a Statewide Planning Goal 9 economic opportunities analysis for the region, so Title 4 is not based on an assessment of the land needed for various employment types, nor do the Title 4 maps necessarily depict lands most suitable to accommodate future job growth. Rather, Title 4 seeks to protect the manufacturing, warehousing, and distribution of goods within three types of mapped areas by limiting competing uses. These three areas are Regionally Significant Industrial Areas (RSIAs), Industrial Areas, and Employment Areas.

As discussed under Part I, Goal 9, the City's acknowledged EOA analyzed and demonstrated adequate growth capacity for a diverse range of employment uses. In general, the HRCP project does not reduce the supply of employment land because no base zoning map amendments are proposed, so there is no change to the City's employment land base. The EOA identifies an adequate, but tight, supply of industrial capacity. The HRCP project does provide one new preservation incentive that will allow limited nonindustrial uses within industrial zones that could have a limited impact on industrial land capacity. The new incentive will apply to 16 Historic Landmarks that are located on sites zoned industrial. The incentive is intended to promote the preservation, rehabilitation, and reuse of these designated landmarks. This incentive allows two nonindustrial uses to be approved on sites with Historic Landmarks—Retail Sales And Service and Major Event Entertainment. The following are the employment land characteristics of the 16 landmark sites:

- All 16 landmark sites are zoned General Industrial 1.
- Fifteen are located in the Central City Industrial EOA geography and the remaining site is located in the Town Center EOA geography;

- According to the City’s adopted and acknowledged EOA, both geographies have a surplus of buildable land (349 acres surplus);
- All 16 sites are developed, and none of the sites is identified as vacant redevelopable or non-vacant redevelopable land in the City’s Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017;
- According to Multnomah County tax assessor records, 10 of the 16 landmark sites are currently described as having nonconforming residential, commercial or office uses;
- According to Multnomah County tax assessor records, the remaining 6 landmark sites may have both conforming uses and nonconforming uses;

Because all 16 landmark sites are within EOA geographies that have a surplus of buildable land, and most if not all the sites are not currently contributing to the industrial land base because they are developed with non-conforming, non-industrial uses, allowing other non-industrial uses on these sites will have a neutral impact on the industrial land supply. In addition, the new incentive only allows the two nonindustrial uses provided approval criteria designed to protect the overall industrial character and function of the area, are met. Therefore, the HRCF amendments are consistent with the requirements of Metro Title 4.

Title 5. Neighboring Cities (Repealed Ord. 10-1238A, Sec. 4, 1997)

Title 6. Centers, Corridors, Station Communities and Main Streets. The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro’s approval.

20. Finding: Title 6 establishes eligibility criteria for certain regional investments, and the use of more flexible trip generation assumptions when evaluating transportation impacts. Title 6 also contains aspirational activity level targets for different Metro 2040 place types. This title is incentive-based, so these findings simply serve to document intent. There are no specific mandatory compliance standards in Title 6 that apply to this ordinance.

Metro has designated the areas that may qualify for these regional incentives, including transit stations, the Central City, Gateway regional center, along with Hollywood, Hillsdale, Raleigh Hills, West Portland, Lents, and St. Johns town centers. The HRCF project amendments help to achieve Metro 2040 Growth Concept by encouraging the use, adaptive reuse, and rehabilitation of historic resources. Specifically, the HRCF amendments streamline provisions for transfer of unused floor area from historic landmarks to development sites, encouraging the utilization of unused historic floor area in areas close to landmarks and contributing resources in mixed-use and multi-dwelling zones. The HRCF amendments also provide additional incentives for more intense uses within designated historic resource and eliminate parking requirements on sites containing a landmark or located within a district, encouraging the maximization of historic resources for productive and economically viable uses within historic resource structures and on historic resource sites. The HRCF amendments exempt certain small improvements from historic resource review, streamlining alterations such as seismic improvements, exterior signs, weather protection, and solar energy systems without compromising significant historic features. These exemptions will allow owners and tenants of historic resources to more nimbly support the evolution of thriving, diverse, dynamic centers, corridors, and main streets while protecting historic resources as important

contextual foundations for the future of those areas. Therefore, the HRCP amendments are consistent with the applicable requirements of Metro Title 6.

Title 7. Housing Choice. The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

21. Finding: Title 7 addresses housing choice. Metro adopted voluntary affordable housing goals for each city and county in the region for the years 2001 to 2006, but never updated them. Therefore, Title 7 does not apply. Nevertheless, the recently adopted *2035 Comprehensive Plan* includes city-wide affordable housing production goals that greatly exceed those adopted by the outdated Title 7 (Ordinance 178832). In addition, the zoning code includes inclusionary housing regulations within Chapter 33.245 that require affordable housing for buildings with more than 20 units.

Title 8. Compliance Procedures. Title 8 addresses compliance procedures and establishes a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan and for evaluating and informing the region about the effectiveness of those requirements. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan upon the expiration of the appropriate appeal period specified in ORS 197.830 or 197.650 or, if an appeal is made, upon the final decision on appeal. Once the amendment is deemed to comply, the functional plan requirement shall no longer apply to land use decisions made in conformance with the amendment. A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to Metro at least 35 days prior to the first evidentiary hearing on the amendment.

22. Finding: Required notice was provided to Metro more than 35 days before the first evidentiary hearing on September 21, 2020. Title 8 also requires the City to provide findings of compliance with the *Urban Growth Management Functional Plan*. These findings meet this requirement. All applicable requirements of Title 8 have been met.

Title 9. Performance Measures. (repealed Ord. 10-1244B, Sec. 8, 2010)

Title 10. Functional Plan Definitions. Title 10 contains definitions.

23. Finding: When 2035 Comprehensive Plan uses a term found in Title 10 either the term has the same meaning found in Title 10, or the difference is explained. The HRCP amendments do not change any definitions in the 2035 Comprehensive Plan that are also found in Title 10. All applicable requirements of Title 10 requirements have been met.

Title 11. Planning for New Urban Areas. The purpose of Title 11 to guide long range planning for urban reserves and areas added to the UGB. It also provides interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization to become applicable to the areas.

24. Finding: The amendments do not add areas to the UGB. Therefore, this Title is not applicable.

Title 12. Protection of Residential Neighborhoods. Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise, and crime and to provide adequate levels of public services.

In order to protect these areas, Metro shall not require any city or county to authorize an increase in the residential density of a single-family neighborhood in an area mapped solely as Neighborhood. In addition, specific limits on access to commercial services are applied to commercial uses within designated neighborhood centers in order to reduce air pollution and traffic congestion. This Title also calls on Cities to establish a level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residences.

25. Finding: Title 12 largely restricts Metro’s authority to plan and regulate density in single-family neighborhoods. The HRCP amendments were originated by the City’s legislative process, respond to locally-identified needs, and are not at the direction of Metro. The HRCP amendments revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland’s regulations into conformance with state administrative rules and local, regional, and national historic preservation best practices. The HRCP changes do not include amendments to neighborhood center designations or commercial use limits. The City has already established a goal in its Parks 2020 Vision of providing a basic, developed Neighborhood Park facility within a half mile of every Portland resident, and a Community Park within a mile of every resident, a goal that is not changed by the HRCP amendments. Therefore, these amendments comply with Title 12.

Title 13. Nature in Neighborhoods. The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

26. Finding: Title 13 is expressly intended to provide a minimum baseline level of protection for identified Habitat Conservation Areas. Local jurisdictions may achieve substantial compliance with Title 13 using regulatory and/or non-regulatory tools. The City of Portland implements Title 13 through its adopted Natural Resources Inventory (NRI) and environmental overlay zone protection measures, which Metro has found to be in substantial compliance with Title 13. No changes to the environmental overlay zones are proposed as part of this project. Therefore, the HRCP amendments are consistent with the applicable requirements of Title 13.

Title 14. Urban Growth Management Plan. Title 14 addresses the regional urban growth boundary.

27. Finding: This ordinance does not require, nor initiate, a boundary change, Title 14 does not apply.

Summary, Urban Growth Management Functional Plan Findings

28. Finding: The Metro Title 10 definition of comply or compliance means “substantial” rather than absolute compliance. "Substantial compliance" means city comprehensive plans and implementing ordinances, on the whole, conform with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

For the facts and reasons stated above this ordinance substantially complies with all Urban Growth Management Functional Plan requirements applicable to the HRCP amendments.

Part III. Portland's Comprehensive Plan

Portland's 2035 Comprehensive Plan was adopted as part of Task Four of Periodic Review. Task Four was adopted by Ordinance No. 187832 on June 15, 2016. The 2035 Comprehensive Plan was amended as part of Task Five of Periodic Review, which was adopted by Ordinance No. 188177 on December 21, 2016. Both ordinances were made effective on May 24, 2018 by Ordinance No. 188695, and both Tasks Four and Five were approved by LCDC Order 18 – WKTSK – 001897 on August 8, 2018.

29. Finding: The City Council has identified the following guiding principles, goals and policies to be applicable to the HRCF project, except as additionally noted otherwise below.

Guiding Principles

The 2035 Comprehensive Plan adopted five “guiding principles” in addition to the goals and policies typically included in a comprehensive plan. These principles were adopted to reinforce that implementation of the plan needs to be balanced, integrated and multi-disciplinary, and the influence of each principle helps to shape the overall policy framework of the plan. While the policies in the Comprehensive Plan effectively ensure that the guiding principles are met, the findings below further demonstrate that in addition to meeting those specific policies on balance, the amendments in HRCF are consistent with these guiding principles as described below.

Economic Prosperity. Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.

30. Finding: This guiding principle asserts prosperity is about more than job growth. It also is about having a resilient regional economy, thriving local businesses and growth in living-wage jobs. It is also prosperity shared by Portland households. The 2035 Comprehensive Plan measures household prosperity in terms of a “self-sufficiency index” of what income is needed to meet basic household needs – costs of housing, childcare, food, healthcare and transportation. Equitably distributed household prosperity means that the economic benefits of a prosperous city are broadly accessible to satisfy essential needs, advance wellbeing, and achieve full potential. Council finds that household prosperity is equitably distributed when households of a range of income levels and all neighborhoods have access to amenities and services

The HRCF amendments support the principle of economic prosperity by refining the existing protections that apply to historic resources and expanding incentives that encourage rehabilitation and adaptive reuse of existing buildings, which support local labor and encourage investment in the local economy. While new construction is burdened by the cost of new materials, rehabilitation projects generally allocate a greater share of the budget to skilled labor. Because of this, as compared to new construction projects, rehabilitation has been found to disproportionately invest more in local labor (see *Measuring the Economics of Preservation, PlaceEconomics, 2011*). The reuse of existing architecture also preserves embodied energy, ensuring that the economic benefits of rehabilitation simultaneously stay within the local economy and minimize carbon impacts. Furthermore, by retaining the resources that most contribute to the distinctive architectural, cultural, and historical character of the city, preservation can attract tourists and tourist dollars to support a variety of private, nonprofit, and public endeavors across the city. Finally, HRCF amendments include incentives that allow historic resources to adapt to new and more intense uses, opening the potential for existing buildings to be more creatively stewarded by a variety of tenants, customers, visitors, and owners.

Therefore, the amendments are consistent with the economic prosperity guiding principle. See also findings for relevant policies in Chapters 5 and 6.

Human Health. Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

31. Finding: Areas with high concentrations of historic buildings are often prioritized by market-rate and affordable housing developers for new buildings that expand upon the economic, residential, and cultural activities provided by the existing buildings. Portland’s historic areas, including most Historic, Conservation, and National Register Districts, are predominantly located in areas with access to multi-modal transportation options and pedestrian environments that support walking, gathering, and interacting. These areas generally developed before modern reliance on automobile transit and, therefore, offer connectivity and development patterns that support active, healthy, walkable lifestyles.

The new use incentives included in the HRCF amendments encourage building rehabilitation, foster life safety improvements, incentivize seismic retrofits, and provide an impetus for accessibility upgrades. Allowing more dwelling units in single-dwelling zones, accessory commercial uses near transit, and major adaptive reuse of landmarks in almost all zones provides opportunities for economic viability of building repair and rehabilitation. The repair and rehabilitation of existing buildings—especially through adaptive reuse proposals that trigger local and state building regulations—provides opportunities to improve conditions and systems for human health.

Council further finds that this principle calls for strengthening consideration of environmental justice. The 2035 Comprehensive Plan describes environmental justice as “the equitable treatment and meaningful involvement of all people in public decision making as it applies to who benefits and who bears the cost of development and growth.” More frequently, environmental justice is considered with the lens of when burdens of less desirable or unhealthy land uses are imposed in or near communities that have been historically underrepresented. However, environmental justice also includes a directive that potential benefits of land use changes are also equitably shared. The HRCF amendments provide procedures and criteria for identifying and designating historic resources that allow for more intentional decision-making to ensure the collective memory of Portland’s different communities is best represented and protected by the regulations. Changes to historic designation review reduce the level of review—and the requirement for a preapplication conference—to designate new landmarks or make changes to the boundaries and contributing statuses of existing landmarks and districts, and provide more inclusive approval criteria, including a criterion related to underrepresented histories. For designation of districts, the underrepresented histories criterion would be weighted more heavily than the other criteria. This change in criteria will more readily allow historic resources associated with BIPOC and LGBTQ+ histories to qualify for designation in the future. Changes to historic designation removal review allows for reconsidering of the level of designation (i.e. Historic, Conservation, or National Register) when the protections applied to a historic resource are no longer appropriate, given the goals and policies of the Comprehensive Plan. This change allows landmarks and districts that were designated for protection at the highest level—Historic Landmark and Historic District—to have their protections reconsidered based on competing values. These changes ensure that the historic resources important to Portland’s different communities can be eligible for designation—and protection—ensuring that intergenerational memory and significance be protected within the built environment. Therefore, the HRCF amendments are consistent with the human health guiding principle.

Environmental Health. Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland’s air, water and land.

32. Finding: Council finds that this guiding principle requires the Council, when taking actions that implement the Comprehensive Plan, to not overlook the importance of including space for the health of natural resources and the ecosystem in the design and development of the city. This space can be in parks, streams, natural areas, along streets as well as on sites with development. The best performance occurs when the supply and design of these different types of spaces create, or “weave”, intentional or ad-hoc pathways for wildlife through the city.

The HRCP amendments promote environmental health by encouraging the repair and rehabilitation of buildings through protective regulations and use incentives. Rehabilitation and adaptive reuse of existing architecture preserves embodied energy, supports system and seismic upgrades, and encourages dense housing and commercial uses that promote the health of the region and mitigate construction-induced climate impacts. By avoiding unnecessary demolition, usable building materials are kept out of landfills, fewer hazardous substances are released into the atmosphere, and less materials need to be produced than are necessary for ground-up new construction. Additionally, the HRCP amendments streamline the installation of solar energy systems and electric vehicle charging outlets to promote renewable energy while resulting in minimal impacts to historic resources that are reversible. Therefore, the HRCP amendments are consistent with the environmental health guiding principle.

Equity. Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland’s history.

33. Finding: By advancing regulations that recognize, celebrate, and protect a broader diversity of architectural, cultural, and historic resources, the HRCP amendments promote a more equitable understanding of the city’s past and create opportunities for historic resources to better meet the needs of Portlanders in the future. The changes to historic designation review and historic designation removal review, described in the findings for the human health principle and incorporated by reference here, elevate unrepresented histories for eligibility for Historic and Conservation Landmark and District designation and provide options for changing or removing Historic and Conservation Landmark and District designation when protections are no longer appropriate for specific resources. Related code changes that establish clearer and more consistent historic resource type names and a hierarchy of protections that apply to those types provide, clarity to property owners, tenants, and the public at large, ensuring that historic resource information is made readily available to all interested persons.

In addition to changing the procedures and criteria for designation and designation removal, the HRCP amendments establish a new framework for updating Portland’s Historic Resource Inventory (HRI), which has not been expanded since 1984. The primary purpose of inventorying resources is to identify significant resources, both for public information and for determining eligibility for future landmark or district designation. As it exists today, the HRI underrecognizes resources that are significant for cultural and social associations. It also includes only a few properties in East Portland, which was largely annexed after the inventory was adopted in 1984. By creating a new framework for updating the HRI in the future, the HRCP amendments open the door for greater recognition of underrepresented histories in future historic preservation efforts. And, when the history or current circumstances of a historic resource are determined to be inappropriate for

regulation, the code amendments allow for documentation and evaluation of significance without conveying a landmark or district designation—and protections—on that property.

The expansion of demolition review to City-designated historic resources provides protections to a collection of historic resources, most of which are located in inner North and Northeast Portland, and establishes new approval criteria and opportunities for community involvement in protecting historic places and, when appropriate, mitigating for their loss. With expanded demolition review, community groups and individuals will be able to organize around alternatives to demolition and propose community benefits such as affordable housing or cultural preservation as mitigation measures. Finally, the HRCP amendments adjust historic resource review procedure types to reduce the timeline for review and approval of affordable housing proposals. Therefore, the HRCP amendments are consistent with the equity guiding principle.

Resilience. Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

34. Finding: The 2035 Comprehensive Plan describes resilience as “reducing the vulnerability of our neighborhoods, businesses, and built and natural infrastructure to withstand challenges – environmental, economic and social – that may result from major hazardous events.” By encouraging the rehabilitation and retrofit of significant historic resources, the HRCP amendments promote improved resilience and disaster preparedness. Amendments to streamline inventory and designation processes and criteria allows the City to triage the identification and protection of the most important historic and cultural resources after a catastrophic event. Additionally, the amendments expand use incentives, streamline access to existing floor area transfer provisions, and codify new exemptions and procedures to encourage and facilitate seismic upgrades, thereby incentivizing upgrades to older buildings that may be vulnerable to a major earthquake. Therefore, the HRCP amendments are consistent with the resilience guiding principle.

Chapter 1: The Plan

Goal 1.A: Multiple goals. Portland's Comprehensive Plan provides a framework to guide land use, development, and public facility investments. It is based on a set of Guiding Principles that call for integrated approaches, actions, and outcomes that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.

35. Finding: As noted above, the HRCP amendments are consistent with the guiding principles of the Comprehensive Plan. As part of an integrated approach to meet multiple goals, the City Council has considered, weighed and balanced applicable policies, as described on page HTU-5 of the Comprehensive Plan, to determine that this ordinance on the whole complies with the Comprehensive Plan. As described below, the City Council's decision to adopt the HRCP amendments has considered the multiple goals of the Comprehensive Plan, including the guiding principles, to determine that the adoption of this ordinance will ensure that Portland is prosperous, healthy, equitable, and resilient. Therefore, this goal is met.

Goal 1.B: Regional partnership. Portland's Comprehensive Plan acknowledges Portland's role within the region, and it is coordinated with the policies of governmental partners.

36. Finding: The findings show how the amendments are consistent with Metro's Urban Growth Management Functional Plan and the Statewide Planning Goals, including Goal 2 which requires coordination. Metro, TriMet, and other state agencies received notice of the proposed amendments from the 35-day DLCD notice and the City's legislative notice. Therefore, this goal is met.

Goal 1.C: A well-functioning plan. Portland's Comprehensive Plan is effective, its elements are aligned, and it is updated periodically to be current and to address mandates, community needs, and identified problems.

37. Finding: The City Council defines "effective" as being successful in producing a desired or intended result. The desired or intended result is embodied in the Guiding Principles and goals and policies of the Comprehensive Plan. These findings demonstrate how the HRCP amendments are consistent with the Comprehensive Plan, including advancing multiple goals. These changes represent updating regulatory implementation tools that respond to community needs and identified problems, especially in ensuring that historic resource regulations can be implemented by review bodies and understood by the community, property owners, tenants, and development teams. Additionally, as described in the findings for Goal 5 and incorporated by reference here, the amendments bring historic resource regulations into compliance with state administrative rule. Therefore, this goal is met.

Goal 1.D: Implementation tools. Portland's Comprehensive Plan is executed through a variety of implementation tools, both regulatory and non-regulatory. Implementation tools comply with the Comprehensive Plan and are carried out in a coordinated and efficient manner. They protect the public's current and future interests and balance the need for providing certainty for future development with the need for flexibility and the opportunity to promote innovation.

38. Finding: The HRCP amendments include regulatory changes to one of the Comprehensive Plan's implementation tools, the zoning code (Title 33). The HRCP amendments protect historic resources for the use, education, and enjoyment of current and future residents, property owners, tenants, and visitors. The HRCP amendments simultaneously provide for certainty, flexibility, and innovation. City Council defines "flexibility" as a capability to adapt to new, different, or changing requirements and "innovation" as the introduction of something new.

The HRCP amendments provide certainty through changes to the Historic Resource overlay zone (Chapter 33.445). Establishing clear historic resource types (i.e. Historic Landmark, Conservation Landmark, etc.), with defined processes for adding, removing, and amending those historic resource statuses, ensures the Zoning Code conforms with provisions of OAR 660-023-0200. Establishment of clear historic resource types also allows interested parties to clearly identify the development regulations that apply to any specific historic resource. Furthermore, the HRCP amendments to exemptions, thresholds, procedures, and approval criteria provide clarity to the public, applicants, and review bodies.

The HRCP amendments provide for flexibility by expanding the list of work items (i.e. alterations and new construction) exempt from historic resource review. These exemptions provide owners tenants with opportunities to modify and improve historic resources without destroying important architectural features. The new exemptions, such as allowing for solar installations, electric vehicle charging outlets, and new projecting signs, supports the ongoing use of historic resources while providing owners with greater opportunities to adapt those resources to new uses, technologies, and changing contexts. Therefore, this goal is met.

Goal 1.E: Administration. Portland’s Comprehensive Plan is administered efficiently and effectively and in ways that forward the intent of the Plan. It is administered in accordance with regional plans and state and federal law.

39. Finding: As noted above, the findings show how the amendments are consistent with the guiding principles of the 2035 Comprehensive Plan. The findings additionally show how the amendments are consistent with the Urban Growth Management Functional Plan, and the Statewide Planning Goals. Metro, TriMet, and other state agencies received notice of the proposed HRCP amendments from the 35-day DLCD notice and the City’s legislative notice. Therefore, this goal is met.

The Comprehensive Plan

Policy 1.1. Comprehensive Plan elements. Maintain a Comprehensive Plan that includes these elements:

- **Vision and Guiding Principles.** The Vision is a statement of where the City aspires to be in 2035. The Guiding Principles call for decisions that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.
- **Goals and policies.** The goals and policies of the Comprehensive Plan, including the Urban Design Framework, provide the long-range planning direction for the development and redevelopment of the city.
- **Comprehensive Plan Map.** The Comprehensive Plan Map is the official long-range planning guide for spatially defining the desired land uses and development in Portland. The Comprehensive Plan Map is a series of maps, which together show the boundaries of municipal incorporation, the Urban Service Boundary, land use designations, and the recognized boundaries of the Central City, Gateway regional center, town centers, and neighborhood centers.
- **List of Significant Projects.** The List of Significant Projects identifies the public facility projects needed to serve designated land uses through 2035 including expected new housing and jobs. It is based on the framework provided by a supporting Public Facilities Plan (PFP). The Citywide Systems Plan (CSP) is the City’s public facilities plan. The Transportation System Plan (TSP) includes the transportation-related list of significant projects. The list element of the TSP is also an element of the Comprehensive Plan.

- **Transportation policies, street classifications, and street plans.** The policies, street classifications, and street plan maps contained in the Transportation System Plan (TSP) are an element of the Comprehensive Plan. Other parts of the TSP function as a supporting document, as described in Policy 1.2.

40. Finding: The HRCP amendments do not change the structure of these plan elements. This policy does not apply.

Supporting Documents

Policy 1.2. Comprehensive Plan supporting documents. Maintain and periodically update the following Comprehensive Plan supporting documents.

- 1. Inventories and analyses.** The following inventories and analyses are supporting documents to the Comprehensive Plan:
 - Economic Opportunities Analysis (EOA)
 - Buildable Lands Inventory (BLI)
 - Natural Resource Inventory (NRI)
 - Housing Needs Analysis (HNA)
- 2. Public Facilities Plan.** The Public Facilities Plan (PFP) is a coordinated plan for the provision of urban public facilities and services within Portland’s Urban Services Boundary. The Citywide Systems Plan (CSP) is the City’s public facilities plan.
- 3. Transportation System Plan (TSP).** The TSP is the detailed long-range plan to guide transportation system functions and investments. The TSP ensures that new development and allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities. The TSP includes a financial plan to identify revenue sources for planned transportation facilities included on the List of Significant Projects. The TSP is the transportation element of the Public Facilities Plan. Certain components of the TSP are elements of the Comprehensive Plan. *See Policy 1.1.*
- 4. School Facility Plans.** School facility plans that were developed in consultation with the City, adopted by school districts serving the City, and that meet the requirements of ORS 195 are considered supporting documents to the Comprehensive Plan.

41. Finding: The HRCP amendments do not change or update any of the of the supporting documents listed above. This policy is not applicable.

Implementation tools

Policy 1.3. Implementation tools subject to the Comprehensive Plan. Maintain Comprehensive Plan implementation tools that are derived from, and comply with, the Comprehensive Plan. *Implementation tools include those identified in policies 1.4 through 1.9.*

42. Finding: The HRCP amendments maintain and amend the Comprehensive Plan implementation tools as described below in Policies 1.4 through 1.9. Consistency with the comprehensive policies and guiding principles for relevant amendments are demonstrated elsewhere in these findings.

Policy 1.4. Zoning Code. Maintain a Zoning Code that establishes the regulations that apply to various zones, districts, uses, and development types.

43. Finding. Title 33 is the adopted and effective zoning code tool for the city. The HRCP zoning code amendments are intended to revise Zoning Code provisions related to the identification,

designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and local, regional, and national best practices. Consistency with the comprehensive policies and guiding principles are demonstrated elsewhere in these findings.

Policy 1.5 Zoning Map. Maintain a Zoning Map that identifies the boundaries of various zones, districts, and other special features.

44. Finding. The HRCF amendments do not include any Zoning Map amendments. No new historic resources are added to or removed from the Zoning Map, therefore, this policy is not applicable.

Policy 1.6 Service coordination agreements. Maintain coordination agreements with local governments of adjoining jurisdictions concerning mutual recognition of urban service boundaries; special service districts concerning public facilities and services within Portland's Urban Services Boundary; and public school districts concerning educational facilities within Portland's Urban Services Boundary.

45. Finding: The city maintains several intergovernmental agreements concerning mutual recognition of urban service boundaries; special service districts concerning public facilities and services within Portland's Urban Services Boundary; and with public school districts This policy is not relevant to the HRCF amendments because there are no changes being made to these coordination agreements.

Policy 1.7 Annexations. Provide a process incorporating urban and urbanizable land within the City's Urban Services Boundary through annexation. See policies 8.11-8.19 for service extension requirements for annexations.

46. Finding: The city has a process for incorporating urban and urbanizable land. The HRCF amendments do not include any annexations nor change current processes for incorporation of land. Therefore, this policy is not applicable.

Policy 1.8 Urban renewal plans. Coordinate Comprehensive Plan implementation with urban renewal plans and implementation activities. A decision to adopt a new urban renewal district, adopt or amend goals and objectives that will guide investment priorities within a district, or amend the boundaries of an existing district, must comply with the Comprehensive Plan.

47. Finding: The HRCF amendments do not include changes to existing, or any new urban renewal plans. Therefore, this policy is not applicable.

Policy 1.9 Development agreements. Consider development agreements entered into by the City of Portland and pursuant to Oregon Revised Statute 94 a Comprehensive Plan implementation tool.

48. Finding: The HRCF amendments do not affect nor necessitate development agreements. Therefore, this policy is not applicable.

Administration

Policy 1.10. Compliance with the Comprehensive Plan. Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan than the existing language or designation.

1.10.a Legislative amendments to the Comprehensive Plan’s elements and implementation tools must also comply with the Guiding Principles.

1.10.b Legislative amendments to the Comprehensive Plan’s elements should be based on the factual basis established in the supporting documents as updated and amended over time.

1.10.c Amendments to the Zoning Map are in compliance with the Comprehensive Plan if they are consistent with the Comprehensive Plan Map.

49. Finding: The City Council finds that this is a fundamental policy of the Comprehensive Plan that guides the manner in which the City Council considers amendments to the Plan itself or any implementing regulations, such as the Zoning Code.

The City Council interprets the policy to require the Council to consider whether, after considering all relevant facts, an amendment is equally or more supportive of the Comprehensive Plan. The City Council finds that an amendment is equally supportive when it is on its face directly supported by goals and policies in the Plan. The City Council finds that an amendment is more supportive of the Comprehensive Plan when the amendment will further advance goals and policies, particularly those that are aspirational in nature. The City Council finds that the policy requires consideration as to whether amendments are equally or more supportive of the Plan as a whole. The City Council finds that amendments do not need to be equally or more supportive with individual goals and policies, but rather amendments must be equally or more supportive of the entire Comprehensive Plan. Therefore, the City Council finds that there may be instances where specific goals and policies are not supported by the amendments but still the amendment is equally or more supportive of the entire Comprehensive Plan when considered cumulatively. The City Council finds that there is no precise mathematical equation for determining when the Plan as a whole is supported but rather such consideration requires City Council discretion in evaluating the competing interests and objectives of the plan.

Council notes that the Comprehensive Plan introduction explains that “[t]he Comprehensive Plan contains a broad range of policies for Council to consider. Each policy describes a desirable outcome. But it is unlikely that all policies are relevant to a particular decision and that a particular decision could be expected to advance all of the policies in the plan equally well . . . [E]ven the strongest policies do not automatically trump other policies. Every decision is different, with different facts. The particular policies that matter will change from one decision to another. There is no set formula—no particular number of ‘heavier’ policies equals a larger set of ‘lighter’ policies. In cases where there are competing directions embodied by different policies, City Council may choose the direction they believe best embodies the plan as a whole.” 2035 Comprehensive Plan, page HTU-5.

The HRCF amendments are a legislative amendment to the Zoning Code. These findings identify how the amendments comply with the Comprehensive Plan. That is, the amendments are evaluated against the Comprehensive Plan’s Guiding Principles, goals, and policies, as detailed throughout this set of findings. As described in the finding for Policy 1.2 and incorporated by reference here, the factual basis of the supporting documents is not changed by this ordinance.

The City Council has considered all applicable goals and policies to achieve an optimum outcome. Goals and policies are considered as factors which must be weighed, balanced and met on the whole, not as criteria that must be individually met. The overall purposes of the HRCF amendments are to revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and

approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland’s regulations into conformance with state administrative rules and best practices.

The Council finds that the HRCP amendments particularly advances the following interjurisdictional guidance, goals and policies, and has weighed these policies heavily. The City Council finds that the HRCP amendments are more supportive of the Comprehensive Plan than the existing regulations. This is especially evident with regard to the goals and policies found in Chapter 4, as discussed below. Because the goals and policies in Chapter 4 are specifically related to historic resources, City Council weighed these policies heavily. Specifically, the HRCP amendments carry out and advance the following historic resource policies:

- Policy 4.46. Historic and cultural resource protection. Protect and encourage the restoration of historic buildings, places, and districts that contribute to the distinctive character and history of Portland’s evolving urban environment.
- Policy 4.50. Demolition. Protect historic resources from demolition. Provide opportunities for public comment, and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.
- Policy 4.55. Cultural and social significance. Encourage awareness and appreciation of cultural diversity and the social significance of historic places and their roles in enhancing community identity and sense of place.
- Policy 4.57. Economic viability. Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources.
- Policy 4.60. Rehabilitation and adaptive reuse. Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.

Policy 1.11. Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary. Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland Metropolitan area.

50. Finding: As noted earlier in these findings, the HRCP amendments are consistent with and designed to further the applicable elements of the Metro Urban Growth Management Functional Plan. See findings in Part II, Metro Urban Growth Management Functional Plan, which demonstrate consistency. Therefore, this policy is met.

Policy 1.12. Consistency with Statewide Planning Goals. Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals.

51. Finding: As noted earlier in these findings, the HRCP amendments are consistent with and designed to further the applicable elements of the Statewide Planning Goals. See findings in Part I, Statewide Planning Goals, which demonstrate consistency. Therefore, this policy is met.

Policy 1.13. Consistency with state and federal regulations. Ensure that the Comprehensive Plan remains consistent with all applicable state and federal regulations, and that implementation measures for the Comprehensive Plan are well coordinated with other City activities that respond to state and federal regulations.

52. Finding: The HRCP amendments were developed to be consistent with applicable state and federal regulations, including the Fair Housing Act, and do not amend any Zoning Code sections that are required by state or federal regulations, including FEMA flood regulations and state building code requirements. The HRCP amendments are consistent with state and federal regulations related to historic resources, including but not limited to the 1966 Historic Preservation Act, the National Register of Historic Places program, the requirements of the Certified Local Government Program, and state administrative rules pertaining to the protection of historic resources. The HRCP amendments bring the City into closer compliance with Statewide Goal 5 and its implementing administrative rules, as described in the findings for Goal 5 and incorporated by reference here. Therefore, this policy is met.

Policy 1.14. Public facility adequacy. Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland’s urban services boundaries, as established by Policies 8.2 and 8.6.

53. Finding: As demonstrated in the findings for Statewide Planning Goal 11 and Chapter 8 (Public Facilities and Services) of the Comprehensive Plan, the HRCP amendments have no impact on the existing and future availability and capacity of urban public facilities and services consistent with this policy. Therefore, this policy is met.

Policy 1.15. Intergovernmental coordination. Strive to administer the Comprehensive Plan elements and implementation tools in a manner that supports the efforts and fiscal health of the City, county and regional governments, and partner agencies such as school districts and transit agencies.

54. Finding: As demonstrated in the findings for Statewide Planning Goal 2, the City filed the required 35-day notice with Oregon Department of Land Conservation and Development to notify other government agencies of the HRCP amendments. In addition, the City sent a separate legislative notice to Multnomah County, adjacent cities, Metro and TriMet. In addition, project staff partnered with the Bureau of Development Services (BDS) to provide the opportunities for the Historic Landmarks Commission to engage at every phase of project development and participate in the PSC’s work session process, described below. No government agencies raised issues or concerns with the HRCP amendments. Therefore, this policy is met.

Policy 1.16. Planning and Sustainability Commission review. Ensure the Planning and Sustainability Commission (PSC) reviews and makes recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools. The PSC advises City Council on the City’s long-range goals, policies, and programs for land use, planning, and sustainability. The membership and powers and duties of the PSC are described in the Zoning Code.

55. Finding: The PSC reviewed the HRCP amendments over the course of ten meetings:

- October 13, 2020 – Staff briefing
- October 27, 2020 – Public hearing
- November 10, 2020 – Public hearing (continued)
- December 8, 2020 – Work session
- January 12, 2021 – Work session
- February 9, 2021 – Work session
- March 9, 2021 – Work session
- March 23, 2021 – Work session
- April 27, 2021 – Work session, consideration of amendments

Policy 1.17. Community Involvement Committee. Establish a Community Involvement Committee to oversee the Community Involvement Program as recognized by Oregon Statewide Planning Goal 1 – Community Involvement and policies 2.15-2.18 of this Comprehensive Plan.

56. Finding: The Citizen Involvement Committee (CIC) was appointed in June 2018 and reviews and advises the way City staff engage with the public in land use and transportation planning. The HRCF project was initiated by City staff prior to the appointment of the CIC. Public outreach, including in-person workshops and an online survey, were conducted in late 2017 and early 2018 and served as the basis for development of the concepts included in the HRCF amendments. The CIC was provided a briefing on the HRCF project on July 9, 2018, and generally advised project staff to continue use of in-person and virtual feedback opportunities for various interest groups and underrepresented communities citywide. Specifically, the CIC requested HRCF “include places of worship in outreach settings.” In response to this request, a project open house was held at Mt Tabor Presbyterian Church’s Tabor Space on March 16, 2019.

The project’s community involvement program is detailed more in the findings for Chapter 2, Community Involvement. The CIC fulfilled its responsibilities as outlined in this policy. Therefore, this policy is met.

Policy 1.18. Quasi-judicial amendments to the Comprehensive Plan Map. Applicants for quasi-judicial amendments to the Comprehensive Plan Map must show that the requested change adheres to Policies 1.10 through 1.15 and:

- Is compatible with the land use pattern established by the Comprehensive Plan Map.
- Is not in conflict with applicable adopted area-specific plans as described in Policy 1.19, or the applicable hearings body determines that the identified conflict represents a circumstance where the area specific plan is in conflict with the Comprehensive Plan and the proposed amendment is consistent with the Comprehensive Plan.

The Hearings Officer must review and make recommendations to the City Council on all quasi-judicial amendments to the Comprehensive Plan Map using procedures outlined in the Zoning Code.

57. Finding: This policy concerns quasi-judicial amendments to the Comprehensive Plan Map and is not applicable to this project.

Policy 1.19. Area-specific plans. Use area-specific plans to provide additional detail or refinements applicable at a smaller geographic scale, such as for centers and corridors, within the policy framework provided by the overall Comprehensive Plan.

1.19.a Area-specific plans that are adopted after May 24, 2018, should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses.

1.19.b Area-specific plan components intended as context, general guidance, or directives for future community-driven efforts should not amend the Comprehensive Plan elements or implementation tools but be adopted by resolution as intent. These components include vision statements, historical context, existing conditions, action plans, design preferences, and other background information.

1.19.c Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to January 1, 2018 are still in effect. However, the elements of this Comprehensive Plan supersede any goals or policies of a community, area, or neighborhood plan that are inconsistent with this Plan.

58. Finding: The HRCP amendments do not include or amend area specific plans. Therefore, these policies are not applicable.

Chapter 2: Community Involvement

Goal 2.A: Community involvement as a partnership. The City of Portland works together as a genuine partner with all Portland communities and interests. The City promotes, builds, and maintains relationships, and communicates with individuals, communities, neighborhoods, businesses, organizations, institutions, and other governments to ensure meaningful community involvement in planning and investment decisions.

Goal 2.B: Social justice and equity. The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.

Goal 2.C: Value community wisdom and participation. Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.

Goal 2.D: Transparency and accountability. City planning and investment decision-making processes are clear, open, and documented. Through these processes a diverse range of community interests are heard and balanced. The City makes it clear to the community who is responsible for making decisions and how community input is considered. Accountability includes monitoring and reporting outcomes.

Goal 2.E: Meaningful participation. Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

Goal 2.F: Accessible and effective participation. City planning and investment decision-making processes are designed to be culturally accessible and effective. The City draws from acknowledged best practices and uses a wide variety of tools, including those developed and recommended by under-served and under-represented communities, to promote inclusive, collaborative, culturally-specific, and robust community involvement.

Goal 2.G: Strong civic infrastructure. Civic institutions, organizations, and processes encourage active and meaningful community involvement and strengthen the capacity of individuals and communities to participate in planning processes and civic life.

59. Finding: The preparation of these amendments has provided transparent planning and decision-making and numerous opportunities for meaningful, accessible and effective community involvement consistent with Goals 2.A through 2.G, including:

Project Activities to Leading to the Discussion Draft.

The HRCP project was initiated by staff in August 2017 in response to the adoption of State Administrative Rule OAR 660-023-0200 in January 2017. The project staff formally initiated the HRCP at a briefing to the PSC on August 22, 2017. The identified project focus areas were as follows:

- Historic Resource Inventory code specifics
- Designation of local historic and conservation landmarks and districts

- Protection of designated historic resources

Following the PSC briefing, project staff collected concepts from the Bureau of Development Services (BDS) based on their experience conducting the various historic resource reviews, implementing the Community Design Standards, and engaging with historic resource owners, tenants, and development teams. This included review of historic resource reviews from recent years. Project staff also reviewed the historic preservation regulations in 14 American cities, as well as London and Vancouver, to better understand national best practices related to the following areas of interest:

- Inventory of Historic Resources
- Dedicated Preservation Staff
- Advisory or Approval Body
- Local Designation Classifications
- Number of Each Classification Type
- District Designation Process
- Individual Resource Designation Process
- Designation Criteria
- Protections Corresponding to Resource Classifications
- Historic Resources Design Guidelines
- Incentives and Use Restrictions
- Plaque/Public Engagement Programs
- Tactics to Discourage Demolition
- Intangible Heritage Recognition

Following project staff review of information and best practices, initial concept development public outreach was conducted in the fall and winter of 2017-2018. This outreach included four concept development roundtable events, two drop-in sessions, an online survey, presentations to interest groups, and internal focus group meetings. During this concept development phase:

- 440 people submitted 3,442 comments on the online survey.
- 200 people attended the four roundtable events.

The feedback received during this period was organized into a “master concept list” that included 140 discrete problem statements, as identified by survey and roundtable participants. Staff developed concepts around each of these problem statements. An overview of possible code amendment concepts was presented to the Historic Landmarks Commission on June 11, 2018, to further inform project staff. A summary of feedback received was published as a blog post on August 17, 2018.

An HRCP Discussion Draft was released for public review in January 2019.

Project Activities between the Discussion Draft and Proposed Draft.

Public comments on the Discussion Draft were solicited from January to April 2018. Outreach included presentations to the Historic Landmarks Commission, Development Review Advisory Committee, Urban Forestry Commission, American Institute of Architects, Southeast Uplift, North Portland Land Use Group, and Architectural Heritage Center. Five project open houses were held and an online survey portal made available to interested persons. A mailed notice regarding the Discussion Draft and the open houses was mailed to all property owners in Conservation Districts to ensure that owners in historically underrepresented North and Northeast Portland were made aware of the HRCP project.

Similar to the Discussion Draft preparation process, project staff organized all comments received into a master list. The list included comments received at open houses, through the online survey, in meetings with City staff in various bureaus, and through meetings with individual property owners, tenants, and development teams. Project staff reviewed these comments during the summer and fall of 2019 with the expectation of releasing a Proposed Draft in early 2020. Due to the Covid-19 pandemic, the Proposed Draft release was delayed until September 2020.

Proposed Draft and Planning and Sustainability Commission (PSC) Hearing.

The HRCP Proposed Draft was released for public review in September 2020 and included two volumes—Volume I (staff report) and Volume 2 (proposed zoning code amendments). Mailed notice of the Proposed Draft was provided to 16,076 property owners and a list of parties who have requested official notice of land use projects. Emailed notice was provided to all individuals who had previously requested updates on the project. During the open testimony period—which spanned from September 15 through November 10, 2020—project staff hosted three virtual open houses for interested community members and provided virtual briefings to the following groups:

- Portland Historic Landmarks Commission
- Downtown Neighborhood Association
- Pearl District Neighborhood Association
- Portland Development Review Advisory Committee
- Southeast Uplift
- Architectural Heritage Center
- Portland: Neighbors Welcome
- North Portland Land Use Group
- Hosford-Abernathy Neighborhood Development
- Irvington Community Association
- Northwest District Association
- Old Town/Chinatown Neighborhood Association
- Homebuilders Association of Metropolitan Portland

Additional meetings were held with groups of interested individuals, including advocacy organizations, housing providers and property owners. In addition to the briefings, open houses and meetings, project staff fielded phone calls from approximately 450 Portlanders during the open testimony period. The majority of those who called project staff were property owners who had received mailed notice of the Proposed Draft code amendments. Of those owners who communicated with project staff, few submitted written or verbal testimony to the Planning and Sustainability Commission.

On October 13, 2020, project staff briefed the Planning and Sustainability Commission on the Proposed Draft code amendments in advance of public hearings on October 27 and November 10, 2020. The public testimony period concluded on November 10, 2020. Between the two hearings, seventy individuals provided verbal testimony to the Planning and Sustainability Commission. A total of 278 pieces of written testimony were submitted.

The Planning and Sustainability Commission held work sessions on December 8, 2020, and January 12, February 9, March 9, March 23, April 27 and May 4, 2021. Work sessions reviewed items identified by testifiers and explored possible revisions to the Proposed Draft. To increase the Planning and Sustainability Commission's understanding of historic resource issues, Chair Kristen Minor of the Historic Landmarks Commission was invited to participate in the work sessions as a non-voting member. In addition to the PSC's seven work sessions, three members of the Planning

and Sustainability Commission and three members of the Historic Landmarks Commission convened four times during the work session process to discuss historic resource issues in greater detail and ask additional questions of project staff. No decisions were made at these supplemental “3x3” meetings as they were intended to inform members of both commissions in advance of the Planning and Sustainability Commission taking action to amend and recommend the HRCP zoning code package. On April 27 and May 4, 2021, the Planning and Sustainability Commission considered and voted to support 14 amendments to the Proposed Draft. The 14 amendments:

- Added code language to require a joint hearing of the Planning and Sustainability Commission and Historic Landmarks Commission when a Historic or Conservation District is proposed for designation or removal.
- Refined code language related to designation and designation removal to ensure clarity and refined approval criteria for designation to prioritize underrepresented histories.
- Refined the thresholds for demolition review.
- Expanded the list of exemptions to demolition review to include certain contributing detached accessory structures in districts.
- Reorganized, streamlined and revised demolition review application requirements and criteria.
- Expanded the historic resource review exemption for solar energy systems in districts.
- Expanded the historic resource review exemption for window replacement in districts zoned for single-dwelling use.
- Refined historic resource review exemptions to allow for removal of meters and installation of electric vehicle outlets.
- Expanded the historic resource review exemption for new detached accessory structures in districts zoned for residential use.
- Refined reuse incentive code language for clarity.
- Expanded the residential infill incentives to apply in the Commercial Residential (CR) zone.
- Amended incentive code language and amend historic preservation incentive review approval criteria to protect multi-family housing from conversion to Retail Sales and Service or Office use.
- Consolidated historic resource type descriptions into one list of definitions.
- Executed minor and technical amendments requested by BPS and BDS staff.

On May 4, 2021, the Planning and Sustainability Commission voted unanimously to recommend that City Council adopt the Recommended Draft HRCP amendments.

The Recommended Draft was published in June 2021.

Recommended Draft and City Council Hearing.

The Recommended Draft was made available for public review in June 2021. An email was sent to the project email list—which included all interested parties who had previously testified, requested project updates, or participated in past events—in July 2021 to announce the release of the Recommended Draft. The written testimony period opened at this time. The City Council scheduled a public hearing for November 3, 2021. A mailed notice of public hearing was mailed on October 7, 2021 to parties who participated in the Planning and Sustainability Commission hearings. An emailed notice of the public hearing was sent on October 7, 2021, to the project list, which included those who had engaged with the project over its various phases. At the November 3 City Council hearing 122 individuals testified orally. The written testimony period closed on November 5. Over 300 pieces of testimony were submitted to the Portland City Council.

On December 1, 2021, a list of eight potential amendments to the Recommended Draft was published to the BPS webpage. An email summarizing the eight potential amendments was sent to the project email list—which included all interested parties who had previously testified, requested project updates, or participated in past events. On December 15, 2021, the Portland City Council held an additional hearing on the eight potential amendments. Following the close of oral and written testimony, City Council voted to support the following changes to the Recommended Draft Historic Resources Code Project:

1. Allow 10' of bonus height for certain development proposals in Historic and Conservation Districts in the CM2 zone.
2. Allow certain affordable housing proposals subject to historic resource review to be processed through a Type II or Type IX procedure following a required design advice request meeting.
3. Eliminate an existing demolition review approval criterion related to “reasonable economic use” and amend the remaining demolition review approval criteria to ensure underrepresented histories and economic consequences to owners are considered by the decision-maker.
4. Allow permits for interior alterations to be issued during 120-day delay.
5. Refine the membership categories for the 7-member Historic Landmarks Commission.
6. Minor and technical amendments requested by City staff.

Two potential amendments did not receive City Council support. Those amendments would have 1) changed the process for designating and removing local Historic and Conservation District status and 2) amended the land use procedure types for alterations and new construction in the New Chinatown/Japantown Historic District.

In light of the COVID-19 outbreak, as well as following directives outlined in Governor Brown’s Executive Order no. 20 – 16, the PSC and Council hearings were held virtually, allowing the public to testify using a telephone, mobile device, or computer. The hearings were also streamed on YouTube and televised. This ensured public participation in the decision making in a safe manner during the COVID-19 outbreak.

The Council finds that the HRCP amendments have been prepared in a manner consistent with Goals 2.A through 2.G. The project staff partnered with community organizations, involved a wide range of communities, transparently publicized project work, and made changes in response to community input. Therefore, this goal is met.

Partners in decision making

Policy 2.1. Partnerships and coordination. Maintain partnerships and coordinate land use engagement with:

2.1.a Individual community members.

2.1.b Communities of color, low-income populations, Limited English Proficient (LEP) communities, Native American communities, and other under-served and under-represented communities.

2.1.c District coalitions, neighborhood associations, and business district associations as local experts and communication channels for place-based projects.

2.1.d Businesses, unions, employees, and related organizations that reflect Portland’s diversity as the center of regional economic and cultural activity.

2.1.e Community-based, faith-based, artistic and cultural, and interest-based non-profits, organizations, and groups.

2.1.f Institutions, governments, and Sovereign tribes.

60. Finding: This policy directs the City to maintain partnerships and coordinate community engagement on a programmatic level and is not specific to a particular legislative project. Therefore, this policy is not applicable. Nevertheless, these partnerships were engaged and maintained throughout this process. Throughout the HRCP process—including concept development, review of the Discussion Draft, engagement on the Proposed Draft, and engaging on the Recommended Draft—project staff have provided emailed and, when appropriate, mailed correspondence to property owners, tenants, development teams, interest groups, and organizations and businesses engaged in historic resources, both those included in the Historic Resource Inventory and those that may be important to communities but not currently recognized by the City. As described in the HRCP Recommended Draft staff report and in the findings for Goal 2.G, above, the Historic Landmarks Commission, geographic-specific associations, and interest groups were engaged throughout the process. Furthermore, individual community members—those engaged in the business of historic preservation, those associated with specific historic resources, and those with interest in the topic—were engaged collectively and individually.

Policy 2.2. Broaden partnerships. Work with district coalitions, neighborhood associations, and business district associations to increase participation and to help them reflect the diversity of the people and institutions they serve. Facilitate greater communication and collaboration among district coalitions, neighborhood associations, business district associations, culturally-specific organizations, and community-based organizations.

61. Finding: This policy directs the City to maintain partnerships and coordinate community engagement on a programmatic level and is not specific to a particular legislative project. Therefore, this policy is not applicable. However, as evidenced by the range of involvement from comments and testimony received by individuals and organizations, the City was engaged with a breadth of partners to increase participation to better reflect the diversity of the people with relationships to the city's historic resources.

Environmental justice

Policy 2.3. Extend benefits. Ensure plans and investments promote environmental justice by extending the community benefits associated with environmental assets, land use, and public investments to communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. Maximize economic, cultural, political, and environmental benefits through ongoing partnerships.

Policy 2.4. Eliminate burdens. Ensure plans and investments eliminate associated disproportionate burdens (e.g. adverse environmental, economic, or community impacts) for communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision.

2.4.a Minimize or mitigate disproportionate burdens in cases where they cannot be eliminated.

2.4.b Use plans and investments to address disproportionate burdens of previous decisions.

62. Finding: The 2035 Comprehensive Plan defines “ensure” to mean “to make sure that something will happen or be available.” The Council interprets these policies to mean that plans and investments each contribute to the extension of community benefits, and elimination of disproportionate burdens, over the duration of the planning period. The HRCP amendments extend demolition review to Conservation Districts, which are City-designated historic resources located within Albina, an area of the City historically home to African American residents, businesses, and intuitions. Extending demolition review—with expanded criteria and a lower land use review

type—to Conservation Districts ensures that City-designated historic resources that convey diverse histories and are owned and occupied by diverse Portlanders today are provided protections. Demolition review allows for community engagement and a decision to approve, deny, or approve with conditions proposed loss of significant historic resources. In the case of Conservation Districts, demolition review better ensures long underrepresented community members are better able to engage with the protection of historic resources. Additionally, refinements to the demolition review approval criteria require consideration of historically marginalized individuals and communities before decisions are rendered, providing an opportunity to analyze resources' association with a variety of underrepresented histories before a decision is made on demolition. Testimony provided by Vanport Mosaic, Billy Webb Elks Lodge, and the Japanese American Museum of Oregon regarding the demolition review approval criteria included in the HRCP Recommended Draft-As Amended are demonstrative of how the revised demolition review criteria and factors considered eliminate burdens.

The HRCP amendments make changes to exemptions, thresholds, procedures, and approval criteria for the various historic resource reviews. These changes provide clarity to the public, applicants, and review bodies. And, furthermore, the expanded list of exemptions to historic resource review provide opportunities for owners and tenants to advance routine upgrades to their properties without the need for review. Exemptions to historic resource review eliminate the cost of historic resource review application, which extends benefits to historic resource owners and tenants. Therefore, this policy is met.

Invest in education and training

Policy 2.5. Community capacity building. Enhance the ability of community members, particularly those in under-served and/or under-represented groups, to develop the relationships, knowledge, and skills to effectively participate in plan and investment processes.

Policy 2.6. Land use literacy. Provide training and educational opportunities to build the public's understanding of land use, transportation, housing, and related topics, and increase capacity for meaningful participation in planning and investment processes.

Policy 2.7. Agency capacity building. Increase City staff's capacity, tools, and skills to design and implement processes that engage a broad diversity of affected and interested communities, including under-served and under-represented communities, in meaningful and appropriate ways.

63. Finding: These policies address broad approaches to educating community members and City staff about planning processes and are not applicable to this project given the project scope. As noted in findings 2.1 and 2.2, HRCP engaged partnerships through on-going communication and provided additional information in meaningful and culturally appropriate ways to better enable these community partners to convey important project information and engage their members.

Community assessment

Policy 2.8. Channels of communication. Maintain channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members.

64. Finding: The City Council interprets this policy to create the opportunity for the community and advisory committees to have opportunities to communicate their issues and concerns to the PSC and City Council outside of the formal legislative process. These changes are a legislative process with formal opportunities to testify to communicate directly with City Council. Therefore, this policy does not apply.

Policy 2.9. Community analysis. Collect and evaluate data, including community-validated population data and information, to understand the needs, priorities, and trends and historical context affecting different communities in Portland.

Policy 2.10. Community participation in data collection. Provide meaningful opportunities for individuals and communities to be involved in inventories, mapping, data analysis, and the development of alternatives.

Policy 2.11, Open data. Ensure planning and investment decisions are a collaboration among stakeholders, including those listed in Policy 2.1. Where appropriate, encourage publication, accessibility, and wide-spread sharing of data collected and generated by the City.

65. Finding: Policies 2.9 through 2.11 concern how the City collects and makes available data that supports land use decisions. In this case, the City used an on-line “Map App” database to receive, organize and respond to public testimony on the HRCF Proposed Draft and Recommended Draft. The database was viewable to the public, as well as the PSC and staff, through a web browser. The MapApp was also used to provide property-specific summaries of the HRCF amendments, providing opportunities to visually evaluate the locations affected by the changes. Finally, the HRCF project prepared resource type (i.e. Historic Landmark, Conservation District, etc.) summaries in paper and online formats for consideration by the interested public and by property owners and tenants seeking to understand how code amendments may affect their specific historic resource. Therefore, the HRCF amendments are consistent with these policies.

Transparency and accountability

Policy 2.12. Roles and responsibilities. Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including community and neighborhood leadership, business, organizations, and individuals.

Policy 2.13. Project scope. Establish clear expectations about land use project sponsorship, purpose, design, and how decision makers will use the process results.

Policy 2.14. Community influence. At each stage of the process, identify which elements of a planning and investment process can be influenced or changed through community involvement. Clarify the extent to which those elements can be influenced or changed.

Policy 2.15. Documentation and feedback. Provide clear documentation for the rationale supporting decisions in planning and investment processes. Communicate to participants about the issues raised in the community involvement process, how public input affected outcomes, and the rationale used to make decisions.

66. Finding As described in the findings above and incorporated by reference here, the legislative process was clearly outlined in notices, documents and on the project website, including how to testify to influence the Proposed Draft at the PSC and the Recommended Draft at City Council. The Discussion Draft was published with information on how to comment, and the Proposed Draft and Recommended Draft were published with information about how to testify to the PSC and City Council, respectively.

Throughout this process, BPS staff contacted, met with, and coordinated with stakeholders to inform them how to engage in the decision-making process, how the process was structured, and additional opportunities to participate when such opportunities existed. Findings on this outreach are included in this document.

During the review phases of the project, BPS staff presented at various community meetings to inform people of the proposed amendments. All meetings and events were open to the public and included opportunities for public comment. Volume 1 of the Recommended Draft includes summaries of the public engagement prior to and at each phase of the legislative process. Therefore, the HRCP amendments are consistent with these policies.

Community involvement program

Policy 2.16. Community Involvement Program. Maintain a Community Involvement Program that supports community involvement as an integral and meaningful part of the planning and investment decision-making process.

Policy 2.17. Community engagement manual. Create, maintain, and actively implement a community engagement manual that details how to conduct community involvement for planning and investment projects and decisions.

Policy 2.18. Best practices engagement methods. Utilize community engagement methods, tools, and technologies that are recognized as best practices.

Policy 2.19. Community Involvement Committee. The Community Involvement Committee (CIC), an independent advisory body, will evaluate and provide feedback to City staff on community involvement processes for individual planning and associated investment projects, before, during, and at the conclusion of these processes.

Policy 2.20. Review bodies. Maintain review bodies, such as the Planning and Sustainability Commission (PSC), Design Commission, Historic Landmarks Commission, and Adjustment Committee, to provide an opportunity for community involvement and provide leadership and expertise for specialized topic areas.

Policy 2.21. Program evaluation. Periodically evaluate the effectiveness of the Community Involvement Program and recommend and advocate for program and policy improvements. The Community Involvement Committee (CIC) will advise City staff regarding this evaluation.

Policy 2.22. Shared engagement methods. Coordinate and share methods, tools, and technologies that lead to successful engagement practices with both government and community partners and solicit engagement methods from the community.

Policy 2.23. Adequate funding and human resources. Provide a level of funding and human resources allocated to the Community Involvement Program sufficient to make community involvement an integral part of the planning, policy, investment and development process.

67. Finding: Policies 2.16 through 2.23 concern the City's Community Involvement Program and are not applicable because the HRCP amendments do not change this program.

Process design and evaluation

Policy 2.24. Representation. Facilitate participation of a cross-section of the full diversity of affected Portlanders during planning and investment processes. This diversity includes individuals, stakeholders, and communities represented by race, color, national origin, English proficiency, gender, age, disability, religion, sexual orientation, gender identity, and source of income.

Policy 2.25. Early involvement. Improve opportunities for interested and affected community members to participate early in planning and investment processes, including identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.

Policy 2.26. Verifying data. Use data, including community-validated population data, to guide planning and investment processes and priority setting and to shape community involvement and decision-making efforts.

Policy 2.27. Demographics. Identify the demographics of potentially affected communities when initiating a planning or investment project.

Policy 2.28. Historical understanding. To better understand concerns and conditions when initiating a project, research the history, culture, past plans, and other needs of the affected community, particularly under-represented and under-served groups, and persons with limited English proficiency (LEP). Review preliminary findings with members of the community who have institutional and historical knowledge.

Policy 2.29. Project-specific needs. Customize community involvement processes to meet the needs of those potentially affected by the planning or investment project. Use community involvement techniques that fit the scope, character, and potential impact of the planning or investment decision under consideration.

Policy 2.30. Culturally-appropriate processes. Consult with communities to design culturally-appropriate processes to meet the needs of those affected by a planning or investment project. Evaluate, use, and document creative and culturally-appropriate methods, tools, technologies, and spaces to inform and engage people from under-served and under-represented groups about planning or investment projects.

Policy 2.31. Innovative engagement methods. Develop and document innovative methods, tools, and technologies for community involvement processes for plan and investment projects.

Policy 2.32. Inclusive participation beyond Portland residents. Design public processes for planning and investment projects to engage affected and interested people who may not live in Portland such as property owners, employees, employers, and students, among others, as practicable.

Policy 2.33. Inclusive participation in Central City planning. Design public processes for the Central City that recognize its unique role as the region's center. Engage a wide range of stakeholders from the Central City and throughout the region including employees, employers, social service providers, students, and visitors, as well as regional tourism, institutional, recreation, transportation, and local/regional government representatives, as appropriate.

Policy 2.34. Accessibility. Ensure that community involvement processes for planning and investment projects are broadly accessible in terms of location, time, and language, and that they support the engagement of individuals with a variety of abilities and limitations on participation.

Policy 2.35. Participation monitoring. Evaluate and document participant demographics throughout planning and investment processes to assess whether participation reflects the demographics of affected communities. Adapt involvement practices and activities accordingly to increase effectiveness at reaching targeted audiences.

Policy 2.36. Adaptability. Adapt community involvement processes for planning and investment projects as appropriate to flexibly respond to changes in the scope and priority of the issues, needs, and other factors that may affect the process.

Policy 2.37. Process evaluation. Evaluate each community involvement process for planning or investment projects from both the City staff and participants' perspectives, and consider feedback and lessons learned to enhance future involvement efforts.

68. Finding: Policies 2.24 through 2.37 address how the community involvement program is designed and developed to support planning and investment projects.

The HRCF Discussion Draft was informed by feedback provided at in-person roundtable events, through an online survey, and in project staff discussions with a variety of stakeholders. Groups that were targeted or engagement included the Historic Landmarks Commission, neighborhood coalitions and associations, business associations, architects, designers, historic preservation professionals, and organizations that own, operate, and engage with historic resources. The State Historic Preservation Office was engaged on several topics, including state administrative rules, the National Register of Historic Places program, and the Secretary of the Interior's Standards for the Treatment of Historic Properties. A project website was updated with information about engagement opportunities, and maintained throughout the legislative process. A mailed informational notice was sent to all property owners within Conservation Districts to ensure communities in North and Northeast Portland were made aware of the project early in the process, and that property owner participation was specifically invited.

The HRCF Proposed Draft was informed by additional project open houses, online survey, and continued project staff discussions with key stakeholders following the release of the Discussion Draft. The HRCF Proposed Draft was released in September 2020, at which point mailed notice was provided to all historic resource owners. Additionally, an emailed notice was provided to all individuals who had participated in the earlier phases of the process and those who had requested notice. Information on the hearing schedule and process was provided on the website and a link to the City's MapApp was provided for individuals to provide testimony to the Planning and Sustainability Commission (PSC). The link to the MapApp was also provided as part of the legislative notice and through email communications with interested individuals who had signed up for notification. During the open testimony period—which spanned from September 15 through November 10, 2020—project staff hosted three virtual open houses for interested community members and provided virtual briefings to the following groups:

- Portland Historic Landmarks Commission
- Downtown Neighborhood Association
- Pearl District Neighborhood Association
- Portland Development Review Advisory Committee
- Southeast Uplift
- Architectural Heritage Center
- Portland Neighbors Welcome
- North Portland Land Use Group
- Hosford-Abernathy Neighborhood Development
- Irvington Community Association
- Northwest District Association
- Old Town/Chinatown Neighborhood Association
- Homebuilders Association of Metropolitan Portland

Additional meetings were held with groups of interested individuals, including advocacy organizations, housing providers and property owners. In addition to the briefings, open houses and meetings, project staff fielded phone calls from approximately 450 Portlanders during the open testimony period. During the PSC hearing process, a total of 278 pieces of testimony were submitted to the PSC. These comments were considered by the PSC during their work sessions in late 2020 and the first five months of 2021.

The Recommended Draft was released in June 2021, following a unanimous recommendation by the PSC. Starting in July 2021, project staff began contacting interested stakeholders and sending out email information about the draft to previous testifiers and those who had requested email notice. Project staff updated the website to provide access to the Recommended Draft and a summary of the changes made by the PSC. On request, staff attended meetings from stakeholders with an interest in the updated draft. Meetings included sessions with neighborhood associations, interest groups, and specific individuals. Over 300 pieces of written and oral testimony were submitted to the City Council regarding the Recommended Draft.

In light of the COVID-19 outbreak, as well as following directives outlined in Governor Brown's Executive Order no. 20 – 16, the PSC and Council hearings were held virtually, allowing the public to testify using a telephone, mobile device, or computer. The hearings were also streamed on YouTube and televised. This ensured public participation in the decision making in a safe manner during the COVID-19 outbreak.

The City Council received testimony from Tony Greiner on October 26, 2021, alleging process issues regarding development of the HRCP. The testimony cited a Planning and Sustainability Commission meeting held on August 11, 2020. The August 11, 2020, meeting did not concern historic resources and occurred before the HRCP Proposed Draft was released for public review. Furthermore, the PSC commissioner specifically cited in the testimony was not the author of the HRCP Discussion or Proposed Draft; project staff developed the Discussion and Proposed Drafts and ensured affected communities were engaged throughout the legislative process. Therefore, City Council rejects the assertion that the HRCP did not adequately or meaningfully engage the public.

Therefore, the HRCP amendments are consistent with these policies.

Information design and development

Policy 2.38. Accommodation. Ensure accommodations to let individuals with disabilities participate in administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

Policy 2.39. Notification. Notify affected and interested community members and recognized organizations about administrative, quasi-judicial, and legislative land use decisions with enough lead time to enable effective participation. Consider notification to both property owners and renters.

Policy 2.40. Tools for effective participation. Provide clear and easy access to information about administrative, quasi-judicial, and legislative land use decisions in multiple formats and through technological advancements and other ways.

Policy 2.41. Limited English Proficiency (LEP). Ensure that limited English proficient (LEP) individuals are provided meaningful access to information about administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

69. Finding: Consistent with Policies 2.38 through 2.41, and BPS community involvement practices, meetings, open house events, and all public meetings, described in more detail in the findings above, were noticed, and information was provided online. Information about accommodation and translation was provided on all notices. All project events, including roundtable sessions and open houses, were held at locations that could accommodate people with disabilities, meetings were noticed, information on the plan were provided to meeting participants as well as online, and accommodations were made to allow LEP individuals learn about and comment on the plan. During the Covid-19 pandemic, all virtual meetings were open to and accessible to all interested persons. The City also sent a legislative notice on September 21, 2020 of the October 27, 2020, PSC hearings to interested parties, including neighborhood associations, business associations, and other

affected jurisdictions, that have requested notice of proposed land use changes. The City sent a legislative notice on October 7, 2021, to interested parties, and others that participated in the PSC hearings to inform them of the opportunity to testify at the November 3, 2021, Council public hearing. Therefore, the amendments are consistent with these policies.

Chapter 3: Urban Form

GOAL 3.A: A city designed for people. Portland’s built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.

70. Finding: City Council interprets this goal as calling for a built environment that supports the ability of Portlanders to meet their needs, including but not limited to needs for housing, employment, commercial and community services, education, and access to recreation and open space – as a basis for how the City of Portland will guide the future of the built environment. This goal identifies a number of important outcomes that this goal is intended to promote, including prosperity (which the Comprehensive Plan defines as including the prosperity of both households and businesses), health, equity (which the Comprehensive Plan defines to be when everyone has access to the opportunities necessary to satisfy their essential needs, advance their well-being, and achieve their full potential), and resilience (which the Comprehensive Plan defines as the capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, the economy, and the environment). This goal also calls for the City to be involved in fostering development and public investments that reduce disparities, which the City Council interprets to mean reducing disparities among Portlanders and Portland communities in access to resources that are essential for achieving equity, such as household income and access to housing, quality education, and services. A desired outcome of this goal is therefore to create a healthy connected city in which Portlanders can meet their needs for housing, employment, services, transportation, social connections, and have access to recreation and nature.

The HRCF amendments improve the City’s programs for identifying, designating, protecting, and reusing historic resources, which are integral parts of the built environment and their long-term conservation supports community memory, economic opportunities, materials conservation, and resilience for Portlanders now and in the future. Historic resources convey diverse stories about Portland’s past, including but not limited to community, cultural, and social histories. The historic preservation incentives included in the HRCF amendments allow and encourage new and creative uses to simultaneously increase the economic viability of preserving and rehabilitating historic resources and increase opportunities for community access to the resources. Adaptive reuse of historic resources provides economic viability for property owners; adaptable spaces for residential, commercial, and nonprofit tenants; and opportunities for communities to interact with each other and with historic resources that are important to specific communities and to the city as a whole. Therefore, this goal is met.

GOAL 3.B: A climate and hazard resilient urban form. Portland’s compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.

71. Finding: The HRCF amendments support the ongoing preservation, rehabilitation, and reuse of historic resources, encouraging the retention of embodied energy and lessening construction waste impacts associated with demolition of existing buildings. The HRCF amendments include exemptions to historic resource review that better facilitate the installation of solar panels, electric vehicle charging outlets, seismic upgrades and other routine improvements to historic properties. Additionally, historic preservation incentives allow for historic resources to be more intensively used to promote adaptive reuse projects that maximize the potential of historic resources to meet

the current and future needs of Portlanders. Allowing flexibility for adaptive reuse provides economic opportunities that can support costs of rehabilitation, including seismic upgrade and energy retrofits. Therefore, this goal is met.

GOAL 3.C: Focused growth. Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.

GOAL 3.D: A system of centers and corridors. Portland's interconnected system of centers and corridors provides diverse housing options and employment opportunities, robust multimodal transportation connections, access to local services and amenities, and supports low-carbon complete, healthy, and equitable communities.

GOAL 3.E: Connected public realm and open spaces. A network of parks, streets, City Greenways, and other public spaces supports community interaction; connects neighborhoods, districts, and destinations; and improves air, water, land quality, and environmental health.

GOAL 3.F: Employment districts. Portland supports job growth in a variety of employment districts to maintain a diverse economy.

GOAL 3.G: Nature in the city. A system of habitat corridors weaves nature into the city, enhances habitat connectivity, and preserves natural resources and the ecosystem services they provide.

72. Finding: The HRCF amendments do not designate any new landmarks or district and, as citywide Zoning Code changes, do not change the large-scale spatial layout of the City. Because historic resources exist in the Central City, in centers, corridors, and transit station areas, in public spaces, and in employment zones, the code changes amend the various historic resource review that apply to historic resources across the city. The HRCF amendments are consistent with Goals 3.C-3.G because no changes to the layout or composition of these areas are included in the code amendments. The HRCF amendments do not adversely affect systems of habitat corridors and do not preclude historic resources from supporting those systems. Therefore, goals 3.B-3.G are met.

Citywide design and development

Policy 3.1 Urban Design Framework. Use the Urban Design Framework (UDF) as a guide to create inclusive and enduring places, while providing flexibility for implementation at the local scale to meet the needs of local communities.

73. Finding: The UDF provides guidance on the built and natural form of Portland, providing in Comprehensive Plan Figure 3-1 a diagrammatic arrangement of centers, corridors, city greenways, urban habitat corridors, and pattern areas. HRCF amendments do not establish or change specific boundaries in the UDF. The UDF identifies centers and corridors where the majority of commercial and housing development is intended to be concentrated. City Council interprets the HRCF amendments as being consistent with the UDF and this policy because the amendments do not significantly affect implementation of the UDF concepts of growth focused in centers and corridors. The HRCF amendments revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices.

Policy 3.2. Growth and stability. Direct most growth and change to centers, corridors, and transit

station areas, allowing the continuation of the scale and characteristics of Portland’s residential neighborhoods.

74. Finding: This policy reflects the Comprehensive Plan preferred growth scenario which calls for roughly 30% of the housing growth in the Central City, centers and corridors accommodating about 50% of new housing units, while the single-family residential areas accounting for the remaining 20% of growth. As described in the findings for Policy 3.1 and incorporated by reference here, the HRCP amendments do not significantly affect the concepts of growth focused in centers and corridors. The HRCP amendments provide historic preservation incentives that allow certain uses not otherwise allowed. These incentive options do not significantly affect the concept of focusing growth and change in corridors for several reasons. First, only those historic resources subject to historic resource review and/or Community Design Standards (Historic and Conservation Landmarks and Historic and Conservation Districts) are eligible for historic preservation incentives, with landmarks—which are spread across the city—provided with more incentive options than properties in districts—which are collections of historic resources within defined geographies. The application of these design protections on properties eligible to use incentives ensures that the scale and characteristics of the historic resource and, where applicable, surrounding district is maintained. Second, the historic preservation incentives are limited by sideboards that ensure that the uses are responsive to the uses found in the area where the historic resource is located. For historic resources in residentially zoned districts, this includes limitations on the amount of floor area that can be put into non-residential uses and minimums on the amount of housing that must be retained. For landmarks, in addition to the stipulations for properties in residentially zoned districts, certain adaptive reuse proposals require historic preservation incentive review. Historic preservation incentive review ensures public involvement in adaptive reuse proposals and criteria that requires consideration of neighborhood plans and/or the characteristics of certain zones. Finally, and importantly, providing incentives increases the potential for historic resources to be preserved and rehabilitated, ensuring that the scale and characteristics of those resources is protected. Therefore, the HRCP amendments are consistent with this policy.

Policy 3.3. Equitable development. Guide development, growth, and public facility investment to reduce disparities, ensure equitable access to opportunities, and produce positive outcomes for all Portlanders.

3.3.a. Anticipate, avoid, reduce, and mitigate negative public facility and development impacts, especially where those impacts inequitably burden communities of color, under-served and under-represented communities, and other vulnerable populations.

75. Finding: The Comprehensive Plan defines ‘public facility’ as “Any facility, including buildings, property, and capital assets, that is owned, leased, or otherwise operated, or funded by a governmental body or public entity. Examples of public facilities include sewage treatment and collection facilities, stormwater and flood management facilities, water supply and distribution facilities, streets, and other transportation assets, parks, and public buildings.” City Council interprets this policy as calling for the City to identify and mitigate potential impacts, including displacement risks, associated with major public facility improvements (such as the citing of a waste treatment facility, roadway interchange or other major capital asset, as well as local improvement districts where numbers of properties would be simultaneously affected both by assessments as well as physical changes to the condition of area infrastructure). While specific development may be required to improve the condition of infrastructure to support the proposed development, Council does not find that public facilities that are required in association with a specific site development (such as street frontage improvements or upsizing infrastructure to meet

the demands of the specific development) will have negative impacts to surrounding properties or residents. The HRCF amendments do not include any new major public facilities.

3.3.b. Make needed investments in areas that are deficient in public facilities to reduce disparities and increase equity. Accompany these investments with proactive measures to avoid displacement and increase affordable housing.

76. Finding: Major investments in deficient public facility areas are outlined in the list of Significant Projects in the CSP. The HRCF amendments affect Zoning Code regulations and do not include specific investments. Therefore, this policy is not applicable.

3.3.c. Encourage use of community benefit agreements to ensure equitable outcomes from development projects that benefit from public facility investments, increased development allowances, or public financial assistance. Consider community benefit agreements as a tool to mitigate displacement and housing affordability impacts.

77. Finding: The HRCF amendments do not impact the City's ability to use community benefit agreements or to encourage developers to engage directly with impacted communities. Therefore, this policy is not applicable.

3.3.d. Incorporate requirements into the Zoning Code to provide public and community benefits as a condition of development projects to receive increased development allowances.

78. Finding: The HRCF amendments are text changes to the Zoning Code pertaining to the identification, designation, protection, and use of historic resources. Historic resources, including their protection and use, provide benefits to the broad public, specific communities, tenants, and owners. In the case of Historic and Conservation Landmarks and Historic and Conservation Districts, alterations, additions, and new construction are subject to historic resource review and/or the Community Design Standards. These design protections ensure the long-term preservation of historic resource, thereby providing benefit to the broad public, surrounding community, members of specific communities, and neighboring property owners and tenants.

Historic, Conservation, and National Register Landmarks and contributing resources in Historic, Conservation, and National Register Districts are subject to demolition review. Demolition review protects historic resources from loss and, when demolition is appropriate, provides alternatives for mitigating public and community benefits. There are several approval criteria for demolition review, scaled based on the type of historic resource (i.e. there are fewer approval criteria that may be met for Historic Landmarks than there are for Conservation or National Register Landmarks). Demolition review can result in approval, approval with conditions, or denial. The HRCF amendments extend demolition review to City Historic Landmarks, Conservation Landmarks, and contributing resources in Conservation Districts. In certain zones, approval of demolition through review allows for development bonuses to be accessed on the site. Specific to Conservation and National Register Districts, a new demolition review approval criterion provides options for mitigating the loss of a contributing resource through mitigation "to enhance, preserve, or restore the archaeological, architectural, cultural, or historic significance or integrity of the district." Therefore, the HRCF amendments are consistent with this policy.

3.3.e. When private property value is increased by public plans and investments, require development to address or mitigate displacement impacts and impacts on housing affordability, in ways that are related and roughly proportional to these impacts.

3.3.f. Coordinate housing, economic development, and public facility plans and investments to create an integrated community development approach to restore communities impacted by past

decisions.

79. Finding: The HRCP amendments affect Zoning Code regulations and do not include public facility plans or investments. Therefore, these policies are not applicable.

3.3.g. Encourage developers to engage directly with a broad range of impacted communities to identify potential impacts to private development projects, develop mitigation measures, and provide community benefits to address adverse impacts.

80. Finding: Certain development proposals affecting Historic, Conservation, and National Register Landmarks and contributing resources in Historic, Conservation, and National Register Districts are subject to the historic resource reviews provided in chapter 33.846 of the Zoning Code. These reviews include historic preservation incentive review for major adaptive reuse proposals, historic resource review for alteration, addition, new construction, or relocation proposals, and demolition review for proposals to demolish a landmark or contributing resource. Notice of the reviews are provided and public feedback is invited by the decision-maker. As described in the findings for policy 3.3d and incorporated by reference here, demolition review allows for mitigation measures to address the adverse impact of demolition. Additionally, for undesignated Significant Resources on the Historic Resource Inventory, demolition delay provides notice and opportunity for impacted communities to engage with a developer during the required 120-day delay prior to issuance of a demolition permit. Therefore, the HRCP amendments are consistent with this policy.

Policy 3.4. All ages and abilities. Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.

81. Finding: The City Council interprets this policy to be focused on creating a supportive built environment for children, the elderly, and people with disabilities. The HRCP amendments provide new procedures and criteria for identifying and designating historic resources, allowing for and prioritizing future historic resource designations that reflect underrepresented histories, cultures, and geographies. The HRCP amendments change exemptions, thresholds, and approval criteria for historic resource review for designated landmarks and districts. To support a built environment for people of all ages and abilities, certain accessibility improvements are exempt from review and, for those that are not exempt, a less costly review procedure type is available for consideration of the alterations. These changes allow accessibility upgrades to be conducted easier and less costly. Additionally, where historic resource incentives allow for limited commercial uses in residential zones, those commercial uses must be “open to people under the age of 18 during all operating hours” to ensure access by people of all ages and abilities. Therefore, the HRCP amendments are consistent with this policy.

Policy 3.5. Energy and resource efficiency. Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.

82. Finding: The HRCP amendments include new exemptions from historic resource review for certain solar energy systems, electric vehicle charging outlets, and detached accessory structures. Additionally, the HRCP amendments eliminate parking requirements for all Historic, Conservation, and National Register Landmarks and Districts. Finally, allowing historic preservation incentives for the continued use and adaptive reuse of historic resources encourages retention of embodied energy and the efficient use of existing buildings. Therefore, the HRCP amendments are consistent with this policy.

Policy 3.6. Land efficiency. Provide strategic investments and incentives to leverage infill, redevelopment, and promote intensification of scarce urban land while protecting environmental

quality.

83. Finding: The HRCP amendments do not change the Zoning Map, but changes to the Zoning Code encourage the continued use and adaptive reuse of historic resources. Specifically, the historic resource incentives provided in Chapter 33.445 allow for certain historic resources and certain associated new construction to be used more intensively than otherwise allowed. For example, for historic resources in residential zones, additional housing types are allowed to promote the preservation, rehabilitation, and use of existing buildings. These additional uses provide economic options to property owners, flexibility and opportunities for tenants, and broader public access to historic resources. Additionally, the HRCP amendments exempt most detached accessory structures from demolition review and exempt certain new detached accessory structures from historic resource review, thereby encouraging and streamlining the production of accessory dwelling units and other housing options in residential zones. Therefore, the HRCP amendments are consistent with this policy.

Policy 3.7. Integrate nature. Integrate nature and use green infrastructure throughout Portland.

84. Finding: The HRCP amendments concern the identification, designation, protection, and reuse of historic resources. Specific to nature, most landscaping is exempt from historic resource review to allow property owners and tenants flexibility in fostering nature on historic resource sites. Additionally, the definition of “historic resource” is amended to include “landscape” and “tree” as possible historic resources. Therefore, the HRCP amendments are consistent with this policy.

Policy 3.8. Leadership and innovation in design. Encourage high-performance design and development that demonstrates Portland’s leadership in the design of the built environment, commitment to a more equitable city, and ability to experiment and generate innovative design solutions.

85. Finding: The HRCP amendments provide for three levels of protection for landmarks and districts—Historic, Conservation, and National Register—based on the significance of a specific resource and the appropriateness of protecting that resource. Allowing for a menu of protection options provides a spectrum of opportunities for preservation and innovation while still protecting—at varying levels—important historic resources. The hierarchy of historic resource protections especially allows for experimentation and innovation for resources in the National Register and Conservation levels in regards to alterations, additions, and new construction. New and expanded exemptions for all landmarks and districts and, for Conservation Landmarks specifically, new approval criteria provide options for design flexibility. Additionally, historic preservation incentives allow for and encourage adaptive reuse opportunities that allow the use of historic resources to evolve to meet the changing needs of Portlanders. Therefore, the HRCP amendments are consistent with this policy.

Policy 3.9. Growth and development. Evaluate the potential impacts of planning and investment decisions, significant new infrastructure, and significant new development on the physical characteristics of neighborhoods and their residents, particularly under-served and under-represented communities, with attention to displacement and affordability impacts. Identify and implement strategies to mitigate the anticipated impacts.

86. Finding: The HRCP amendments make changes to the Zoning Code concerning the identification, designation, protection, and use of historic resources. The HRCP amendments pertaining to designation—and removal of designation—ensure that impacts of designations are considered either through historic designation review, historic designation removal review, or a legislative procedure to designate a resource or remove a resource’s existing designation. Under either the quasi-judicial designation or designation removal review or the legislative designation or

designation removal process, impacts of the designation will be evaluated. Specific to the designation, removal, or change of Historic or Conservation District designation, the requirement for a joint hearing of the Planning and Sustainability and Historic Landmarks Commissions ensures that consideration is given to both the historical merits and appropriate level of protection for the resource, informed by the significance and integrity of the resource and the goals and policies of the Comprehensive Plan. Furthermore, as described in the findings for the equity guiding principle and policy 3.3d, demolition review provides opportunities to evaluate and mitigate impacts associated with demolition or landmarks and contributing resources in districts. Because the approval criteria for demolition review address the goals and policies of the Comprehensive Plan and, for resources zoned single-dwelling in National Register Districts, housing available at 60-percent median family income, the HRCF amendments give attention to displacement and affordability in the review of demolition of landmarks and contributing resources in districts. Therefore, the HRCF amendments are consistent with this policy.

Policy 3.10. Rural, urbanizable, and urban land. Preserve the rural character of rural land outside the Regional Urban Growth Boundary. Limit urban development of urbanizable land beyond the City Limits until it is annexed, and full urban services are extended.

87. Finding: The HRCF amendments do not affect rural land outside the UGB. Therefore, this policy does not apply.

Policy 3.11. Significant places. Enhance and celebrate significant places throughout Portland with symbolic features or iconic structures that reinforce local identity, histories, and cultures and contribute to way-finding throughout the city. Consider these especially at:

- High-visibility intersections
- Attractions
- Schools, libraries, parks, and other civic places
- Bridges
- Rivers
- Viewpoints and view corridor locations
- Historically or culturally significant places
- Connections to volcanic buttes and other geologic and natural landscape features
- Neighborhood boundaries and transitions

88. Finding: City Council interprets this policy as applying to prominent specific places, features and iconic structures. The HRCF amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. However, the HRCF amendments provide new procedures and approval criteria for identifying Significant Resources and designating Historic and Conservation Landmarks and Districts. Significant Resources, landmarks, and districts are important places that have archaeological, architectural, cultural, and/or historical significance to specific communities and the city broadly. Identification and designation of these places celebrate their importance. Protection of historic resources, including but not limited to historic resource review and demolition review, further enhances and celebrates these significant places. Therefore, the HRCF amendments are consistent with this policy.

Centers

Policy 3.12. Role of centers. Enhance centers as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces.

Policy 3.13. Variety of centers. Plan for a range of centers across the city to enhance local, equitable access to services, and expand housing opportunities.

Policy 3.14. Housing in centers. Provide housing capacity for enough population to support a broad range of commercial services, focusing higher-density housing within a half-mile of the center core.

Policy 3.15. Investments in centers. Encourage public and private investment in infrastructure, economic development, and community services in centers to ensure that all centers will support the populations they serve.

Policy 3.16. Government services. Encourage the placement of services in centers, including schools and colleges, health services, community centers, daycare, parks and plazas, library services, and justice services.

Policy 3.17. Arts and culture. Ensure that land use plans and infrastructure investments allow for and incorporate arts, culture, and performance arts as central components of centers.

Policy 3.18. Accessibility. Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.

Policy 3.19. Center connections. Connect centers to each other and to other key local and regional destinations, such as schools, parks, and employment areas, by frequent and convenient transit, bicycle sharing, bicycle routes, pedestrian trails and sidewalks, and electric vehicle charging stations.

Policy 3.20. Green infrastructure in centers. Integrate nature and green infrastructure into centers and enhance public views and connections to the surrounding natural features.

89. Finding Policies 3.12 through 3.20 provide guidance on how centers identified on the Comprehensive Plan map should evolve over time. The policies address investments, uses, the relationship of centers to transportation networks, design, and development. City Council interprets most of these policies as applying to the commercial/mixed use and multi-dwelling zones within the mapped boundaries of centers. The exception to this is policy 3.14, which calls for providing housing capacity within a half-mile of center cores to provide population to support services in centers. The HRCF amendments do not directly affect planned investments in centers, or any of the ways centers are connected to the rest of the City. Additionally, the HRCF amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. The HRCF amendments revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. Therefore, the HRCF amendments are consistent with this policy.

Central City

Policy 3.21. Role of the Central City. Encourage continued growth and investment in the Central City, and recognize its unique role as the region's premier center for jobs, services, and civic and cultural institutions that support the entire city and region.

Policy 3.22. Model Urban Center. Promote the Central City as a living laboratory that demonstrates how the design and function of a dense urban center can concurrently provide equitable benefits to human health, the natural environment, and the local economy.

Policy 3.23. Central City employment. Encourage the growth of the Central City's regional share of employment and continue its growth as the region's unique center for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

Policy 3.24. Central City housing. Encourage the growth of the Central City as Portland's and the region's largest center with the highest concentrations of housing and with a diversity of housing options and services.

Policy 3.25. Transportation hub. Enhance the Central City as the region's multimodal transportation hub and optimize regional access as well as the movement of people and goods among key destinations.

Policy 3.26. Public places. Promote public places and the Willamette River waterfront in the Central City as places of business and social activity and gathering for the people of its districts and the broader region.

90. Finding: The HRCP amendments apply citywide. Historic resources are often distinct buildings and areas that encourage social activity and gathering due to their age, design details, and/or cultural importance. The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. However, the HRCP amendments support policies for the Central City by reducing barriers to transfer of floor area through the Central City historic resource FAR transfer provisions. This change eliminates a covenant requirement for the historic resource (sending site) that is redundant with regulations in the Zoning Code. Additionally, new exemptions from historic resource review provide opportunities for historic resource owners and tenants to make certain minor changes to historic resources to facilitate routine exterior improvements—such as exempting new signs from historic resource review—that support retail, office, and residential uses, as well as allow for certain solar energy installations and system upgrades. Therefore, the HRCP amendments are consistent with these policies.

Gateway Regional Center

Policy 3.27 Role of Gateway. Encourage growth and investment in Gateway to enhance its role as East Portland's center of employment, commercial, and public services.

Policy 3.28 Housing. Encourage housing in Gateway, to create East Portland's largest concentration of high-density housing.

Policy 3.29 Transportation. Enhance Gateway's role as a regional high-capacity transit hub that serves as an anchor for East Portland's multimodal transportation system.

Policy 3.30 Public places. Enhance the public realm and public places in Gateway to provide a vibrant and attractive setting for business and social activity that serves East Portland residents and the region.

91. Finding: Policies 3.27 through 3.30 provide direction on the desired characteristics and functions of the Gateway Regional Center. The HRCP amendments do not change the boundary of the Gateway Regional Center on the Urban Design Framework. The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. The HRCP amendments support the policies for the Gateway Regional Center by codifying new exemptions from historic resource review to provide

opportunities for historic resource owners and tenants to make certain minor changes to historic resources to facilitate routine exterior improvements supporting retail, office, and residential uses, as well as allow for certain solar energy installations and system upgrades. Although there are currently no designated landmarks or districts in Gateway, these code amendments will apply to historic resources in Gateway that may be designated in the future. Therefore, the HRCP amendments are consistent with these policies.

Town Centers

Policy 3.31 Role of Town Centers. Enhance Town Centers as successful places that serve the needs of surrounding neighborhoods as well as a wider area, and contain higher concentrations of employment, institutions, commercial and community services, and a wide range of housing options.

Policy 3.32 Housing. Provide for a wide range of housing types in Town Centers, which are intended to generally be larger in scale than the surrounding residential areas. There should be sufficient zoning capacity within a half-mile walking distance of a Town Center to accommodate 7,000 households.

Policy 3.33 Transportation. Improve Town Centers as multimodal transportation hubs that optimize access from the broad area of the city they serve and are linked to the region's high-capacity transit system.

Policy 3.34 Public places. Provide parks or public squares within or near Town Centers to support their roles as places of focused business and social activity.

92. Finding: Policies 3.31 through 3.34 provide the direction and function for Town Centers. The HRCP amendments do not change the boundary of any of the Town Centers on the Urban Design Framework. These policies are principally targeted at multi-dwelling and mixed-use zones. They address the types of uses that are expected in Town Centers, the intensity of housing, the presence of multimodal transportation options, and the need for public spaces. The HRCP amendments do amend existing regulations intended to implement Town Center policies and do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. The HRCP amendments support the policies 3.31 and 3.32 by codifying new exemptions from historic resource review to provide opportunities for historic resource owners and tenants to make certain minor changes to historic resources to facilitate routine exterior improvements supporting retail, office, and residential uses, as well as allow for certain solar energy installations and system upgrades. Additionally, the HRCP amendments provide new criteria and procedures for designating landmarks and districts in the future, allowing additional opportunities for owners and tenants in Town Centers to incorporate historic preservation into the growth vision for these places. The HRCP project does not propose new transportation facilities or new public spaces, or include any policies or regulations that would impact the feasibility of such facilities in Town Centers. Therefore, policies 3.33 and 3.34 are not applicable.

Neighborhood Centers

Policy 3.35 Role of Neighborhood Centers. Enhance Neighborhood Centers as successful places that serve the needs of surrounding neighborhoods. In Neighborhood Centers, provide for higher concentrations of development, employment, commercial and community services, and a wider range of housing options than the surrounding neighborhoods.

Policy 3.36 Housing. Provide for a wide range of housing types in Neighborhood Centers, which are intended to generally be larger in scale than the surrounding residential areas, but smaller than Town

Centers. There should be sufficient zoning capacity within a half-mile walking distance of a Neighborhood Center to accommodate 3,500 households.

Policy 3.37 Transportation. Design Neighborhood Centers as multimodal transportation hubs that are served by frequent-service transit and optimize pedestrian and bicycle access from adjacent neighborhoods.

Policy 3.38 Public places. Provide small parks or plazas within or near Neighborhood Centers to support their roles as places of local activity and gathering.

93. Finding: Policies 3.35 through 3.38 provide direction on the desired characteristics and functions of neighborhood centers. These policies are principally targeted at multi-dwelling and mixed-use zones. They address the types of uses that are expected in Neighborhood Centers, the intensity of housing, the presence of multimodal transportation options, and the need for public spaces.

The HRCP amendments do not change the neighborhood center boundaries on the Urban Design Framework. The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. As described for the Town Center policies and incorporated by reference here, the HRCP amendments support Neighborhood Centers by codifying new exemptions from historic resource review to provide opportunities for historic resource owners and tenants to make certain minor changes to historic resources to facilitate routine exterior improvements supporting retail, office, and residential uses, as well as allow for certain solar energy installations and system upgrades. Additionally, the HRCP amendments provide new criteria and procedures for designating landmarks and districts in the future, allowing additional opportunities for owners and tenants in Neighborhood Centers to incorporate historic preservation into the growth vision for these places. Therefore, the HRCP amendments are consistent with policies 3.35 and 3.36.

The HRCP project does not propose new transportation facilities or new public spaces or include any policies or regulations that would impact the feasibility of such facilities in Neighborhood Centers. Policies 3.37 and 3.38 are therefore not applicable.

Inner Ring Districts

Policy 3.39 Growth. Expand the range of housing and employment opportunities in the Inner Ring Districts. Emphasize growth that replaces gaps in the historic urban fabric, such as redevelopment of surface parking lots and 20th century auto-oriented development.

Policy 3.40 Corridors. Guide growth in corridors to transition to mid-rise scale close to the Central City, especially along Civic Corridors.

Policy 3.41 Distinct identities. Maintain and enhance the distinct identities of the Inner Ring Districts and their corridors. Use and expand existing historic preservation and design review tools to accommodate growth in ways that identify and preserve historic resources and enhance the distinctive characteristics of the Inner Ring Districts, especially in areas experiencing significant development.

Policy 3.42 Diverse residential areas. Provide a diversity of housing opportunities in the Inner Ring Districts' residential areas. Encourage approaches that preserve or are compatible with existing historic properties in these areas. Acknowledge that these areas are historic assets and should retain their established characteristics and development patterns, even as Inner Ring centers and corridors grow. Apply base zones in a manner that takes historic character and adopted design guidelines into account.

Policy 3.43 Active transportation. Enhance the role of the Inner Ring Districts' extensive transit, bicycle,

and pedestrian networks in conjunction with land uses that optimize the ability for more people to utilize this network. Improve the safety of pedestrian and bike connections to the Central City. Strengthen transit connections between the Inner Ring Districts and to the Central City.

94. Findings: Policies 3.39 through 3.43 provide direction on the desired characteristics and functions of the Inner Ring Districts. These are the pre-automobile neighborhoods within short distance of the Central City. They include some of Portland's oldest neighborhoods, including Buckman, Albina, and Northwest Portland. In the mid-20th-century many older buildings in these neighborhoods were demolished to make way for transportation infrastructure and parking. These policies encourage infill development to re-establish the historic pedestrian-oriented urban form and acknowledge the close proximity of the Central City's array of services, jobs, and amenities. In the Urban Form Background Report with the 2035 Comprehensive Plan, the Inner Ring was described as having a consistent pattern of rectilinear blocks, typically 200'-deep; streets with sidewalks, planting strips, and street trees; a fine-grain pattern of development, based on lots commonly 50' x 100' street-oriented buildings; and a green-edge of front setbacks. The report noted several particularly distinctive places with unique street patterns, including Ladd's Addition, Laurelhurst, Alameda, and Woodlawn. Each of these areas include designated historic resources.

The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. The HRCP project is consistent with these policies because the amendments provide for the identification, designation, protection, and use of historic resources. Many inventoried and designated historic resources are located within Inner Ring Districts, including Historic and Conservation Districts such as Ladd's Addition, Laurelhurst, Irvington, Piedmont, Woodlawn, and individual Historic and Conservation Landmarks such as Bagdad Theater, Lone Fir Cemetery, Lindquest Apartments, and the Otto and Verdell Rutherford House. Specifically, the HRCP amendments provide new criteria and procedures for designating landmarks and districts in the future, allowing additional opportunities for owners and tenants in Inner Ring to incorporate historic preservation into the growth, preservation, and adaptation vision for these places. The HRCP amendments apply demolition review to all landmarks and contributing resources in districts to ensure historic resources are protected from loss without a hearings process to evaluate the merits of proposed demolition. In addition to demolition review, historic preservation incentives encourage the preservation, rehabilitation, and reuse of historic resources, including as housing types not otherwise allowed in residential zones. The HRCP amendments eliminate parking requirements for all landmarks and districts, allowing historic resources to be restored to their pre-automobile designs and allowing infill to respond to the pre-automobile context of inner ring districts. Therefore, the amendments are consistent with these policies.

Corridors

Policy 3.44. Growth and mobility. Coordinate transportation and land use strategies along corridors to accommodate growth and mobility needs for people of all ages and abilities.

Policy 3.45. Connections. Improve corridors as multimodal connections providing transit, pedestrian, bicycle, and motor vehicle access and that serve the freight needs of centers and neighborhood business districts.

Policy 3.46. Design. Encourage street design that balances the important transportation functions of corridors with their roles as the setting for commercial activity and residential living.

Policy 3.47. Green infrastructure in corridors. Enhance corridors with distinctive green infrastructure,

including landscaped stormwater facilities, extensive tree plantings, and other landscaping that both provide environmental function and contribute to a quality pedestrian environment.

95. Finding: Policies 3.44 through 3.47 provide direction on the desired characteristics and functions of corridors as well as street design and future land use changes. Corridors are defined as part of the City's Urban Design Framework in Figure 3-2 of the Comprehensive Plan. The HRCF amendments do not change the location of adopted corridors, impact transportation facility design or green infrastructure programs, or amend the TSP. The HRCF amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. As described for the Town Center, Neighborhood Center, and Inner Ring Districts policies, the HRCF amendments support Corridors by codifying new exemptions from historic resource review to provide opportunities for historic resource owners and tenants to make certain minor changes to historic resources to facilitate routine exterior improvements supporting retail, office, and residential uses, as well as allow for certain solar energy installations, landscaping, and system upgrades to be performed without triggering historic resource review. Additionally, the HRCF amendments provide new criteria and procedures for designating landmarks and districts in the future, allowing additional opportunities for owners and tenants in Corridors to incorporate historic preservation into the design vision for these places. Therefore, the amendments are consistent with these policies.

Civic Corridors

Policy 3.48. Integrated land use and mobility. Enhance Civic Corridors as distinctive places that are models of ecological urban design, with transit-supportive densities of housing and employment, prominent street trees and other green features, and high-quality transit service and pedestrian and bicycle facilities.

Policy 3.49. Design great places. Improve public streets and sidewalks along Civic Corridors to support the vitality of business districts, create distinctive places, provide a safe, healthy, and attractive pedestrian environment, and contribute to quality living environments for residents.

Policy 3.50. Mobility corridors. Improve Civic Corridors as key mobility corridors of citywide importance that accommodate all modes of transportation within their right-of-way or on nearby parallel routes.

Policy 3.51. Freight. Maintain freight mobility and access on Civic Corridors that are also Major or Priority Truck Streets.

96. Finding: Policies 3.48 through 3.51 provide direction on the desired characteristics and functions of civic corridors as well as street design and future land use changes. The HRCF amendments do not change the boundary of corridors on the Urban Design Framework, impact transportation facility design, or amend the TSP. As described in the findings above for Corridor policies, the HRCF amendments support growth and housing density along civic corridors by codifying new exemptions from historic resource review to provide opportunities for historic resource owners and tenants to make certain minor changes to historic resources to facilitate routine exterior improvements supporting retail, office, and residential uses, as well as allow for certain solar energy installations, landscaping, and system upgrades to be performed without triggering historic resource review. Additionally, the HRCF amendments provide new criteria and procedures for designating landmarks and districts in the future, allowing additional opportunities for owners and tenants in Corridors to incorporate historic preservation into the design vision for these places. Therefore, the amendments are consistent with these policies.

Neighborhood Corridors

Policy 3.52. Neighborhood Corridors. Enhance Neighborhood Corridors as important places that support vibrant neighborhood business districts with quality multi-family housing, while providing transportation connections that link neighborhoods.

97. Finding: This policy provides direction on the desired characteristics and functions of corridors as well as street design and future land use changes. The HRCP amendments do not change the boundary of neighborhood corridors on the Urban Design Framework or amend the TSP. As described in the findings above for Corridor policies, the HRCP amendments support neighborhood corridors by codifying new exemptions from historic resource review to provide opportunities for historic resource owners and tenants to make certain minor changes to historic resources to facilitate routine exterior improvements supporting retail, office, and residential uses, as well as allow for certain solar energy installations, landscaping, and system upgrades to be performed without triggering historic resource review. Additionally, the HRCP amendments provide new criteria and procedures for designating landmarks and districts in the future, allowing additional opportunities for owners and tenants in Corridors to incorporate historic preservation into the design vision for these places. Therefore, the amendments are consistent with these policies.

Transit Station Areas

Policy 3.53. Transit-oriented development. Encourage transit-oriented development and transit-supportive concentrations of housing and jobs, and multimodal connections at and adjacent to high-capacity transit stations.

Policy 3.54. Community connections. Integrate transit stations into surrounding communities and enhance pedestrian and bicycle facilities (including bike sharing) to provide safe and accessible connections to key destinations beyond the station area.

Policy 3.55. Transit station area safety. Design transit areas to improve pedestrian, bicycle, and personal safety.

Policy 3.56. Center stations. Encourage transit stations in centers to provide high density concentrations of housing and commercial uses that maximize the ability of residents to live close to both high-quality transit and commercial services.

Policy 3.57. Employment stations. Encourage concentrations of jobs and employment-focused land uses in and around stations in employment-zoned areas.

Policy 3.58. Transit neighborhood stations. Encourage concentrations of mixed-income residential development and supportive commercial services close to transit neighborhood stations. Transit neighborhood stations serve mixed-use areas that are not in major centers.

Policy 3.59. Destination stations. Enhance connections between major destinations and transit facilities and strengthen the role of these station areas as places of focused activity.

98. Finding These policies generally relate to station planning and supportive active transportation infrastructure and future land use changes. The HRCP amendments do not change the boundary of station areas on the Urban Design Framework or amend the TSP. The HRCP amendments support these policies by codifying new exemptions from historic resource review to provide opportunities for historic resource owners and tenants to make certain minor changes to historic resources to facilitate routine exterior improvements supporting retail, office, and residential

uses, as well as allow for certain solar energy installations, landscaping, and system upgrades to be performed without triggering historic resource review. Additionally, the HRCP amendments provide new criteria and procedures for designating landmarks and districts in the future, allowing additional opportunities for owners and tenants in Transit Station Areas to incorporate historic preservation into the design vision for these places. Additionally, the HRCP amendments streamline existing provisions for transferring unused floor areas from historic resources to simultaneously encourage historic preservation and growth within mixed-use, commercial, employment, and multi-dwelling zones. Therefore, the amendments are consistent with these policies.

City Greenways

Policy 3.60. Connections. Create a network of distinctive and attractive City Greenways that link centers, parks, schools, rivers, natural areas, and other key community destinations.

Policy 3.61. Integrated system. Create an integrated City Greenways system that includes regional trails through natural areas and along Portland's rivers, connected to neighborhood greenways, and heritage parkways.

Policy 3.62. Multiple benefits. Design City Greenways that provide multiple benefits that contribute to Portland's pedestrian, bicycle, green infrastructure, and parks and open space systems.

Policy 3.63. Design. Use design options such as distinctive street design, motor vehicle diversion, landscaping, tree plantings, scenic views, and other appropriate design options, to create City Greenways that extend the experience of open spaces and nature into neighborhoods, while improving stormwater management and calming traffic.

99. Finding: These policies primarily relate to the design and construction of improvements for City Greenways and not to the development requirements for lots that abut them. Therefore, these policies do not apply.

Urban habitat corridors

Policy 3.64. Urban habitat corridors. Establish a system of connected, well-functioning, and diverse habitat corridors that link habitats in Portland and the region, facilitate safe fish and wildlife access and movement through and between habitat areas, enhance the quality and connectivity of existing habitat corridors, and establish new habitat corridors in developed areas.

Policy 3.65. Habitat connection tools. Improve habitat corridors using a mix of tools including natural resource protection, property acquisition, natural resource restoration, tree planting and landscaping with native plants, and ecological design integrated with new development.

Policy 3.66. Connect habitat corridors. Ensure that planned connections between habitat corridors, greenways, and trails are located and designed to support the functions of each element, and create positive interrelationships between the elements, while also protecting habitat functions, fish, and wildlife.

100. Finding: Habitat corridors are mapped on Figure 3-6 of the Comprehensive Plan. The City has an adopted Natural Resources Inventory (NRI) that provides a basis for establishing future habitat corridors and enhancing connectivity. The City's environmental overlay zone regulations are the implementing regulatory tools to preserve natural resources and their ecosystem services, particularly in relationship habitat areas. The HRCP amendments do not amend either the NRI or the existing environmental zone regulations. Habitat corridors also include tree canopy. The HRCP

amendments do not change Title 11 tree preservation and tree density requirements that apply in development situations. Therefore, these policies are not applicable.

Employment areas

Policy 3.67. Employment area geographies. Consider the land development and transportation needs of Portland’s employment geographies when creating and amending land use plans and making infrastructure investments.

101. Finding: The Comprehensive Plan defines Consider as “take into account when planning or making decisions”. Comprehensive Plan Figure 3-7 identifies four employment area geographies – Central City, industrial/employment, commercial, and institutional. With only a few exceptions, the HRCP amendments do not change the use allowances of the employment area zones. The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. The HRCP amendments provide additional opportunities for the use of historic resources in employment geographies because the amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Specifically, these changes increase the list of exemptions from historic resource review—such as allowing for certain signs, solar energy systems, and mechanical units—allowing for routine changes to be executed without review. Additionally, new historic preservation incentives allow for expanded use flexibility, encouraging historic resources to be more intensively adaptively reused in certain zones, excluding properties in the Prime Industrial overlay. Finally, the HRCP amendments streamline existing floor area transfer provisions, simultaneously supporting historic preservation and development that utilizes transferred FAR from historic resource sites. Therefore, the amendments are consistent with this policy.

Policy 3.68. Regional Truck Corridors. Enhance designated streets to accommodate forecast freight growth and support intensified industrial use in nearby freight districts. *See Figure 3-7 – Employment Areas.* Designated regional truckways and priority truck streets (Transportation System Plan classifications are shown to illustrate this network).

102. Finding: The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The City Council interprets this policy to acknowledge the role that regional truck corridors play in our transportation system and to take steps to improve those functions. Portland’s approach to regional truck corridors is unchanged because the HRCP amendments do not amend the Citywide System Plan or the Transportation System Plan; and do not impact employment land other than as described in the findings for Policy 3.67. Therefore, the City continues to plan for public infrastructure investments to maintain and strengthen the regional truck corridors in the employment areas.

Rivers Pattern Area

Policy 3.69. Historic and multi-cultural significance. Recognize, restore, and protect the historic and multi-cultural significance of the Willamette and Columbia Rivers, including current activities such as subsistence fishing of legally-permitted fish species.

Policy 3.70. River transportation. Recognize and enhance the roles of the Willamette and Columbia rivers as part of Portland’s historic, current, and future transportation infrastructure, including for freight, commerce, commuting, and other public and private transportation functions.

Policy 3.71. Recreation. Improve conditions along and within the Willamette and Columbia rivers to accommodate a diverse mix of recreational users and activities. Designate and invest in strategically-located sites along the length of Portland’s riverfronts for passive or active recreation activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

Policy 3.72 Industry and port facilities. Enhance the regionally significant economic infrastructure that includes Oregon’s largest seaport and largest airport, unique multimodal freight, rail, and harbor access; the region’s critical energy hub; and proximity to anchor manufacturing and distribution facilities.

Policy 3.73. Habitat. Enhance the roles of the Willamette and Columbia rivers and their confluence as an ecological hub that provides locally and regionally significant habitat for fish and wildlife and habitat restoration opportunities.

Policy 3.74. Commercial activities. Enhance the roles of the Willamette and Columbia rivers in supporting local and regional business and commerce, including commercial fishing, tourism, recreation, and leisure.

Policy 3.75. River neighborhoods. Enhance the strong river orientation of residential areas that are located along the Willamette and Columbia Rivers.

Policy 3.76. River access. Enhance and complete Portland’s system of river access points and riverside trails, including the Willamette Greenway Trail, and strengthen active transportation connections between neighborhoods and the rivers.

Policy 3.77. River management and coordination. Coordinate with federal, state, regional, special districts, and other agencies to address issues of mutual interest and concern, including economic development, recreation, water transportation, flood and floodplain management and protection, regulatory compliance, permitting, emergency management, endangered species recovery, climate change preparation, Portland Harbor Superfund, brownfield cleanup, and habitat restoration.

Policy 3.78 Columbia River. Enhance the role of the Columbia River for river dependent industry, fish and wildlife habitat, subsistence and commercial fisheries, floating- and land-based neighborhoods, recreational uses, and water transportation.

Policy 3.79 Willamette River North Reach. Enhance the role of the Willamette River North Reach for river dependent industry, fish and wildlife habitat, and as an amenity for riverfront neighborhoods and recreational users.

Policy 3.80. Willamette River Central Reach. Enhance the role of the Willamette River Central Reach as the Central City and region’s primary riverfront destination for recreation, history and culture, emergency response, water transportation, and as habitat for fish and wildlife.

Policy 3.81 Willamette River South Reach. Enhance the role of the Willamette River South Reach as fish and wildlife habitat, a place to recreate, and as an amenity for riverfront neighborhoods and others.

Policy 3.82. Willamette River Greenway. Maintain multi-objective plans and regulations to guide development, infrastructure investments, and natural resource protection and enhancement within and along the Willamette Greenway.

103. Finding: Policies 3.69 through 3.82 provide direction on the desired characteristics and functions of the Rivers Pattern Area, which includes areas along the Willamette and Columbia Rivers. The HRCF amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. A number of

designated Historic Landmarks are located in, over, and adjacent to the Willamette and Columbia Rivers, including historic resources such as the USS Blueback, Burnside Bridge, Albers Brothers Milling Company, and the Raymond & Catherine Fisher House. The presence of these landmarks, each of which are subject to historic resource regulations, support the historic and multicultural significance of the two rivers. Much of the land within the Rivers Pattern Area overlaps with the industrial/employment areas, which are addressed in the findings for Policy 3.67. As described in those findings and incorporated by reference here, these areas are not significantly affected by the HRCP amendments. Therefore, the HRCP amendments are consistent with these policies because none of the amendments negatively affect the desired characteristics and functions of the Rivers Pattern Area.

Central City Pattern Area

Policy 3.83. Central City districts. Enhance the distinct identities of the Central City's districts.

Policy 3.84. Central City river orientation. Enhance and strengthen access and orientation to the Willamette River in the Central City and increase river-focused activities.

Policy 3.85. Central City pedestrian system. Maintain and expand the Central City's highly interconnected pedestrian system.

Policy 3.86. Central City bicycle system. Expand and improve the Central City's bicycle system.

104. Finding: Policies 3.83 through 3.86 provide direction on the desired characteristics and functions of the Central City Pattern Area. As described in the findings for policies 3.21 through 3.26 and incorporated by reference here, the HRCP amendments support the Central City Pattern Area. The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. The Central City Contains Historic, Conservation, and National Register Landmarks and Districts. Central City Historic and Conservation Districts are distinct from other areas of the Central City and convey distinct architectural and cultural identities that support the Central City as a whole. Central City Historic and Conservation Districts include, but are not limited to, the NW 13th Avenue Historic District, New Chinatown/Japantown Historic District, Skidmore/Old Town Historic District, Yamhill Historic District, Halprin Open Space Historic District, Russell Street Conservation District, and East Portland/Grand Avenue Historic District. Therefore, the amendments are consistent with these policies.

Inner Neighborhoods Pattern Area

Policy 3.87 Inner Neighborhoods main streets. Maintain and enhance the Streetcar Era pattern of street-oriented buildings along Civic and Neighborhood corridors.

Policy 3.88 Inner Neighborhoods street patterns. Preserve the area's urban fabric of compact blocks and its highly interconnected grid of streets.

Policy 3.89 Inner Neighborhoods infill. Fill gaps in the urban fabric through infill development on vacant and underutilized sites and in the reuse of historic buildings on adopted inventories.

Policy 3.90 Inner Neighborhoods active transportation. Use the extensive street, sidewalk, and bikeway system and multiple connections to the Central City as a key part of Portland's active transportation system

Policy 3.91 Inner Neighborhoods residential areas. Continue the patterns of small, connected blocks,

regular lot patterns, and streets lined by planting strips and street trees in Inner Neighborhood residential areas.

105. Finding: Policies 3.87 through 3.91 provide direction on the desired characteristics and functions of the Inner Neighborhoods Pattern Area. The Inner Neighborhoods were developed and shaped during the Streetcar Era of the late 19th and early 20th centuries. The Inner Neighborhoods are characterized by a regular pattern of neighborhood business districts located along former streetcar streets interspersed with residential areas. These policies express the overall design approach in Inner Neighborhoods. They address block patterns, infill development, building orientation and design, and active transportation. As described in the findings for policies 3.39 through 3.43 and incorporated by reference here, the HRCP amendments support the Inner Neighborhood Pattern Area. The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. A significant number of historic resources—including Historic, Conservation, and National Register Landmarks and Districts are located in the Inner Neighborhood Pattern Area. Many of these historic resources convey the Streetcar Era development patterns, including street-oriented buildings on corridors and block and lot patterns that were designed and built to foster pre-automobile walkability. Therefore, the amendments are consistent with these policies. The HRCP amendments support maintenance, preservation, and enhancement of these historic resources by clarifying and streamlining exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Specifically, the HRCP amendments apply demolition review to City-designated landmarks and contributing resources in Conservation Districts to ensure that important historic resources conveying the Streetcar Era history is preserved and that historic resources are retained for future adaptive reuse. The HRCP amendments also expand preservation incentives available to historic resources, better allowing those resources to be adapted to new uses. Finally, the HRCP amendments support infill of vacant and underutilized sites in Historic Districts by allowing, as a preservation incentive, additional housing types to be developed in new construction and conversion of existing buildings. Therefore, the amendments are consistent with these policies.

Eastern Neighborhoods Pattern Area

Policy 3.92 Eastern Neighborhoods street, block, and lot pattern. Guide the evolving street and block system in the Eastern Neighborhoods in ways that build on positive aspects of the area's large blocks, such as opportunities to continue mid-block open space patterns and create new connections through blocks that make it easier to access community destinations.

Policy 3.93 Eastern Neighborhoods site development. Require that land be aggregated into larger sites before land divisions and other redevelopment occurs. Require site plans which advance design and street connectivity goals.

Policy 3.94 Eastern Neighborhoods trees and natural features. Encourage development and right-of-way design that preserves and incorporates Douglas fir trees and groves, and that protects the area's streams, forests, wetlands, steep slopes, and buttes.

Policy 3.95 Eastern Neighborhoods buttes. Enhance public views of the area's skyline of buttes and stands of tall Douglas fir trees.

Policy 3.96 Eastern Neighborhoods corridor landscaping. Encourage landscaped building setbacks along residential corridors on major streets.

Policy 3.97 Eastern Neighborhoods active transportation. Enhance access to centers, employment

areas, and other community destinations in Eastern Neighborhoods by ensuring that corridors have safe and accessible pedestrian and bicycle facilities and creating additional secondary connections that provide low-stress pedestrian and bicycle access.

106. Finding: Policies 3.92 through 3.97 provide direction on the desired characteristics and functions of the Eastern Neighborhoods Pattern Area. They address street patterns, site development, natural features, and active transportation. The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map. The HRCP amendments do not affect any development standards related to street or lot patterns, connectivity, tree preservation, or landscaping. These policies do not apply.

Western Neighborhoods Pattern Area

Policy 3.98 Western Neighborhoods village character. Enhance the village character of the Western Neighborhoods' small commercial districts and increase opportunities for more people to live within walking distance of these neighborhood anchors.

Policy 3.99 Western Neighborhoods active transportation. Provide safe and accessible pedestrian and bicycle connections, as well as off-street trail connections, to and from residential neighborhoods.

Policy 3.100 Western Neighborhoods development. Encourage new development and infrastructure to be designed to minimize impacts on the area's streams, ravines, and forested slopes.

Policy 3.101 Western Neighborhoods habitat corridors. Preserve, enhance, and connect the area's network of habitat areas and corridors, streams, parks, and tree canopy.

Policy 3.102 Western Neighborhoods trails. Develop pedestrian-oriented connections and enhance the Western Neighborhoods' distinctive system of trails to increase safety, expand mobility, access to nature, and active living opportunities in the area.

107. Finding: Policies 3.98 through 3.102 provide direction on the desired characteristics and functions of the Western Neighborhoods Pattern Area. Most of these policies relate to right-of-way connections, active transportation, and trails, which are implemented by the City's street and trail programs and are not impacted by the HRCP amendments. Other policies relate to limiting impacts to the area's natural features and riparian corridors, which are implemented through the environmental zones that apply in this pattern area or through stormwater management requirements and are not being affected by the HRCP amendments. The HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts and do not include any changes to the Zoning Map.

Policy 3.98, which calls for expanding opportunities for more people to live close to the area's commercial districts, is supported by the HRCP amendments that provide additional preservation incentives for adapting Historic and Conservation Landmarks into housing types not otherwise allowed in single-dwelling residential zones. Landmarks located in single-dwelling zones in close proximity to neighborhood commercial anchors, such as the Governor Curry Residence near Hillsdale, can be adapted into multi-unit housing and/or developed with up to two accessory dwelling units through the expanded historic preservation incentives included in the HRCP amendments. Findings related to trails are found in response to Policies 8.53 through 8.60. Therefore, the HRCP amendments are consistent with these policies.

Chapter 4: Design and Development

Goal 4.A: Context-sensitive design and development. New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.

108. Finding: The Design and Development chapter focuses on the specifics of the built environment. This goal calls for the design of new development to consider and respond to the context where the development is taking place. This context includes physical characteristics, as well as the history and culture of places. Historic resources on the HRI—both those that are designated by the City or listed by the National Park Service as landmarks and districts and those that have been added to the inventory but not formally designated or listed—serve as information for understanding a property or area’s historic context and provide opportunities for adaptive reuse of existing development. Although the HRCP amendments do not designate or remove any Historic, Conservation, or National Register Landmarks or Districts or amend the Zoning Map, the HRI provides an informational resource for development teams. Specific to resources that have been designated as Historic, Conservation, or National Register Landmarks or Districts, the Zoning Code applies historic resource regulations, primarily demolition review and historic resource review, to ensure physical, historic, and cultural qualities are protected based on the level of protection assigned to the resource (i.e. Historic, Conservation, or National Register). The application of demolition review and historic resource review on landmarks and districts is scaled based on the level of protection afforded to specific resources, with the resulting historic resource regulations providing contextual sideboards for development proposals while accommodating growth and change. Historic District design guidelines provide guidance to property owners, designers, architects, and developers related to the established urban fabric of the district as well as resource-specific Historic Resource Review approval criteria for alterations, additions, and new construction. These district-specific approval criteria conserve the specific architectural and cultural qualities that make the particular district significant. In the Design Overlay Zone outside of Historic and Conservation Districts, new development on sites adjacent to historic resources is often subject to mandatory and voluntary contextual design standards and/or design guidelines. These design standards, while not affected by the HRCP amendments, are an important element of context-sensitive design and development in the Design Overlay Zone.

The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. The HRCP amendments support Goal 4.A in the following ways:

- The HRCP amendments extend demolition review to all landmarks and all contributing resources in districts—except certain contributing resources that are detached accessory structures—thereby ensuring that the context-setting historic resources are retained as often as possible. Historic resources provide a basis for the design of new development in Historic and Conservation Districts and in areas of the Design Overlay Zone subject to mandatory and/or voluntary design standards that relate to adjacent to historic resources.
- The HRCP amendments expand the list of development activities exempt from historic resource review, refine historic resource review procedure types, and make minor changes to certain historic resource review approval criteria. These changes ensure alterations, additions, and new construction to historic resources are appropriate based on the resource’s level of protection (i.e Historic, Conservation, and National Register). Where historic resource review is required (Historic and Conservation Landmarks and Districts), the new exemptions from

that review are sufficiently narrow in scope that any exempt alterations or new construction will not be incompatible with the resource.

- The HRCP amendments change the process and criteria by which resources can be documented, evaluated for historic significance, and designated for protection. These changes allow for updates to the Historic Resource Inventory (HRI), through documentation, identification of Significant Resources, City designation of landmarks and districts, and National Register listing of landmarks and districts. Future updating of the HRI through the provisions included in the HRCP amendments will provide a foundation for development teams to better understand and build off of the unique contextual circumstances found on and nearby development sites. This foundation is both informational and also, for landmarks and districts, regulatory through application of historic resource review and demolition review.

Therefore, this goal is met.

Goal 4.B: Historic and cultural resources. Historic and cultural resources are integral parts of an urban environment that continue to evolve and are preserved.

109. Finding: As described in the findings for statewide land use Goal 5 and incorporated by reference here, the HRCP amendments concern Zoning Code provisions for the identification, designation, protection, and use of historic resources. Specifically, the HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. The HRCP amendments do not add or remove any historic resources from the HRI, nor do the HRCP amendments change the Zoning Map. As further described in the findings supporting the policies of this chapter, the HRCP amendments support the preservation and evolution of historic resources including, but not limited to the following:

- The HRCP amendments extend demolition review to all landmarks and all contributing resources in districts—except some contributing resources that are detached accessory structures. Demolition review protects historic resources from loss and ensures the community has an opportunity to participate when demolition is proposed. Demolition review can result denial, approval, or approval with conditions—such as mitigation for the loss. Goal 5 requires demolition review be applied to all resources listed in the National Register of Historic Places—except for detached accessory structures—and requires that review to consider numerous ‘factors.’ The factors are not approval criteria, but must be considered in the review of demolition of a historic resource. The code amendments include those factors in each applicable demolition review criterion. To ensure demolition review applies to all activities that result in the loss of a historic resource’s significance, the HRCP amendments provide a set of thresholds—including, but not limited to, total demolition—that trigger demolition review.
- Development within all Historic and Conservation Landmark and District Boundaries will continue to be subject to historic resource review, with Conservation Landmarks and Conservation Districts eligible to use applicable Community Design Standards as an alternative to historic resource review. The HRCP amendments expand the list of development activities exempt from historic resource review, refine historic resource review procedure types, and make minor changes to certain historic resource review approval criteria. These changes ensure alterations, additions, and new construction to historic resources are appropriate to the resource’s level of protection (i.e Historic, Conservation, and National Register) and,

although the changes do streamline approval of certain minor activities, ensure the preservation of historic resources subject to historic resource review. The narrowness of the expanded list of exemptions from historic resource review would not allow for a historic resource to be harmed to an extent that it would no longer be considered preserved. For example exempting the addition of seismic straps to a contributing resource in a historic district would have a negligible effect on the integrity of that historic resource while eliminating the application cost and complexity of a historic resource review process. These new exemptions ensure preservation of the essential aspects of integrity of historic resources and support their ongoing evolution.

- The HRCP amendments expand the historic preservation incentives available to historic resources. Historic preservation incentives allow historic resources to evolve into new uses to compliment the urban environments in which they are located. Historic preservation incentives provide additional economic opportunities for property owners and tenants to rehabilitate historic resources. Historic preservation incentives support preservation and allows for evolution.

Therefore, this goal is met.

Goal 4.C: Human and environmental health. Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.

110. Finding: As described in the findings for the Comprehensive Plan guiding principles and incorporated by reference here, the HRCP amendments support human health, environmental health, and resilience. The HRCP amendments encourage the retention and rehabilitation of historic resources, limiting demolition waste and encouraging building upgrades that support resilience, climate-friendly design, and systems upgrades. For example, the HRCP amendments provide additional exemptions from historic resource review for certain solar energy systems, seismic upgrades, and mechanical systems. The amendments also lower the historic resource review procedure type for non-exempt alterations to accommodate persons with disabilities, seismic improvements, and solar energy systems. The historic resource review exemptions and lower procedure type threshold makes it faster and more cost effective for property owners to make these types of building alterations that support human and environmental health. The existing code supports those elements of Goal 4.C related to safety and livability, active design, urban heat islands, wildlife, integrating nature and built environment and HRCP amendments do not amend those parts of the code. Therefore, this goal is met.

Goal 4.D: Urban resilience. Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.

111. Finding: The HRCP amendments change Zoning Code provisions for the identification, designation, protection, and use of historic resources. Ensuring the ongoing and long-term preservation of historic resources through historic resource review and demolition review ensures important landmarks and contributing resources in districts are protected for long-term use. Historic preservation incentives encourage the reuse of historic resources to allow greater economic opportunity to property owners and tenants, increases the utility of historic resources to meet the current and future needs of Portlanders, and, importantly, encourage building rehabilitation to

allow for adaptive reuse. Additionally, the HRCP amendments provide new exemptions and lower historic resource review procedure types to more readily facilitate seismic upgrades to landmarks and resources in districts. Each of these changes make preservation, adaptive reuse, and seismic upgrade more cost effective for property owners to protect historic resources and support urban resilience. Therefore, this goal is met.

Context

Policy 4.1. Pattern areas. Encourage building and site designs that respect the unique built, natural, historic, and cultural characteristics of Portland’s five pattern areas described in Chapter 3: Urban Form.

Policy 4.2. Community identity. Encourage the development of character-giving design features that are responsive to place and the cultures of communities.

Policy 4.3. Site and context. Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.

112. Finding: Policies 4.1 through 4.3 provide direction on how the context of where development occurs should be considered in City implementation approaches – including how building and site design respect pattern areas and respond to the physical character-giving aspect of place and context. These policies are implemented by site and building development standards in the zoning code, and in some situations through design review guidelines. In general, the HRCP amendments do not affect the code’s development standards and guidelines that implement these policies. Findings in response to the five pattern areas are found above in response to Policies 3.69 – 3.102. However, the following aspects of the HRCP amendments respond to the physical character-giving aspect of place and context:

- The HRCP amendments maintain and refine demolition review and historic resource review. These protections ensure historic resources remain as character-defining design features.
- For Historic and Conservation Districts, the HRCP amendments provide a new exemption allowing for new detached accessory structures to be built without historic resource review approval. The new exemption includes design parameters that ensure that new exempt detached accessory structures directly respond to the design characteristics of any contributing resources on the site or, if on a site without a contributing resource, with design patterns generally found in districts.
- The HRCP amendments refine the procedures and approval criteria for determining resources to be Significant Resources and designating resources as Historic and Conservation Landmarks and Districts. In addition to the regulations applied to these resources, documentation on historic resources—including the documentation included at the time of designation—provides informational value to project teams in understanding the context of development sites that may or may not include historic resources.

Therefore, the HRCP amendments are consistent with this policy.

Policy 4.4. Natural features and green infrastructure. Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.

113. Finding: This policy calls for including natural elements, such as trees, and green infrastructure, such as ecoroofs and vegetated stormwater facilities, as part of the urban environment – both as part of development projects and within public spaces, such as streets. This policy does not apply because the HRCP amendments do not add or remove development standards or approval criteria related to natural and green infrastructure.

Policy 4.5. Pedestrian-oriented design. Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

114. Finding: The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. To support pedestrian-oriented design, the amendments expand the list of activities exempt from historic resource review including alterations related to accessibility upgrades, new signs, and replacing fabric awnings. Exempting these items from historic resource review reduces application cost and review time for owners and tenants seeking to make these upgrades. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.6. Street orientation. Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.

115. Finding: The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. To support street-oriented design, the amends expand the list of activities exempt from historic resource review including alterations related to accessibility upgrades, new signs, replacing fabric awnings, and changes to landscaping and paths. Exempting these items from historic resource review reduces application cost and review time for owners and tenants seeking to make these upgrades. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.7. Development and public spaces. Guide development to help create high-quality public places and street environments while considering the role of adjacent development in framing, shaping, and activating the public space of streets and urban parks.

116. Finding: The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Demolition review ensures that, except in limited circumstances related to detached accessory structures, historic resources are not lost without a public hearings process where numerous factors are considered within a short list of approval criteria that balance other City goals. Depending on the resource type, historic resource review ensures that alterations, additions, and new construction proposals affecting historic resources do not alter the resource in a manner that results in loss of the resource's integrity and, instead, ensures the changes support the ongoing preservation of the historic resource. Demolition review and historic resource review support the retention and enhancement of high-quality public places and street environments where landmarks and districts are located. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.8. Alleys. Encourage the continued use of alleys for parking access, while preserving pedestrian access. Expand the number of alley-facing accessory dwelling units.

117. Finding: The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Some

historic resources, including the Ladd's Addition Historic District, contain alleys and/or are adjacent to alleys. The HRCPP amendments support alley-facing accessory dwelling units by encouraging the construction of compatibly designed accessory structures and providing an additional incentive to allow second accessory dwelling units in certain zones and in certain circumstances. Regarding the former, the HRCPP amendments exempt new detached accessory structures that meet compatibility standards from historic resource review, streamlining and lowering costs associated with gaining approval of new detached structures. Therefore, the HRCPP amendments are consistent with this policy.

Policy 4.9. Transitional urbanism. Encourage temporary activities and structures in places that are transitioning to urban areas to promote job creation, entrepreneurship, active streets, and human interaction.

118. Finding: The HRCPP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Policy 4.9 concerns temporary activities and development in areas that are transitioning to urban. This policy does not apply because the HRCPP amendments do not affect the temporary activities chapter of the zoning code.

Health and safety

Policy 4.10. Design for active living. Encourage development and building and site design that promotes a healthy level of physical activity in daily life.

Policy 4.11. Access to light and air. Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating urban-scale development.

Policy 4.12. Privacy and solar access. Encourage building and site designs that consider privacy and solar access for residents and neighbors while accommodating urban-scale development.

Policy 4.13. Crime-preventive design. Encourage building, site, and public infrastructure design approaches that help prevent crime.

Policy 4.14. Fire prevention and safety. Encourage building and site design that improves fire prevention, safety, and reduces seismic risks.

119. Finding: Policies 4.10 through 4.14 provide direction regarding the promotion of health and safety in development. They address issues such as site planning, solar access, and design approaches that reduce crime or mitigate seismic hazards. The HRCPP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. For historic resources subject to historic resource review, primarily Historic Landmarks and Districts and secondarily Conservation Landmarks and Districts, the approval criteria apply to alterations, additions, and new construction. Historic resource review ensures the protection of designated historic resources by considering resource-specific factors such as the repair, alteration and replacement of historic materials; the compatibility of architectural features, massing, and height of additions and new structures; and the continuity of design patterns, cultural associations, and structural resilience. The HRCPP amendments increase the list of activities exempt from historic resource review, including exempting certain solar energy systems, repairs to fire escapes, and window replacements in residential zones. These exemptions support the health and safety policies of Comprehensive Plan chapter 4. The HRCPP amendments do not change district-specific design guidelines or the Community Design Standards

alternative that apply in Conservation Districts. Therefore, the HRCP amendments are consistent with this policy.

Residential areas

Policy 4.15. Residential area continuity and adaptability. Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.

120. Finding: The Comprehensive Plan defines encourage as “Promote or foster using some combination of voluntary approaches, regulations, or incentives.” The HRCP amendments do not limit the uses allowed in base zones and, as described below, expand the residential uses allowed through historic preservation incentives. Specific to residential areas, the base zone allows for the conversion of existing buildings—including existing buildings that are historic resources—to housing types such as duplexes, triplexes, and quadplexes. The HRCP amendments support Policy 4.15 in several ways:

- Additional historic preservation incentives that provide opportunities for additional housing types in residential zones. These new incentives—one pertaining to residential infill and one pertaining to accessory dwelling units—encourage internal conversions and compatible new construction that result in more housing in Historic and Conservation Landmarks and Districts in residentially zoned areas. The incentives do not allow buildings larger in size than otherwise allowed in the zone, ensuring that the additional housing types are compatible with the general scale and patterns found in residential zones.
- A new exemption from historic resource review for detached accessory structures in Historic and Conservation District. This exemption allows certain detached structures to be exempt from historic resource review if the new building adheres to clear and objective compatibility standards. Exempting these new accessory structures from historic resource review streamlines and lowers the cost of developing accessory dwelling units that are compatible with their historic surroundings.
- A revision to the historic resource review procedure types that allows new structures less than 5000 square feet within the boundaries of Historic Landmarks and Historic Districts to be reviewed through a Type II procedure instead of the Type III procedure that was previously required. Lowering the procedure type does not change the approval criteria that ensure compatibility with the historic resource, but does reduce the cost of complexity of the review process due to the land use fee schedule that applies to land use reviews. This change encourages new structures, especially on undeveloped portions of sites and sites that do not contain a contributing resource, that offer more housing choices.

Therefore, the HRCP amendments are consistent with this policy.

Policy 4.16. Scale and patterns. Encourage design and development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow for a range of architectural styles and expression.

121. Finding: The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. For

historic resources subject to historic resource review, primarily Historic Landmarks and Districts and secondarily—due to the existing availability of a clear and objective design standard alternative—Conservation Landmarks and Districts, the approval criteria apply to alterations, additions, and new construction. Historic resource review ensures the protection of designated historic resources by considering resource-specific factors such as the repair, alteration and replacement of historic materials; the compatibility of architectural features, massing, and height of additions and new structures; and the continuity of design patterns, cultural associations, and structural resilience. The HRCP amendments do not amend existing Historic District design guidelines or the Community Design Standards alternative available in Conservation Districts. The HRCP amendments make minor clarifying improvements to the other, general historic resource review approval criteria that apply to Historic Landmarks, Conservation Landmarks, and Historic Districts that do not have adopted district design guidelines. Other than these minor clarifying amendments, the HRCP amendments do not change the historic resource review approval criteria which already provide consideration of sale and patterns when additions, alterations, and new construction is proposed for historic resources subject to historic resource review. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.17. Demolitions. Encourage alternatives to the demolition of sound housing, such as rehabilitation and adaptive reuse, especially affordable housing, and when new development would provide no additional housing opportunities beyond replacement.

122. Finding: The amendments support Policy 4.17 in two significant ways:

- The HRCP amendments refine the applicability and approval criteria for demolition review, ensuring Historic, Conservation, and National Register Landmarks and primary structures that are contributing resources in Historic, Conservation, and National Register Districts are subject to demolition review. The approval criteria for demolition review ensure, based on the resource’s level of protection, that the loss of the resource is necessary, that appropriate mitigation for the loss is provided, that the replacement development equally or better meets Comprehensive Plan goals and policies, and/or that the demolition will make way for more affordable housing on the site than could be provided if the resource is retained. Additionally, an existing demolition review approval criterion related only to “economic use” has been removed to ensure demolition review can weigh numerous factors, not just economic considerations to the property owner. As described in the findings for Goal 5 and incorporated by reference here, demolition review must consider certain factors included in state administrative rule and must apply to activities that result in the loss of historic resources, which is delineated in the HRCP amendments as a series of thresholds for demolition review. These thresholds for demolition review are described in the findings for Goal 5.
- The HRCP amendments expand the list of historic preservation incentives to encourage rehabilitation and adaptive reuse. Two historic preservation incentives allow additional housing types for certain historic resources in certain residential zones. These incentives allow for the internal conversion of existing sound housing in Historic and Conservation Landmarks and Districts to be used as multi-dwelling and other housing types without necessitating demolition.
- The HRCP amendments allow for an additional 10’ of bonus height in the CM2 zone for developments that meet certain thresholds, specifically thresholds for inclusion of affordable housing units. This bonus height is not allowed on sites where designated historic resources—

including contributing resources—are demolished in the last ten years, ensuring that the additional housing opportunity does not increase demolition pressure.

Therefore, the HRCP amendments are consistent with this policy.

Policy 4.18. Compact single-family options. Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

123. Finding: The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. The HRCP amendments refine demolition review applicability and approval criteria, ensuring that all single-family homes that are a Historic, Conservation, or National Register Landmark and all single-family homes that are a contributing resource in a Historic, Conservation, or National Register District are subject to demolition review. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.19. Resource efficient and healthy residential design and development. Support resource efficient and healthy residential design and development.

124. Finding: The HRCP amendments include a new exemption that allows certain compatibly designed detached accessory structures in Historic and Conservation Districts to be built without triggering historic resource review or compliance with the Community Design Standards. These small detached structures, when used as accessory dwelling units, provide efficient and healthy additions to historic environments. Therefore, the HRCP amendments are consistent with this policy.

Design and development of centers and corridors

Policy 4.20. Walkable scale. Focus services and higher-density housing in the core of centers to support a critical mass of demand for commercial services and more walkable access for customers.

Policy 4.21. Street environment. Encourage development in centers and corridors to include amenities that create a pedestrian-oriented environment and provide places for people to sit, spend time, and gather.

Policy 4.22. Relationship between building height and street size. Encourage development in centers and corridors that is responsive to street space width, thus allowing taller buildings on wider streets.

Policy 4.23. Design for pedestrian and bicycle access. Provide accessible sidewalks, high-quality bicycle access, and frequent street connections and crossings in centers and corridors.

Policy 4.24. Drive-through facilities. Prohibit drive through facilities in the Central City, and limit new development of new ones in the Inner Ring Districts and centers to support a pedestrian-oriented environment.

Policy 4.25. Residential uses on busy streets. Improve the livability of places and streets with high motor vehicle volumes. Encourage landscaped front setbacks, street trees, and other design approaches to buffer residents from street traffic.

Policy 4.26. Active gathering places. Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social connections. Encourage location of businesses, services, and arts adjacent to these spaces that relate to and promote the use of the space.

125. Finding: The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources.

Policies 4.20 through 4.26 do not apply because the HRCP amendments do not affect development standards related to height, drive-through facilities, bike or pedestrian access, do not affect where housing and services locate, and do not affect programs related to street-design or public gathering spaces. Therefore, the HRCP amendments are consistent with policies 4.20 through 4.26.

Policy 4.27. Protect defining features. Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources.

Policy 4.28. Historic buildings in centers and corridors. Protect and encourage the restoration and improvement of historic resources in centers and corridors.

126. Finding: The HRCP amendments protect Historic, Conservation, National Register Landmarks and Districts, resources that are present in centers and corridors. The HRCP amendments do not affect the Zoning Map and, specifically, do not designate any new landmarks or districts. Application of demolition review to landmarks and contributing resources in districts protects those resources from loss and, based on the level of protection of the resource, application of historic resource review further ensures protection and enhancement of landmarks and districts. The HRCP amendments refine the procedures and approval criteria for designation of Historic and Conservation Landmarks and Districts, allowing for additional historic resources to be protected in centers and corridors in the future. these changes protect historic resources—those already designated and those that may be designated in the future—and encourage the ongoing restoration of those resources. Therefore, the HRCP amendments are consistent with policies 4.27 through 4.28.

Policy 4.29. Public art. Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.

127. Finding: The HRCP amendments do not address public art installations. Therefore, this policy does not apply.

Transitions

Policy 4.30. Scale transitions. Create transitions in building scale in locations where higher-density and higher-intensity development is adjacent to smaller-scale single-dwelling zoning. Ensure that new high-density and large-scale infill development adjacent to single dwelling zones incorporates design elements that soften transitions in scale and limit light and privacy impacts on adjacent residents.

Policy 4.31. Land use transitions. Improve the interface between non-residential uses and residential uses in areas where commercial or employment uses are adjacent to residentially-zoned land.

Policy 4.32. Industrial edge. Protect non-industrially zoned parcels from the adverse impacts of facilities and uses on industrially zoned parcels using a variety of tools, including but not limited to vegetation, physical separation, land acquisition, and insulation to establish buffers between industrial sanctuaries and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

128. Finding: Policies 4.30 through 4.32 generally address how the design and use of buildings transition between different zoning and development contexts. The HRCP amendments do not affect the Zoning Map and, specifically, do not designate any new landmarks or districts. The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Although the HRCP

amendments do not change the historic resource review approval criteria that apply to Historic and Conservation Districts with adopted district-specific design guidelines, the HRCP amendments do refine the historic resource review approval criteria that apply to individual Historic and Conservation Landmarks and Historic Districts that do not have adopted district-specific design guidelines. Specific to policies 4.30 through 4.32, the refinements to the approval criteria provide greater specificity for compatibility in Historic Districts without district-specific design guidelines, ensuring that alterations, additions, and new construction are designed to be compatible with contributing resources located within 200 feet of the development site. This refinement better ensures that development in Historic Districts without adopted district-specific design guidelines--such as Irvington, Kenton, and Willamette National Cemetery--incorporate adjacent and nearby historical design transitions into the designs of alteration, addition, and new construction projects subject to historic resource review. Therefore, the HRCP amendments are consistent with policies 4.30 through 4.32.

Off-site impacts

Policy 4.33. Off-site impacts. Limit and mitigate public health impacts, such as odor, noise, glare, light pollution, air pollutants, and vibration that public facilities, land uses, or development may have on adjacent residential or institutional uses, and on significant fish and wildlife habitat areas. Pay attention to limiting and mitigating impacts to under-served and under-represented communities.

Policy 4.34. Auto-oriented facilities, uses, and exterior displays. Minimize the adverse impacts of highways, auto-oriented uses, vehicle areas, drive-through areas, signage, and exterior display and storage areas on adjacent residential uses.

Policy 4.35. Noise impacts. Encourage building and landscape design and land use patterns that limit and/or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional truckways, major city traffic streets, and other sources of noise.

Policy 4.36. Air quality impacts. Encourage building and landscape design and land use patterns that limit and/or mitigate negative air quality impacts to building users and residents, particularly in areas near freeways, regional truckways, high traffic streets, and other sources of air pollution.

Policy 4.37. Diesel emissions. Encourage best practices to reduce diesel emissions and related impacts when considering land use and public facilities that will increase truck or train traffic.

Policy 4.38. Light pollution. Encourage lighting design and practices that reduce the negative impacts of light pollution, including sky glow, glare, energy waste, impacts to public health and safety, disruption of ecosystems, and hazards to wildlife.

Policy 4.39. Airport noise. Partner with the Port of Portland to require compatible land use designations and development within the noise-affected area of Portland International Airport, while providing disclosure of the level of aircraft noise and mitigating the potential impact of noise within the affected area.

Policy 4.40. Telecommunication facility impacts. Mitigate the visual impact of telecommunications and broadcast facilities near residentially zoned areas through physical design solutions.

129. Finding: Policies 4.33 through 4.40 generally address impacts that can negatively affect adjacent residential uses and areas. They are implemented through a variety of design and impact-related performance standards in the zoning code. Current base zone development standards address potential off-site impacts through existing setback requirements, tree density standards, limitations on commercial uses and signage. Offsite impacts are additionally addressed in Chapter

33.262. Existing regulations in the Portland International Airport Noise Impact Zone (33.470) are unchanged, and areas with high noise impacts (68 and higher DNL) where new residential uses are prohibited are unaffected by the HRCP amendments. The HRCP amendments do not change any site or building design standards, or any of the specific implementing regulations related to these policies, therefore these policies are generally not applicable. However, the HRCP amendments do contain limitation on potential off-site impacts in relation to the additional historic preservation incentives that the amendments allow. In the case of one incentive that allows Retail Sales And Services uses or Office uses in residential zones, the amendments limit building size and operating hours as a way to reduce potential off-site impacts from a use not generally allowed within the zone.

Scenic resources

Policy 4.41. Scenic resources. Enhance and celebrate Portland’s scenic resources to reinforce local identity, histories, and cultures and contribute toward way-finding throughout the city. Consider views of mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, buildings, roads, art, landmarks, or other elements valued for their aesthetic appearance or symbolism.

Policy 4.42. Scenic resource protection. Protect and manage designated significant scenic resources by maintaining scenic resource inventories, protection plans, regulations, and other tools.

Policy 4.43. Vegetation management. Maintain regulations and other tools for managing vegetation in a manner that preserves or enhances designated significant scenic resources.

Policy 4.44. Building placement, height, and massing. Maintain regulations and other tools related to building placement, height, and massing to preserve designated significant scenic resources.

Policy 4.45. Future development. Encourage new public and private development to create new public viewpoints providing views of Portland’s rivers, bridges, surrounding mountains, hills and buttes, the Central City skyline, and other landmark features.

130. Finding: The City has designated scenic resources in an adopted inventory and protects them through an overlay zone (Chapter 33.480) which addresses landscaping, setbacks, screening, building facades and tree removal. The HRCP amendments do not change this program.

Historic and cultural resources

Policy 4.46. Historic and cultural resource protection. Protect and encourage the restoration of historic buildings, places, and districts that contribute to the distinctive character and history of Portland’s evolving urban environment.

131. Finding: The City Council interprets terms as follows:

“Protect” means to defend or guard against loss, injury, or destruction. Policies calling for protection apply to multiple topic areas and can be accomplished or supported using various tools, such as regulations to prohibit or limit an action, investments such as land acquisition, agreements, and community partnerships.

“Encourage” means to promote or foster using some combination of voluntary approaches, regulations, or incentives.

“Restore” means to recreate elements that are missing; move something back to its original condition; rehabilitate.

“Historic buildings, places, and districts” means historic resource. A historic resource is a structure, place, or object that has a relationship to events or conditions of the human past. Historic resources may be significant for archaeological, architectural, historical, and/or cultural reasons. Examples include Historic Landmarks, Conservation Landmarks, National Register Landmarks, Historic Districts, Conservation Districts, and National Register Districts. Historic resources also include constituent parts of landmarks and districts that are identified as contributing to the historic significance of the landmark or district. Historic resources also include Significant Resources that have been added to the Historic Resource Inventory, including but not limited to Rank I, II, and III resources added to the Historic Resource Inventory in 1984. The Council interpretation of “historic buildings, places, and districts” has changed with the HRCP amendments in order to incorporate changes to the names of the different historic resource types addressed by the Zoning Code.

“Urban environment” means established urban fabric, as interpreted in the findings for Policy 4.48.

The City Council interprets Policy 4.46 to require that provisions pertaining to demolition and, depending on the resource type, provisions pertaining to alteration, addition, and new construction are applied to historic resources and that voluntary incentives are made available to encourage the restoration of those resources. The City Council further interprets this policy to mean that historic resources contribute to the city’s distinctive character, history, and urban fabric but that this contribution does not preclude the evolution and change of a living city’s urban fabric, including both physical development and the use of physical development. Actions that implement Policy 4.46 are not limited to those that regulate new development; Protecting historic buildings, places, and districts from loss, injury, or destruction includes actions regulating demolition, alteration, addition, and new construction to historic resources, as well as regulations that provide economic and use incentives to historic resources to encourage those resources to be preserved, rehabilitated, and reused.

The HRCP amendments maintain, refine, and improve the City’s regulations for identifying, designating, protecting, and reusing historic resources. The changes to the Zoning Code are consistent with statewide land use Goal 5 and bring Portland’s regulations into conformance with state administrative rules related to the protection of historic resources.

Specifically, the HRCP amendments protect and encourage the restoration of historic resources in the following ways:

Demolition Delay. The HRCP amendments retain and refine 120-day demolition day for Significant Resources (previously called Rank I, II, and III Resources). Significant Resources have not been designated, but have been documented, evaluated, and determined to be significant.

Demolition Review. The HRCP amendments improve the existing requirement of demolition review for certain historic resources by refining the applicability, procedures, and approval criteria for the review. Demolition review ensures that, except in limited circumstances related to detached accessory structures, historic resources are not demolished without a public hearings process that considers the following list of factors included in state administrative rule: condition, historic integrity, age, historic significance, value to the community, economic consequences to the owner and the community, design or construction rarity, association with historically marginalized individuals and communities, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan. Demolition review can result in approval, approval with conditions, or denial. The approval criteria for demolition are scaled to the level of

protection of the specific resource, with fewer approval criteria options available to owners of Historic Landmarks and Districts than to owners of Conservation and National Register Landmarks and Districts. Demolition review applies to all Historic, Conservation, and National Register Landmarks and all primary structures that are contributing resources in Historic, Conservation, and National Register Districts. Demolition review is described in greater detail in the findings for Goal 5; The Goal 5 findings are incorporated here by reference.

Historic Resource Review. The HRCP amendments improve the existing requirement of historic resource review by refining the exemptions, triggers, procedures, and approval criteria for the review. Historic resource review ensures that certain historic resources are not damaged or destroyed by alterations, additions, or new construction. Historic resource review applies to City-designated and City-identified Historic Landmarks and Districts and Conservation Landmarks and Districts; due to the limitations provided in the Goal 5 state administrative rule, historic resource review does not apply to National Register Landmarks and Districts listed in the National Register of Historic Places after January 2017 that do not have a City designation. Conservation Landmarks and Districts are provided with a second track alternative to historic resource review known as the Community Design Standards. Alterations, additions, and new construction are allowed within the boundaries of designated historic resources to allow for the evolution of the city's urban fabric, with development activities affecting Historic and Conservation Landmarks and Districts subject to the Historic Resource Review approval criteria. In general, alterations to Historic and Conservation Landmarks are subject to the approval criteria provided in the code; alterations and new construction in Historic and Conservation Districts are subject to district-specific guidelines, the Central City Fundamental Design Guidelines, subdistrict design guidelines, the approval criteria provided in the code, or a combination of the above. On a site-by-site basis, Historic Resource Review can limit allowed building height, massing, setback, materials, details, or other features to ensure the protection of historic resources. City Council recognizes the discretionary nature of Historic Resource Review as an integral part of ensuring the protection of Historic and Conservation Landmarks and Districts. The HRCP amendments increase the list of activities exempt from historic resource review; the narrowness of those exemptions—such as allowing certain mechanical units and small signs—ensure that historic resources continue to be protected while also giving property owners and tenants more flexibility to make minor exterior improvements. Changes to triggers, procedures, and approval criteria for historic resource review increase the clarity and applicability of the regulations.

Preservation Incentives. The HRCP amendments expand the existing list of preservation incentives available to certain historic resources. Historic preservation incentives provide flexibility to historic resources to encourage their restoration and reuse. The additional historic preservation incentives allow certain additional uses in certain zones to provide owners and tenants with options not otherwise available. The list of historic preservation incentives is generally only available to historic resources subject to historic resource review (Historic and Conservation Landmarks and Districts) to ensure that the additional uses do not inadvertently result in design changes that destroy the physical integrity of historic resources that take advantage of the incentives. Historic preservation incentives include allowing more residential infill dwelling units, additional accessory dwelling units, and Retail Sales and Service and Office uses in residential zones. These incentives encourage the restoration of historic resources and allow for evolution of those reduces.

City Council finds that the existing and amended Zoning Code provisions related to the identification, designation, protection, and reuse of historic resources serve to protect and

encourage the restoration of those resources. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.47. State and federal historic resource support. Advocate for state and federal policies, programs, and legislation that would enable stronger historic resource designations, protections, and rehabilitation programs.

132. Finding: The HRCP amendments implement changes to the state administrative rules that govern local historic resource regulations. The City of Portland served on the rulemaking advisory committee and testified in favor of the now-adopted rules. The HRCP amendments bring the City's regulations into conformance with the State rules, as described in the findings for land use Goal 5 and incorporated by reference here. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.48. Continuity with established patterns. Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.

133. Finding: The City Council interprets terms as follows:

"Encourage" means to promote or foster using some combination of voluntary approaches, regulations, or incentives.

"Vacant and underutilized gaps" means sites identified on the Buildable Lands Inventory, sites that include no buildings, and sites that include buildings with significantly less development in terms of square feet than allowed by the base mapped FAR for the site. "Vacant and underutilized gaps" does not include Historic, Conservation, or National Register Landmarks or contributing resources in Historic, Conservation, or National Register Districts. The Council interpretation of "vacant and underutilized gaps" has changed with the HRCP amendments in order to incorporate changes to the names of the different historic resource types addressed by the Zoning Code.

"Established urban fabric" means characteristics of the existing and historic built environment of a district or place including, but not limited to, block pattern, arrangement and design of streets and pedestrian realm, street wall, street-level activity, building use, construction type, architectural style, exterior materials, design details, massing, and height.

"Preserve" means to save from significant change or loss and reserve for a special purpose.

"Complement" means to add to, enhance, or improve.

"Historic resource" means a structure, place, or object that has a relationship to events or conditions of the human past. Historic resources may be significant for archaeological, architectural, historical, and/or cultural reasons. Examples include Historic Landmarks, Conservation Landmarks, National Register Landmarks, Historic Districts, Conservation Districts, and National Register Districts. Historic resources also include constituent parts of landmarks and districts that are identified as contributing to the historic significance of the landmark or district. Historic resources also include Significant Resources that have been added to the Historic Resource Inventory, including but not limited to Rank I, II, and III resources added to the Historic Resource Inventory in 1984. The Council interpretation of "historic resource" has changed with the HRCP amendments in order to incorporate changes to the names of the different historic resource types addressed by the Zoning Code.

City Council interprets Policy 4.48 to consist of two parts that work together: 1) encouraging development that fills in vacant and underutilized gaps in the established urban fabric and 2)

preserving and complementing historic resources. Regarding the first part, City Council finds that meeting this policy requires allowing new development within the existing built environment. This includes new development that is adjacent to individual historic resources and on non-contributing sites in Historic, Conservation, and National Register Districts. Regarding the second part, City Council finds that Policy 4.48 requires the protection of historic resources and provisions for requiring new development to complement those resources. Historic resources are complemented when the relationship between the characteristics of additions, alterations, and new development improves the ability to preserve, rehabilitate, reuse, or understand the existing historic resource. Furthermore, historic resources are complemented by the addition of new uses, such as middle housing uses within existing structures and accessory dwelling units that fill in gaps in the urban fabric.

City Council interprets this policy to be implemented by the demolition review and historic resource review processes and provisions described in the findings for Policy 4.46 and incorporated by reference here. In Historic and Conservation Districts, this includes the review of new development to add to, enhance, or improve characteristics of the established urban fabric that relate to the historic significance of the district. City Council also finds this policy is implemented by the review process for new development in Historic and Conservation Districts because it supports and increases economic opportunities for the preservation, restoration and reuse of historic resources. The businesses, residents, and other uses provided by new development can be critical to preserving or resuscitating the economic and social vitality and sustainability of individual Landmarks, contributing resources in districts, and even districts as a whole.

Therefore, the HRCF amendments are consistent with this policy.

Policy 4.49. Resolution of conflicts. Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to consider the character of the historic resources in the district.

134. Finding: The HRCF amendments do not change existing district-specific design guidelines or amend the Zoning Map. Therefore, this policy is not applicable.

Policy 4.50. Demolition. Protect historic resources from demolition. Provide opportunities for public comment, and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.

135. Finding: Demolition review provides opportunities for the public to comment and results in approval, approval with conditions, or denial. The HRCF amendments refine the applicability, triggers, procedures, and approval criteria for demolition review. Specifically, the HRCF amendments include nuanced thresholds for those activities that would result in the irreparable loss of historic resources and, therefore, trigger demolition review. The findings for Goal 5 provide more description of the thresholds for demolition review. Demolition review applies to all Historic, Conservation, and National Register Landmarks and all primary structures that are contributing resources in Historic, Conservation, and National Register Districts. The approval criteria for demolition review require consideration of the following factors before a decision is made: condition, historic integrity, age, historic significance, value to the community, economic consequences to the owner and community, design or construction rarity, association with historically marginalized individuals and communities, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan. Additionally, the approval criteria for demolition review are scaled based on the resource type— there are fewer bases for

approval of demolition for Historic Landmarks and contributing resources in Historic Districts than for Conservation Landmarks and contributing resources in Conservation Districts or for National Register Landmarks and contributing resources in National Register Districts. Providing more criteria for certain types of historic resources further codifies the hierarchy of protections that are applied to different types of designated resources—i.e. Historic Landmarks are protected more rigorously than Conservation Landmarks which are protected more rigorously than National Register Landmarks. Additionally, the findings for Goal 5 address demolition and are incorporated here by reference. Therefore, the HRCF amendments are consistent with this policy.

Policy 4.51. City-owned historic resources. Maintain City-owned historic resources with necessary upkeep and repair.

136. Finding: The HRCF amendments do not provide or affect funding, special provisions, or management plans specific to City-owned historic resources. Therefore, this policy is not applicable.

Policy 4.52. Historic Resources Inventory. Maintain and periodically update Portland’s Historic Resources Inventory to inform historic and cultural resource preservation strategies.

Finding: The HRCF amendments do not designate any new Historic or Conservation Landmarks or Districts, do not list any new National Register Landmarks or Districts, and do not evaluate the significance of any resources. The HRCF amendments maintain the Historic Resources Inventory and revise procedures for updating the Historic Resources Inventory. The amendments also revise the names of resource types, revise procedures for determining specific inventoried resources to be significant, and revise the procedures and approval criteria for designation of landmarks and districts and procedures and approval criteria for removal of landmarks and districts. The HRCF amendments include provisions for the various historic resource types included in the Goal 5 historic resource administrative rule including resources determined by the City to be Significant Resources, resources designated by the City as Historic and Conservation Landmarks and Districts, and resources listed by the federal Keeper of the National Register of Historic Places, including those identified as Historic Landmarks and Districts and those identified as National Register Landmarks and Districts. The HRCF code amendments allow for the ongoing maintenance and updating of Portland’s Historic Resources Inventory as the master list of identified, significant, designated, and listed historic resources, the latter three categories of which are addressed by the Zoning Code. Refinements to the quasi-judicial and legislative procedures and approval criteria for designation of Historic and Conservation Landmarks provides property owners with new options for designation and, for Historic and Conservation Landmark designation, allows for a joint hearing between the Planning and Sustainability Commission and Historic Landmarks Commission to ensure both the historical merit of a resource proposed for designation and the goals and policies of the Comprehensive Plan are evaluated prior to the City Council making a final decision. Additionally, the findings for Goal 5 address the historic resource inventory and are incorporated here by reference. Therefore, the HRCF amendments are consistent with this policy.

Policy 4.53. Preservation equity. Expand historic preservation inventories, regulations, and programs to encourage historic preservation in areas and in communities that have not benefited from past historic preservation efforts, especially in areas with high concentrations of under-served and/or under-represented people.

137. Finding: Policy 4.53 concerns populations and resources that have not benefited from historic resource programs in the past. The HRCF amendments do not add or remove any resources from Portland’s Historic Resources Inventory. The HRCF amendments do refine the procedures and

approval criteria for determining historic resources to be Significant Resources, designating landmarks and districts, and removing the designation of existing landmarks and districts in the future. Specific to Policy 4.53, the HRCP amendments:

- Allow for the identification of Significant Resources as the result of a legislative procedure. Significant Resources are not designated, but have been documented and evaluated for historic significance. Allowing for the identification of Significant Resources provides opportunities to recognize and celebrate historic places without necessitating the application of demolition review and/or historic resource review protections when those protections may not be appropriate for the resource, for example a resource significant to an underrepresented area of history that is owned by an individual or group of individuals opposed to landmark designation.
- Revise the approval criteria for historic designation review to ensure that underrepresented histories are eligible for City designation as Historic and Conservation Landmarks and Districts. A new approval criterion allows for such designations if “the resource has a significant association with at least one underrepresented community, cultural, or ethnic group.” This new criterion will allow for an encourage greater preservation equity in the designation of landmarks and districts.

Therefore, the HRCP amendments are consistent with this policy.

Policy 4.54. Cultural diversity. Work with Portland’s diverse communities to identify and preserve places of historic and cultural significance.

Policy 4.55. Cultural and social significance. Encourage awareness and appreciation of cultural diversity and the social significance of historic places and their roles in enhancing community identity and sense of place.

138. Finding: The HRCP amendments do not add or remove any resources from Portland’s Historic Resources Inventory. The HRCP amendments do refine the procedures and approval criteria for determining historic resources to be Significant Resources, designating landmarks and districts, and removing the designation of existing landmarks and districts in the future. In addition to the findings for Policy 4.53, the HRCP amendments support policies 4.54 and 4.55 in the following ways:

- In addition to refining the procedures and criteria—including criteria related to unrepresented histories—for determining resources to be Significant Resources and designating resources as Historic and Conservation Landmarks and Districts, the HRCP amendments allow for resources to be documented and added to the Historic Resource Inventory without necessitating any land use processes or triggering any land use regulations. This allows City staff to add—for informational purposes only—documentation on historic resources to the Historic Resources Inventory in advance of, or agnostic to, future land use processes to evaluate those resources for significance or designate the resources for protection. Documenting historic resources, even if entirely outside of the land use regulations, allows for cultural and social significance of places to be documented and used as the basis for educational efforts.
- Expanding the list of historic preservation incentives provides more opportunities to adaptively reuse landmarks and properties in districts, providing economic options to property owners and tenants and increasingly the likelihood that Portlanders can rent, use, and engage with the resources. Increasing the accessibility and use of historic resources

through adaptive reuse allows the resources to better convey their significance to larger numbers of Portlanders

Therefore, the HRCP amendments are consistent with policies 4.54 and 4.55.

Policy 4.56. Community structures. Encourage the adaptive reuse of historic community structures, such as former schools, meeting halls, and places of worship, for arts, cultural, and community uses that continue their role as anchors for community and culture.

139. Finding: The HRCP amendments expand the list of historic preservation incentives, which allow and encourage the adaptive reuse of certain Historic and Conservation Landmarks and properties in Historic and Conservation Districts. Certain historic community structures, such as the Historic Landmark Hibernian Hall and Washington High School, have accessed historic preservation incentives in the past to allow the structures to continue serving as anchors for community and culture. The expanded list of historic preservation incentives provide adaptive reuse opportunities to a greater number of designated landmarks and districts than are eligible for the current list of incentives. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.57. Economic viability. Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources.

140. Finding: As described in the findings for Policy 4.56 and incorporated by reference here, the HRCP amendments expand the list of historic preservation incentives available the certain Historic and Conservation Landmarks and Districts. The incentives allow certain uses not otherwise allowed in certain zones, providing a regulatory incentive to historic resource owners and tenants. These regulatory incentives provide use opportunities—and therefore economic opportunities—not present without the incentives. Furthermore, providing incentives that encourage building reuse increase the likelihood that existing buildings receive investment, including investment that ensures that current building regulations are met. Because Portland’s building regulations include thresholds for bringing existing buildings into compliance with current regulations, encouraging adaptive reuse also, consequentially, encourages building safety upgrades. The historic preservation incentives encourage economically productive adaptive reuse. The historic preservation incentives are reasonable because eligibility to use incentives is limited to those historic resources subject to historic resource review—Historic and Conservation Landmarks and Districts—ensuring that the adaptive reuses do not destroy the historic characteristics of any property taking advantage of incentives. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.58. Archaeological resources. Protect and preserve archaeological resources, especially those sites and objects associated with Native American cultures. Work in partnership with Sovereign tribes, Native American communities, and the state to protect against disturbance to Native American archaeological resources.

141. Finding: The HRCP amendments do not add or remove any resources from Portland’s Historic Resources Inventory. The HRCP amendments do refine the procedures and approval criteria for determining historic resources to be Significant Resources, designating landmarks and districts, and removing the designation of existing landmarks and districts in the future. The HRCP amendments include “archaeological” as an area of significance for which landmarks and districts may be eligible for designation. This includes, but is not limited to, descriptions of “significance” in historic designation review, description of “appropriate level of protection” in historic designation review, and definitions of historic resources provided in the definitions chapter. Additionally, changes to the approval criteria for landmark and district designation include a criterion that

specifically addresses archaeological resources (“There is a high likelihood that, if preserved, the resource would yield information important to local, regional, state, or national history.”). Therefore, the HRCP amendments are consistent with this policy.

Public art

Policy 4.59. Public art and development. Create incentives for public art as part of public and private development projects.

142. Finding: This policy is not applicable. No changes to public art programs or new incentives are proposed with the HRCP project.

Resource-efficient design and development

Policy 4.60. Rehabilitation and adaptive reuse. Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.

143. Finding: As described in the findings for policies 4.56 and 4.57 and incorporated by reference here, the HRCP amendments expand the list of historic preservation incentives available to certain Historic and Conservation Landmarks and Districts to allow for and encourage adaptive reuse. Because of building regulation triggers, adaptive reuse can have the consequence of requiring life-safety upgrades to existing buildings, simultaneously allowing for more intensive use of historic building and increasing the safety and longevity of the structures themselves. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.61. Compact housing. Promote the development of compact, space- and energy-efficient housing types that minimize use of resources such as smaller detached homes or accessory dwellings and attached homes.

144. Finding: The HRCP amendments support this policy through new exemptions to historic resource review and new historic preservation incentives. Regarding exemptions to historic resource review, the HRCP amendments provide the construction of certain detached accessory structures in residential zones to proceed without a historic resource review process. Providing this new exemption streamlines the building of detached accessory structures, which can be used for accessory dwelling units. To further encourage the development of compact, space- and energy-efficient housing, the HRCP amendments expand the list of historic preservation incentives available to Historic and Conservation Landmarks and Districts. Among the new incentives are allowances for additional housing types and second accessory dwelling units in conjunction with those housing types. The additional housing types can be housed in a new structure and/or housed within a converted existing structure, depending on the resource type. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.62. Seismic and energy retrofits. Promote seismic and energy-efficiency retrofits of historic buildings and other existing structures to reduce carbon emissions, save money, and improve public safety.

145. Finding: The HRCP amendments encourage both seismic and energy improvements to historic resources in the following ways:

Seismic. The HRCP amendments provide new exemptions to historic resource review for Historic and Conservation Districts that allow certain seismic straps and removal of internal service chimneys—which may be dangerous in a seismic event—to avoid historic resource review. For all

Historic and Conservation Landmarks and Districts, the HRCP amendments exempt certain seismic improvements to parapets and roofs from historic resource review. In addition to new exemptions to historic resource review, when seismic projects are subject to historic resource review they are subject to a Type I review, the lowest procedure type available for historic resource review. This lower Type I review process expedites the review timeline and requires a smaller application fee.

Energy. The HRCP amendments provide new exemptions to historic resource review for Historic and Conservation Districts that allow certain solar energy systems on both flat and pitched roofs to avoid historic resource review.

Therefore, the HRCP amendments are consistent with this policy.

Policy 4.63. Life cycle efficiency. Encourage use of technologies, techniques, and materials in building design, construction, and removal that result in the least environmental impact over the life cycle of the structure.

146. Finding: The HRCP amendments, generally, support the ongoing preservation, rehabilitation, and reuse of historic resources. The amendments do not amend Historic or Conservation District design guidelines or standards. The amendments make clarifying amendments to the historic resource review approval criteria that apply to Historic Landmarks. The existing and expanded list of exemptions to historic resource review allow for additional flexibility for certain changes that support life cycle efficiency, such as new exemptions for solar energy systems, electric vehicle charging outlets, and certain window replacements in residential zones. These exemptions and the existing historic resource review approval criteria and design standards allow for alterations, additions, and new construction that support the continued maintenance of historic resources. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.64. Deconstruction. Encourage salvage and reuse of building elements when demolition is necessary or appropriate.

147. Finding: Deconstruction requirements are generally covered by other City titles. The HRCP amendments do not affect any deconstruction standards or requirements. Therefore, this policy is not applicable.

Policy 4.65. Materials and practices. Encourage use of natural, resource-efficient, recycled, recycled content, and non-toxic building materials and energy-efficient building practices.

148. Finding: As described in the findings for Policy 4.63 and incorporated by reference here, the HRCP amendments support the ongoing preservation, rehabilitation, and reuse of historic resources. The amendments do not change existing Historic or Conservation design guidelines or design standards. In some cases, such as exempting from historic resource review the replacement of vinyl windows with wood windows for Historic and Conservation Landmarks and Districts, the code amendments provide for exemptions from historic resource review for certain exterior improvements. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.66. Water use efficiency. Encourage site and building designs that use water efficiently and manage stormwater as a resource.

149. Finding: The HRCP amendments do not affect any requirements or approval criteria related to water use. Therefore, this policy is not applicable.

Policy 4.67. Optimizing benefits. Provide mechanisms to evaluate and optimize the range of benefits from solar and renewable resources, tree canopy, ecoroofs, and building design.

150. Finding: The HRCP amendments do not establish metrics for evaluating and optimizing benefits. Therefore, this policy is not applicable.

Policy 4.68. Energy efficiency. Encourage and promote energy efficiency significantly beyond the Statewide Building Code and the use of solar and other renewable resources in individual buildings and at a district scale.

151. Finding: As described in the findings for Policy 4.62 and incorporated by reference here, the HRCP amendments exempt the installation of certain solar energy systems from historic resource review and, when subject to review, allows solar energy systems to be processed through the lowest Type I procedures. The exemptions and Type I procedure streamline the permitting and approval process, respectively. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.69. Reduce carbon emissions. Encourage a development pattern that minimizes carbon emissions from building and transportation energy use.

152. Finding: The HRCP amendments do not designate any new Historic or Conservation Landmarks or Districts. Additionally, the HRCP amendments do not amend Historic or Conservation District design guidelines or standards. As described in the findings for policies 4.62 and 4.68 and incorporated by reference here, the HRCP amendments encourage the installation of solar energy systems, which have the potential to reduce carbon emissions produced to supply the electric grid. Therefore, the HRCP amendments are consistent with this policy.

Policy 4.70. District energy systems. Encourage and remove barriers to the development and expansion of low-carbon heating and cooling systems that serve multiple buildings or a broader district.

Policy 4.71. Ecodistricts. Encourage ecodistricts, where multiple partners work together to achieve sustainability and resource efficiency goals at a district scale.

153. Finding: The HRCP amendments do not affect the location or application of ecodistricts. Therefore, this policy is not applicable.

Policy 4.72. Energy-producing development. Encourage and promote development that uses renewable resources, such as solar, wind, and water to generate power on-site and to contribute to the energy grid.

154. Finding: As described in the findings for policies 4.62 and 4.68 and incorporated by reference here, the HRCP amendments encourage the installation of solar energy systems through new exemptions to historic resource review and a new Type I historic resource review procedure type for non-exempt solar energy systems. Both changes streamline and encourage the installation of solar energy systems in Historic and Conservation Landmarks and Districts. Therefore, the HRCP amendments are consistent with this policy.

Designing with nature

Policy 4.73. Design with nature. Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation.

Policy 4.74. Flexible development options. Encouraging flexibility in the division of land, the siting and design of buildings, and other improvements to reduce the impact of development on environmentally sensitive areas and to retain healthy native and beneficial vegetation and trees.

Policy 4.75. Low-impact development and best practices. Encourage use of low-impact development,

habitat-friendly development, bird-friendly design, and green infrastructure.

Policy 4.76. Impervious surfaces. Limit use of and strive to reduce impervious surfaces and associated impacts on hydrologic function, air and water quality, habitat connectivity, tree canopy, and urban heat island effects.

Policy 4.77. Hazards to wildlife. Encourage building, lighting, site, and infrastructure design and practices that provide safe fish and wildlife passage, and reduce or mitigate hazards to birds, bats, and other wildlife.

Policy 4.78. Access to nature. Promote equitable, safe, and well-designed physical and visual access to nature for all Portlanders, while also maintaining the functions and values of significant natural resources, fish, and wildlife. Provide access to major natural features, including:

- Water bodies such as the Willamette and Columbia rivers, Smith and Bybee Lakes, creeks, streams, and sloughs.
- Major topographic features such as the West Hills, Mt. Tabor, and the East Buttes.
- Natural areas such as Forest Park and Oaks Bottom.

155. Finding: Policies 4.73 through 4.78 provide direction regarding the interface between development and natural features and functions. They address site and building design and access to nature. The HRCP amendments do not change existing design or development standards that implement these policies. Generally, these policies are not applicable.

Hazard-resilient design

Policy 4.79. Natural hazards and climate change risks and impacts. Limit development in or near areas prone to natural hazards, using the most current hazard and climate change-related information and maps.

Policy 4.80. Geological hazards. Evaluate slope and soil characteristics, including liquefaction potential, landslide hazards, and other geologic hazards.

Policy 4.81. Disaster-resilient development. Encourage development and site-management approaches that reduce the risks and impacts of natural disasters or other major disturbances and that improve the ability of people, wildlife, natural systems, and property to withstand and recover from such events.

Policy 4.83. Urban heat islands. Encourage development, building, landscaping, and infrastructure design that reduce urban heat island effects.

Policy 4.82. Portland Harbor Facilities. Reduce natural hazard risks to critical public and private energy and transportation facilities in the Portland Harbor.

Policy 4.84. Planning and disaster recovery. Facilitate effective disaster recovery by providing recommended updates to land use designations and development codes, in preparation for natural disasters.

156. Finding: Policies 4.79 through 4.84 provide direction regarding the interface of development with natural hazards. The policies address climate, geology, disaster recovery, and reducing risks at harbor-related facilities. The HRCP amendments do not change the Zoning Map and do not designate any new Historic or Conservation Landmarks or Districts and do not identify any new Significant Resources. The HRCP amendments do not change existing design or development standards that implement these policies. Generally, these policies are not applicable.

Healthy food

Policy 4.85. Grocery stores and markets in centers. Facilitate the retention and development of grocery stores, neighborhood-based markets, and farmer’s markets offering fresh produce in centers.

Policy 4.86. Neighborhood food access. Encourage small, neighborhood-based retail food opportunities, such as corner markets, food co-ops, food buying clubs, and community-supported agriculture pickup/drop-off sites, to fill in service gaps in food access across the city.

Policy 4.87. Growing food. Increase opportunities to grow food for personal consumption, donation, sales, and educational purposes.

Policy 4.88. Access to community gardens. Ensure that community gardens are allowed in areas close to or accessible via transit to people living in areas zoned for mixed-use or multi-dwelling development, where residents have few opportunities to grow food in yards.

157. Finding: Policies 4.85 through 4.88 address ways that programs and land use plans can facilitate better access to healthy food. These policies do not apply because the HRCP amendments do not change any programs related to food access or change retail allowances or zoning that would directly affect food access.

Chapter 5: Housing

Goal 5.A: Housing diversity. Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.

158. Finding: The City's Housing Needs Analysis, which was adopted (Ordinance 185657) and acknowledged by LCDC on June 11, 2014, consists of five distinct reports that analyzed the state of housing supply, housing affordability issues and the City's ability to meet projected housing demand. The Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, identified the supply of land available to provide this needed housing. This demonstrated compliance with Statewide Land Use Goal 10. These background documents formed the policy direction that planning projects ensure that a variety of housing be provided to meet the needs of all Portlanders.

The HRCP amendments do not change allowances for housing on the Zoning Map or reduce allowances for housing provided in the Zoning Code. As a result, the amendments do not decrease the amount or types of housing anticipated to be built under the supporting documents or the 2035 Comprehensive Plan. The HRCP amendments do allow for and encourage a greater diversity of housing types in Historic and Conservation Landmarks and Districts through the expansion of historic preservation incentives. These incentives allow for internal conversion of existing buildings into housing types not otherwise allowed in the zone and allow for additional housing types in new construction on Historic Landmark sites and sites in Historic Districts. Additionally, the HRCP amendments encourage the construction of more detached accessory structures, which may be used as accessory dwelling units, through a new exemption to historic resource review applicable in Historic and Conservation Districts. Allowing detached accessory structures without review reduces the cost and timeline of historic resource review, therefore, encouraging greater housing diversity. Finally, the HRCP amendments refine the historic resource review procedure types to expedite the review and approval of affordable housing proposals. Therefore, this goal is met.

Goal 5.B: Equitable access to housing. Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

159. Finding: City Council defines "equitable access to housing" as a goal to create housing that is accessible and affordable to a wide range of households, including people with disabilities, people of color, low-income households, diverse household types, and older adults.

The HRCP amendments do not change allowances for housing on the Zoning Map or reduce allowances for housing provided in the Zoning Code. As a result, the amendments do not decrease the amount or types of housing anticipated to be built under the supporting documents or the 2035 Comprehensive Plan in support of this goal. To the contrary, the HRCP amendments support the goal by increasing allowances for additional dwelling units and housing types in residential zones through expanded historic preservation incentives. The additional housing types provide greater housing choice in Historic and Conservation Landmarks and Districts and, therefore, allow for more affordable housing options in these places. Finally, the HRCP amendments refine the historic resource review procedure types to expedite the review and approval of affordable housing proposals. Therefore, this goal is met.

Goal 5.C: Healthy connected city. Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.

160. Finding: This goal ensures that housing be provided in areas of the city that also have access to the goods and services needed by the residents on a daily basis, often defined as a Complete Neighborhood, as well as to ensure access to affordable transportation options. This goal is generally implemented through the base zones and plan districts that concentrate the greatest amount of housing growth in the areas with the best access to services. The HRCP amendments do not change allowances for housing on the Zoning Map. Therefore, this goal does not apply.

Goal 5.D: Affordable housing. Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.

161. Finding: City Council interprets this goal as to encourage the development of regulated affordable housing that provides long-term stability to low-income households. The rising cost of housing is a top concern across the city, as more people are finding it difficult to afford housing. The HRCP amendments do not directly impact programs to produce regulated affordable housing. The HRCP amendments do, however, provide approval criteria for demolition review that allow for consideration of affordable housing development as a possible replacement of a landmark or contributing resource in a district. These criteria include allowing demolition in instances when the replacement development is “equally or more supportive of the relevant goals and policies of the Comprehensive Plan,” including but not limited to this goal and the policies in this chapter. Additionally, an approval criterion applicable to single-dwelling zoned contributing resources in National Register Districts allows for demolition if the proposed replacement development includes more housing available to those earning no more than 60-percent of median family income than would be possible through preservation of the historic resource. These demolition review criteria allow for consideration of affordable housing units. Finally, the HRCP amendments refine the historic resource review procedure types for landmarks and districts to expedite the review and approval of affordable housing proposals. Therefore, this goal is met.

Goal 5.E: High-performance housing. Portland residents have access to resource-efficient and high-performance housing for people of all abilities and income levels.

162. Finding: High performance housing is housing that is developed with a lighter environmental impact (smaller carbon footprint, eco-friendly materials, longevity of construction, reducing waste, recycling). The HRCP amendments do not modify any development or building standards that ensure housing is energy- or resource-efficient. However, the HRCP amendments incentivize high-performance housings by allowing additional housing types through historic preservation incentives. The addition of these housing types, both through new construction subject to historic resource review and conversion of existing buildings, provide opportunities for efficient and dense housing while retaining the embodied energy in existing landmarks and contributing resources in districts. In addition to allowing additional housing types, the HRCP amendments allow for the installation of certain solar energy systems and accessibility improvements in Historic and Conservation Districts without triggering historic resource review; these exemptions reduce the cost and approval timeline for property owners to increase energy performance and accessibility of housing. Therefore, this goal is met.

Diverse and expanding housing supply

Policy 5.1. Housing supply. Maintain sufficient residential development capacity to accommodate

Portland's projected share of regional household growth.

Policy 5.2. Housing growth. Strive to capture at least 25 percent of the seven-county region's residential growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

163. Finding: Policies 5.1 and 5.2 ensure that Portland preserves enough land and development capacity to accommodate household growth projections and to continue to capture a significant proportion of future regionwide residential growth. These policies are generally implemented through the density allowances of the base zones and plan districts. The HRCP project is consistent with policies 5.1 and 5.2 in that the amendments do not impact the underlying zoning that dictates the number of dwelling units or the amount of floor area that is allowed within each base zone or plan district. The project includes amendments that generally encourage the development of housing that is allowed by the base zone by removing a cost-related barrier to developing small accessory dwelling units (ADUs) in Historic and Conservation Districts. Findings that address housing supply in response to Statewide Planning Goal 10 are also incorporated here by reference. Therefore, the amendments are consistent with these policies.

Policy 5.3. Housing potential. Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households and identify opportunities to meet future demand.

164. Finding: The Comprehensive Plan defines evaluate as to "assess the range of outcomes and identify costs and benefits." As described in the findings for Goal 5 and incorporated by reference here, the HRCP amendments provide additional historic preservation incentives, some of which allow additional housing types in residential zones. These additional housing types include the conversion of Historic and Conservation Landmarks and contributing resources in Historic and Conservation Districts into smaller more efficient units than what exist today and what would otherwise be allowed in the zone. Additionally, the HRCP amendments provide an exemption to historic resource review for the construction of small detached accessory structures, which can be used for accessory dwelling units. This new exemption reduces the application cost and timeline for review to construct detached accessory dwelling units, which provide compact housing options that are more affordable than single family houses or larger units that are otherwise allowed in the zones. Therefore, the amendments are consistent with this policy.

Policy 5.4. Housing types. Encourage new and innovative housing types that meet the evolving needs of Portland households, and expand housing choices in all neighborhoods. These housing types include but are not limited to single-dwelling units; multi-dwelling units; accessory dwelling units; small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing; and clustered housing/clustered services.

165. Finding: In general, the types of housing allowed are specified in the base zones. The HRCP amendments do not change the underlying housing types allowed by the base zones. However, the HRCP amendments provide additional historic preservation incentives, some of which allow additional housing types in residential zones. These additional housing types are allowed in Historic and Conservation Landmarks and Districts and include, but are not limited to, conversion of existing buildings into multi-dwelling structures and second accessory dwelling units in conjunction with multi-dwelling structures. Therefore, the amendments are consistent with this policy.

Policy 5.5. Housing in centers. Apply zoning in and around centers that allows for and supports a diversity of housing that can accommodate a broad range of households, including multi-dwelling and family-friendly housing options.

166. Finding: The HRCP amendments do not change the Zoning Map. Therefore, the this policy does not apply.

Policy 5.6. Middle housing. Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed-use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.

167. Finding: As described in the findings for policies 5.2 through 5.4 and incorporated by reference here, the HRCP amendments provide additional historic preservation incentives to allow for the development of additional housing types, including accessory dwelling units and middle housing types, in Historic and Conservation Landmarks and Districts. In Historic, Conservation, and National Register Landmarks and Districts, the uses—including accessory dwelling uses and middle housing uses—that are allowed in the zone are also allowed. City Council received testimony, specifically letters from Thomas M. Christ dated October 18 and November 1, 2021, raising questions related to middle housing uses and HRCP. The City Council finds that the HRCP provides for the development of middle housing uses and accessory dwelling units as required by State law and as supported by Comprehensive Plan goals and policies. The City Council finds that the development of accessory dwelling units, duplexes, and other middle housing uses can be provided through the internal conversion of existing buildings, additions to existing buildings, freestanding new construction on sites containing existing buildings, and in new buildings on vacant sites. The City Council recognizes the Internal Conversion Report as evidence of the feasibility of converting existing buildings to duplex and other middle housing uses. In the case of historic resources, the HRCP regulations are consistent with OAR 660-023-0200 to ensure that historic resources are protected by land use regulations including, but not limited to, protection through demolition review. Demolition review does not apply to all resources within the boundaries of landmarks and districts—noncontributing resources and most detached accessory structures are exempt from demolition review—providing redevelopment opportunities on sites within the boundaries of landmarks and districts where demolition review is not required. Additionally, the approval criteria for demolition review do not prohibit demolition, but require evaluation of the proposed demolition against other values, such as Comprehensive Plan policies, mitigation measures, and the production of affordable housing. The HRCP’s clear and objective thresholds for demolition review ensure only proposed changes that would result in the loss of the resource are subject to demolition review; specific to middle housing, the thresholds for demolition review also provide greater certainty for development activities that require alteration of an existing building to incorporate new middle housing uses, such as adding a new door. Finally, the HRCP’s new incentives that allow accessory dwelling and middle housing uses in excess of the uses allowed in the zone to increase the potential for Historic and Conservation Landmarks and Districts to even more readily facilitate the development of middle housing uses, especially through internal conversion of existing buildings, related new construction, and redevelopment of sites that do not contain contributing resources. The City Council therefore disagrees with assertions that HRCP amendments do not adequately allow for and support the development of middle housing uses and accessory dwelling units within the boundaries of historic resources. Therefore, the amendments are consistent with Policy 5.6.

Policy 5.7. Adaptable housing. Encourage adaption of existing housing and the development of new housing that can be adapted in the future to accommodate the changing variety of household types.

Policy 5.8. Physically-accessible housing. Allow and support a robust and diverse supply of affordable, accessible housing to meet the needs of older adults and people with disabilities, especially in centers, station areas, and other places that are proximate to services and transit.

Policy 5.9. Accessible design for all. Encourage new construction and retrofitting to create physically-accessible housing, extending from the individual unit to the community, using Universal Design Principles.

168. Finding: As described in the findings for policies 5.2 through 5.4 and policy 5.6 and incorporated by reference here, the HRCP amendments provide additional historic preservation incentives to allow for the development of additional housing types, including middle housing types, in Historic and Conservation Landmarks and Districts. These housing types would be allowed in existing buildings, through internal conversion, encouraging adaptation of existing housing. In addition to the housing types allowed through historic preservation incentives, the HRCP amendments support these policies through an exemption to historic resource review and, where review is required, a lower Type I procedure for accessibility improvements to Historic and Conservation Landmarks and Districts. The new exemption and lower procedure type reduce the cost and timeline for approval for accessibility improvements. Therefore, the amendments are consistent with policies 5.7 through 5.9.

Policy 5.10. Coordinate with fair housing programs. Foster inclusive communities, overcome disparities in access to community assets, and enhance housing choice for people in protected classes throughout the city by coordinating plans and investments to affirmatively further fair housing.

169. Finding: This policy encourages programs and projects to ensure neighborhoods provide for a wide diversity of people in terms of people in terms of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other characteristics. Generally, programs administered by the Housing Bureau, and regulations such as the inclusionary housing requirements provide the opportunity to create developments that provide access to housing for people in a range of classes. The HRCP amendments do not affect any program administered by the Portland Housing Bureau or the zoning code inclusionary housing regulations. Therefore, this policy is not applicable.

Housing access

Policy 5.11. Remove barriers. Remove potential regulatory barriers to housing choice for people in protected classes to ensure freedom of choice in housing type, tenure, and location.

170. Finding: As described in the findings for policies 5.2 through 5.4 and incorporated by reference here, the HRCP amendments provide additional historic preservation incentives to allow for the development of additional housing types in Historic and Conservation Landmarks and Districts. As described in the findings for Policy 5.9 and incorporated by reference here, the HRCP amendments reduce cost and timeline for making accessibility improvements to historic resources. The allowance for additional housing types and streamlining of the process for approving accessibility improvements are consistent with this policy.

Policy 5.12. Impact analysis. Evaluate plans and investments, significant new infrastructure, and significant new development to identify potential disparate impacts on housing choice, access, and affordability for protected classes and low-income households. Identify and implement strategies to mitigate the anticipated impacts.

Policy 5.13. Housing stability. Coordinate plans and investments with programs that prevent avoidable,

involuntary evictions and foreclosures.

Policy 5.14. Preserve communities. Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established communities.

Policy 5.15. Gentrification/displacement risk. Evaluate plans and investments, significant new infrastructure, and significant new development for the potential to increase housing costs for, or cause displacement of communities of color, low- and moderate-income households, and renters. Identify and implement strategies to mitigate the anticipated impacts.

Policy 5.16. Involuntary displacement. When plans and investments are expected to create neighborhood change, limit the involuntary displacement of those who are under-served and under-represented. Use public investments and programs, and coordinate with nonprofit housing organizations (such as land trusts and housing providers) to create permanently-affordable housing and to mitigate the impacts of market pressures that cause involuntary displacement.

171. Finding: The City Council interprets Policies 5.12 to 5.16 as requiring evaluation and analysis as to who will benefit and who will be burdened by a planning decision, including amendments to the Comprehensive Plan, the Comprehensive Plan Map, the Zoning Code, and the Zoning Map. The Council interprets “involuntary displacement” to occur when a resident is forced to relocate due to factors that are beyond the resident’s control including, but not limited to, increased rents due to market pressure and decisions by landlords to redevelop property.

The HRCP amendments support these policies through refinements to demolition review. The HRCP amendments ensure demolition review applies to all landmarks and contributing resources in districts., except for detached accessory structures. Demolition review provides a public hearing process before a permit for demolition can be approved for applicable historic resources. This ensures that historic resources are not demolished without a public process. Refinements to the demolition review approval criteria provide decision-maker with greater opportunities to consider many factors—including the goals and policies of the Comprehensive Plan—before arriving at a decision in demolition review. Therefore, the factors considered in demolition review provide an opportunity to consider these exact policies. Therefore, the amendments are consistent with this policy.

Policy 5.17. Land banking. Support and coordinate with community organizations to hold land in reserve for affordable housing, as an anti-displacement tool, and for other community development purposes.

172. Finding: This policy is not relevant because this ordinance amends the zoning code and land banking programs are not authorized or managed through the zoning code.

Policy 5.18. Rebuild communities. Coordinate plans and investments with programs that enable communities impacted by involuntary displacement to maintain social and cultural connections, and re-establish a stable presence and participation in the impacted neighborhoods.

173. Finding: This policy is not relevant because this ordinance amends the zoning code and land programs for maintaining social and cultural connections are not authorized or managed through the zoning code.

Policy 5.19. Aging in place. Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.

174. Finding: The HRCP amendments support Portlanders’ ability to age in place through refinements to historic resource review exemptions and expanding the list of historic preservation incentives. New exemptions from historic resource review allow certain accessory improvements without

triggering historic resource review, streamlining the process and cost of review for making modifications to historic resources to accommodate accessibility needs. An additional exemption for Historic and Conservation Districts allows for the construction of certain detached accessory structures, which can be used as accessory dwelling units, without triggering historic resource review which therefore reduces the time and cost of approval. Finally, the HRCP amendments expand historic preservation incentives which allow for additional housing types in Historic and Conservation Landmarks and Districts. These housing types provide options for smaller and more adaptable housing arrangements, which may provide opportunities for older adults to remain in their community in new or adapted housing. Therefore, the amendments are consistent with this policy.

Housing location

Policy 5.20. Coordinate housing needs in high-poverty areas. Meet the housing needs of under-served and under-represented populations living in high-poverty areas by coordinating plans and investments with housing programs.

Policy 5.21. Access to opportunities. Improve equitable access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities in areas with high concentrations of under-served and under-represented populations and an existing supply of affordable housing.

Policy 5.22. New development in opportunity areas. Locate new affordable housing in areas that have high/medium levels of opportunity in terms of access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities.

Policy 5.23. Higher-density housing. Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.

Policy 5.24. Impact of housing on schools. Evaluate plans and investments for the effect of housing development on school enrollment, financial stability, and student mobility. Coordinate with school districts to ensure plans are aligned with school facility plans.

175. Finding: The HRCP amendments revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. The amendments do not change the allowed type or amount of housing allowed by the base zones. Therefore, these policies are not applicable.

Housing affordability

Policy 5.25. Housing preservation. Preserve and produce affordable housing to meet needs that are not met by the private market by coordinating plans and investments with housing providers and organizations.

Policy 5.26. Regulated affordable housing target. Strive to produce at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.

Policy 5.27. Funding plan. Encourage development or financial or regulatory mechanisms to achieve the regulated affordable housing target set forth for 2035.

Policy 5.28. Inventory of regulated affordable housing. Coordinate periodic inventories of the supply of regulated affordable housing in the four-county (Clackamas, Clark, Multnomah and Washington) region with Metro.

Policy 5.29. Permanently-affordable housing. Increase the supply of permanently-affordable housing, including both rental and homeownership opportunities.

176. Finding: Policies 5.25 through 5.29 promote the production and preservation of affordable housing. The 2035 Comprehensive Plan defines permanently affordable housing as units that will remain affordable to a low-income household, such as housing that is owned and maintained by a public agency or a nonprofit organization. In general, these policies are implemented through city programs administered by the Portland Housing Bureau. Within the zoning code, the inclusionary housing provisions require new buildings with 20 units or more to provide a percentage of the units at affordable rates. The HRCF amendments refine the historic resource review procedure types to expedite the review and approval of affordable housing proposals, however, the HRCF amendments do not affect the PHB programs or the zoning code inclusionary housing regulations. Therefore, these policies are not applicable.

Policy 5.30. Housing cost burden. Evaluate plans and investments for their impact on household cost, and consider ways to reduce the combined cost of housing, utilities, and/or transportation. Encourage energy-efficiency investments to reduce overall housing costs.

177. Finding: The HRCF amendments support policy 5.29 through allowing and encouraging smaller and more adaptable housing arrangements, as described in the findings for policies 5.2 through 5.5 and incorporated by reference here. These housing types, including internal conversion of existing houses, new multi-dwelling development, and second accessory dwelling units, provide options for housing that can be more affordable than existing housing and the housing otherwise allowed in the zone. Therefore, the amendments are consistent with this policy.

178. Policy 5.31. Household prosperity. Facilitate expanding the variety of types and sizes of affordable housing units, and do so in locations that provide low-income households with greater access to convenient transit and transportation, education and training opportunities, the Central City, industrial districts, and other employment areas.

Policy 5.32 Affordable Housing in Centers. Encourage income diversity in and around centers by allowing a mix of housing types and tenures.

Policy 5.33. Central City affordable housing. Encourage the preservation and production of affordable housing in the Central City to take advantage of the area's unique concentration of active transportation access, jobs, open spaces, and supportive services and amenities.

179. Finding: Policies 5.31 through 5.33 promote the placement of a mix of housing, focused on affordable housing in areas that have access to transit and services, especially in Centers and the Central City. The HRCF amendments do not change the allowed types or intensity of housing. The HRCF amendments revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. Therefore, these policies are not applicable.

Policy 5.34. Affordable housing resources. Pursue a variety of funding sources and mechanisms including new financial and regulatory tools to preserve and develop housing units and various assistance programs for households whose needs are not met by the private market.

180. Finding: This policy does not apply because it concerns affordable housing funding sources and mechanisms, which are not addressed by zoning code regulations that are the focus of the HRCP amendments.

Policy 5.35. Inclusionary housing. Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing.

181. Finding: Inclusionary housing regulations were adopted in 2018. The HRCP amendments do not change that program.

Policy 5.36. Impact of regulations on affordability. Evaluate how existing and new regulations affect private development of affordable housing, and minimize negative impacts where possible. Avoid regulations that facilitate economically-exclusive neighborhoods.

182. Finding: The HRCP amendments support policy 5.36 through allowing and encouraging smaller and more adaptable housing arrangements, as described in the findings 5.2 through 5.5 and incorporated by reference here, which provide inclusive housing arrangements in areas that may have historically been economically exclusive. A new demolition review approval criterion allows for the removal of contributing resources in National Register Districts that are zoned for single-dwelling use when the demolition makes way for more housing affordable at 60% median family income than could be achieved through preservation of the structure. This demolition review criterion requires consideration of many factors—including the reuse potential of the exiting building—and ultimately supports development of affordable housing in areas that have historically-exclusive single-dwelling zoning. Finally, the HRCP amendments refine the historic resource review procedure types to expedite the review and approval of affordable housing proposals. Therefore, the amendments are consistent with this policy.

Policy 5.37. Mobile home parks. Encourage preservation of mobile home parks as a low/moderate-income housing option. Evaluate plans and investments for potential redevelopment pressures on existing mobile home parks and impacts on park residents and protect this low/moderate-income housing option. Facilitate replacement and alteration of manufactured homes within an existing mobile home park.

183. Finding: Existing mobile home parks were recently rezoned to RMP (Residential Manufactured Dwelling Park) to implement this policy. The HRCP amendments do not impact any land with RMP zoning. Therefore, this policy does not apply.

Policy 5.38. Workforce housing. Encourage private development of a robust supply of housing that is affordable to moderate-income households located near convenient multimodal transportation that provides access to education and training opportunities, the Central City, industrial districts, and other employment areas.

184. Finding: The HRCP amendments support policy 5.38 through allowing and encouraging smaller and more adaptable housing arrangements, as described in the findings for policies 5.2 through 5.5 and incorporated by reference here, which provide housing that may be more accessible to moderate income households than existing housing and housing allowed by the zone. Historic Districts that are eligible for use of these incentives include Ladd’s Addition and Irvington, both of which are within proximity to education and training opportunities, the Central City, industrial districts, and other employment areas. Therefore, the amendments are consistent with this policy.

Policy 5.39. Compact single-family options. Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

185. Finding: As described in the findings for policies 4.15 through 4.19 and incorporated by reference here, the HRCP amendments encourage the preservation of small resource-efficient and affordable single-family homes through refinements to demolition review and expanding historic preservation incentives. The HRCP amendments do not designate any new landmarks or districts and, therefore, the development regulations that are being amended do not affect all areas of the city; the amendments only affect areas of the City that are designated or listed as a historic resource. Therefore, the amendments are consistent with this policy.

Policy 5.40. Employer-assisted housing. Encourage employer-assisted affordable housing in conjunction with major employment development.

186. Finding: The HRCP amendments do not impact employer assisted affordable housing programs. Therefore, this policy does not apply.

Policy 5.41. Affordable homeownership. Align plans and investments to support improving homeownership rates and locational choice for people of color and other groups who have been historically under-served and under-represented.

Policy 5.42. Homeownership retention. Support opportunities for homeownership retention for people of color and other groups who have been historically under-served and under-represented.

Policy 5.43. Variety in homeownership opportunities. Encourage a variety of ownership opportunities and choices by allowing and supporting including but not limited to condominiums, cooperatives, mutual housing associations, limited equity cooperatives, land trusts, and sweat equity.

187. Finding: Council finds that Policies 5.38 through 5.43 all aim to support opportunities for homeownership for all Portlanders, including historically under-served and under-represented Portlanders. The HRCP amendments do not affect regulatory or funding programs that impact homeownership. Therefore, these policies do not apply.

Policy 5.44. Regional cooperation. Facilitate opportunities for greater regional cooperation in addressing housing needs in the Portland Metropolitan area, especially for the homeless, low- and moderate-income households, and historically under-served and under-represented communities.

Policy 5.45. Regional balance. Encourage development of a “regional balance” strategy to secure greater regional participation to address the housing needs of homeless people and communities of color, low- and moderate-income households, and historically under-served and under-represented communities throughout the region.

188. Finding: Council finds that Policies 5.44 and 5.45 address how the City engages with Metro and other jurisdictions in the Portland region on housing issues and do not apply to this legislative project.

Homelessness

Policy 5.46. Housing continuum. Prevent homelessness and reduce the time spent being homeless by ensuring that a continuum of safe and affordable housing opportunities and related supportive services are allowed, including but not limited to Permanent Supportive Housing, transitional housing, self-built micro housing communities, emergency shelters, temporary shelters such as warming centers, and transitional campgrounds.

189. Finding: The HRCP amendments do not affect the types or intensity of housing or residential use allowed in the city. The HRCP amendments revise zoning code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and

streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. Therefore, these policies are not applicable.

Health, safety, and well-being

Policy 5.47. Healthy housing. Encourage development and maintenance of all housing, especially multi-dwelling housing, that protects the health and safety of residents and encourages healthy lifestyles and active living.

Policy 5.48. Housing safety. Require safe and healthy housing free of hazardous materials such as lead, asbestos, and radon.

190. Finding: The HRCP amendments support the development of housing types—including conversion of existing buildings and new buildings—through expansion of historic preservation incentives, as described in the findings policies 5.2 through 5.5 and incorporated by reference here. New exemptions to historic resource review—a review that applies to Historic and Conservation Landmarks and Districts—support advancing housing safety without triggering historic resource review; exemptions to historic resource review can reduce cost and timeline for making changes to historic resources. Specifically, the exemptions address radon mitigation, solar energy systems, improvements to fire escapes, and certain seismic improvements. These new exemptions support safe and healthy housing by expediting the approval of such upgrades. Therefore, the amendments are consistent with policies 5.47 through 5.48.

Policy 5.49. Housing quality. Encourage housing that provides high indoor air quality, access to sunlight and outdoor spaces, and is protected from excessive noise, pests, and hazardous environmental conditions.

191. Finding: The HRCP amendments support the development of housing types—including conversion of existing buildings and new buildings—through expansion of historic preservation incentives, as described in the findings policies 5.2 through 5.5 and incorporated by reference here. New housing types, even housing types in existing buildings, trigger building regulations that create indoor habitability that meets modern regulations. Additionally, new buildings that are approved through historic resource review—specifically those within the boundaries of Historic and Conservation Landmarks and Districts—must meet historic resource review approval criteria or meet Community Design Standards. Those criteria and standards ensure new developments and alteration to existing development are designed to be compatible with the associated historic resource, including quality of materials and design. Therefore, the amendments are consistent with this policy.

Policy 5.50. High-performance housing. Encourage energy efficiency, green building practices, materials, and design to produce healthy, efficient, durable, and adaptable homes that are affordable or reasonably priced.

192. Finding: The HRCP amendments support policy 5.50 through additional historic preservation incentives and additional exemptions to historic resource review. Providing historic preservation incentives that allow additional housing types, including conversion of existing buildings and new buildings, supports adaptable homes that may be offered at prices that are more affordable than the existing building stock, especially in areas that have historically been used for single-dwelling structures. In addition to the historic preservation incentives, new exemptions to historic resource

review encourage installation of solar energy systems by reducing the cost and timeline for historic resource review approval. Therefore, the amendments are consistent with this policy.

Policy 5.51. Healthy and active living. Encourage housing that provides features supportive of healthy eating and active living such as useable open areas, recreation areas, community gardens, crime-preventive design, and community kitchens in multifamily housing.

193. Finding: As described in the findings for policy 5.49 and incorporated by reference here, new buildings that are approved through historic resource review—specifically those within the boundaries of Historic and Conservation Landmarks and Districts—must meet historic resource review approval criteria or meet Community Design Standards. Those criteria and standards ensure new developments and alteration to existing development are designed to be compatible with the associated historic resource, including the design of exterior features that may include community gardens, crime-prevention design, or other features of healthy and active living. Therefore, the amendments are consistent with this policy.

Policy 5.52. Walkable surroundings. Encourage active transportation in residential areas through the development of pathways, sidewalks, and high-quality onsite amenities such as secure bicycle parking.

Policy 5.53. Responding to social isolation. Encourage site designs and relationship to adjacent developments that reduce social isolation for groups that often experience it, such as older adults, people with disabilities, communities of color, and immigrant communities.

194. Finding: The HRCF amendments do not change any development standards that regulate pedestrian connections or site design. As a result, these policies generally do not apply.

Policy 5.54 Renter protections. Enhance renter health, safety, and stability through education, expansion of enhanced inspections, and support of regulations and incentives that protect tenants and prevent involuntary displacement.

195. Finding: The HRCF amendments do not alter regulations establishing tenant protections including required relocation assistance when properties are sold and/or redeveloped (PCC 30.01.085). As a result, this policy does not apply.

Chapter 6: Economic Development

Goal 6.A: Prosperity. Portland has vigorous economic growth and a healthy, diverse economy that supports prosperity and equitable access to employment opportunities for an increasingly diverse population. A strong economy that is keeping up with population growth and attracting resources and talent can:

- Create opportunity for people to achieve their full potential.
- Improve public health.
- Support a healthy environment.
- Support the fiscal well-being of the city.

Goal 6.B: Development. Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by: 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.

Goal 6.C: Business district vitality. Portland implements land use policy and investments to:

- Ensure that commercial, institutional, and industrial districts support business retention and expansion.
- Encourage the growth of districts that support productive and creative synergies among local businesses.
- Provide convenient access to goods, services, and markets.
- Take advantage of our location and quality of life advantages as a gateway to world-class natural landscapes in Northwest Oregon, Southwest Washington, and the Columbia River Basin, and a robust interconnected system of natural landscapes within the region's Urban Growth Boundary.

196. Finding: In general, the HRCP project does not reduce the supply of employment land because no base zoning map amendments are proposed, so there is no change to the City's employment land base. The EOA identifies an adequate, but tight, supply of industrial capacity. The HRCP project does provide one new preservation incentive that will allow limited nonindustrial uses within industrial zones that could have a limited impact on industrial land capacity. The new incentive will apply to 16 Historic Landmarks that are located on sites zoned industrial. The incentive is intended to promote the preservation, rehabilitation, and reuse of these designated landmarks. This incentive allows two nonindustrial uses to be approved on sites with Historic Landmarks—Retail Sales And Service and Major Event Entertainment. The following are the employment land characteristics of the 16 landmark sites:

- All 16 landmark sites are zoned General Industrial 1.
- Fifteen are located in the Central City Industrial EOA geography and the remaining site is located in the Town Center EOA geography;
- According to the City's adopted and acknowledged EOA, both geographies have a surplus of buildable land (349 acres surplus);
- All 16 sites are developed, and none of the sites is identified as vacant redevelopable or non-vacant redevelopable land in the City's Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017;
- According to Multnomah County tax assessor records, 10 of the 16 landmark sites are currently described as having nonconforming residential, commercial or office uses;

- According to Multnomah County tax assessor records, the remaining 6 landmark sites may have both conforming uses and nonconforming uses;

Because all 16 landmark sites are within EOA geographies that have a surplus of buildable land, and most if not all of the sites are not currently contributing to the industrial land base because they are developed with non-conforming, non-industrial uses, allowing other non-industrial uses on these sites will have a neutral impact on the industrial land supply. In addition, the new incentive only allows the two nonindustrial uses provided approval criteria designed to protect the overall industrial character and function of the area are met. Therefore, the HRCP amendments are consistent with these economic development goals.

Diverse, expanding city economy

Policy 6.1. Diverse and growing community. Expand economic opportunity and improve economic equity for Portland's diverse, growing population through sustained business growth.

Policy 6.2. Diverse and expanding economy. Align plans and investments to maintain the diversity of Portland's economy and status as Oregon's largest job center with growth across all sectors (commercial, industrial, creative, and institutional) and across all parts of the city.

Policy 6.3. Employment growth. Strive to capture at least 25 percent of the seven-county region's employment growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

Policy 6.4. Fiscally-stable city. Promote a high citywide jobs-to-households ratio that supports tax revenue growth at pace with residential demand for municipal services.

Policy 6.5. Economic resilience. Improve Portland's economic resilience to impacts from climate change and natural disasters through a strong local economy and equitable opportunities for prosperity.

Policy 6.6. Low-carbon and renewable energy economy. Align plans and investments with efforts to improve energy efficiency and reduce lifecycle carbon emissions from business operations. Promote employment opportunities associated with energy efficiency projects, waste reduction, production of more durable goods, and recycling.

Policy 6.7. Competitive advantages. Maintain and strengthen the city's comparative economic advantages including access to a high-quality workforce, business diversity, competitive business climate, and multimodal transportation infrastructure.

Policy 6.8. Business environment. Use plans and investments to help create a positive business environment in the city and provide strategic assistance to retain, expand, and attract businesses.

Policy 6.9. Small business development. Facilitate the success and growth of small businesses and coordinate plans and investments with programs that provide technical and financial assistance to promote sustainable operating practices.

Policy 6.10. Business innovation. Encourage innovation, research, development, and commercialization of new technologies, products, and services through responsive regulations and public sector approaches.

Policy 6.11. Sharing economy. Encourage mechanisms that enable individuals, corporations, non-profits, and government to market, distribute, share, and reuse excess capacity in goods and services. This includes peer-to-peer transactions, crowd funding platforms, and a variety of business models to facilitate borrowing and renting unused resources.

Policy 6.12. Economic role of livability and ecosystem services. Conserve and enhance Portland’s cultural, historic, recreational, educational, food-related, and ecosystem assets and services for their contribution to the local economy and their importance for retention and attraction of skilled workers and businesses.

197. Finding: Policies 6.1 through 6.12 provide direction regarding economic and employment growth. Except as noted below in response to Policy 6.13, the HRCP amendments have a neutral effect on land designated for industrial or employment uses. The amendments do not affect the base development capacity in the commercial mixed-use areas. Therefore, there is no impact to employment capacity.

Land development

Policy 6.13. Land supply. Provide supplies of employment land that are sufficient to meet the long-term and short-term employment growth forecasts, adequate in terms of amounts and types of sites, available and practical for development and intended uses. Types of sites are distinguished primarily by employment geographies identified in the Economic Opportunities Analysis, although capacity needs for building types with similar site characteristics can be met in other employment geographies.

198. Finding: As noted above for Comprehensive Plan Goals 6A-6C and for Statewide Planning Goal 9, the HRCP amendments do not reduce the supply of employment land because no base zoning map amendments are proposed, so there is no change to the City’s employment land base. The HRCP project does provide one new preservation incentive that will allow limited nonindustrial uses within industrial zones that could have a limited impact on industrial land capacity. The new incentive will apply to 16 Historic Landmarks that are located on sites zoned industrial. However, because all 16 landmark sites are within EOA geographies that have a surplus of buildable land, and most if not all of the sites are not currently contributing to the industrial land base because they are developed with non-conforming, non-industrial uses, allowing other non-industrial uses on these sites will have a neutral impact on the industrial land supply. In addition, the new incentive only allows the two nonindustrial uses provided approval criteria designed to protect the overall industrial character and function of the area are met. Therefore, HRCP amendments are consistent with this policy.

Policy 6.14. Brownfield redevelopment. Overcome financial-feasibility gaps to cleanup and redevelop 60 percent of brownfield acreage by 2035.

Policy 6.15. Regionally-competitive development sites. Improve the competitiveness of vacant and underutilized sites located in Portland’s employment areas using incentives, and regional and state assistance for needed infrastructure and site readiness improvements.

199. Finding: Policies 6.14 and 6.15 provide direction regarding land supply and underutilized or vacant development sites. The HRCP amendments do not change the Comprehensive Plan designations or regulations affecting any currently designated employment lands. With the small exception noted above in response to Policy 6.13, the amendments do not allow nonindustrial use on industrial or employment land. Therefore, these policies are not applicable.

Policy 6.16. Regulatory climate. Improve development review processes and regulations to encourage predictability and support local and equitable employment growth and encourage business retention, including:

6.16.a. Assess and understand cumulative regulatory costs to promote Portland’s financial competitiveness with other comparable cities.

6.16.b. Promote certainty for new development through appropriate allowed uses and “clear and objective” standards to permit typical development types without a discretionary review.

6.16.c. Allow discretionary-review to facilitate flexible and innovative approaches to meet requirements.

6.16.d. Design and monitor development review processes to avoid unnecessary delays.

6.16.e. Promote cost effective compliance with federal and state mandates, productive intergovernmental coordination, and efficient, well-coordinated development review and permitting procedures.

200. Finding: The HRCP amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Policy 6.16 concerns development review processes and regulations and ensuring those regulations are predictable and provide for both certainty and flexibility. As described in the findings for Goal 5 and incorporated by reference here, historic resources are unique places that are subject to reviews, such as demolition review and historic resource review, that protect these special places from loss. The HRCP amendments support policy 6.16 in the following ways:

- The HRCP amendments refine demolition review to ensure that all landmarks and contributing resources in districts are subject to demolition review while, importantly to policy 6.16, exempting certain detached accessory structures from demolition review, lowering the procedure type from Type IV to Type III for properties that are a Conservation or National Register Landmark or are contributing to a Conservation or National Register District, and expand the approval criteria for contributing resources in Conservation and National Register Districts. The new exemption, reduced procedure type, and expanded approval criteria reduce costs associated with the reviews and provides additional flexibility in the paths available to gain approval of certain resources in demolition review.
- The HRCP amendments provide new exemptions to historic resource review for Historic and Conservation Landmarks and properties in Historic and Conservation Districts. These exemptions apply to minor exterior alterations and new construction and, therefore, do not present the potential to irreparably destroy historic resources, but do provide the opportunity for many routine upgrades to proceed without review, reducing application cost and complexity. The new exemptions lower regulatory costs and offer clear and objective alternatives to historic resource review.
- The HRCP amendments comply with Goal 5, as described in the findings for Goal 5 and incorporated by reference here, and therefore bring Portland’s regulations into compliance with State regulations governing local historic resource programs

Therefore, the amendments are consistent with this policy.

Policy 6.17. Short-term land supply. Provide for a competitive supply of development-ready sites with different site sizes and types, to meet five-year demand for employment growth in the Central City, industrial areas, campus institutions, and neighborhood business districts.

Policy 6.18. Evaluate land needs. Update the Economic Opportunities Analysis and short-term land supply strategies every five to seven years.

Policy 6.19. Corporate headquarters. Provide land opportunities for development of corporate headquarters campuses in locations with suitable transportation facilities.

201. Finding: Policies 6.17 through 6.19 ensure that the City maintains an adequate supply of employment lands, including lands that can be used for future corporate headquarters, and that the City update its land supply analysis on a regular basis. As noted above for Comprehensive Plan Goals 6A-6C and for Statewide Planning Goal 9, the HRPC amendments have a neutral impact on the city's buildable land inventory. Therefore, these policies are not applicable.

Traded sector competitiveness

Policy 6.20. Traded sector competitiveness. Align plans and investments with efforts to improve the city and regional business environment for traded sector and export growth. Participate in regional and statewide initiatives.

Policy 6.21. Traded sector diversity. Encourage partnerships to foster the growth, small business vitality, and diversity of traded sectors.

Policy 6.22. Clusters. Align plans and investments with efforts that direct strategic business development resources to enhance the competitiveness of businesses in traded sector clusters.

Policy 6.23. Trade and freight hub. Encourage investment in transportation systems and services that will retain and expand Portland's competitive position as a West Coast trade gateway and freight distribution hub.

Policy 6.24. Traded sector land supply. Foster traded sector retention, growth, and competitive advantages in industrial districts and the Central City. Recognize the concentration of traded-sector businesses in these districts.

Policy 6.25. Import substitution. Encourage local goods production and service delivery that substitute for imports and help keep the money Portlanders earn in the local economy.

Policy 6.26. Business opportunities in urban innovation. Strive to have Portland's built environment, businesses, and infrastructure systems showcase examples of best practices of innovation and sustainability.

202. Finding: Policies 6.20 through 6.26 address Portland's traded sector competitiveness. The HRPC amendments address the historic resource overlay zone regulations and approval criteria, and do not impact the city and regional business climate as it relates to traded sector competitiveness. Policies 6.20 through 6.26 do not apply.

Equitable household prosperity

Policy 6.27. Income self-sufficiency. Expand access to self-sufficient wage levels and career ladders for low-income people by maintaining an adequate and viable supply of employment land and public facilities to support and expand opportunities in Portland for middle- and high-wage jobs that do not require a 4-year college degree.

6.27.a. Support the role of industrial districts as a leading source of middle-wage jobs that do not require a 4-year college degree and as a major source of wage-disparity reduction for under-served and under-represented communities.

6.27.b. Evaluate and limit negative impacts of plans and investments on middle and high wage job creation and retention.

Policy 6.28. East Portland job growth. Improve opportunities for East Portland to grow as a business destination and source of living wage jobs.

Policy 6.29. Poverty reduction. Encourage investment in, and alignment of, poverty-reduction efforts that address economic development, land use, transportation, housing, social services, public health, community development, and workforce development.

Policy 6.30. Disparity reduction. Encourage investment in, and alignment of, public efforts to reduce racial, ethnic, and disability-related disparities in income and employment opportunity.

Policy 6.31. Minority-owned, woman-owned and emerging small business (MWESB) assistance. Ensure that plans and investments improve access to contracting opportunities for minority-owned, woman-owned, and emerging small businesses.

Policy 6.32. Urban renewal plans. Encourage urban renewal plans to primarily benefit existing residents and businesses within the urban renewal area through:

- Revitalization of neighborhoods.
- Expansion of housing choices.
- Creation of business and job opportunities.
- Provision of transportation linkages.
- Protection of residents and businesses from the threats posed by gentrification and displacement.
- The creation and enhancement of those features which improve the quality of life within the urban renewal area.

203. Finding: Policies 6.27 through 6.32 address equitable household prosperity. The HRCP amendments address the historic resource overlay zone regulations and approval criteria, and do not impact City programs or regulations related to business development or urban renewal. Policies 6.27 through 6.32 do not apply.

Central City

Policy 6.33. Central City. Improve the Central City's regional share of employment and continue its growth as the unique center of both the city and the region for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

Policy 6.34. Central City industrial districts. Protect and facilitate the long-term success of Central City industrial districts, while supporting their evolution into places with a broad mix of businesses with high employment densities.

Policy 6.35. Innovation districts. Provide for expanding campus institutions in the Central City and Marquam Hill, and encourage business development that builds on their research and development strengths.

204. Finding: Policies 6.33 through 6.35 provide direction regarding economic development in the Central City. The HRCP amendments have no impact on Central City or Marquam Hill employment zones. These policies do not apply.

Industrial and employment districts

Policy 6.36. Industrial land. Provide industrial land that encourages industrial business retention, growth, and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing, and a widely-accessible base of family-wage jobs, particularly for under-served and under-represented people.

Policy 6.37. Industrial sanctuaries. Protect industrial land as industrial sanctuaries identified on the Comprehensive Plan Map primarily for manufacturing and distribution uses and to encourage the growth of industrial activities in the city.

Policy 6.38. Prime industrial land retention. Protect the multimodal freight-hub industrial districts at the Portland Harbor, Columbia Corridor, and Brooklyn Yard as prime industrial land that is prioritized for long-term retention.

6.38.a. Protect prime industrial lands from quasi-judicial Comprehensive Plan Map amendments that convert prime industrial land to non-industrial uses, and consider the potential for other map amendments to otherwise diminish the economic competitiveness or viability of prime industrial land.

6.38.b. Limit conversion of prime industrial land through land use plans, regulations, or public land acquisition for non-industrial uses, especially land that can be used by river-dependent and river-related industrial uses.

6.38.c. Limit regulatory impacts on the capacity, affordability, and viability of industrial uses in the prime industrial area while ensuring environmental resources are also protected.

6.38.d. Strive to offset the reduction of development capacity as needed, with additional prime industrial capacity that includes consideration of comparable site characteristics. Offsets may include but are not limited to additional brownfield remediation, industrial use intensification, strategic investments, and other innovative tools and partnerships that increase industrial utilization of industrial land.

6.38.e. Protect prime industrial land for siting of parks, schools, large-format places of assembly, and large-format retail sales.

6.38.f. Promote efficient use of freight hub infrastructure and prime industrial land by limiting non-industrial uses that do not need to be in the prime industrial area.

Policy 6.39. Harbor access lands. Limit use of harbor access lands to river- or rail-dependent or related industrial land uses due to the unique and necessary infrastructure and site characteristics of harbor access lands for river-dependent industrial uses.

Policy 6.40. Portland Harbor Superfund Site. Take a leadership role to facilitate a cleanup of the Portland Harbor that moves forward as quickly as possible and that allocates cleanup costs fairly and equitably. Encourage a science-based and cost-effective cleanup solution that facilitates re-use of land for river- or rail-dependent or related industrial uses.

Policy 6.41. Multimodal freight corridors. Encourage freight-oriented industrial development to locate where it can maximize the use of and support reinvestment in multimodal freight corridors.

Policy 6.42. Columbia East. Provide a mix of industrial and limited business park development in Columbia East (east of 82nd Avenue) that expand employment opportunities supported by proximity to Portland International Airport and multimodal freight access.

Policy 6.43. Dispersed employment areas. Provide small, dispersed employment areas for a flexible and affordable mix of office, creative services, small-scale manufacturing, traded sector and distribution, and other small-format light industrial and commercial uses with access to nearby freeways or truck streets.

Policy 6.44. Industrial land use intensification. Encourage reinvestment in, and intensification of, industrial land use, as measured by output and throughput per acre.

Policy 6.45. Industrial brownfield redevelopment. Provide incentives, investments, technical assistance

and other direct support to overcome financial-feasibility gaps to enable remediation and redevelopment of brownfields for industrial growth.

Policy 6.46. Impact analysis. Evaluate and monitor the impacts on industrial land capacity that may result from land use plans, regulations, public land acquisition, public facility development, and other public actions to protect and preserve existing industrial lands.

Policy 6.47. Clean, safe, and green. Encourage improvements to the cleanliness, safety, and ecological performance of industrial development and freight corridors by facilitating adoption of market feasible new technology and design.

Policy 6.48. Fossil fuel distribution. Limit fossil fuels distribution and storage facilities to those necessary to serve the regional market.

Policy 6.49. Industrial growth and watershed health. Facilitate concurrent strategies to protect and improve industrial capacity and watershed health in the Portland Harbor and Columbia Corridor areas.

Policy 6.50. District expansion. Provide opportunities for expansion of industrial areas based on evaluation of forecasted need and the ability to meet environmental, social, economic, and other goals.

Policy 6.51. Golf course reuse and redevelopment. Facilitate a mix of industrial, natural resource, and public open space uses on privately-owned golf course sites in the Columbia Corridor that property owners make available for reuse.

Policy 6.52. Residential and commercial reuse. Facilitate compatible industrial or employment redevelopment on residential or commercial sites that become available for reuse if the site is in or near prime industrial areas, and near a freeway or on a freight street.

Policy 6.55. Neighborhood park use. Allow neighborhood park development within industrial zones where needed to provide adequate park service within one-half mile of every resident.

205. Finding: Policies 6.36 through 6.55 provide direction regarding industrial and employment districts. The HRCP amendments do not reduce or convert any industrially zoned land, and with one very qualified exception, no new nonindustrial uses are being allowed within industrial zones. The findings for Policy 6.13 Land Supply and Statewide Planning Goal 9 further address the exception in industrial zones and are incorporated here by reference.

Campus institutions

Policy 6.56. Campus institutions. Provide for the stability and growth of Portland's major campus institutions as essential service providers, centers of innovation, workforce development resources, and major employers.

Policy 6.57. Campus land use. Provide for major campus institutions as a type of employment land, allowing uses typically associated with health care and higher education institutions. Coordinate with institutions in changing campus zoning to provide land supply that is practical for development and intended uses.

Policy 6.58. Development impacts. Protect the livability of surrounding neighborhoods through adequate infrastructure and campus development standards that foster suitable density and attractive campus design. Minimize off-site impacts in collaboration with institutions and neighbors, especially to reduce automobile traffic and parking impacts.

Policy 6.59. Community amenities and services. Encourage campus development that provides amenities and services to surrounding neighborhoods, emphasizing the role of campuses as centers of

community activity.

Policy 6.60. Campus edges. Provide for context-sensitive, transitional uses, and development at the edges of campus institutions to enhance their integration into surrounding neighborhoods, including mixed-use and neighborhood-serving commercial uses where appropriate.

Policy 6.61. Satellite facilities. Encourage opportunities for expansion of uses, not integral to campus functions, to locate in centers and corridors to support their economic vitality.

206. Finding. Policies 6.56 through 6.61 provide direction regarding campus institutions. The HRCP amendments do not include changes to campus institutional zones. The HRCP amendments revise zoning code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. Although Historic Landmarks and Significant Resources exist within the Campus Institutional zones, such as Reed College's Historic Landmark Eliot Hall, the HRCP amendments do not affect the ongoing use and development of campus institutions as described in policies 6.56 through 6.61 and incorporated by reference here. Therefore, implementation of these policies is not affected by the HRCP amendments.

Neighborhood business districts

Policy 6.62. Neighborhood business districts. Provide for the growth, economic equity, and vitality of neighborhood business districts.

Policy 6.63. District function. Enhance the function of neighborhood business districts as a foundation of neighborhood livability.

207. Finding: Policies 6.62 and 6.63 encourage plans and regulations that promote the growth, vitality and function of neighborhood business districts. The HRCP amendments support these policies by clarifying and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Historic resources, including Historic and Conservation Landmarks and Districts, exist within Portland's neighborhood business districts and contribute to the use and design of those districts. The HRCP amendments provide new exemptions from historic resource review for minor exterior alterations, such as signs and solar energy systems, which can allow for the ongoing adaptation and vitality of historic resources, while reducing the cost and complexity of owning and renting such resources. The HRCP amendments also streamline the transfer of unused floor area from historic resources to development sites, improving upon an existing avenue for economic equity and providing for growth. Therefore, the amendments are consistent with these policies.

Policy 6.64. Small, independent businesses. Facilitate the retention and growth of small and locally-owned businesses.

208. Finding: As described in the findings for Policy 6.63 and incorporated by reference here, the HRCP amendments refine and improve the exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources. Through the application of new exemptions to historic resource review, such as the exemption for new exterior signs and exemption for repair of fabric awnings, the HRCP amendments facilitate the retention and growth of businesses in neighborhood business districts through reduction in costs and complexity of reviews. Additionally, demolition review ensures that Historic and Conservation Landmarks and

contributing resources in Historic and Conservation Districts are not lost without a public review process against approval criteria. Demolition review facilitates the retention of historic resources that in many cases house small, independent businesses, such as those found in the NW 13th Avenue Historic District and along NW 21st and NW 23rd in the Alphabet Historic District. Therefore, the amendments are consistent with this policy.

Policy 6.65. Home-based businesses. Encourage and expand allowances for small, low-impact home based businesses in residential areas, including office or personal service uses with infrequent or by-appointment customer or client visits to the site. Allow a limited number of employees, within the scale of activity typical in residential areas. Allow home-based businesses on sites with accessory dwelling units.

209. Finding: The HRCP amendments do not change any of the underlying zoning or regulations that apply to home-based businesses. Therefore, this policy is not applicable.

Policy 6.66. Neighborhood-serving business. Provide for neighborhood business districts and small commercial nodes in areas between centers to expand local access to goods and services. Allow nodes of small-scale neighborhood-serving commercial uses in large planned developments and as a ground floor use in high density residential areas.

Policy 6.67. Retail development. Provide for a competitive supply of retail sites that support the wide range of consumer needs for convenience, affordability, accessibility, and diversity of goods and services, especially in under-served areas of Portland.

Policy 6.68. Investment priority. Prioritize commercial revitalization investments in neighborhoods that serve communities with limited access to goods and services.

Policy 6.69. Non-conforming neighborhood business uses. Limit non-conforming uses to reduce adverse impacts on nearby residential uses while avoiding displacement of existing neighborhood businesses.

Policy 6.70. Involuntary commercial displacement. Evaluate plans and investments for their impact on existing businesses.

6.70.a. Limit involuntary commercial displacement in areas at risk of gentrification, and incorporate tools to reduce the cost burden of rapid neighborhood change on small business owners vulnerable to displacement.

6.70.b. Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners.

Policy 6.71. Temporary and informal markets and structures. Acknowledge and support the role that temporary markets (farmer's markets, craft markets, flea markets, etc.) and other temporary or mobile-vending structures play in enabling startup business activity. Also, acknowledge that temporary uses may ultimately be replaced by more permanent development and uses.

Policy 6.72. Community economic development. Encourage collaborative approaches to align land use and neighborhood economic development for residents and business owners to better connect and compete in the regional economy.

6.72.a. Encourage broad-based community coalitions to implement land use and economic development objectives and programs.

6.72.b. Enhance opportunities for cooperation and partnerships between public and private entities that promote economic vitality in communities most disconnected from the regional

economy.

6.72.c. Encourage cooperative efforts by area businesses, Business Associations, and Neighborhood Associations to work together on commercial revitalization efforts, sustainability initiatives, and transportation demand management.

Policy 6.73. Centers. Encourage concentrations of commercial services and employment opportunities in centers.

6.73.a. Encourage a broad range of neighborhood commercial services in centers to help residents and others in the area meet daily needs and/or serve as neighborhood gathering places.

6.73.b. Encourage the retention and further development of grocery stores and local markets as essential elements of centers.

6.73.c. Enhance opportunities for services and activities in centers that are responsive to the needs of the populations and cultural groups of the surrounding area.

6.73.d. Require ground-level building spaces in core areas of centers accommodate commercial or other street-activating uses and services.

6.73.e. Encourage employment opportunities as a key function of centers, including connections between centers, institutions, and other major employers to reinforce their roles as vibrant centers of activity.

210. Finding: Policies 6.66 and 6.73 provide direction regarding neighborhood commercial districts, which primarily have commercial/mixed use zoning. The HRCF code amendments do not change commercial revitalization priorities or affect development capacity in the commercial/mixed-use zones. Therefore, these policies do not apply.

Chapter 7: Environmental and Watershed Health

Goal 7.A: Climate. Carbon emissions are reduced to 50 percent below 1990 levels by 2035.

Goal 7.B: Healthy watersheds and environment. Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.

Goal 7.C: Resilience. Portland's built and natural environments function in complementary ways and are resilient in the face of climate change and natural hazards.

Goal 7.D: Environmental equity. All Portlanders have access to clean air and water, can experience nature in their daily lives, and benefit from development designed to lessen the impacts of natural hazards and environmental contamination.

Goal 7.E: Community stewardship. Portlanders actively participate in efforts to maintain and improve the environment, including watershed health.

211. Finding: These goals focus on City programs and actions to improve environmental quality, watershed health, and resilience. They also provide direction regarding planning for natural resource protection, and provide a framework governing the City's environmental overlay zones. There are also a number of watershed specific policies in this Chapter that provide additional guidance. The HRCF amendments do not include amendments to any programs or regulations that implement these goals.

Improving environmental quality and resilience

Policy 7.1. Environmental quality. Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.

Policy 7.2. Environmental equity. Prevent or reduce adverse environment-related disparities affecting under-served and under-represented communities through plans and investments. This includes addressing disparities relating to air and water quality, natural hazards, contamination, climate change, and access to nature.

Policy 7.3. Ecosystem services. Consider the benefits provided by healthy ecosystems that contribute to the livability and economic health of the city.

Policy 7.4. Climate change. Update and implement strategies to reduce carbon emissions and impacts and increase resilience through plans and investments and public education.

7.4.a. Carbon sequestration. Enhance the capacity of Portland's urban forest, soils, wetlands, and other water bodies to serve as carbon reserves.

7.4.b. Climate adaptation and resilience. Enhance the ability of rivers, streams, wetlands, floodplains, urban forest, habitats, and wildlife to limit and adapt to climate-exacerbated flooding, landslides, wildfire, and urban heat island effects.

Policy 7.5. Air quality. Improve, or support efforts to improve, air quality through plans and investments, including reducing exposure to air toxics, criteria pollutants, and urban heat island effects. Consider the impacts of air quality on the health of all Portlanders.

Policy 7.6. Hydrology. Through plans and investments, improve or support efforts to improve watershed hydrology to achieve more natural flow and enhance conveyance and storage capacity in rivers,

streams, floodplains, wetlands, and aquifers. Minimize impacts from development and associated impervious surfaces, especially in areas with poorly-infiltrating soils and limited public stormwater discharge points, and encourage restoration of degraded hydrologic functions.

Policy 7.7. Water quality. Improve, or support efforts to improve, water quality in rivers, streams, floodplains, groundwater, and wetlands through land use plans and investments, to address water quality issues including toxics, bacteria, temperature, metals, and sediment pollution. Consider the impacts of water quality on the health of all Portlanders.

Policy 7.8. Biodiversity. Strive to achieve and maintain self-sustaining populations of native species, including native plants, native resident and migratory fish and wildlife species, at-risk species, and beneficial insects (such as pollinators) through plans and investments.

Policy 7.9. Habitat and biological communities. Ensure that plans and investments are consistent with and advance efforts to improve, or support efforts to improve fish and wildlife habitat and biological communities. Use plans and investments to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that:

- Are rare or declining.
- Support at-risk plant and animal species and communities.
- Support recovery of species under the Endangered Species Act, and prevent new listings.
- Provide culturally important food sources, including those associated with Native American fishing rights.

Policy 7.10. Habitat connectivity. Improve or support efforts to improve terrestrial and aquatic habitat connectivity for fish and wildlife by using plans and investments, to:

- Prevent and repair habitat fragmentation.
- Improve habitat quality.
- Weave habitat into sites as new development occurs.
- Enhance or create habitat corridors that allow fish and wildlife to safely access and move through and between habitat areas.
- Promote restoration and protection of floodplains.

Policy 7.11. Urban forest. Improve, or support efforts to improve the quantity, quality, and equitable distribution of Portland's urban forest through plans and investments.

7.11.a. Tree preservation. Require or encourage preservation of large healthy trees, native trees and vegetation, tree groves, and forested areas.

7.11.b. Urban forest diversity. Coordinate plans and investments with efforts to improve tree species diversity and age diversity.

7.11.c. Tree canopy. Support progress toward meeting City tree canopy targets.

7.11.d. Tree planting. Invest in tree planting and maintenance, especially in low-canopy areas, neighborhoods with under-served or under-represented communities, and within and near urban habitat corridors.

7.11.e. Vegetation in natural resource areas. Require native trees and vegetation in significant natural resource areas.

7.11.f. Resilient urban forest. Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.

7.11.g. Trees in land use planning. Identify priority areas for tree preservation and planting in land use plans.

7.11.h. Managing wildfire risk. Address wildfire hazard risks and management priorities through plans and investments.

Policy 7.12. Invasive species. Prevent the spread of invasive plants, and support efforts to reduce the impacts of invasive plants, animals, and insects, through plans, investments, and education.

Policy 7.13. Soils. Coordinate plans and investments with programs that address human-induced soil loss, erosion, contamination, or other impairments to soil quality and function.

Policy 7.14. Natural hazards. Prevent development-related degradation of natural systems and associated increases in landslide, wildfire, flooding, and earthquake risks.

Policy 7.15. Brownfield remediation. Improve environmental quality and watershed health by promoting and facilitating brownfield remediation and redevelopment that incorporates ecological site design and resource enhancement.

Policy 7.16. Adaptive management. Evaluate trends in watershed and environmental health using current monitoring data and information to guide and support improvements in the effectiveness of City plans and investments.

Policy 7.17. Restoration partnerships. Coordinate plans and investments with other jurisdictions, air and water quality regulators, watershed councils, soil and water conservation districts, Sovereign nations, and community organizations and groups including under-served and under-represented communities, to optimize the benefits, distribution, and cost-effectiveness of watershed restoration and enhancement efforts.

Policy 7.18. Community stewardship. Encourage voluntary cooperation between property owners, community organizations, and public agencies to restore or re-create habitat on their property, including removing invasive plants and planting native species.

212. Finding: Policies 7.1 through 7.18 are focused on City programs and actions to improve environmental quality and resilience. These policies address City actions, coordination, and in some cases regulatory systems related to development. They address environmental quality, equity, ecosystem services, climate, air and water, biodiversity and wildlife habitats, forests, invasive species, soils, hazards, stewardship and adaptive management. The HRCP amendments do not include amendments to any programs or regulations that implement these policies.

Planning for natural resource protection

Policy 7.19. Natural resource protection. Protect the quantity, quality, and function of significant natural resources identified in the City's natural resource inventory, including:

- Rivers, streams, sloughs, and drainageways.
- Floodplains.
- Riparian corridors.
- Wetlands.
- Groundwater.

- Native and other beneficial vegetation species and communities.
- Aquatic and terrestrial habitats, including special habitats or habitats of concern, large anchor habitats, habitat complexes and corridors, rare and declining habitats such as wetlands, native oak, bottomland hardwood forest, grassland habitat, shallow water habitat, and habitats that support special-status or at-risk plant and wildlife species.
- Other resources identified in natural resource inventories.

Policy 7.20. Natural resource inventory. Maintain an up-to-date inventory by identifying the location and evaluating the relative quantity and quality of natural resources.

Policy 7.21. Environmental plans and regulations. Maintain up-to-date environmental protection plans and regulations that specify the significant natural resources to be protected and the types of protections to be applied, based on the best data and science available and on an evaluation of cumulative environmental, social, and economic impacts and tradeoffs. *See Figure 7-2 — Adopted Environmental Plans.*

- 7.21.a. Improve the effectiveness of environmental protection plans and regulations to protect and encourage enhancement of ecological functions and ecosystem services.

Policy 7.22. Land acquisition priorities and coordination. Maintain a land acquisition program as a tool to protect and support natural resources and their functions. Coordinate land acquisition with the programs of City bureaus and other agencies and organizations.

213. Finding: Policies 7.19 through 7.22 provide direction regarding planning for natural resource protection. The *2035 Comprehensive Plan* background documents included an updated Natural Resources Inventory (NRI), which was adopted (Ordinance 185657) and acknowledged by LCDC on June 13, 2014. The NRI identified the location, quantity, and quality of all significant natural resources as required by the inventory provisions of Statewide Planning Goal 5. From the set of all significant resources, high and medium quality resources, ranked primarily from riparian corridor and wildlife habitat considerations, were identified to comply with the inventory requirements of Title 13 of Metro’s Urban Growth Management Functional Plan.

The City’s environmental overlay ones are the primary zoning tool to protect resources and functional values that have been identified by the City as providing benefits to the public (including the Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, and the Pleasant Valley Natural Resource overlay zone). The HRCP amendments do not change these zones or regulations. The amendments also do not include or change any land acquisition programs which will continue to be coordinated between City bureaus and other agencies and organizations.

Protecting natural resources in development situations

Policy 7.23. Impact evaluation. Evaluate the potential adverse impacts of proposed development on significant natural resources, their functions, and the ecosystem services they provide to inform and guide development design and mitigation consistent with policies 7.24-7.26. and other relevant Comprehensive Plan policies.

Policy 7.24. Regulatory hierarchy: avoid, minimize, mitigate. Maintain regulations requiring that the potential adverse impacts of new development on significant natural resources and their functions first be avoided where practicable, then minimized, then lastly, mitigated.

Policy 7.25. Mitigation effectiveness. Require that mitigation approaches compensate fully for adverse

impacts on locally and regionally significant natural resources and functions. Require mitigation to be located as close to the impact as possible. Mitigation must also take place within the same watershed or portion of the watershed that is within the Portland Urban Services Boundary, unless mitigating outside of these areas will provide a greater local ecological benefit. Mitigation will be subject to the following preference hierarchy:

1. On the site of the resource subject to impact with the same kind of resource; if that is not possible, then
2. Off-site with the same kind of resource; if that is not possible, then
3. On-site with a different kind of resource; if that is not possible, then
4. Off-site with a different kind of resource.

Policy 7.26. Improving environmental conditions through development. Encourage ecological site design, site enhancement, or other tools to improve ecological functions and ecosystem services in conjunction with new development and alterations to existing development.

214. Policies 7.23 through 7.26 provide direction regarding the protection of significant natural resources in development situations. The City's environmental overlay zones (including the Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, and the Pleasant Valley Natural Resource overlay zone) are the regulations that control development in order to protect, or ensure mitigation for, the resources and functional values while allowing environmentally sensitive urban development. The HRCP amendments to not change and of the environmental overlay regulations.

Aggregate resources

Policy 7.27. Aggregate resource protection. Protect aggregate resource sites for current and future use where there are no major conflicts with urban needs, or where these conflicts may be resolved.

Policy 7.28. Aggregate resource development. When aggregate resources are developed, ensure that development minimizes adverse environmental impacts and impacts on adjacent land uses.

Policy 7.29. Mining site reclamation. Ensure that the reclamation of mining sites protects public health and safety, protects fish and wildlife (including at-risk species), enhances or restores habitat (including rare and declining habitat types), restores adequate watershed conditions and functions on the site, and is compatible with the surrounding land uses and conditions of nearby land.

215. Finding: Policies 7.27 through 7.29 provide direction regarding aggregate resources. The HRCP amendments do not impact aggregate resources or mine sites. These policies do not apply.

Columbia River Watershed

Policy 7.30. In-water habitat. Enhance in-water habitat for native fish and wildlife, particularly in the Oregon Slough and near-shore environments along the Columbia River.

Policy 7.31. Sensitive habitats. Enhance grassland, beach, riverbanks, wetlands, bottomland forests, shallow water habitats, and other key habitats for wildlife traveling along the Columbia River migratory corridor, while continuing to manage the levees and floodplain for flood control.

Policy 7.32. River-dependent and river-related uses. Maintain plans and regulations that recognize the needs of river-dependent and river-related uses while also supporting ecologically-sensitive site design and practices.

216. Finding: Policies 7.30 through 7.32 provide direction regarding habitat and river-related uses in the Columbia River Watershed. The HRCP amendments do not affect the environmental zones that apply in this area, or other regulations or programs related to habitat enhancement, or river-dependent or river-related uses. The findings earlier in this chapter that apply to all of Portland's watersheds are incorporated by reference.

Willamette River Watershed

Policy 7.33. Fish habitat. Provide adequate intervals of ecologically-functional shallow-water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries.

Policy 7.34. Stream connectivity. Improve stream connectivity between the Willamette River and its tributaries.

Policy 7.35. River bank conditions. Preserve existing river bank habitat and encourage the rehabilitation of river bank sections that have been significantly altered due to development with more fish and wildlife friendly riverbank conditions.

Policy 7.36. South Reach ecological complex. Enhance habitat quality and connections between Ross Island, Oaks Bottom, and riverfront parks and natural areas south of the Central City, to enhance the area as a functioning ecological complex.

Policy 7.37. Contaminated sites. Promote and support programs that facilitate the cleanup, reuse, and restoration of the Portland Harbor Superfund site and other contaminated upland sites.

Policy 7.38. Sensitive habitats. Protect and enhance grasslands, beaches, floodplains, wetlands, remnant native oak, bottomland hardwood forest, and other key habitats for native wildlife including shorebirds, waterfowl, and species that migrate along the Pacific Flyway and the Willamette River corridor.

Policy 7.39. Riparian corridors. Increase the width and quality of vegetated riparian buffers along the Willamette River.

Policy 7.40. Connected upland and river habitats. Enhance habitat quality and connectivity between the Willamette riverfront, the Willamette's floodplain, and upland natural resource areas.

Policy 7.41. River-dependent and river-related uses. Develop and maintain plans and regulations that recognize the needs of river-dependent and river-related uses, while also supporting ecologically-sensitive site design and practices.

Policy 7.42. Forest Park. Enhance Forest Park as an anchor habitat and recreational resource.

217. Finding: Policies 7.33 through 7.42 provide direction regarding habitat and river-related uses in the Willamette River Watershed. The HRCP amendments do not affect the Environmental, Greenway, or River overlay zones that apply in this area, or other regulations or programs related to habitat or watershed health. The findings earlier in this chapter that apply to all of Portland's watersheds are incorporated by reference.

Columbia Slough Watershed

Policy 7.43. Fish passage. Restore in-stream habitat and improve fish passage within the Columbia Slough, including for salmonids in the lower slough.

Policy 7.44. Flow constriction removal. Reduce constriction, such as culverts, in the slough channels, to

improve the flow of water and water quality.

Policy 7.45. Riparian corridors. Increase the width, quality, and native plant diversity of vegetated riparian buffers along Columbia Slough channels and other drainageways within the watershed, while also managing the slough for flood control.

Policy 7.46. Sensitive habitats. Enhance grasslands and wetland habitats in the Columbia Slough, such as those found in the Smith and Bybee Lakes and at the St. Johns Landfill site, to provide habitat for sensitive species, and for wildlife traveling along the Columbia and Willamette river migratory corridors.

Policy 7.47. Connected rivers habitats. Enhance upland habitat connections to the Willamette and Columbia rivers.

Policy 7.48. Contaminated sites. Ensure that plans and investments are consistent with and advance programs that facilitate the cleanup, reuse, and restoration of contaminated sites that are adjacent, or that discharge stormwater, to the Columbia Slough.

Policy 7.49. Portland International Airport. Protect, restore, and enhance natural resources and functions in the Portland International Airport plan district, as identified in Portland International Airport/Middle Columbia Slough Natural Resources Inventory. Accomplish this through regulations, voluntary strategies, and the implementation of special development standards.

218. Finding: Policies 7.43 through 7.49 provide direction regarding the environment and watershed health in the Columbia Slough Watershed. The HRCF amendments do not affect the environmental zones that apply in this area, or other regulations or programs related to habitat or watershed health. The findings earlier in this chapter that apply to all of Portland's watersheds are incorporated by reference.

Fanno and Tryon Creek Watersheds

Policy 7.50. Stream connectivity. Encourage the daylighting of piped portions of Tryon and Fanno creeks and their tributaries.

Policy 7.51. Riparian and habitat corridors. Protect and enhance riparian habitat quality and connectivity along Tryon and Fanno creeks and their tributaries. Enhance connections between riparian areas, parks, anchor habitats, and areas with significant tree canopy. Enhance in-stream and upland habitat connections between Tryon Creek State Natural Area and the Willamette River.

Policy 7.52. Reduced hazard risks. Reduce the risks of landslides and streambank erosion by protecting trees and vegetation that absorb stormwater, especially in areas with steep slopes or limited access to stormwater infrastructure.

219. Finding: Policies 7.50 through 7.52 provide direction regarding habitat and river-related uses in the Fanno and Tryon Creek Watersheds. The HRCF amendments do not affect the environmental zones that apply in this area, or other regulations or programs related to habitat or watershed health. The findings earlier in this chapter that apply to all of Portland's watersheds are incorporated by reference.

Johnson Creek Watershed

Policy 7.53. In-stream and riparian habitat. Enhance in-stream and riparian habitat and improve fish passage for salmonids along Johnson Creek and its tributaries.

Policy 7.54. Floodplain restoration. Enhance Johnson Creek floodplain functions to increase flood-storage capacity, improve water quality, and enhance fish and wildlife habitat.

Policy 7.55. Connected floodplains, springs, and wetlands. Enhance hydrologic and habitat connectivity between the Johnson Creek floodplain and its springs and wetlands.

Policy 7.56. Reduced natural hazards. Reduce the risks of landslides, streambank erosion and downstream flooding by protecting seeps, springs, trees, vegetation, and soils that absorb stormwater in the East Buttes.

Policy 7.57. Greenspace network. Enhance the network of parks, trails, and natural areas near the Springwater Corridor Trail and the East Buttes to enhance habitat connectivity and nature-based recreation in East Portland.

220. Finding: Policies 7.53 through 7.57 provide direction regarding the environment and watershed health in the Johnson Creek Watershed. The HRCP amendments do not affect the environmental zones that apply in this area or programs related to habitat or watershed health. The amendments also do not amend the Johnson Creek Basin Plan District. The findings earlier in this chapter that apply to all of Portland's watersheds are incorporated by reference.

Chapter 8: Public Facilities and Services

Goal 8.A: Quality public facilities and services. High-quality public facilities and services provide Portlanders with optimal levels of service throughout the city, based on system needs and community goals, and in compliance with regulatory mandates.

Goal 8.B: Multiple benefits. Public facility and service investments improve equitable service provision, support economic prosperity, and enhance human and environmental health.

Goal 8.C: Reliability and resiliency. Public facilities and services are reliable, able to withstand or recover from catastrophic natural and manmade events, and are adaptable and resilient in the face of long-term changes in the climate, economy, and technology.

Goal 8.D: Public rights-of-way. Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.

Goal 8.E: Sanitary and stormwater systems. Wastewater and stormwater are managed, conveyed, and/or treated to protect public health, safety, and the environment, and to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.F: Flood management. Flood management systems and facilities support watershed health and manage flooding to reduce adverse impacts on Portlanders' health, safety, and property.

Goal 8.G: Water. Reliable and adequate water supply and delivery systems provide sufficient quantities of high-quality water at adequate pressures to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.H: Parks, natural areas, and recreation. All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

Goal 8.I: Public safety and emergency response. Portland is a safe, resilient, and peaceful community where public safety, emergency response, and emergency management facilities and services are coordinated and able to effectively and efficiently meet community needs.

Goal 8.J: Solid waste management. Residents and businesses have access to waste management services and are encouraged to be thoughtful consumers to minimize upstream impacts and avoid generating waste destined for the landfill. Solid waste — including food, yard debris, recyclables, electronics, and construction and demolition debris — is managed, recycled, and composted to ensure the highest and best use of materials.

Goal 8.K: School facilities. Public schools are honored places of learning as well as multifunctional neighborhood anchors serving Portlanders of all ages, abilities, and cultures.

Goal 8.L: Technology and communications. All Portland residences, businesses, and institutions have access to universal, affordable, and reliable state-of-the-art communication and technology services.

Goal 8.M: Energy infrastructure and services. Residents, businesses, and institutions are served by reliable energy infrastructure that provides efficient, low-carbon, affordable energy through decision-making based on integrated resource planning.

221. Finding: The policies in this chapter, and these goals, generally address provision of public services, and adequacy of services as it relates to growth and development. The adopted 2035

Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects. These goals and policies are not applicable because they guide public agencies that provide public facilities, on how those facilities should be provided. The HRCF amendments do not affect the CSP. The HRCF amendments revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices.

Service provision and urbanization

Policy 8.1. Urban services boundary. Maintain an Urban Services Boundary for the City of Portland that is consistent with the regional urban growth policy, in cooperation with neighboring jurisdictions. The Urban Services Boundary is shown on the Comprehensive Plan Map.

Policy 8.2. Rural, urbanizable, and urban public facility needs. Recognize the different public facility needs in rural, urbanizable and urban land as defined by the Regional Urban Growth Boundary, the City Urban Services Boundary, and the City Boundaries of Municipal Incorporation. See Figure 8-1 — Urban, Urbanizable, and Rural Lands.

Policy 8.3. Urban service delivery. Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation:

- Public rights-of-way, streets, and public trails
- Sanitary sewers and wastewater treatment
- Stormwater management and conveyance
- Flood management
- Protection of the waterways of the state
- Water supply
- Police, fire, and emergency response
- Parks, natural areas, and recreation
- Solid waste regulation

Policy 8.4. Supporting facilities and systems. Maintain supporting facilities and systems, including public buildings, technology, fleet, and internal service infrastructure, to enable the provision of public facilities and services.

Policy 8.5. Planning service delivery. Provide planning, zoning, building, and subdivision control services within the boundaries of incorporation, and as otherwise provided by intergovernmental agreement within the City's Urban Services Boundary.

222. Finding: The City Council interprets policies 8.1 through 8.5 to provide direction on the provision of public facilities and services and the process of urbanization. The HRCF amendments do not urbanize any rural land, or include new public facilities or infrastructure projects. These policies do not apply.

Service coordination

Policy 8.6. Interagency coordination. Maintain interagency coordination agreements with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City of Portland's Urban Services Boundary to ensure effective and efficient service delivery. See Policy 8.3 for the list of services included. Such jurisdictions and agencies include, but may not be limited to:

- Multnomah County for transportation facilities and public safety.
- State of Oregon for transportation and parks facilities and services.
- TriMet for public transit facilities and services.
- Port of Portland for air and marine facilities and services.
- Metro for regional parks and natural areas, and for solid waste, composting, and recycling facilities and transfer stations.
- Gresham, Milwaukie, Clackamas County Service District #1, and Clean Water Services for sanitary sewer conveyance and treatment.
- Multnomah County Drainage District No. 1, Peninsula Drainage District No 1, and Peninsula Drainage District No. 2 for stormwater management and conveyance, and for flood mitigation, protection, and control.
- Rockwood People's Utility District; Sunrise Water Authority; and the Burlington, Tualatin Valley, Valley View, West Slope, Palatine Hill, Alto Park, and Clackamas River Water Districts for water distribution.
- Portland Public Schools and the David Douglas, Parkrose, Reynolds, Centennial, and Riverdale school districts for public education, park, trail, and recreational facilities.

Policy 8.7. Outside contracts. Coordinate with jurisdictions and agencies outside of Portland where the City provides services under agreement.

Policy 8.8. Public service coordination. Coordinate with the planning efforts of agencies providing public education, public health services, community centers, urban forest management, library services, justice services, energy, and technology and communications services.

Policy 8.9. Internal coordination. Coordinate planning and provision of public facilities and services, including land acquisition, among City agencies, including internal service bureaus.

Policy 8.10. Co-location. Encourage co-location of public facilities and services across providers where co-location improves service delivery efficiency and access for historically under-represented and under-served communities.

223. Finding: The City Council interprets policies 8.6 through 8.10 to provide direction on coordination with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City of Portland's Urban Services Boundary. The HRCF amendments do not include new public facility or infrastructure projects or amendments to public service coordination agreements. These policies do not apply. These agencies were, however, notified of the amendments pursuant to the City's legislative procedures (33.740).

Service extension

Policy 8.11. Annexation. Require annexation of unincorporated urbanizable areas within the City's

Urban Services Boundary as a prerequisite to receive urban services.

Policy 8.12. Feasibility of service. Evaluate the physical feasibility and cost-effectiveness of extending urban public services to candidate annexation areas to ensure sensible investment and to set reasonable expectations.

Policy 8.13. Orderly service extension. Establish or improve urban public services in newly-annexed areas to serve designated land uses at established levels of service, as funds are available and as responsible engineering practice allows.

Policy 8.14. Coordination of service extension. Coordinate provision of urban public services to newly-annexed areas so that provision of any given service does not stimulate development that significantly hinders the City's ability to provide other urban services at uniform levels.

Policy 8.15. Services to unincorporated urban pockets. Plan for future delivery of urban services to urbanizable areas that are within the Urban Services Boundary but outside the city limits.

Policy 8.16. Orderly urbanization. Coordinate with counties, neighboring jurisdictions, and other special districts to ensure consistent management of annexation requests, and to establish rational and orderly process of urbanization that maximize efficient use of public funds.

Policy 8.17. Services outside the city limits. Prohibit City provision of new urban services, or expansion of the capacity of existing services, in areas outside city limits, except in cases where the City has agreements or contracts in place.

Policy 8.18. Service district expansion. Prohibit service district expansion or creation within the City's Urban Services Boundary without the City's expressed consent.

Policy 8.19. Rural service delivery. Provide the public facilities and services identified in Policy 8.3 in rural areas only at levels necessary to support designated rural residential land uses and protect public health and safety. Prohibit sanitary sewer extensions into rural land and limit other urban services.

224. Finding: The City Council interprets policies 8.11 through 8.19 to provide direction on extending public services. The HRCF amendments do not include new public facility or infrastructure projects or service extensions. These policies do not apply.

Public investment

Policy 8.20. Regulatory compliance. Ensure public facilities and services remain in compliance with state and federal regulations. Work toward cost-effective compliance with federal and state mandates through intergovernmental coordination and problem solving.

Policy 8.21. System capacity. Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.

Policy 8.22. Equitable service. Provide public facilities and services to alleviate service deficiencies and meet level-of-service standards for all Portlanders, including individuals, businesses, and property owners.

8.22.a. In places that are not expected to grow significantly but have existing deficiencies, invest to reduce disparity and improve livability.

8.22.b. In places that lack basic public facilities or services and also have significant growth potential, invest to enhance neighborhoods, fill gaps, maintain affordability, and accommodate growth.

8.22.c. In places that are not expected to grow significantly and already have access to complete public facilities and services, invest primarily to maintain existing facilities and retain livability.

8.22.d. In places that already have access to complete public facilities and services, but also have significant growth potential, invest to fill remaining gaps, maintain affordability, and accommodate growth.

Policy 8.23. Asset management. Improve and maintain public facility systems using asset management principles to optimize preventative maintenance, reduce unplanned reactive maintenance, achieve scheduled service delivery, and protect the quality, reliability, and adequacy of City services.

Policy 8.24. Risk management. Maintain and improve Portland’s public facilities to minimize or eliminate economic, social, public health and safety, and environmental risks.

Policy 8.25. Critical infrastructure. Increase the resilience of high-risk and critical infrastructure through monitoring, planning, maintenance, investment, adaptive technology, and continuity planning.

Policy 8.26. Capital programming. Maintain long-term capital improvement programs that balance acquisition and construction of new public facilities with maintenance and operations of existing facilities.

225. Finding: The City Council interprets policies 8.20 through 8.26 to provide direction on investment priorities for public facilities. The HRCF amendments do not include new public facility or infrastructure projects. These policies do not apply.

Funding

Policy 8.27. Cost-effectiveness. Establish, improve, and maintain the public facilities necessary to serve designated land uses in ways that cost-effectively provide desired levels of service, consider facilities’ lifecycle costs, and maintain the City’s long-term financial sustainability.

Policy 8.28. Shared costs. Ensure the costs of constructing and providing public facilities and services are equitably shared by those who benefit from the provision of those facilities and services.

Policy 8.29. System development. Require private or public entities whose prospective development or redevelopment actions contribute to the need for public facility improvements, extensions, or construction to bear a proportional share of the costs.

Policy 8.30. Partnerships. Maintain or establish public and private partnerships for the development, management, or stewardship of public facilities necessary to serve designated land uses, as appropriate.

226. Finding: The City Council interprets policies 8.27 through 8.30 to provide direction on funding public facilities and services within the City of Portland’s Urban Services Boundary. The HRCF amendments do not include new public facility or infrastructure projects.

Public benefits

Policy 8.31. Application of Guiding Principles. Plan and invest in public facilities in ways that promote and balance the Guiding Principles established in The Vision and Guiding Principles of this Comprehensive Plan.

Policy 8.32. Community benefit agreements. Encourage the use of negotiated community benefit agreements for large public facility projects as appropriate to address environmental justice policies in Chapter 2: Community Involvement.

Policy 8.33. Community knowledge and experience. Encourage public engagement processes and

strategies for larger public facility projects to include community members in identifying potential impacts, mitigation measures and community benefits.

Policy 8.34. Resource efficiency. Reduce the energy and resource use, waste, and carbon emissions from facilities necessary to serve designated land uses to meet adopted City goals and targets.

Policy 8.35. Natural systems. Protect, enhance, and restore natural systems and features for their infrastructure service and other values.

Policy 8.36. Context-sensitive infrastructure. Design, improve, and maintain public rights-of-way and facilities in ways that are compatible with, and that minimize negative impacts on, their physical, environmental, and community context.

Policy 8.38. Age-friendly public facilities. Promote public facility designs that make Portland more age-friendly.

227. Finding: The City Council interprets policies 8.31 through 8.38 to provide direction on the associated public benefits that should be considered in conjunction with investment in public facilities and services within the City of Portland’s Urban Services Boundary. The HRCP amendments do not include new public facility or infrastructure projects. These policies do not apply.

Public rights-of-way

Policy 8.39. Interconnected network. Establish a safe and connected rights-of-way system that equitably provides infrastructure services throughout the city.

Policy 8.40. Transportation function. Improve and maintain the right-of-way to support multimodal transportation mobility and access to goods and services as is consistent with the designated street classification.

Policy 8.41. Utility function. Improve and maintain the right-of-way to support equitable distribution of utilities, including water, sanitary sewer, stormwater management, energy, and communications, as appropriate.

Policy 8.42. Stormwater management function. Improve rights-of-way to integrate green infrastructure and other stormwater management facilities to meet desired levels-of-service and economic, social, and environmental objectives.

Policy 8.43. Trees in rights-of-way. Integrate trees into public rights-of-way to support City canopy goals, transportation functions, and economic, social, and environmental objectives.

Policy 8.44. Community uses. Allow community use of rights-of-way for purposes such as public gathering space, events, or temporary festivals, if the community uses are integrated in ways that balance and minimize conflict with the designated through movement and access roles of rights-of-ways.

Policy 8.45. Pedestrian amenities. Encourage facilities that enhance pedestrian enjoyment, such as transit shelters, garbage containers, benches, etc. in the right-of-way.

Policy 8.46. Commercial uses. Accommodate allowable commercial uses of the rights-of-way for enhancing commercial vitality, if the commercial uses can be integrated in ways that balance and minimize conflict with the other functions of the right-of-way.

Policy 8.47. Flexible design. Allow flexibility in right-of-way design and development standards to appropriately reflect the pattern area and other relevant physical, community, and environmental

contexts and local needs.

8.47.a. Use a variety of transportation resources in developing and designing projects for all City streets, such as the City of Portland’s Pedestrian Design Guide, Bicycle Master Plan-Appendix A, NACTO Urban Bikeway Design Guide, NACTO Urban Street Design Guide, Portland Parks and Recreation Trail Design Guidelines, Designing for Truck Movements and Other Large Vehicles, and City of Portland Green Street Policy, Stormwater Management Manual, Design Guide for Public Street Improvements, and Neighborhood Greenways. (TSP objective 8.1.e.).

Policy 8.48. Corridors and City Greenways. Ensure public facilities located along Civic Corridors, Neighborhood Corridors, and City Greenways support the multiple objectives established for these corridors.

Policy 8.49. Coordination. Coordinate the planning, design, development, improvement, and maintenance of public rights-of-way among appropriate public agencies, private providers, and adjacent landowners.

8.49.a. Coordination efforts should include the public facilities necessary to support the uses and functions of rights-of-way, as established in policies 8.40 to 8.46.

8.49.b. Coordinate transportation and stormwater system plans and investments, especially in unimproved or substandard rights-of-way, to improve water quality, public safety, including for pedestrians and bicyclists, and neighborhood livability.

Policy 8.50. Undergrounding. Encourage undergrounding of electrical and telecommunications facilities within public rights-of-way, especially in centers and along Civic Corridors.

Policy 8.51. Right-of-way vacations. Maintain rights-of-way if there is an established existing or future need for them, such as for transportation facilities or for other public functions established in policies 8.40 to 8.46.

Policy 8.52. Rail rights-of-way. Preserve existing and abandoned rail rights-of-way for future rail or public trail uses.

228. Finding: The City Council interprets policies 8.39 through 8.52 to apply to new public facilities, uses, or infrastructure projects in the right-of-way; and right of way vacations. The HRCF amendments do not include new public facility, uses, or infrastructure projects in the right-of-way.

Trails

Policy 8.53. Public trails. Establish, improve, and maintain a citywide system of public trails that provide transportation and/or recreation options and are a component of larger network of facilities for bicyclists, pedestrians, and recreational users.

Policy 8.54. Trail system connectivity. Plan, improve, and maintain the citywide trail system so that it connects and improves access to Portland’s neighborhoods, commercial areas, employment centers, schools, parks, natural areas, recreational facilities, regional destinations, the regional trail system, and other key places that Portlanders access in their daily lives.

Policy 8.55. Trail coordination. Coordinate planning, design, improvement, and maintenance of the trail system among City agencies, other public agencies, non-governmental partners, and adjacent landowners.

Policy 8.56. Trail diversity. Allow a variety of trail types to reflect a trail’s transportation and recreation roles, requirements, and physical context.

Policy 8.57. Public access requirements. Require public access and improvement of public trails along the future public trail alignments shown in Figure 8-2 — Future Public Trail Alignments.

Policy 8.58. Trail and City Greenway coordination. Coordinate the planning and improvement of trails as part of the City Greenways system.

Policy 8.59. Trail and Habitat Corridor coordination. Coordinate the planning and improvement of trails with the establishment, enhancement, preservation, and access to habitat corridors.

Policy 8.60. Intertwine coordination. Coordinate with the Intertwine Alliance and its partners, including local and regional parks providers, to integrate Portland’s trail and active transportation network with the bi-state regional trail system.

229. Finding: The City Council interprets policies 8.53 through 8.60 to apply to designated trails. The HRCP amendments do not amend the designated trail alignments or regulations that implement designated trails.

Sanitary system

Policy 8.61. Sewer connections. Require all developments within the city limits to be connected to sanitary sewers unless the public sanitary system is not physically or legally available per City Code and state requirements; or the existing onsite septic system is functioning properly without failure or complaints per City Code and state requirements; and the system has all necessary state and county permits.

Policy 8.62. Combined sewer overflows. Provide adequate public facilities to limit combined sewer overflows to frequencies established by regulatory permits.

Policy 8.63. Sanitary sewer overflows. Provide adequate public facilities to prevent sewage releases to surface waters as consistent with regulatory permits.

Policy 8.64. Private sewage treatment systems. Adopt land use regulations that require any proposed private sewage treatment system to demonstrate that all necessary state and county permits are obtained.

Policy 8.65. Sewer extensions. Prioritize sewer system extensions to areas that are already developed at urban densities and where health hazards exist.

Policy 8.66. Pollution prevention. Reduce the need for wastewater treatment capacity through land use programs and public facility investments that manage pollution as close to its source as practical and that reduce the amount of pollution entering the sanitary system.

Policy 8.67. Treatment. Provide adequate wastewater treatment facilities to ensure compliance with effluent standards established in regulatory permits.

230. Finding: The City Council interprets policies 8.61 through 8.67 to apply to the provision of sanitary sewer facilities. The HRCP amendments do not impact any capital improvement projects related to sewer or sanitary systems. Policies 8.61 and 8.64 apply to development and are ensured through Title 25, Plumbing Regulations and verified at the time of development permit application. The HRCP amendments do not alter or affect Title 25 requirements.

Stormwater Systems

Policy 8.68. Stormwater facilities. Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.

Policy 8.69. Stormwater as a resource. Manage stormwater as a resource for watershed health and public use in ways that protect and restore the natural hydrology, water quality, and habitat of Portland's watersheds.

Policy 8.70. Natural systems. Protect and enhance the stormwater management capacity of natural resources such as rivers, streams, creeks, drainageways, wetlands, and floodplains.

Policy 8.71. Green infrastructure. Promote the use of green infrastructure, such as natural areas, the urban forest, and landscaped stormwater facilities, to manage stormwater.

Policy 8.72. Stormwater discharge. Avoid or minimize the impact of stormwater discharges on the water and habitat quality of rivers and streams.

Policy 8.73. On-site stormwater management. Encourage on-site stormwater management, or management as close to the source as practical, through land use decisions and public facility investments.

Policy 8.74. Pollution prevention. Coordinate policies, programs, and investments with partners to prevent pollutants from entering the stormwater system by managing point and non-point pollution sources through public and private facilities, local regulations, and education.

Policy 8.75. Stormwater partnerships. Provide stormwater management through coordinated public and private facilities, public-private partnerships, and community stewardship.

231. Finding: The City Council interprets policies 8.68 through 8.75 to apply to the provision of stormwater facilities. Stormwater is conveyed through the combined sewer system, pipes, ditches, or drainageways to streams and rivers. In some cases, stormwater is managed in detention facilities, other vegetated facilities, or allowed to infiltrate in natural areas. The Citywide Systems Plan includes projects to address facilities needed for conveyance, flow control and pollution reduction.

Many of these policies are ensured through application of the City's Stormwater Management Manual. Stormwater management is critical to maintaining and enhancing the City's livability and improving watershed health. The Stormwater Management Manual (SWMM) allows the City of Portland to protect both watershed resources and infrastructure investments with every development or improvement. Implementing the requirements in this manual helps protect Portland's water resources, which in turn will provide great benefit to human health, fish and wildlife habitat, recreational resources, and drinking water. Environmental Services evaluates development proposals that increase impervious area (including buildings and hardscape) against the SWMM and Source Control Manual to effectively comply with local, state and federal point and non-point pollution water quality mandates. The HRCF amendments do not affect the SWMM or Source Control Manual.

Flood management

Policy 8.76. Flood management. Improve and maintain the functions of natural and managed drainageways, wetlands, and floodplains to protect health, safety, and property, provide water conveyance and storage, improve water quality, and maintain and enhance fish and wildlife habitat.

Policy 8.77. Floodplain management. Manage floodplains to protect and restore associated natural resources and functions and to minimize the risks to life and property from flooding.

Policy 8.78. Flood management facilities. Establish, improve, and maintain flood management facilities to serve designated land uses through planning, investment and regulatory requirements.

Policy 8.79. Drainage district coordination. Coordinate with drainage districts that provide stormwater management, conveyance, and flood mitigation, protection, and control services within the City's Urban Services Boundary.

Policy 8.80. Levee coordination. Coordinate plans and investments with special districts and agencies responsible for managing and maintaining certification of levees along the Columbia River.

232. Finding. The City Council interprets policies 8.76 through 8.80 to apply to the management of floodplains. For sites in flood prone areas, the HRCF amendments do not amend the Environmental overlay maps, nor do they change City programs that regulate development in the floodplain (i.e., Title 33.631 Sites in Flood Hazard Areas; Title 10 Erosion Control, and the balanced cut and fill requirements of Title 24).

Water systems

Policy 8.81. Primary supply source. Protect the Bull Run watershed as the primary water supply source for Portland.

Policy 8.82. Bull Run protection. Maintain a source-protection program and practices to safeguard the Bull Run watershed as a drinking water supply.

Policy 8.83. Secondary supply sources. Protect, improve, and maintain the Columbia South Shore wellfield groundwater system, the Powell Valley wellfield groundwater system, and any other alternative water sources designated as secondary water supplies.

Policy 8.84. Groundwater wellfield protection. Maintain a groundwater protection program and practices to safeguard the Columbia South Shore wellfield and the Powell Valley wellfield as drinking water supplies.

Policy 8.85. Water quality. Maintain compliance with state and federal drinking water quality regulations.

Policy 8.86. Storage. Provide sufficient in-city water storage capacity to serve designated land uses, meet demand fluctuations, maintain system pressure, and ensure supply reliability.

Policy 8.87. Fire protection. Provide adequate water facilities to serve the fire protection needs of all Portlanders and businesses.

Policy 8.88. Water pressure. Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.

Policy 8.89. Water efficiency. Reduce the need for additional water facility capacity and maintain compliance with state water resource regulations by encouraging efficient use of water by customers within the city.

Policy 8.90. Service interruptions. Maintain and improve water facilities to limit interruptions in water service to customers.

Policy 8.91. Outside user contracts. Coordinate long-term water supply planning and delivery with outside-city water purveyors through long-term wholesale contracts.

233. Finding: The City Council interprets policies 8.81 through 8.91 to apply to the provision of water service. Primarily these policies govern how the City manages its water system and are not applicable to development. Policies 8.81 through 8.85 are addressed through the requirements in Title 21 Water. Protections for the Bull Run watershed are enumerated in Chapter 21.36. Groundwater wellfield protections are ensured through regulations in Chapter 21.35. And water

quality is locally regulated by Chapter 21.12, as well as Title 25 Plumbing Regulations, in addition to compliance mandates at the state and federal level. Implementation of these policies is unaffected by the HRCP amendments.

Parks and recreation

Policy 8.92. Acquisition, development, and maintenance. Provide and maintain an adequate supply and variety of parkland and recreational facilities to serve the city's current and future population based on identified level-of-service standards and community needs.

Policy 8.93. Service equity. Invest in acquisition and development of parks and recreation facilities in areas where service-level deficiencies exist.

Policy 8.94. Capital programming. Maintain a long-range park capital improvement program, with criteria that considers acquisition, development, and operations; provides opportunities for public input; and emphasizes creative and flexible financing strategies.

Policy 8.95. Park planning. Improve parks, recreational facilities, natural areas, and the urban forest in accordance with current master plans, management plans, or adopted strategies that reflect user group needs, development priorities, development and maintenance costs, program opportunities, financing strategies, and community input.

Policy 8.96. Recreational trails. Establish, improve, and maintain a complete and connected system of public recreational trails, consistent with Portland Parks & Recreation's trail strategy.

Policy 8.97. Natural resources. Preserve, enhance, and manage City-owned natural areas and resources to protect and improve their ecological health, in accordance with both the natural area acquisition and restoration strategies, and to provide compatible public access.

Policy 8.98. Urban forest management. Manage urban trees as green infrastructure with associated ecological, community, and economic functions, through planning, planting, and maintenance activities, education, and regulation.

Policy 8.99. Recreational facilities. Provide a variety of recreational facilities and services that contribute to the health and well-being of Portlanders of all ages and abilities.

Policy 8.100. Self-sustaining Portland International Raceway (PIR). Provide for financially self-sustaining operations of PIR, and broaden its programs and activities to appeal to families, diverse communities, and non-motorized sports such as biking and running.

Policy 8.101. Self-sustaining and inclusive golf facilities. Provide financially self-sustaining public golf course operations. Diversify these assets to attract new users, grow the game, provide more introductory-level programming, and expand into other related recreational opportunities such as foot golf and disk golf.

Policy 8.102. Specialized recreational facilities. Establish and manage specialized facilities within the park system that take advantage of land assets and that respond to diverse, basic, and emerging recreational needs.

Policy 8.103. Public-private partnerships. Encourage public-private partnerships to develop and operate publicly-accessible recreational facilities that meet identified public needs.

234. Finding: The City Council interprets policies 8.92 through 8.103 to primarily address City-owned parks and natural areas and not development on private land. The HRCP amendments do not by themselves change current parks and recreation programs or change the supply of parks.

Public safety and emergency response

Policy 8.104. Emergency preparedness, response, and recovery coordination. Coordinate land use plans and public facility investments between City bureaus, other public and jurisdictional agencies, businesses, community partners, and other emergency response providers, to ensure coordinated and comprehensive emergency and disaster risk reduction, preparedness, response, and recovery.

Policy 8.105. Emergency management facilities. Provide adequate public facilities – such as emergency coordination centers, communications infrastructure, and dispatch systems – to support emergency management, response, and recovery.

Policy 8.106. Police facilities. Improve and maintain police facilities to allow police personnel to efficiently and effectively respond to public safety needs and serve designated land uses.

Policy 8.107. Community safety centers. Establish, coordinate, and co-locate public safety and other community services in centers.

Policy 8.108. Fire facilities. Improve and maintain fire facilities to serve designated land uses, ensure equitable and reliable response, and provide fire and life safety protection that meets or exceeds minimum established service levels.

Policy 8.109. Mutual aid. Maintain mutual aid coordination with regional emergency response providers as appropriate to protect life and ensure safety.

Policy 8.110. Community preparedness. Enhance community preparedness and capacity to prevent, withstand, and recover from emergencies and natural disasters through land use decisions and public facility investments.

Policy 8.111. Continuity of operations. Maintain and enhance the City's ability to withstand and recover from natural disasters and human-made disruptions in order to minimize disruptions to public services.

235. Finding: The City Council interprets policies 8.104 through 8.111 to address the provision of public safety and emergency response services. The HRCP amendments do not affect the zoning that determines where various public safety facilities can locate. The HRCP amendments revise zoning code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. The amendments could affect a public safety facility located within a Historic or Conservation District, however these facilities are currently subject to similar regulations, and the revised regulations may offer more opportunities for alterations to existing public safety facilities to be exempt from historic resource review. In addition, the HRCP amendments do not add new areas to the historic resources overlay zone and will therefore not affect newly sited public safety facilities. Therefore, the overall impact of the of the HRCP amendments is not significant on public safety facilities.

Solid waste management

Policy 8.112. Waste management. Ensure land use programs, rights-of-way regulations, and public facility investments allow the City to manage waste effectively and prioritize waste management in the following order: waste reduction, recycling, anaerobic digestion, composting, energy recovery, and then landfill.

236. Finding: The City Council interprets this policy to address the provision of waste management services. The changes being made by the HRCF amendments do not impact these waste management services. These policies do not apply.

School facilities

Policy 8.113. School district capacity. Consider the overall enrollment capacity of a school district – as defined in an adopted school facility plan that meets the requirements of Oregon Revised Statute 195 – as a factor in land use decisions that increase capacity for residential development.

237. Finding: David Douglas School District (DDSD) is the only school district in Portland with an adopted school facility plan. Its enrollment boundary covers much of East Portland. The overall expectation for growth in East Portland is grounded in regional housing demand forecasts made by Metro, and those demand forecasts have not been altered by the fine-grained regulatory changes made within the HRCF project.

Policy 8.114. Facilities Planning. Facilitate coordinated planning among school districts and City bureaus, including Portland Parks and Recreation, to accommodate school site/facility needs in response to most up-to-date growth forecasts.

Policy 8.115. Co-location. Encourage public school districts, Multnomah County, the City of Portland, and other providers to co-locate facilities and programs in ways that optimize service provision and intergenerational and intercultural use.

Policy 8.116. Community use. Encourage public use of public school grounds for community purposes while meeting educational and student safety needs and balancing impacts on surrounding neighborhoods.

Policy 8.117. Recreational use. Encourage publicly-available recreational amenities (e.g. athletic fields, green spaces, community gardens, and playgrounds) on public school grounds for public recreational use, particularly in neighborhoods with limited access to parks.

Policy 8.118. Schools as emergency aid centers. Encourage the use of seismically-safe school facilities as gathering and aid-distribution locations during natural disasters and other emergencies.

Policy 8.119. Facility adaptability. Ensure that public schools may be upgraded to flexibly accommodate multiple community-serving uses and adapt to changes in educational approaches, technology, and student needs over time.

Policy 8.120. Leverage public investment. Encourage City public facility investments that complement and leverage local public school districts' major capital investments.

Policy 8.121. School access. Encourage public school districts to consider the ability of students to safely walk and bike to school when making decisions about the site locations and attendance boundaries of schools.

Policy 8.122. Private institutions. Encourage collaboration with private schools and educational institutions to support community and recreational use of their facilities.

238. Finding: The City Council interprets policies 8.114 through 8.122 to address school facilities and school sites. The HRCF amendments do not affect the zoning that determines where schools can locate. The HRCF amendments revise zoning code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews

that apply to historic resources, bringing Portland’s regulations into conformance with state administrative rules and best practices. The amendments would affect a school facility located within a historic or conservation landmark or district, however these facilities are currently subject to similar regulations, and the revised regulations may offer more opportunities for alterations to existing school facilities to be exempt from historic resource review. Therefore, the overall impact of the of the HRCF amendments is not significant on school facilities.

Technology and communications

Policy 8.123. Technology and communication systems. Maintain and enhance the City’s technology and communication facilities to ensure public safety, facilitate access to information, and maintain City operations.

Policy 8.124. Equity, capacity, and reliability. Encourage plans and investments in technology and communication infrastructure to ensure access in all areas of the city, reduce disparities in capacity, and affordability, and to provide innovative high-performance, reliable service for Portland’s residents and businesses.

239. Finding: The City Council interprets policies 8.123 and 8.124 to address the provision technology and communication services. These policies do not apply.

Energy infrastructure

Policy 8.125. Energy efficiency. Promote efficient and sustainable production and use of energy resources by residents and businesses, including low-carbon renewable energy sources, district energy systems, and distributed generation, through land use plans, zoning, and other legislative land use decisions.

Policy 8.126. Coordination. Coordinate with energy providers to encourage investments that ensure reliable, equitable, efficient, and affordable energy for Portland residents and businesses.

240. Finding: The HRCF amendments do not amend the sections of the zoning code that regulate the production of energy or other types of energy infrastructure and do not affect coordination efforts. These policies do not apply.

Chapter 9 Transportation

GOAL 9.A: Safety. Transportation safety impacts the livability of a city and the comfort and security of those using City streets. Comprehensive efforts to improve transportation safety through engineering, education, enforcement and evaluation will be used to eliminate traffic-related fatalities and serious injuries from Portland’s transportation system.

Goal 9.B: Multiple goals. Portland’s transportation system is funded and maintained to achieve multiple goals and measurable outcomes for people and the environment. The transportation system is safe, complete, interconnected, multimodal, and fulfills daily needs for people and businesses.

GOAL 9.C: Great places. Portland’s transportation system enhances quality of life for all Portlanders, reinforces existing neighborhoods and great places, and helps make new great places in town centers, neighborhood centers and corridors, and civic corridors.

GOAL 9.D: Environmentally sustainable. The transportation system increasingly uses active transportation, renewable energy, or electricity from renewable sources, achieves adopted carbon reduction targets, and reduces air pollution, water pollution, noise, and Portlanders’ reliance on private vehicles.

GOAL 9.E: Equitable transportation. The transportation system provides all Portlanders options to move about the city and meet their daily needs by using a variety of safe, efficient, convenient, and affordable modes of transportation. Transportation investments are responsive to the distinct needs of each community.

GOAL 9.F: Positive health outcomes. The transportation system promotes positive health outcomes and minimizes negative impacts for all Portlanders by supporting active transportation, physical activity, and community and individual health.

GOAL 9.G: Opportunities for prosperity. The transportation system supports a strong and diverse economy, enhances the competitiveness of the city and region, and maintains Portland’s role as a West Coast trade gateway and freight hub by providing efficient and reliable goods movement, multimodal access to employment areas and educational institutions, as well as enhanced freight access to industrial areas and intermodal freight facilities. The transportation system helps people and businesses reduce spending and keep money in the local economy by providing affordable alternatives to driving.

GOAL 9.H. Cost Effectiveness. The City analyzes and prioritizes capital and operating investments to cost effectively achieve the above goals while responsibly managing and protecting our past investments in existing assets.

GOAL 9.I. Airport Futures. Promote a sustainable airport (Portland International Airport [PDX]) by meeting the region’s air transportation needs without compromising livability and quality of life for future generations.

241. Finding: The City Council generally interprets the goals and the policies of Chapter 9 to address transportation improvements, programming, funding priorities and maintenance and not development or uses on private or public land outside of the right of way. That said, there are several specific policies that address the intersection between land use and transportation, which are applicable to this ordinance. These policies are addressed individually below.

Designing and planning

Policy 9.1. Street design classifications. Maintain and implement street design classifications consistent with land use plans, environmental context, urban design pattern areas, and the Neighborhood Corridor

and Civic Corridor Urban Design Framework designations.

Policy 9.2. Street policy classifications. Maintain and implement street policy classifications for pedestrian, bicycle, transit, freight, emergency vehicle, and automotive movement, while considering access for all modes, connectivity, adjacent planned land uses, and state and regional requirements.

9.2.a. Designate district classifications that emphasize freight mobility and access in industrial and employment areas serving high levels of truck traffic and to accommodate the needs of intermodal freight movement.

9.2.b. Designate district classifications that give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned, including the Central City, Gateway regional center, town centers, neighborhood centers, and transit station areas.

9.2.c. Designate district classifications that give priority to bicycle access and mobility in areas where high levels of bicycle activity exist or are planned, including Downtown, the River District, Lloyd District, Gateway Regional Center, town centers, neighborhood centers, and transit station areas.

Policy 9.3. Transportation System Plan. Maintain and implement the Transportation System Plan (TSP) as the decision-making tool for transportation-related projects, policies, programs, and street design.

Policy 9.4. Use of classifications. Plan, develop, implement, and manage the transportation system in accordance with street design and policy classifications outlined in the Transportation System Plan.

9.4.a. Classification descriptions are used to describe how streets should function for each mode of travel, not necessarily how they are functioning at present.

242. Finding: Policies 9.1 through 9.4 provide direction regarding transportation system classifications and the Transportation System Plan. The HRCF amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system.

Policy 9.5. Mode share goals and Vehicle Miles Travelled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan and meet or exceed Metro's mode share and VMT targets.

243. Finding: Council interprets this policy to mean reducing the share of single occupant motor vehicle trips through actions, investments, and plans that either encourage use of other modes or discourage the use of single occupant vehicles. The HRCF amendments provide a new exception to minimum required parking spaces for Historic, Conservation, and National Register Landmarks and Districts. This exception reduces the minimum number of vehicular parking spots in these locations to zero. This exception encourages design changes to historic resources that reduce reliance on automobile storage. Since many landmarks and districts were designed and built before reliance on the automobile became commonplace, such as the Skidmore/Old Town Historic District and Woodlawn Conservation District, reducing the required parking to zero is consistent with historical development patterns and designs that date to periods where pedestrian and streetcar travel was most common. Therefore, the amendments are consistent with this policy.

Policy 9.6. Transportation strategy for people movement. Implement a prioritization of modes for people movement by making transportation system decisions per the following ordered list:

1. Walking
2. Bicycling

3. Transit
4. Fleets of electric, fully automated, multiple passenger vehicles
5. Other shared vehicles
6. Low or no occupancy vehicles, fossil-fueled non-transit vehicles

When implementing this prioritization ensure that:

- The needs and safety of each group of users are considered, and changes do not make existing conditions worse for the most vulnerable users higher on the ordered list.
- All users' needs are balanced with the intent of optimizing the right of way for multiple modes on the same street.
- When necessary to ensure safety, accommodate some users on parallel streets as part of multi-street corridors.
- Land use and system plans, network functionality for all modes, other street functions, and complete street policies, are maintained.
- Policy-based rationale is provided if modes lower in the ordered list are prioritized.

Policy 9.7. Moving goods and delivering services. In tandem with people movement, maintain efficient and reliable movement of goods and services as a critical transportation system function. Prioritize freight system reliability improvements over single-occupancy vehicle mobility where there are solutions that distinctly address those different needs.

Policy 9.8. Affordability. Improve and maintain the transportation system to increase access to convenient and affordable transportation options for all Portlanders, especially those who have traditionally been under-served or under-represented or have historically borne unequal burdens.

Policy 9.9. Accessible and age-friendly transportation system. Ensure that transportation facilities are accessible to people of all ages and abilities, and that all improvements to the transportation system (traffic, transit, bicycle, and pedestrian) in the public right-of-way comply with the Americans with Disabilities Act of 1990. Improve and adapt the transportation system to better meet the needs of the most vulnerable users, including the young, older adults, and people with different abilities.

Policy 9.10. Geographic policies. Adopt geographically specific policies in the Transportation System Plan to ensure that transportation infrastructure reflects the unique topography, historic character, natural features, system gaps, economic needs, demographics, and land uses of each area. Use the Pattern Areas identified in Chapter 3: Urban Form as the basis for area policies.

244. Finding: Policies 9.6 through 9.10 provide direction regarding planning for the transportation system. These policies address the design and planning of transportation facilities and not development or uses on private or public land outside of the right of way. These policies do not apply.

Land use, development, and placemaking

Policy 9.11. Land use and transportation coordination. Implement the Comprehensive Plan Map and the Urban Design Framework through coordinated long-range transportation and land use planning. Ensure that street policy and design classifications and land uses complement one another.

Policy 9.12. Growth strategy. Use street design and policy classifications to support Goals 3A-3G in Chapter 3: Urban Form. Consider the different design contexts and transportation functions in Town Centers, Neighborhood Centers, Neighborhood Corridors, Employment Areas, Freight Corridors, Civic Corridors, Transit Station Areas, and Greenways.

Policy 9.13. Development and street design. Evaluate adjacent land uses to help inform street classifications in framing, shaping, and activating the public space of streets. Guide development and land use to create the kinds of places and street environments intended for different types of streets.

245. Finding: Policies 9.11 through 9.13 address the relationship between land use and transportation planning – both at the citywide scale of urban form, and at the site and street level. Policy 9.12 does not apply because the HRCF amendments do not change the Comprehensive Plan Map, the Urban Design Framework, or the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system. Policy 9.13 addresses how development creates place and street environments at the block-by-block scale, and Policy 9.11 addresses the relationship at the street or corridor level. Because the HRCF amendments do not change the Zoning Map, policies 9.11 and 9.13 also do not apply.

Streets as public spaces

Policy 9.14. Streets for transportation and public spaces. Integrate both placemaking and transportation functions when designing and managing streets by encouraging design, development, and operation of streets to enhance opportunities for them to serve as places for community interaction, environmental function, open space, tree canopy, recreation, and other community purposes.

Policy 9.15. Repurposing street space. Encourage repurposing street segments that are not critical for transportation connectivity to other community purposes.

Policy 9.16. Design with nature. Promote street alignments and designs that respond to topography and natural features, when feasible, and protect streams, wildlife habitat, and native trees.

246. Finding: Policies 9.14 through 9.16 address the design and use of public streets and not development or uses on private or public land outside of the right of way. These policies do not apply.

Modal policies

Policy 9.17. Pedestrian transportation. Encourage walking as the most attractive mode of transportation for most short trips, within and to centers, corridors, and major destinations, and as a means for accessing transit.

Policy 9.18. Pedestrian networks. Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.

Policy 9.19. Pedestrian safety and accessibility. Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.

Policy 9.20. Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.

Policy 9.21. Accessible bicycle system. Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

Policy 9.22. Public transportation. Coordinate with public transit agencies to create conditions that make transit the preferred mode of travel for trips that are longer than 3 miles or shorter trips not made by walking or bicycling.

Policy 9.23. Transportation to job centers. Promote and enhance transit to be more convenient and

economical than the automobile for people travelling more than three miles to and from the Central City and Gateway. Enhance regional access to the Central City and access from Portland to other regional job centers.

Policy 9.24. Transit service. In partnership with TriMet, develop a public transportation system that conveniently, safely, comfortably, and equitably serves residents and workers 24 hours a day, 7 days a week.

Policy 9.25. Transit equity. In partnership with TriMet, maintain and expand high-quality frequent transit service to all Town Centers, Civic Corridors, Neighborhood Centers, Neighborhood Corridors, and other major concentrations of employment, and improve service to areas with high concentrations of poverty and historically under-served and under-represented communities.

9.25.a. Support a public transit system and regional transportation that address the transportation needs of historically marginalized communities and provide increased mobility options and access.

Policy 9.26. Transit funding. Consider funding strategies and partnership opportunities that improve access to and equity in transit service, such as raising Metro-wide funding to improve service and decrease user fees/fares.

Policy 9.27. Transit service to centers and corridors. Use transit investments to shape the city's growth and increase transit use. In partnership with TriMet and Metro, maintain, expand, and enhance Portland Streetcar, frequent service bus, and high-capacity transit, to better serve centers and corridors with the highest intensity of potential employment and household growth.

9.27.a. Locate major park-and-ride lots only where transit ridership is increased significantly, vehicle miles traveled are reduced, transit-supportive development is not hampered, bus service is not available or is inadequate, and the surrounding area is not negatively impacted.

Policy 9.28. Intercity passenger service. Coordinate planning and project development to expand intercity passenger transportation services in the Willamette Valley, and from Portland to Seattle and Vancouver, BC.

Policy 9.29. Regional trafficways and transitways. Maintain capacity of regional transitways and existing regional trafficways to accommodate through-traffic.

Policy 9.30. Multimodal goods movement. Develop, maintain, and enhance a multimodal freight transportation system for the safe, reliable, sustainable, and efficient movement of goods within and through the city.

Policy 9.31. Economic development and industrial lands. Ensure that the transportation system supports traded sector economic development plans and full utilization of prime industrial land, including brownfield redevelopment.

Policy 9.32. Multimodal system and hub. Maintain Portland's role as a multimodal hub for global and regional movement of goods. Enhance Portland's network of multimodal freight corridors.

Policy 9.33. Freight network. Develop, manage, and maintain a safe, efficient, and reliable freight street network to provide freight access to and from intermodal freight facilities, industrial and commercial districts, and the regional transportation system. Invest to accommodate forecasted growth of interregional freight volumes and provide access to truck, marine, rail, and air transportation systems. Ensure designated routes and facilities are adequate for over-dimensional trucks and emergency equipment.

Policy 9.34. Sustainable freight system. Support the efficient delivery of goods and services to

businesses and neighborhoods, while also reducing environmental and neighborhood impacts. Encourage the use of energy efficient and clean delivery vehicles, and manage on- and off-street loading spaces to ensure adequate access for deliveries to businesses, while maintaining access to homes and businesses.

Policy 9.35. Freight rail network. Coordinate with stakeholders and regional partners to support continued reinvestment in, and modernization of, the freight rail network.

Policy 9.36. Portland Harbor. Coordinate with the Port of Portland, private stakeholders, and regional partners to improve and maintain access to marine terminals and related river dependent uses in Portland Harbor.

9.36.a. Support continued reinvestment in, and modernization of, marine terminals in Portland Harbor.

9.36.b. Facilitate continued maintenance of the shipping channels in Portland Harbor and the Columbia River.

9.36.c. Support more long-distance, high-volume movement of goods to river and oceangoing ships and rail.

Policy 9.37. Portland Heliport. Maintain Portland’s Heliport functionality in the Central City.

Policy 9.38. Automobile transportation. Maintain acceptable levels of mobility and access for private automobiles while reducing overall vehicle miles traveled (VMT) and negative impacts of private automobiles on the environment and human health.

Policy 9.39. Automobile efficiency. Coordinate land use and transportation plans and programs with other public and private stakeholders to encourage vehicle technology innovation, shifts toward electric and other cleaner, more energy-efficient vehicles and fuels, integration of smart vehicle technology with intelligent transportation systems, and greater use of options such as car-share, carpool, and taxi.

Policy 9.40. Emergency response. Maintain a network of accessible emergency response streets to facilitate safe and expedient emergency response and evacuation. Ensure that police, fire, ambulance, and other emergency providers can reach their destinations in a timely fashion, without negatively impacting traffic calming and other measures intended to reduce crashes and improve safety.

247. Finding: Policies 9.17 through 9.40 primarily address the design and use of transportation infrastructure, and the goal of developing a more multimodal system. The HRCP amendments revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland’s regulations into conformance with state administrative rules and best practices. The amendments do not affect the design or use of transportation infrastructure. Therefore, these policy do not apply.

Airport Futures

Policy 9.41. Portland International Airport. Maintain the Portland International Airport as an important regional, national, and international transportation hub serving the bi-state economy.

Policy 9.42. Airport regulations. Implement the Airport Futures Plan through the implementation of the Portland International Airport Plan District.

9.42.a. Prohibit the development of a potential third parallel runway at PDX unless need for its construction is established through a transparent, thorough, and regional planning process.

9.42.b. Support implementation of the Aircraft Landing Zone to provide safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

9.42.c. Support the Port of Portland's Wildlife Hazard Management Plan by implementing airport-specific landscaping requirements in the Portland International Airport Plan District to reduce conflicts between wildlife and aircraft.

Policy 9.43. Airport partnerships. Partner with the Port of Portland and the regional community to address the critical interconnection between economic development, environmental stewardship, and social responsibility. Support an ongoing public advisory committee for PDX to:

9.43.a. Support meaningful and collaborative public dialogue and engagement on airport related planning and development.

9.43.b. Provide an opportunity for the community to inform the decision-making related to the airport of the Port, the City of Portland, and other jurisdictions/organizations in the region.

9.43.c. Raise public knowledge about PDX and impacted communities.

Policy 9.44. Airport investments. Ensure that new development and redevelopment of airport facilities supports the City's and the Port's sustainability goals and policies, and is in accordance with Figure 9-3 — Portland International Airport. Allow the Port flexibility in configuring airport facilities to preserve future development options, minimize environmental impacts, use land resources efficiently, maximize operational efficiency, ensure development can be effectively phased, and address Federal Aviation Administration's airport design criteria.

248. Finding: Policies 9.41 through 9.44 provide policy direction related to Portland International Airport. The HRCP amendments do not change the Portland International Airport Plan District, or have any impact on airport facilities. Therefore, these policies do not apply.

System management

Policy 9.45. System Management. Give preference to transportation improvements that use existing roadway capacity efficiently and that improve the safety of the system for all users.

9.45.a. Support regional equity measures for transportation system evaluation.

Policy 9.46. Traffic management. Evaluate and encourage traffic speed and volume to be consistent with street classifications and desired land uses to improve safety, preserve and enhance neighborhood livability, and meet system goals of calming vehicle traffic through a combination of enforcement, engineering, and education efforts.

9.46.a. Use traffic calming tools, traffic diversion and other available tools and methods to create and maintain sufficiently low automotive volumes and speeds on neighborhood greenways to ensure comfortable cycling environment on the street.

Policy 9.47. Connectivity. Establish an interconnected, multimodal transportation system to serve centers and other significant locations. Promote a logical, direct, and connected street system through street spacing guidelines and district-specific street plans found in the Transportation System Plan, and prioritize access to specific places by certain modes in accordance with policies 9.6 and 9.7.

9.47.a. Develop conceptual master street plans for areas of the City that have significant amounts

of vacant or underdeveloped land and where the street network does not meet City and Metro connectivity guidelines.

9.47.b. As areas with adopted Street Plans develop, provide connectivity for all modes by developing the streets and accessways as shown on the Master Street Plan Maps in the Comprehensive Plan.

9.47.c. Continue to provide connectivity in areas with adopted Street Plans for all modes of travel by developing public and private streets as shown on the Master Street Plan Maps in the Comprehensive Plan.

9.47.d. Provide street connections with spacing of no more than 530 feet between connections except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Where streets must cross over protected water features, provide crossings at an average spacing of 800 to 1000 feet, unless exceptional habitat quality of length of crossing prevents a full street connection.

9.47.e Provide bike and pedestrian connections at approximately 330 feet intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Bike and pedestrian connections that cross protected water features should have an average spacing of no more than 530 feet, unless exceptional habitat quality or length of connection prevents a connection.

Policy 9.48 Technology. Encourage the use of emerging vehicle and parking technology to improve real-time management of the transportation network and to manage and allocate parking supply and demand.

Policy 9.49 Performance measures. Establish multimodal performance measures and measures of system completeness to evaluate and monitor the adequacy of transportation services based on performance measures in goals 9.A. through 9.I. Use these measures to evaluate overall system performance, inform corridor and area-specific plans and investments, identify project and program needs, evaluate and prioritize investments, and regulate development, institutional campus growth, zone changes, Comprehensive Plan Map amendments, and conditional uses.

9.49.a. Eliminate deaths and serious injuries for all who share Portland streets by 2025.

9.49.b. Maintain or decrease the number of peak period non-freight motor vehicle trips, system-wide and within each mobility corridor to reduce or manage congestion.

9.49.c. By 2035, reduce the number of miles Portlanders travel by car to 11 miles per day or less, on average.

9.49.d. Establish mode split targets in 2040 Growth Concept areas within the City, consistent with Metro’s targets for these areas.

9.49.e. By 2035, increase the mode share of daily non-drive alone trips to 70 percent citywide, and to the following in the five pattern areas:

Pattern Area	2035 daily target mode share
Central City	85%
Inner Neighborhoods	70%

Western Neighborhoods	65%
Eastern Neighborhoods	65%
Industrial and River	55%

9.49.f. By 2035, 70 percent of commuters walk, bike, take transit, carpool, or work from home at approximately the following rates:

Mode	Mode Share
Walk	7.5%
Bicycle	25%
Transit	25%
Carpool	10%
Single Occupant Vehicle (SOV)	30% or less
Work at home	10% below the line (calculated outside of the modal targets above)

9.49.g. By 2035, reduce Portland’s transportation-related carbon emissions to 50% below 1990 levels, at approximately 934,000 metric tons.

9.49.h. By 2025, increase the percentage of new mixed use zone building households not owning an automobile from approximately 13% (2014) to 25%, and reduce the percentage of households owning two automobiles from approximately 24% to 10%.

9.49.i. Develop and use alternatives to the level-of-service measure to improve safety, encourage multimodal transportation, and to evaluate and mitigate maintenance and new trip impacts from new development.

9.49.j. Use level-of-service, consistent with Table 9.1, as one measure to evaluate the adequacy of transportation facilities in the vicinity of sites subject to land use review.

9.49.k. Maintain acceptable levels of performance on state facilities and the regional arterial and throughway network, consistent with the interim standard in Table 9.2, in the development and adoption of, and amendments to, the Transportation System Plan and in legislative amendments to the Comprehensive Plan Map.

9.49.l. In areas identified by Metro that exceed the level-of-service in Table 9.2 and are planned to, but do not currently meet the alternative performance criteria, establish an action plan that does the following:

- Anticipates growth and future impacts of motor vehicle traffic on multimodal travel in the area

- Establishes strategies for mitigating the future impacts of motor vehicles
- Establishes performance standards for monitoring and implementing the action plan.

Location	Standards		
	Mid-Day One-Hour Peak *	PM 2-Hour Peak	
		1st Hour	2nd Hour
Central City, Gateway, Town Centers, Neighborhood Centers, Station Areas	0.99	1.1	0.99
I-84 (from I-5 to I-205), I-5 North (from Marquam Bridge to Interstate Bridge, OR 99- E (from Lincoln St. to OR 224), US 26 (from I-405 to Sylvan Interchange), I-405	0.99	1.1	0.99
Other Principal Arterial Routes	0.90	0.99	0.99
*The demand-to-capacity ratios in the table are for the highest two consecutive hours of the weekday traffic volumes. The mid-day peak hour is the highest 60-minute period between the hours of 9 a.m. and 3 p.m. The 2nd hour is defined as the single 60-minute period, either before or after the peak 60-minute period, whichever is highest.			

9.49.m. Develop performance measures to track progress in creating and maintaining the transportation system.

Policy 9.50 Regional congestion management. Coordinate with Metro to establish new regional multimodal mobility standards that prioritize transit, freight, and system completeness.

9.50.a. Create a regional congestion management approach, including a market-based system, to price or charge for auto trips and parking, better account for the cost of auto trips, and to more efficiently manage the regional system.

Policy 9.51. Multimodal Mixed-Use Area. Manage Central City Plan amendments in accordance with the designated Central City Multimodal Mixed-Use Area (MMA) in the geography indicated in Figure 9-2. The MMA renders congestion / mobility standards inapplicable to any proposed plan amendments under OAR 660-0012-0060(10).

249. Finding: Policies 9.45 through 9.51 address the system-wide management of the City’s transportation system. HRCF does not address specific traffic improvements nor make changes to the city’s Transportation Systems Plan (TSP). Policy 9.48 focuses on vehicle and parking technology, but the focus is on the city’s transportation network and not on private development. The HRCF amendments do not affect the management of the city’s transportation network. These policies do not apply.

Transportation Demand Management

Policy 9.52. Outreach. Create and maintain TDM outreach programs that work with Transportation Management Associations (TMA), residents, employers, and employees that increase the modal share of walking, bicycling, and shared vehicle trips while reducing private vehicle ownership, parking demand, and drive-alone trips, especially during peak periods.

Policy 9.53. New development. Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private-sector TDM programs.

Policy 9.54. Projects and programs. Integrate TDM information into transportation project and program development and implementation to increase use of new multimodal transportation projects and services.

250. Finding: Policies 9.52 through 9.54 provide direction regarding transportation demand management. The City has created TDM financial incentive programs but has elected to only require participation in those programs for larger developments (10 or more dwelling units). The HRCF amendments do not affect existing TDM regulations or outreach programs (e.g., requirements in Title 17, Smart Trips and Safe Routes to Schools).

Parking management

Policy 9.55. Parking management. Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability.

251. Finding: As described in the findings for policy 9.5 and incorporated by reference here, the HRCF amendments codify a new exception to minimum vehicular parking spaces. This reduction—to zero required parking spaces—ensures that historic resources can be restored to their pre-automobile design patterns and allow for flexibility in changing uses of historic resources to support neighborhood livability and business district vitality. Therefore, the HRCF amendments are consistent with this policy.

Policy 9.56. Curb Zone. Recognize that the Curb Zone is a public space, a physical and spatial asset that has value and cost. Evaluate whether, when, and where parking is the highest and best use of this public space in support of broad City policy goals and local land use context. Establish thresholds to utilize parking management and pricing tools in areas with high parking demand to ensure adequate on-street parking supply during peak periods.

Policy 9.57. On-street parking. Manage parking and loading demand, supply, and operations in the public right of way to achieve mode share objectives, and to encourage safety, economic vitality, and livability. Use transportation demand management and pricing of parking in areas with high parking demand.

252. Finding: Policies 9.56 and 9.57 address the management of space within the right of way. These policies do not apply because the HRCF amendments do not change how the City manages the right of way.

Policy 9.58. Off-street parking. Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate

off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand.

253. Finding: As described in the findings for policy 9.5, the HRCP amendments codify a new exception to minimum vehicular parking spaces. This reduction—to zero required parking spaces—ensures that historic resources can be restored to their pre-automobile design patterns and limit the necessity for new parking spaces. Therefore, the HRCP amendments are consistent with this policy.

Policy 9.59. Share space and resources. Encourage the shared use of parking and vehicles to maximize the efficient use of limited urban space.

254. Finding: Policy 9.59 addresses shared parking and vehicle. This policy does not apply because the HRCP amendments do not change regulations related to parking and vehicles, except as described in the findings for policy 9.5.

Policy 9.60. Cost and price. Recognize the high public and private cost of parking by encouraging prices that reflect the cost of providing parking and balance demand and supply. Discourage employee and resident parking subsidies.

255. Finding: Policy 9.60 addresses the management of space within the right of way. This policy does not apply because the HRCP amendments do not change how the City manages the right of way.

Policy 9.61. Bicycle parking. Promote the development of new bicycle parking facilities including dedicated bike parking in the public right-of-way. Provide sufficient bicycle parking at high-capacity transit stations to enhance bicycle connection opportunities. Require provision of adequate off-street bicycle parking for new development and redevelopment. Encourage the provision of parking for different types of bicycles. In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.

256. Finding: This policy does not apply because this ordinance does not include any changes to the bicycle parking regulations.

Finance, programs, and coordination

Policy 9.62. Coordination. Coordinate with state and federal agencies, local and regional governments, special districts, other City bureaus, and providers of transportation services when planning for, developing, and funding transportation facilities and services.

257. Finding: This policy addresses the planning, funding, and design of the City's transportation system. The HRCP amendments do not affect the planning, funding, or design of the transportation system. Therefore, this policy does not apply.

Policy 9.63. New development impacts. Prevent, reduce, and mitigate the impacts of new development and redevelopment on the transportation system. Utilize strategies including transportation and parking demand management, transportation system analysis, and system and local impact mitigation improvements and fees.

258. Finding: This policy requires projects to consider the impact of development on the transportation system, and to consider strategies to reduce the impact. The HRCP amendments do not amend the Zoning Map and, therefore, this policy does not apply.

Policy 9.64. Education and encouragement. Create, maintain, and coordinate educational and

encouragement programs that support multimodal transportation and that emphasize safety for all modes of transportation. Ensure that these programs are accessible to historically under-served and under-represented populations.

Policy 9.65. Telecommuting. Promote telecommuting and the use of communications technology to reduce travel demand.

Policy 9.66. Project and program selection criteria. Establish transportation project and program selection criteria consistent with goals 9A through 9I, to cost-effectively achieve access, placemaking, sustainability, equity, health, prosperity, and safety goals.

Policy 9.67. Funding. Encourage the development of a range of stable transportation funding sources that provide adequate resources to build and maintain an equitable and sustainable transportation system.

259. Finding: Policies 9.64 through 9.67 address the funding and management of the City’s transportation system and programs and not development or uses on private or public land outside of the right of way. The HRCP amendments affect development of property located outside of the right-of-way. Therefore, these policies do not apply.

Connected and Automated Vehicles

Policy 9.68 New mobility priorities and outcomes. Facilitate new mobility vehicles and services with the lowest climate and congestion impacts and greatest equity benefits; with priority to vehicles that are fleet/shared ownership, fully automated, electric and, for passenger vehicles, shared by multiple passengers (known by the acronym FAVES). Develop and implement strategies for each following topic.

9.68.a. Ensure that all new mobility vehicles and services and levels of automated vehicles advance Vision Zero by operating safely for all users, especially for vulnerable road users. Require adequate insurance coverage for operators, customers, and the public-at-large by providers of new mobility vehicles and services.

9.68.b. Ensure that new mobility vehicles and services improve active transportation and shared ride travel time reliability and system efficiency by:

1. maintaining or reducing the number of vehicle trips during peak congestion periods;
2. reducing low occupancy vehicle trips during peak congestion periods;
3. paying for use of, and impact on, Portland’s transportation system including factors such as congestion level, carbon footprint, vehicle miles traveled, vehicle occupancy, and vehicle energy efficiency; and
4. supporting and encouraging use of public transportation.

9.68.c. Cut vehicle carbon pollution by reducing low occupancy “empty miles” traveled by passenger vehicles with zero or one passengers. Prioritize vehicles and services with the least climate pollution, and electric and other zero direct emission vehicles operated by fleets and carrying multiple passengers.

9.68.d. Make the benefits of new mobility available on an equitable basis to all segments of the community while ensuring traditionally disadvantaged communities are not disproportionately hurt by new mobility vehicles and services. This includes people with disabilities, as well as communities of color, women, and geographically underserved communities.

9.68.e Identify, prevent, and mitigate potential adverse impacts from new mobility vehicles and services.

Policy 9.69 New mobility tools. Use a full range of tools to ensure that new mobility vehicles and services and private data communications devices installed in the City right of way contribute to achieving Comprehensive Plan and Transportation System Plan goals and policies.

9.69.a. Maintain City authority to identify and develop appropriate data sharing requirements to inform and support safe, efficient, and effective management of the transportation system. Ensure that when new mobility vehicles and services use City rights-of-way or when vehicles connect with smart infrastructure within the City they share information including, but not limited to, vehicle type, occupancy, speed, travel routes, and travel times, crashes and citations, with appropriate privacy controls. Ensure that private data communications devices installed in the City right of way are required to share anonymized transportation data.

9.69.b. Design and manage the mobility zone, curb/flex zone, and traffic control devices, e.g. to limit speeds to increase safety, to minimize cut-through traffic, evaluate future demand for pick-up and drop-off zones, and to prioritize automated electric vehicles carrying more passengers in congested times and locations;

9.69.c. Evaluate the public cost and benefit of investments in wayside communication systems serving new mobility vehicles and services.

9.69.d. Develop sustainable user-pays funding mechanisms to support new mobility vehicle infrastructure and service investments, transportation system maintenance, and efficient system management.

9.69.e. Ensure that new mobility vehicles and vehicles that connect to smart City infrastructure, and private data communications devices installed in the City right of way, help pay for infrastructure and service investments, and support system reliability and efficiency. Develop a tiered pricing structure that reflects vehicle and service impacts on the transportation system, including factors such as congestion level, carbon footprint, vehicle miles traveled, vehicle occupancy, and vehicle energy efficiency.

260. Finding: Policies 9.68 and 9.69 address the management of automated vehicles and not development or uses on private or public land outside of the right of way. These policies do not apply.

Chapter 10: Land Use Designations and Zoning

Goal 10.A: Land use designations and zoning. Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code.

261. Finding: The HRCP amendments do not change land use designations or the Zoning Map. The HRCP amendments revise Zoning Code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. These amendments are consistent with the policies in the 2035 Comprehensive Plan, as described in the findings throughout this report.

Land use designations

Policy 10.1. Land use designations. Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.

262. Finding: The HRCP amendments do not change land use designations or the Zoning Map. This policy does not apply.

The Zoning Map and the Zoning Code

Policy 10.2. Relationship of land use designations to base zones. Apply a base zone to all land and water within the City's urban services boundary. The base zone applied must either be a zone that corresponds to the land use designation or be a zone that does not correspond but is allowed per Figure 10-1 — Corresponding and Less-Intense Zones for Each Plan Map Designation. In some situations, there are long-term or short-term obstacles to achieving the level of development intended by the land use designation (e.g., an infrastructure improvement to serve the higher level of development is planned but not yet funded). In these situations, a less intense zone (listed in Figure 10-1) may be applied. When a land use designation is amended, the zone may also have to be changed to a corresponding zone or a zone that does not correspond but is allowed.

263. Finding: The HRCP does not apply or remove any base zones. This policy does not apply.

Policy 10.3. Amending the Zoning Map.

10.3.a. Amending a base zone may be done legislatively or quasi-judicially.

10.3.b. When amending a base zone quasi-judicially, the amendment must be to a corresponding zone (*see Figure 10-1 — Corresponding and Allowed Zones for Each Land Use Designation*). When a designation has more than one corresponding zone, the most appropriate zone, based on the purpose of the zone and the zoning and general land uses of surrounding lands, will be applied.

10.3.c. When amending a base zone legislatively, the amendment may be to a corresponding zone or to a zone that does not correspond but is allowed (*see Figure 10-1 — Corresponding and Allowed Zones for each Land Use Designation for zones that are allowed*). A legislative Zoning Map amendment may not be to a zone that is not allowed.

10.3.d. An amendment to a base zone consistent with the land use designation must be approved when it is found that current public services can support the uses allowed by the zone, or that public services can be made capable by the time the development is complete. The adequacy of

services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater management, transportation, school district capacity (where a school facility plan exists), and police and fire protection.

10.3.e. An amendment to apply or remove an overlay zone or plan district may be done legislatively or quasi-judicially, and must be based on a study or plan document that identifies a specific characteristic, situation, or problem that is not adequately addressed by the base zone or other regulations.

264. Finding: The HRCP does not apply or remove any base zones. This policy does not apply.

Policy 10.4. Amending the Zoning Code. Amendments to the zoning regulations must be done legislatively and should be clear, concise, and applicable to a broad range of development situations faced by a growing city. Amendments should:

10.4.a. Promote good planning:

- Effectively and efficiently implement the Comprehensive Plan.
- Address existing and potential land use problems.
- Balance the benefits of regulations against the costs of implementation and compliance.
- Maintain Portland's competitiveness with other jurisdictions as a location in which to live, invest, and do business.

10.4.b. Ensure good administration of land use regulations:

- Keep regulations as simple as possible.
- Use clear and objective standards wherever possible.
- Maintain consistent procedures and limit their number.
- Establish specific approval criteria for land use reviews.
- Establish application requirements that are as reasonable as possible, and ensure they are directly tied to approval criteria.
- Emphasize administrative procedures for land use reviews.
- Avoid overlapping reviews.

10.4.c. Strive to improve the code document:

- Use clear language.
- Maintain a clear and logical organization.
- Use a format and layout that enables use of the document by lay people as well as professionals.
- Use tables and drawings to clarify and shorten the document.
- Identify and act on regulatory improvement suggestions.

265. Finding: Volume 2 of the Recommended Draft present the legislative amendments to the Zoning Code to implement the concepts presented in Volume 1 of this ordinance. The amendments revise Zoning Code related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices. In all cases, the Zoning Code amendments are presented in as clear and objective of a way possible to ensure the

intended users will be able understand and utilize the Zoning Code as it applies to their development proposals, land use, and properties, consistent with Comprehensive Plan Policy 10.4.

Part IV. Area-Specific Plans

Council finds that the proposed amendments are consistent with area-specific plans. The HRCP amendments do not change the Official Zoning Map, do not designate any new historic resources, and do not make any changes to the boundaries or contributing status of any specific historic resources. Therefore, Council finds that the HRCP amendments do not significantly affect area plans.

Part V. Comprehensive Plan and Zoning Code Text Amendment Criteria

33.835.040 Approval Criteria

A. Amendments to the zoning code. Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, plan district, use and development, or land division regulation where the amendment is proposed, and any plan associated with the regulations. The creation of a new plan district is subject to the approval criteria stated in 33.500.050.

266. Finding: The findings in this exhibit demonstrate how the HRCF zoning code amendments are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and the Statewide Planning Goals. Findings showing consistency with the purpose statements of individual zoning code sections are provided below.

The Council interprets this criterion to require the ordinance to be consistent with the Comprehensive Plan. Council notes that the Comprehensive Plan defines the phrase “consistent with” to mean “the subject meets the requirements of, satisfies, or adheres to the regulations, mandate, or plan listed in the goal or policy.”

The City Council has considered all applicable policies, and the findings in this exhibit demonstrate how the amendments to the zoning code are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

Council further finds this criterion operates in conjunction with Comprehensive Plan Policy 1.10 which requires that amendments to the comprehensive Plan’s supporting documents, such as the Zoning Code, must “comply” with the Comprehensive Plan. “Comply” means “that amendments must be evaluated against the Comprehensive Plan’s applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation.” Additional findings in response to Policy 1.10 describe how the Council interprets “equally or more supportive” are incorporated here by reference.

PCC 33.835.040.A requires Council to demonstrate that the HRCF amendments are consistent with, or adhere to, the entire Comprehensive Plan. PCC 33.835.040.A does not require Council to demonstrate that the amendments are consistent with, or adhere to, individual goals and policies but rather the entire plan. Regardless, as demonstrated in this exhibit, Council has considered all applicable goals and policies and finds that the HRCF amendments are consistent with all the individual goals and policies.

Council finds that a proposed amendment is equally supportive when it is on its face directly supported by goals and policies in the Plan. The City Council finds that an amendment is more supportive of the Comprehensive Plan when the amendment will further advance goals and policies, particularly those that are aspirational in nature. The policy requires consideration as to whether amendments are equally or more supportive of the Plan as a whole. The City Council finds that amendments do not need to be equally or more supportive of individual goals and policies, but rather amendments must be equally or more supportive of the entire Comprehensive Plan. Therefore, there may be instances where specific goals and policies are not supported by the amendments but still the amendment is equally or more supportive of the entire Comprehensive

Plan when considered cumulatively. There is no precise mathematical equation for determining when the Plan as a whole is supported but rather such consideration requires Council discretion in evaluating the competing interests and objectives of the plan.

Applying both the Zoning Code criterion and Policy 1.10 together, as discussed above, Council finds that the ordinance is consistent and complies with the Comprehensive Plan.

Council also finds that this criterion requires Council to consider whether the HRCF amendments are consistent with the Urban Growth Management Functional Plan and Statewide Planning Goals. As discussed fully above, Council finds that the HRCF amendments are consistent with both the Urban Growth Management Functional Plan and the Statewide Planning Goals.

Finally, as discussed below, Council finds that this ordinance is consistent with the applicable intent or purpose statement for the base zones, overlay zones, plan district, use and development, or land division regulation where amendments have been proposed. Several technical amendments are made to clarify wording or references within certain chapters. These technical amendments are done for consistency of wording and organization of the zoning code or to increase clarity, and as such, do not impact the purposes of the chapters. These chapters include 33.120, 33.130, 33.140, 33.207, 33.510, 33.805, 33.815.

No new plan district has been proposed, therefore the criteria in 33.500.050 do not apply. Additionally, Council finds that the proposed amendments are consistent with plans associated with the regulations, including area plans.

For all of these reasons, Council finds that the HRCF amendments are consistent and comply with each applicable policy in the Comprehensive Plan and the amendments are consistent with the Urban Growth Management Functional Plan, the Statewide Planning Goals and relevant purpose statements.

33.266.110 Minimum Required Parking Spaces

- A. Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

267. Finding. The HRCF amendments include an exception to the minimum number of required parking spaces for historic resources. The amendment allows the minimum number of required parking spaces to be reduced to zero on sites that contain a Historic, Conservation, or National Register landmark, and on sites located within a Historic, Conservation, or National Register District. The impact of this amendment is likely minimal because many of the historic resources to which the exception applies are located in single-dwelling residential zones where there is no minimum parking required, or are located close to transit, which also does not required parking for most developments. For the sites to which this exception will apply, the amendment is consistent with the purpose of Section 33.266.110 because the purpose anticipates balancing the need for on-stie parking with the need to minimize pedestrian, bicycle and vehicle conflicts as much as possible.

33.445.010 Purpose

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

268. Finding. The HRCP amendments are specifically aimed at carrying out the purpose of the overlay zones by revising provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews that apply to historic resources, bringing Portland's regulations into conformance with state administrative rules and best practices.

33.710.010 Purpose

Review bodies are established to make decisions on land use actions and to recommend land use policy to the City Council. The review bodies provide an opportunity for citizen involvement and provide expertise for specialized topic areas. Review bodies that make quasi-judicial decisions do so on authority delegated by the City Council. The provisions of this chapter define the powers and duties for each review body and state how each body will operate.

269. Finding. The HRCP amendments include changes to the make-up of the Historic Landmarks Commission. The amendments broaden the categories of professions from which commission members may be selected. City Council received testimony from Constance Beaumont and others alleging the Recommended Draft membership categories violated Portland's obligations as a Certified Local Government. City Council disagrees with this testimony and finds credible evidence supporting such disagreement in the email from Kuri Gill of the State Historic Preservation Office. In the referenced email, Kuri Gill confirmed that the proposed membership categories for the Historic Landmarks Commission satisfy the City's Certified Local Government obligations, compliance for which is managed by the State Historic Preservation Office. Nevertheless, City Council agreed with the testimony in so far as a slightly revised approach to the Recommended Draft membership categories could improve the makeup of the commission even if not required by the Comprehensive Plan, State Historic Preservation Office, or National Park Service. An amendment on the topic was offered for public consideration and testimony at a hearing on December 15, 2021. City Council supported an amendment that adjusted the Recommended Draft approach by ensuring at two of the seven members of the commission have professional experience in historic preservation, local history, architecture, or architectural history. The amendments are consistent with the purpose of the chapter because the changes do not amend the size of the commission or change the number of at-large commission members but provide a larger applicant pool from which new commission members can be recruited. Other changes to chapter 33.710 are technical and clarify existing code.

33.720.010 Purpose

This chapter assigns a review body to all land use reviews. It also specifies the procedure when more than one review is requested simultaneously.

270. Finding. The HRCP amendments clarify that the Historic Landmarks Commission is the decision maker in certain demolition reviews and clarifies when the Historic Landmarks Commission makes recommendations to the City Council in legislative matters. Both of these clarifications are consistent with the purpose of assigning review bodies and specifying procedures.

33.730.010 Purpose

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that most quasi-judicial reviews must be completed within 120 days of filing a complete application. The Type II, Type IIx, Type III, and Type IV procedures, with their varying levels of review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I and Type Ix procedures are administrative procedures.

The Type I and Ix procedures, or limited land use review, allows local decisions to be made administratively for such reviews as minor design and historic resource cases. The Type II procedure is the shortest and simplest of the other three quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type IIx procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. The Type III procedure is a longer and more in-depth review. It is intended for reviews which involve substantial discretion or high impacts. The Type IV procedure is used to review proposals to demolish certain significant historic resources.

271. Finding. A pre-application conference is currently required for all Type III quasi-judicial reviews. The HRCP amendments eliminate the requirement for a pre-application conference for Type III historic designation review and Type III historic designation removal review. The amendment eliminates a costly and time-consuming step for both applicants and staff. The change is consistent with the purpose of the chapter because the procedures and requirements for the Type III process remain clearly stated in the chapter and the rules continue to implement state law.

33.740.010 Purpose

Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. The legislative procedure includes a public hearing by a designated commission. The hearings provide opportunities for public comment and input on actions which may affect large areas of the City.

272. Finding. The City's legislative procedure requires a commission to hold at least one public hearing before recommending action on a legislative matter. The HRCP amendments require that when the legislative matter include designation or removal of a Historic or Conservation district, the public hearing before a commission be a joint public hearing before both the Planning and Sustainability Commission and Historic Landmarks Commission. This is consistent with the purpose of establishing procedures for a legislative matter.

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic resource reviews. The approval criteria protect the region's significant historic resources and preserve important parts of

the region's heritage. The reviews recognize and protect the region's archaeological, cultural, historic, and architectural resources, ensure that changes to designated historic resources preserve-physical integrity and historic significance,-and provide incentives for historic preservation and adaptive reuse. The reviews also allow for community involvement and the potential for denial when demolition, relocation, new development, or alteration is proposed for certain historic resources.

273. Finding. The HRCP amendments significantly revise the Historic Resources Review chapter to bring the chapter in line with state law and changes to the Historic Resources overlay zone chapter (33.445). The amendments continue to carry out the purpose of the chapter by specifying and clarifying procedures and approval criteria for all historic resource reviews. The amended approval criteria and application requirements conform to state law and continue to protect the regions significant resources.

33.855.010 Purpose

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

274. Finding. The HRCP amendments to chapter 33.855 align the automatic map amendments for historic resources rules to align with changes in state law that were effective in January 2017. The amendments remain consistent with the purpose of the chapter because they more clearly state the procedures for automatic zoning map amendments.

Exhibit B

Historic Resources Code Project

Improving Portland's regulations for
identifying, designating, protecting,
and reusing historic places

RECOMMENDED DRAFT — AS-AMENDED
JANUARY 2022

VOLUME 1: STAFF REPORT



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**



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503-823-7700 | www.portland.gov/bps/accommodation

Testimony on the recommended zoning code amendments:

The Portland City Council considered written and oral testimony on the Historic Resources Code Project *Recommended Draft* in fall 2022. Public hearings were held on November 3 and December 15, 2021. Written testimony was accepted online through the MapApp. The written and oral testimony period concluded on December 15, 2021.

For more information:

Visit the project webpage: www.portlandoregon.gov/bps/hrcp

Contact project staff:

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Project timeline:



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Mingus Mapps, Commissioner
Carmen Rubio, Commissioner
Dan Ryan, Commissioner

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Table of Contents

Volume 1: Staff Report

	Planning and Sustainability Commission Recommendation	5
Section I	Summary.....	9
Section II	Orientation to Portland’s Historic Resources	13
Section III	Relationship to Comprehensive Plan Guiding Principles.....	20
Section IV	Public Involvement	24
Section V	Analysis of Amendments	28
Section VI	Potential Future Work.....	50

Volume 2: Code Amendments (under separate cover)

June 30, 2021

Mayor Wheeler and City Commissioners
Portland City Hall
1220 SW 4th Avenue
Portland, Oregon 97205

Dear Mayor Wheeler and City Commissioners:

The Planning and Sustainability Commission (PSC) enthusiastically offers our support for the Historic Resources Code Project (HRCP), currently scheduled to come before Portland City Council in Fall 2021. The PSC voted unanimously on May 4, 2021, to recommend adoption of the package of Zoning Code amendments which will result in revised regulations for the identification, designation, protection, and use of Portland's historic resources.

The HRCP zoning code package provides Portland with a once-in-a-generation opportunity to rewrite the city's regulatory approach to historic preservation. The PSC's recommendation was made possible due to the loosening of Oregon Administrative Rule in 2017, an effort that the City supported as a necessary precursor to the HRCP code amendments.

The recommended changes to the Zoning Code will allow Portland's inventory of historic resources to tell more diverse stories, adapt to changing community needs, and be protected for future generations.

The PSC is especially supportive of the following changes:

- **Require a local designation for application of design protections.** Portland currently relies on the federal National Register of Historic Places to apply demolition and design protections onto historic resources. This “coupling” of federal designation and local regulation has resulted in large residential neighborhoods such as Irvington, Eastmoreland, and Laurelhurst pursuing federal recognition as a vehicle to secure land use protections not available to other parts of the city. The recommendation reduces the automatic protections conveyed by National Register listing to the minimum required by state law: demolition review. City designation would be required to apply design protections to landmarks and districts in the future.
- **Establish a clear hierarchy of historic resource types.** The recommendation overhauls the City historic resource designation process to allow a menu of protections to be considered when new landmarks and districts are proposed for City designation. These changes offer a “hierarchy” of historic resource types (i.e. Historic Landmark, Conservation Landmark, etc.) that allow for weighing the appropriateness of protecting a given resource against Comprehensive Plan policies and other community values. Resources associated with underrepresented histories would be given greatest priority for City designation in the future.
- **Incentivize the adaptive reuse of historic resources.** Historic places need continual maintenance to be protected, including the imperative that historic buildings be upgraded for climate and seismic resilience. Additionally, for historic places to convey educational and cultural benefits they must be interpreted and used not by a few, but by the entire community. Towards that end, the recommended adaptive reuse incentives provide new economic opportunities that justify complex rehabilitation projects and allow for more diverse housing and commercial activities to take place within historic resources.
- **Revise the rules for protecting landmarks and districts.** Historic preservation must benefit the broad public, not just neighboring property owners, and must be weighed against other complementary and competing City goals and policies. The recommended changes eliminate and streamline the review of minor exterior alterations affecting designated historic resources and establish new approval criteria to be considered in demolition reviews. Together these changes balance the protection of historic resources with other community goals, allowing for win-win opportunities for historic resources themselves to be adapted in ways that best exemplify the city’s values.

In addition to meaningful changes to the City’s policy approach to historic preservation, the code amendments include numerous technical fixes requested by the Bureau of Development Services, the Historic Landmarks Commission, and development teams with non-profit and for-profit experience rehabilitating historic structures. Those fixes, while technical in nature, will allow tenants, property owners, and designers to use, improve and adapt historic resources.

To arrive at the PSC's recommendation, we held virtual public hearings on the Proposed Draft in the Fall of 2020. Seventy individuals provided verbal testimony to the PSC at the two public hearings and 278 pieces of written testimony were submitted to the PSC.

Following the close of the public testimony period, the PSC held seven work sessions from December 2020 to May 2021. Chair Kristen Minor of the Historic Landmarks Commission (HLC) participated in each of the work sessions to inform the PSC's understanding of historic resource issues and assist in shaping potential amendments to the staff Proposed Draft. In addition to the PSC's work sessions, three members of the PSC and three members of the HLC met four times to discuss possible amendments in greater detail and ask additional questions of project staff. On May 4, 2021, the PSC voted unanimously to recommend City Council adopt the amended HRCP Zoning Code package.

Although the PSC supported the majority of the Proposed Draft presented by BPS staff, 14 amendments were moved by the PSC for incorporation into the Recommended Draft. Many of these amendments were technical in nature, but three groupings of amendments may generate significant testimony at the City Council hearings. Those amendments are as follows:

1. **District designation process and criteria.** The PSC's recommendation requires a joint hearing between the PSC and HLC whenever a new Historic or Conservation District is proposed for designation and to prioritize historically excluded communities in the approval criteria applied to proposals to designate such districts. The PSC would make a formal recommendation to City Council, who would serve as the decision-maker.
2. **Increased flexibility for alterations in residential areas.** The PSC's recommendation exempts certain solar energy installations, electric vehicle charging outlets, window replacements, and new detached accessory structures from design protections.
3. **Refinements to adaptive reuse incentives.** In response to public testimony, the PSC's recommendation adds additional sideboards to the by-right incentives for accessory commercial uses in residential zones.

Finally, the PSC received testimony regarding a host of ideas related to potential future work. Although there was interest from Commissioners on both the PSC and HLC to include changes to the Official Zoning Map as part of the HRCP package, the PSC is not recommending any map changes to accompany these code amendments.

Recognizing the limited BPS budget (1 FTE) available for long-range historic resources planning, we offer the following future work ideas for Council consideration:

1. Phased updates to the Citywide Historic Resource Inventory, prioritizing and empowering communities whose stories are absent from the existing inventory.
2. Deployment of City resources to support community in the designation of districts associated with diverse stories that have been excluded from past historic preservation efforts.
3. Selective refinements to the Official Zoning Map to ensure height allowances for new buildings are neither too aggressive nor too conservative in Historic Districts.
4. Refining the Community Design Standards that apply in Conservation Districts and Design Guidelines that apply in Historic Districts to ensure clarity and consistency for tenants, owners, and design teams.
5. Advancing intangible cultural preservation strategies, including establishment of a Legacy Business program, Cultural District program, and/or citywide Cultural Resources Plan.

In conclusion, the PSC recommends City Council adopt the Historic Resources Code Project Recommended Draft and direct BPS staff to leverage the new code provisions in partnership with those communities who have been excluded from the benefits of historic preservation in the past.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eli Spevak', written in a cursive style.

Eli Spevak
Chair

Section I: Summary

The Historic Resources Code Project (HRCP) makes changes to the City of Portland’s zoning code regulations for identifying, designating, protecting, and reusing historic places. The project was initiated to bring Portland into compliance with Oregon State Administrative Rule (OAR 660-023-0200) provisions governing local historic resource programs in cities and counties across Oregon. Following three cycles of public feedback—one during the concept development phase in 2017-2018, one during the Discussion Draft phase in 2019, and one during the Proposed Draft phase in 2020—the Planning and Sustainability Commission voted unanimously on May 4, 2021 to recommend the Portland City Council adopt zoning code amendments to incorporate not only State-mandated changes, but to make Portland’s historic resource regulations more equitable, effective, and responsive to the current and future needs of all Portlanders.



Historic resources in the Woodlawn Conservation District.

The code amendments uphold and advance the following value statements:

- Meaningful and tangible connections to the past enhance the lived experiences of current and future community members.
- Extending the useful life of existing buildings retains embodied carbon and reduces landfill waste.
- Historic resources provide opportunities to acknowledge, address and reverse past harms.
- The broad community should be engaged in the identification and designation of historic resources, with underrepresented histories prioritized for protection.
- Historic places must continually evolve to meet the changing needs of Portlanders.

For individuals reading this document to understand how or if the amendments would affect a specific property(s), the [Historic Resource Webmap](#) identifies all historic resources recognized by the City of Portland that may be potentially affected by these amendments.

Inequities in Portland’s Historic Resources Program

The protection of historic resources has been a City of Portland priority for more than 50 years—Provisions for identifying, designating, protecting, and reusing historic places have been codified in the zoning code; a field of historians, designers, and tradespeople have emerged to provide expertise in building restoration; and tenants, owners, and the broad public serve as stewards of wide range of historic buildings, landscapes, and structures. Since establishment of Portland’s first historic preservation ordinance in 1968, more than 700 individual landmarks and 25 districts across Portland have been designated and protected for their architectural, cultural, and historic significance. These include such iconic places as the Pittock Mansion, Paul Bunyan statue, Bagdad Theater and much of North Mississippi Avenue.

While Portland's existing roster of recognized historic places tell diverse stories about the city's history and people, significant inequities exist in the geographic and thematic distribution of the resources and protections that apply to them. For example:

- Of Portland's 725 landmarks, only five have been designated for an association with Black history (all of which were listed in just the last decade);
- East of I-205, only one landmark (the Claude Miller House) and one district (Willamette National Cemetery) have been designated for their historic significance;
- In residential areas designated as districts, the zoning code provides only limited opportunities to reverse a history of exclusion through adaptive reuse and diverse housing types; and
- Despite Portland's long legacy of LGBTQ+ leaders, events, and businesses, there is only one historic resource designated for its association with LGBTQ+ history.



The 1904 Otto and Verdell Rutherford House, the first Portland Historic Landmark designated for a direct association with African American history.

These inequities stem from a variety of institutional, systemic, and individual decisions related to the identification, designation, and protection of historic places. And while Portland's historic resource program is largely local in nature, a patchwork of related state and federal programs have long presented unique constraints in advancing more equitable historic resource regulations at the city level. These include overreliance on the National Register of Historic Places to convey protections, the criteria required to access state and federal tax incentives, National Park Service best practice guidance, the applicability of Oregon's "owner consent" law, and required compliance with the provisions of statewide land use Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.

The amendments described in the pages that follow do not propose to add or remove any specific landmarks or districts from the City's roster of historic resources. Instead, the amendments establish new resource types, procedures, and criteria under which future designation and removal decisions can be made. Additionally, use incentives would provide new opportunities for historic resources to adapt to meet the needs of current and future Portlanders, reversing a century of exclusionary zoning, providing economically viable options for rehabilitation, and offering the public more opportunities to experience and learn from Portland's historic places. A section on future work at the end of this document describes potential future projects that could leverage these zoning code changes to achieve historic preservation outcomes that are more equitable, inclusive, and responsive.

"In many ways historic preservation, like many other city planning efforts such as urban renewal, in Portland Oregon is, and has been, racist or has resulted in outcomes that continue to disadvantage non-white populations. The politics of which buildings, neighborhoods, or areas of town get saved - and more to the point, which ones don't get saved - has always benefitted the powerful."

—2019 Portland Historic Landmarks Commission State of the City Preservation Report

Key Themes and Recommendations

The HRCP Recommended Draft is comprised of five themes. Each theme is supported by several recommendations. Each recommendation is backed by a series of specific amendments to the zoning code that are detailed in Volume 2: Code Amendments. No changes to the Zoning Map are recommended.

1. IDENTIFICATION – What are the different types of historic resources?

The citywide Historic Resources Inventory was established in 1984 but has not been comprehensively revised since. Code amendments would:

- a. Re-define the Historic Resource Inventory as an umbrella term.
- b. Establish a clear hierarchy of the historic resource types included in the inventory.
- c. Remove zoning code provisions pertaining to Unranked Resources.

2. DESIGNATION – How are historic resources determined eligible for designation? What are the criteria and processes for designating landmarks and districts? Since the mid-1990s, Portland has relied almost exclusively on owner-initiated listings in the National Register of Historic Places as the basis for achieving Historic Landmark and Historic District protections. Code amendments would:

- a. Establish a new procedure for identifying historic resources eligible for designation.
- b. Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.

3. PROTECTION – What demolition and design regulations apply to designated resources? Existing regulations have been ineffective at protecting City-designated historic resources from demolition, have over-regulated residential Historic Districts, and have required review of proposals so minor that their possible effect on the integrity of historic resources is negligible. Amendments would:

- a. Apply demolition review to all designed historic resources, exempt certain accessory structures from demolition review, and amend demolition review approval criteria.
- b. Increase exemptions to historic resource review.
- c. Refine historic resource review approval criteria.
- d. Improve demolition delay to apply only at the time of demolition application.

4. REUSE – How can historic resources be repurposed for economic viability and community access? The ability to adaptively reuse existing buildings is generally limited to the uses allowed by the base zone applied to the site. For historic resources – especially those built before the application of modern zoning – allowing greater use flexibility expands economic opportunities to justify complex and costly rehabilitation projects. Code amendments would:

- a. Exempt all landmarks and districts from parking requirements.
- b. Increase zoning code incentives allowing for adaptive reuse of certain designated resources.
- c. Streamline requirements and applicability for FAR transfer.

5. ADMINISTRATION – How can code provisions be improved for staff, applicants and the public?

City staff, project applicants, and interested Portlanders have identified opportunities to improve the implementation of historic resource regulations. Code amendments would:

- a. Refine purpose statements, procedure types, and associated language.
- b. Amend the role and makeup of the Historic Landmarks Commission.

Organization of the HRCP Recommended Draft

The HRCP Recommended Draft includes two volumes:

1. **Volume 1: Staff Report (this document).** The Staff Report describes the amendments and explains why they are being made and contains the following sections:
 - **Section I** (this section) summarizes key themes included in the Recommended Draft.
 - **Section II** provides an overview of relevant federal, state, and local context.
 - **Section III** describes how the project advances Comprehensive Plan guiding principles.
 - **Section IV** outlines the project's public engagement efforts to-date.
 - **Section V** analyzes each of the recommendations and describes their benefits.
 - **Section VI** suggests potential future work.
2. **Volume 2: Code Amendments.** Volume 2 includes the zoning code amendment language with commentary to explain the changes.

Section II: Orientation to Portland's Historic Resources

Portland's historic resources are unique artifacts of the city's architectural, cultural, and historical past. Historic structures, sites, objects, and districts can provide tangible memory and meaning for Portlanders of all ages, incomes, and backgrounds, as well as provide inspiration, context and healing for the city's future.

Since the late 1960s, the City of Portland has maintained a historic resources program to support historic preservation activities, including regulations pertaining to the identification, designation, protection and reuse of historic landmarks and districts. While the City maintains considerable authority to manage local historic preservation regulations, unique constraints at the federal and state levels establish sideboards within which the local regulations exist. The HRCP recommendations recognize these sideboards, while advancing code amendments that respond to and uphold a diversity of community values and priorities.

Federal and State Context

Since the passage of the federal Historic Preservation Act in 1966, the National Park Service has provided best practice guidance for documenting, designating and protecting historic resources. In addition to advisory guidance, the Park Service maintains the National Register of Historic Places, the nation's official list of buildings, structures, sites, objects, and districts determined to be significant within different areas of history.

For income-producing properties listed on the National Register, a federal income tax credit is available to incentivize major rehabilitation projects. Over its four-decade existence, the historic tax credit has provided a significant economic incentive for Portland's commercial historic property owners to complete system upgrades, seismic retrofits, and other rehabilitation projects. With the exception of properties participating in the tax credit program and projects that are funded by federal dollars, the federal government does not directly apply regulations to National Register-listed resources.

As a consequence of the City of Portland's creation of a Historic Landmarks Commission and adoption of regulations pertaining to historic resources, Portland is formally recognized by the National



The 1928 Weatherly Building is listed on the National Register and is a contributing building in the East Portland/Grand Avenue Historic District.

Park Service as a Certified Local Government (CLG) and receives a small (approximately \$12,000) biannual grant to conduct targeted historic preservation projects.

While largely tangential to the zoning code, the presence of these federal programs was taken into consideration by project staff and, where appropriate, incorporated into the HRCP amendments. More germane to Portland's historic resource regulations than the federal programs, State requirements govern many aspects of the identification, designation and protection of historic resources in cities and counties across Oregon. These requirements include Oregon's unique "owner consent" law, the administrative rules that implement statewide land use Goal 5 and the Special Assessment of Historic Property Program.

Oregon's "owner consent" law

In 1995, Oregon became the first—and still only—state in the country to require property owner consent for a local government to designate a historic resource as a landmark or district. Although intended to give property owners veto power over proposed designations, the law ([ORS 197.772](#)) exempted National Register listing from the otherwise required State owner consent provisions.¹ Since the passage of the law, the City has not proposed any updates to the 1984 City Historic Resource Inventory or independently established any new local Historic or Conservation Districts.² Instead, Portland—like many other cities in Oregon—has relied almost exclusively on National Register listing as an automatic basis for Historic Landmark and District status. This automatic connection between National Register listing and local historic resource protection is a unique-in-the nation consequence of the 1995 owner consent law and has proven to be problematic in ensuring adequate public involvement in the listing process, limited the City's ability to prioritize diverse histories for designation and protection and excluded consideration of other community values in advance of applying protections.

Statewide Land Use Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

In addition to the owner consent law, Portland's historic resource regulations exist within the context of [statewide land use Goal 5](#), a mandate that since the 1970s has required cities and counties in Oregon to adopt local land use regulations protecting historic resources.

Statewide land use Goal 5 and the accompanying [State Administrative Rules \(OAR 660-023-0200\)](#)

govern local land use regulations for historic resources, including providing specificity on the scope and applicability of the owner consent law and the corresponding relationship between National Register listing and local historic resource regulations. In early 2017, the City of Portland participated in a re-write of the administrative rules, the adoption of which created a mandate to bring the City's historic resource regulations into conformity with the rules. The HRCP amendments are intended to align

"Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability."

—Statewide Land Use Goal 5

¹ While the National Park Service also requires owner consent for properties to be listed on the National Register, the federal rules provide a unique formula for considering owner objections when districts are nominated for listing. In the case of districts, the National Register considers owner consent in the reverse, allowing a district to be listed provided more than 50% of the property owners do not *object* to the listing.

² The majority of Portland's historic resource designations since 1995 have been a result of automatic Historic District or Historic Landmark status being conveyed upon a property or district's listing in the National Register. Since 1995, only approximately 10 Historic and Conservation Landmarks have been designated as such through City land use decisions.

Portland's regulations with the State rules, while also leveraging new flexibility to advance more equitable, inclusive, and responsive regulations. Significant among the 2017 changes to the Administrative Rule:

1. Resources listed in the National Register after January 2017 no longer need to be protected with design protections (but must remain subject to demolition protections);
2. Documenting resources and evaluating their potential eligibility for future designation no longer requires owner consent;
3. A list of factors must be considered when demolition or relocation is proposed for resources listed on the National Register; and
4. Specific criteria must be applied to proposals to designate or remove the designation of a landmark or district.

The clarity, flexibility, and mandate provided by the 2017 administrative rules are embedded in nearly all HRCP recommendations described in Section V.

Special Assessment of Historic Property Program

In addition to the regulatory context of the owner consent law and Goal 5 Administrative Rule, Oregon offers a property tax incentive to owners of National Register-listed properties as a companion to the federal historic tax credit. Established in 1975, the Special Assessment of Historic Property Program provides a 10-year "freeze" on the assessed value of National Register-listed properties when an owner commits to a substantial rehabilitation project. Although a State program, cities are expected to—and Portland does—monitor property owner compliance with the rehabilitation standards that are required of enrollment.

Portland's Existing Roster of Historic Resources

A public interest in historic preservation has existed in the Portland area for more than 100 years, arguably beginning with the preservation of the McLoughlin House in Oregon City in 1909. Decades later in 1968, Portland became the second city on the West Coast to adopt a historic preservation ordinance and establish a Historic Landmarks Commission.

In the years following the establishment of statewide land use Goal 5, Portland's historic resources program coalesced on an approach to recognize—and protect—historic resources at different levels. This approach established two tiers of designation—Historic and Conservation—and two tiers of identified-but-not-designated resources—Ranked and Unranked.

During the early 1980s, a systematic survey effort documented resources across the city for potential historic significance, with the most significant and interesting resources included in the Historic Resource Inventory as Ranked and Unranked Resources. In the years following the inventory effort, a number of Ranked Resource owners self-nominated their houses, businesses, and buildings for Historic and Conservation Landmark designation.

After a small handful of Historic Districts were established downtown in the 1970s, a large effort in 1993 led to the creation of a series of Conservation Districts in North and Northeast Portland. Two years later, when the legislature passed the owner consent law, a slate of properties that had been honorifically listed on the National Register of Historic Places

“Designation of an area as a historic conservation district can be described as a zoning tool to help property owners and residents in ‘less than historic districts’ preserve the special character of several city blocks that are unique in urban design, architectural style, and historic significance.”

–Historic Conservation Zoning Report to City Council

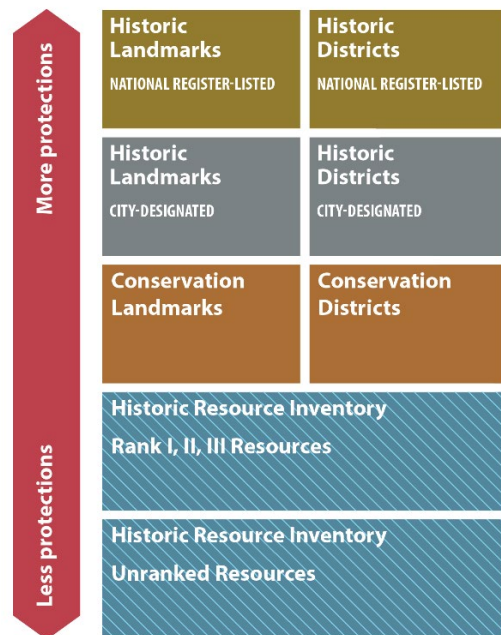
automatically became Historic Landmarks and Districts. And, since 1996, all new listings in the National Register have automatically been identified as Historic Landmarks and Districts and, therefore, are subject to the applicable Historic Landmark and District regulations of the zoning code.

While automatic Historic Landmark and District status as a consequence of listing in the National Register has satisfied the requirements of State law and allowed for efficient program administration for City staff, the automatic application of Historic District protections, specifically, has resulted in several large residential areas being nominated to the National Register in recent years. While historically significant enough to gain a spot on the National Register, neither the federal listing criteria or automatic conveyance of Historic District status has allowed the broad public or City Council to consider a menu of alternatives for protections—if any—at the time of federal listing. The 2017 change in administrative rules provides an opportunity to correct this one-size-fits-all approach to protecting landmarks and districts.

Portland’s roster of recognized historic resources generally fall into two categories, designated and undesignated:

1. *Designated resources* have been identified as having demonstrable significance and have gone through a formal nomination and designation procedure with the City or the National Park Service. In Oregon, designated resources are subject to protections that are adopted in the zoning code in accordance with State Administrative Rules. Portland’s landmarks and districts are designated as either Historic or Conservation based on the resource’s level of significance and the appropriateness of the protections that correspond to the designation type. All National Register-listed resources are currently identified as either a Historic Landmark or Historic District. Individual structures within the boundaries of landmarks and districts are classified as either *contributing* (i.e. historic) or *noncontributing* (i.e. not historic). Regardless of their contributing status, all structures within the boundaries of landmarks and districts are considered part of the designation.
2. *Undesignated resources* have been identified by the City of Portland as having potential significance but have not gone through a formal nomination and

Existing Hierarchy of Historic Resource Types

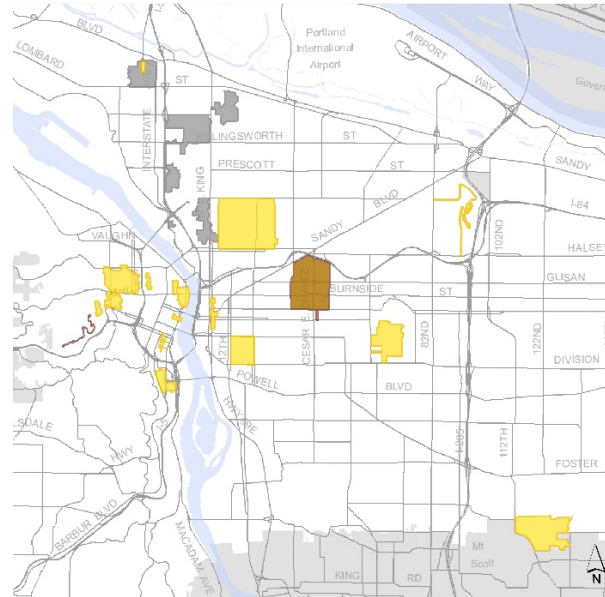


Portland’s existing historic resources hierarchy includes designated landmarks and districts, as well as undesignated Ranked and Unranked Resources.

designation procedure. These resources are often known by their significance ranking (i.e. *Ranked* or *Unranked*) and are considered by the zoning code to be on the Historic Resource Inventory.

Portland's roster of historic resources includes the following:

- **725 Historic Landmarks** (not including 10 resources that were listed in the National Register after the 2017 change in State Administrative Rule. These are proposed to be assigned to a new National Register Landmark resource type by the code amendments)
- **12 Conservation Landmarks**
- **17 Historic Districts** comprised of 3,751 contributing resources and 1,192 noncontributing resources (not including 3 districts comprised of 1,340 contributing resources and 458 noncontributing resources that were listed in the National Register after the 2017 change in State Administrative Rule. These are proposed to be assigned to a new National Register District resource type by the code amendments)
- **6 Conservation Districts** comprised of 2,208 contributing resources and 986 noncontributing resources
- **898 Ranked Resources** (not including those that have been designated as landmarks or contributing resources in districts)



A map of Portland's existing districts, with Historic Districts shown in gold, Conservation Districts shown in silver, and National Register Districts listed since 2017 shown in bronze. Note that this map does not show individual landmarks or Ranked Resources.

This existing roster of historic resources stand as a physical repository of much of the city's history, telling diverse stories in tangible, interesting ways that connect people to their communities and to the larger urban environment. However, significant gaps in the geographic and thematic distribution of the city's recognized historic resources have left many communities without recognition and protection of their important contributions to the city's history. Largely absent from the roster of recognized historic resources are landmarks and districts in East Portland, resources associated with Black, Latinx, AAPI, LGBTQ+ and Indigenous history, and architectural expressions from the recent past. While City, private, and non-profit efforts have recently begun to expand the diversity of resources being considered for designation—the listing of the Darcelle XV Showplace in the National Register and the recent adoption of an [African American Historic Resources Multiple Property Document](#) are two examples from the past year—there exists clear inequities in the city's roster of historic resources to tell the fullness of Portland's stories from the past. The recommended code changes would elevate underrepresented histories for future designation and, where appropriate, allow for the removal of designations that are no longer appropriate for protection.

“Creatively reuse and preserve historic structures. Recognize cultural significance as a necessary component of assessing historic preservation targets. Preserving buildings and sites of Black Portland history is essential to maintaining historical memory.”
—Portland African American Leadership Form
People's Plan

Portland’s Existing Demolition and Design Protections

In addition to providing formal recognition of important historic places, landmark and district designation conveys certain land use regulations related to demolition and/or design. In general, these protections are codified in zoning code Chapter 33.445, Historic Resource Overlay Zone, and Chapter 33.846, Historic Resource Reviews. The nature and magnitude of the protections are directly related to the different historic resource types (i.e. Historic Landmark versus Conservation Landmark). The paragraphs below provide summaries of the four primary demolition and design regulations that are used to protect historic resources in Portland.

Demolition Review

Discretionary demolition review applies to Historic Landmarks and contributing resources in Historic Districts that have been listed in the National Register. Demolition review was established in 2005 as a Type IV land use procedure to ensure the most important historic resources are given full consideration prior to issuance of a demolition permit. In the current iteration of demolition review, the Portland City Council is the decision-maker and there are two criteria that can be met to gain approval—one related to economic hardship and another that considers the goals and policies of the Comprehensive Plan. While demolition reviews are relatively rare, over the past 15 years the City Council has denied, approved, and approved with conditions a small handful of demolition proposals.

Demolition Delay

120-day demolition delay applies to Historic Landmarks that have not been listed in the National Register, Conservation Landmarks, contributing resources in Conservation Districts, and undesignated Ranked Resources on the Historic Resource Inventory. Demolition delay is an administrative requirement that does not require a public hearing and does not offer an opportunity for the public to appeal the issuance of a permit. While demolition delay has provided needed time for a handful of community efforts to save historic places from demolition, demolition delay most often results in demolition. Because of this, the HRCF amendments amend demolition review to apply to all designated landmarks and primary contributing resources in districts and retain demolition delay only for Ranked Resources that have not been designated.

Historic Resource Review

Discretionary historic resource review applies to Historic and Conservation Landmarks and in Historic and Conservation Districts. Historic resource review protects significant historic features and patterns from being destroyed. In historic resource review, decision-makers apply approval criteria to review proposals for alterations, additions and new construction within the boundaries of designated landmarks and districts. Different sets of approval criteria apply to different types of historic resources, with Historic and Conservation Landmarks generally subject to baseline approval criteria and Historic and Conservation Districts generally subject to district-specific guidelines. Districts without district-specific guidelines are typically subject to the baseline approval criteria. While most historic resource review approval criteria are informed by National Park Service best practice—specifically the [Secretary of the Interior’s Standards for the Treatment of Historic Properties](#)—district-specific design guidelines often include unique place-specific deviations from the federal guidance.

The scope and impact of proposed work dictates the procedure type that applies to any given application for historic resource review. The higher the procedure type, the lengthier and more public the review process. Procedure types for historic resource review are as follows:

- Type I (BDS staff) reviews are generally for the smallest proposals.
- Type Ix (BDS staff) reviews are for generally small proposals that require more time than would be appropriate for arriving at a Type I decision.
- Type II (BDS staff) reviews are for larger proposals, such as an exterior rehabilitation of a Historic Landmark or modest-sized new building in a Conservation District.
- Type III (Historic Landmarks Commission) reviews are reserved for the largest proposals, such as the full rehabilitation of a Historic Landmark or a multi-story new building in a Historic District.

For resources subject to historic resource review, certain activities—such as repair and maintenance—are identified by the zoning code as exempt from historic resource review. Activities that meet the exemptions can proceed without review. Changes to historic resource review exemptions, procedure types and approval criteria are recommended in the HRCF amendments.

Community Design Standards

Clear and objective Community Design Standards are an alternative to discretionary historic resource review for most Conservation Landmarks and Conservation Districts. The Community Design Standards—also known as design plan check—provide quantitative and measurable regulations for certain activities that would otherwise be subject to historic resource review. Not all proposals are eligible to meet the Community Design Standards, but the optional alternative to historic resource review for Conservation-level provides more options to applicants—however, the Standards may result in damage to historic materials or loss of design patterns.

No changes to the Community Design Standards are recommended in the HRCF amendments; however, future updates to the Standards have been identified by project staff as a possible future work opportunity.

D8: RICH DETAIL AND QUALITY CONSTRUCTION

BACKGROUND:
The Italianate buildings in the District were built with deeply inset windows, textured surfaces, and substantial amounts of fine-grained detail, executed by highly-skilled craftsmen or molded in cast iron. During the period of significance buildings were expected to be lasting monuments of civic pride and commercial wealth. Infill buildings should incorporate a similarly rigorous approach to detailing to continue the pattern and rich existing texture. Emphasizing high-quality craftsmanship on new construction within the District will help continue this tradition.

GUIDELINE D8
INCORPORATE AND REFLECT A RICH TEXTURAL QUALITY, A HIGH LEVEL OF DETAIL, AND SKILLED CRAFTSMANSHIP.

Guideline D8 may be accomplished by:
Emphasizing details in areas that were traditionally heavily detailed such as floor lines, columns, window surrounds and cornices.

Guideline D8 may be accomplished by:
Using exposed rivets or other fasteners to add additional texture to the buildings.

An example of a Historic District design guideline

Cast stone in Kenton. In the Kenton Conservation District new buildings in commercial/mixed use zones must have cast stone on their street facing elevations. At least 50 percent of the total exterior wall surface of these elevations must be cast stone.

An example of a Community Design Standard

Section III: Relationship to Comprehensive Plan Guiding Principles

Portland’s 2035 Comprehensive Plan is a long-range plan to guide the future growth and physical development of the city. The Comprehensive Plan includes five guiding principles: equity, economic prosperity, human health, environmental health, and resilience. To successfully manage growth and development, implementation of these principles must be balanced, integrated, and multi-disciplinary. The recommended zoning code amendments advance the five guiding principles in the following ways:

1. Equity

Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and underrepresented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland’s history.

By advancing regulations that recognize, celebrate, and protect a broader diversity of architectural, cultural, and historic resources, the recommended code changes promote a more equitable understanding of the city’s past and create opportunities for historic resources to better meet the needs of Portlanders in the future. Additionally, clearer and more consistent historic resource types, regulations, and procedures provide clarity to property owners, tenants, and the public at large.

The HRCP recommends a new framework for updating Portland’s Historic Resource Inventory (HRI), which has not been expanded since 1984. The primary purpose of inventorying resources is to identify significant resources, both for public information and for determining eligibility for future landmark or district designation. As it exists today, the HRI underrecognizes resources that are significant for cultural and social associations. It also includes only a few properties in East Portland, which was largely annexed after the inventory was adopted in 1984. By creating a new framework for updating the HRI in the future, the HRCP recommendations open the door for greater recognition of underrepresented histories in future historic preservation efforts.

The amendments also establish new procedures and criteria for designation—and removal—of landmarks and districts. These new provisions allow for the designation and protection of culturally important resources identified as significant in inventory updates, while also providing options for removal of landmarks and districts that may reflect histories that have been overrepresented or for which protection is no longer appropriate.

Additionally, the recommended expansion of demolition review to City-designated historic resources provides new approval criteria and opportunities for community involvement in protecting historic places and, when appropriate, mitigating for their loss. With expanded demolition review, community groups and individuals will be able to organize around alternatives to demolition and propose community benefits such as affordable housing or cultural preservation as mitigation measures.

2. Economic Prosperity

Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.

The HRCP recommendations advance this principle in several ways. **Refinements to regulatory protections and expansion of use incentives encourage rehabilitation and adaptive reuse projects, which support local labor and encourage investment in the local economy.** While new construction is burdened by the cost of new materials, rehabilitation projects generally allocate a greater share of the budget to skilled labor. Because of this, as compared to new construction projects, rehabilitation has been found to disproportionately invest more in local labor than in materials for every construction dollar spent.

The reuse of existing architecture also preserves embodied energy, ensuring that the economic benefits of rehabilitation simultaneously stay within the local economy and minimize carbon impacts. Furthermore, by retaining the resources that most contribute to the distinctive architectural, cultural, and historical character of the city, preservation can attract tourists and tourist dollars to support a variety of private, nonprofit, and public endeavors across the city.

Finally, **the recommended use incentives provide a competitive advantage to historic resources to adapt to new and more intense uses,** opening up the potential for existing buildings to be more creatively stewarded by a variety of tenants, customers, visitors, and owners.

3. Human Health

Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

Areas with high concentrations of historic buildings are often prioritized by market-rate and affordable housing developers for new buildings that expand upon the economic, residential, and cultural activities provided by the existing buildings. These areas are generally accommodating of multi-modal transportation options and pedestrian environments that support walking, gathering, and interacting.

The new use incentives recommended by the HRCP would encourage building rehabilitation, foster life safety improvements, incentivize seismic retrofits, and provide an impetus for accessibility upgrades. **Allowing more dwelling units in single-dwelling zones, accessory commercial uses near transit, and major adaptive reuse of landmarks in almost all zones provides the economic viability necessary to make buildings healthier and presents numerous opportunities related to building reuse.**

And, by advancing more equitable procedures and criteria for identifying and designating historic resources in the future, the HRCP amendments support intentional decision-making to ensure the collective memory of Portland's different communities is best represented and protected by the regulations.

4. Environmental Health

Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.

The HRCP recommendations promote environmental health by encouraging the repair and rehabilitation of buildings through protective regulations and use incentives. **Rehabilitation and adaptive reuse of existing architecture preserves embodied energy, supports system and seismic upgrades, and encourages dense housing and commercial uses that promote the health of the region and mitigate construction-induced climate impacts.** By avoiding unnecessary demolition, usable building materials are kept out of landfills, fewer hazardous substances are released into the atmosphere, and less materials need to be produced than are necessary for ground-up new construction. Additionally, the HRCP amendments streamline the installation of solar energy systems to promote renewable energy while resulting in minimal impacts to historic resources that are reversible.

5. Resilience

Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

By encouraging the rehabilitation and retrofit of significant historic resources, the HRCP recommendations promote improved resilience and disaster preparedness. Amendments to streamline inventory and designation processes and criteria would enable the City to triage the identification and protection of the most important historic and cultural resources after a catastrophic event. Additionally, **the amendments expand use incentives, streamline access to existing FAR transfer provisions, and codify new exemptions and procedures related to seismic upgrades, thereby incentivizing upgrades to those older buildings that may be most vulnerable to a major earthquake.**

Related Comprehensive Plan Policies

The 2035 Comprehensive Plan includes a goal and numerous policies related to historic and cultural resources. Goal 4.B of the Plan states, *Historic and cultural resources are identified, protected, and rehabilitated as integral parts of an urban environment that continues to evolve.*

In addition to other policies related to preservation, rehabilitation, and reuse of existing buildings found throughout the Comprehensive Plan, the following Comprehensive Plan policies are specific to historic and cultural resources:

Policy 4.46 Historic and cultural resource protection.

Within statutory requirements for owner consent, identify, protect, and encourage the use and rehabilitation of historic buildings, places, and districts that contribute to the distinctive character and history of Portland's evolving urban environment.

Policy 4.47 State and federal historic resource support.

Advocate for state and federal policies, programs, and legislation that would enable stronger historic resource designations, protections, and rehabilitation programs.

Policy 4.48 Continuity with established patterns.

Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.

Policy 4.49 Resolution of conflicts in historic districts.

Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to take into account the character of the historic resources in the district.

Policy 4.50 Demolition.

Protect historic resources from demolition. When demolition is necessary or appropriate, provide opportunities for public comment and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.

Policy 4.51 City-owned historic resources.

Maintain City-owned historic resources with necessary upkeep and repair.

Policy 4.52 Historic Resources Inventory.

Within statutory limitations, regularly update and maintain Portland's Historic Resources Inventory to inform historic and cultural resource preservation strategies.

Policy 4.53 Preservation equity.

Expand historic resources inventories, regulations, and programs to encourage historic preservation in areas and in communities that have not benefited from past historic preservation efforts, especially in areas with high concentrations of under-served and/or under-represented people.

Policy 4.54 Cultural diversity.

Work with Portland's diverse communities to identify and preserve places of historic and cultural significance.

Policy 4.55 Cultural and social significance.

Encourage awareness and appreciation of cultural diversity and the social significance of both beautiful and ordinary historic places and their roles in enhancing community identity and sense of place.

Policy 4.56 Community structures.

Encourage the adaptive reuse of historic community structures, such as former schools, meeting halls, and places of worship, for arts, cultural, and community uses that continue their role as anchors for community and culture.

Policy 4.57 Economic viability.

Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources.

Policy 4.58 Archaeological resources.

Protect and preserve archaeological resources, especially those sites and objects associated with Native American cultures. Work in partnership with Sovereign tribes, Native American communities, and the state to protect against disturbance to Native American archaeological resources.

Section IV: Public Involvement

Concept Development Phase

The initial open comment period for the HRCP spanned from November 2017 through February 2018. During this period, the public were given a variety of opportunities to provide feedback. Four community roundtables and two informal drop-in sessions were held on weeknights in various locations around Portland, with the intention of making these events accessible to a wide range of community members in different geographic areas. About 200 participants in total attended the community roundtables and drop-in sessions, which provided opportunities for group discussion and direct interaction with the project team.



An HRCP concept development open house at the Albina Branch Library in North Portland.

An online survey was also made available for the entire comment period, and paper versions of the same were supplied at all project events. During the three-month open comment period, 440 respondents submitted 3,442 unique comments through survey forms. Additionally, several individuals and organizations sent their comments directly to Bureau of Planning and Sustainability staff.

The feedback received at events, through survey results, and in letters directly informed the code amendments included in the Discussion Draft.

Discussion Draft Phase

The Discussion Draft of HRCP amendments was published in January 2019. A initial comment period spanned from January through April 2019, with additional comments taken throughout 2019 as project staff solicited feedback from individuals and organizations that had not participated in the initial open comment period. The additional public outreach period provided mailed information to property owners in Conservation Districts, as well as an additional open house specific to the Conservation District proposals. During the extended Discussion Draft phase, five open houses were held in Southwest, Southeast, North, and Northeast Portland. About 125 participants attended the open houses.



An HRCP Discussion Draft open house at the Architectural Heritage Center in Southeast Portland.

An online survey was made available for the initial Discussion Draft comment period. Fifty-two respondents submitted approximately 100 unique comments through the survey forms.

Extensive written comments were submitted by the Historic Landmarks Commission, Bureau of Development Services, Oregon Smart Growth, and a variety of neighborhood associations, interest groups, and individuals. These comments provided unique and detailed insights into problems with the current regulations ranging from historic resource review exemptions to approval criteria, the designation process to the designation removal process.

In addition to outreach specific to the Discussion Draft, project staff were informed by community feedback received in a variety of venues outside of the HRCP. First, project staff participated in a legislative workgroup throughout the first half of 2019, during which a legislative concept and subsequent Senate Bill were developed related to Oregon's owner consent law. Although the Senate Bill was not signed into law, participation in the work group provided additional opportunities for staff to consider revisions to the Discussion Draft as an alternative to the bill. Second, development of the African American Historic Resources Multiple Property Documentation Form and preparation of the Billy Webb Elks Lodge National Register nomination provided project staff with extensive engagement with various stakeholders regarding incorporation of cultural significance into the City's historic resource regulations. Finally, relevant public testimony submitted under the Better Housing by Design, Central City 2035, Residential Infill, and Design Overlay Zone Amendments projects during 2019 and 2020 provided staff with insights—and City Council direction—for many of the amendments included in the Recommended Draft.

Proposed Draft Phase

The HRCP Proposed Draft was released for public review in September 2020 and included two volumes—Volume 1 (staff report) and Volume 2 (proposed zoning code amendments). Mailed notice of the Proposed Draft was provided to 16,076 property owners and a list of parties who have requested official notice of land use projects. Emailed notice was provided to all individuals who had previously requested updates on the project. During the open testimony period—which spanned from September 15 through November 10, 2020—project staff hosted three virtual open houses for interested community members and provided virtual briefings to the following groups:

- Portland Historic Landmarks Commission
- Downtown Neighborhood Association
- Pearl District Neighborhood Association
- Portland Development Review Advisory Committee
- Southeast Uplift
- Architectural Heritage Center
- Portland Neighbors Welcome
- North Portland Land Use Group
- Hosford-Abernathy Neighborhood Development
- Irvington Community Association
- Northwest District Association
- Old Town/Chinatown Neighborhood Association
- Homebuilders Association of Metropolitan Portland

Additional meetings were held with groups of interested individuals, including advocacy organizations, housing providers and property owners. In addition to the briefings, open houses and meetings, project staff fielded phone calls from approximately 450 Portlanders during the open testimony period. The majority of those who called project staff were property owners who had received mailed notice of the

Proposed Draft code amendments. Of those owners who communicated with project staff, few submitted written or verbal testimony to the Planning and Sustainability Commission.

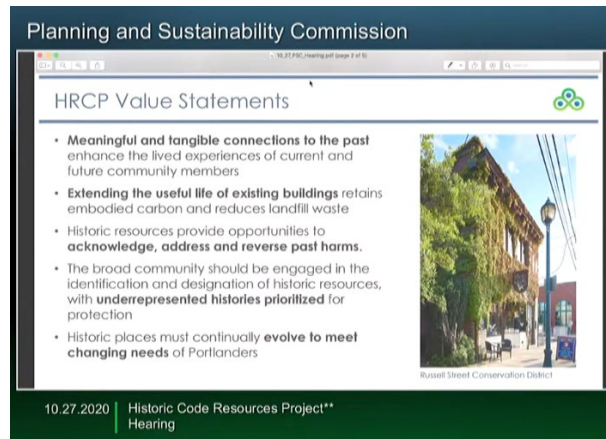
On October 13, 2020, project staff briefed the Planning and Sustainability Commission on the Proposed Draft code amendments in advance of public hearings on October 27 and November 10, 2020. The public testimony period concluded on November 10, 2020. Between the two hearings, seventy individuals provided verbal testimony to the Planning and Sustainability Commission. A total of 278 pieces of written testimony were submitted, each of which were entered into the [MapApp for review by the public and Commissioners](#).

The Planning and Sustainability Commission held work sessions on December 8, 2020, and January 12, February 9, March 9, March 23, April 27 and May 4, 2021. Work sessions reviewed items identified by testifiers and explored possible revisions to the Proposed Draft. To increase the Planning and Sustainability Commission's understanding of historic resource issues, Chair Kristen Minor of the Historic Landmarks Commission was invited to participate in the work sessions as a non-voting member.

In addition to the PSC's seven work sessions, three members of the Planning and Sustainability Commission and three members of the Historic Landmarks Commission convened four times during the work session process to discuss historic resource issues in greater detail and ask additional questions of project staff. No decisions were made at these supplemental "3x3" meetings as they were intended to inform members of both commissions in advance of the Planning and Sustainability Commission taking action to amend and recommend the HRCP zoning code package.

On April 27 and May 4, 2021, the Planning and Sustainability Commission considered and voted to support 14 amendments to the Proposed Draft. The 14 amendments:

1. Added code language to require a joint hearing of the Planning and Sustainability Commission and Historic Landmarks Commission when a Historic or Conservation District is proposed for designation or removal.
2. Refined code language related to designation and designation removal to ensure clarity and refined approval criteria for designation to prioritize underrepresented histories.
3. Refined the thresholds for demolition review.
4. Expanded the list of exemptions to demolition review to include certain contributing detached accessory structures in districts.
5. Reorganized, streamlined and revised demolition review application requirements and criteria.
6. Expanded the historic resource review exemption for solar energy systems in districts.
7. Expanded the historic resource review exemption for window replacement in districts zoned for single-dwelling use.



Planning and Sustainability Commission briefings, hearings, and work sessions were conducted virtually and broadcast live

8. Refined historic resource review exemptions to allow for removal of meters and installation of electric vehicle outlets.
9. Expanded the historic resource review exemption for new detached accessory structures in districts zoned for residential use.
10. Refined reuse incentive code language for clarity.
11. Expanded the residential infill incentives to apply in the Commercial Residential (CR) zone.
12. Amended incentive code language and amend historic preservation incentive review approval criteria to protect multi-family housing from conversion to Retail Sales and Service or Office use.
13. Consolidated historic resource type descriptions into one list of definitions.
14. Executed minor and technical amendments requested by BPS and BDS staff.

On May 4, 2021, the Planning and Sustainability Commission voted unanimously recommend that City Council adopt HRCP Volumes I and 2, as amended. Volume I (this document) and Volume II serve as the Recommended Draft.

Recommended Draft Phase

The HRCP Recommended Draft was released in June 2021, well in advance of project staff scheduling a City Council hearing date. The written record opened at this time. City Council held a virtual hearing on the recommended zoning code amendments on November 3, 2021. The written record was closed on November 5, 2021. Over 300 pieces of testimony were submitted.

On December 1, 2021, the Bureau of Planning and Sustainability published to the [project website](#) a list of eight potential amendments to the Recommended Draft. The written record was reopened on December 1, 2021, and a virtual City Council hearing was held on December 15, 2021, on the eight potential amendments. The eight potential amendments addressed the following topics:

1. Bonus height allowances in the CM2 zone.
2. Historic resource review procedure types for affordable housing.
3. Demolition review approval criteria.
4. Refinements to 120-day delay (AKA demolition delay).
5. Legislative processes to establish or remove local districts.
6. Historic Landmarks Commission membership categories.
7. Historic resource review procedure types for the New Chinatown/Japantown Historic District.
8. Minor and technical amendments provided by staff from the bureaus of Planning and Sustainability as well as Development Services.

Following the close of oral and written testimony on December 15, 2021, City Council voted on the eight amendments. Amendments 1, 2, 3, 4, and 8 were approved by majority vote. An amended version of Amendment 6 was approved by majority vote. Amendments 5 and 7 failed. Volumes I and II of the Recommended Draft-As Amended reflect these amendments.

Section V: Analysis of Amendments

Summary of Key Themes and Amendments

1. IDENTIFICATION – What are the different types of historic resources?

The citywide Historic Resources Inventory was established in 1984 but has not been comprehensively revised since. Code amendments would:

- a. Re-define the Historic Resource Inventory as an umbrella term.
- b. Establish a clear hierarchy of the historic resource types included in the inventory.
- c. Remove zoning code provisions pertaining to Unranked Resources.

2. DESIGNATION – How are historic resources determined eligible for designation? What are the criteria and processes for designating landmarks and districts? Since the mid-1990s, Portland has relied almost exclusively on owner-initiated listings in the National Register of Historic Places as the basis for achieving Historic Landmark and Historic District protections. Code amendments would:

- a. Establish a new procedure for identifying historic resources eligible for designation.
- b. Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.

3. PROTECTION – What demolition and design regulations apply to designated resources? Existing regulations have been ineffective at protecting City-designated historic resources from demolition, have over-regulated residential Historic Districts, and have required review of proposals so minor that their possible effect on the integrity of historic resources is negligible. Amendments would:

- a. Apply demolition review to all designed historic resources, exempt certain accessory structures from demolition review, and amend demolition review approval criteria.
- b. Increase exemptions to historic resource review.
- c. Refine historic resource review approval criteria.
- d. Improve demolition delay to apply only at the time of demolition application.

4. REUSE – How can historic resources be repurposed for economic viability and community access?

The ability to adaptively reuse existing buildings is generally limited to the uses allowed by the base zone applied to the site. For historic resources – especially those built before the application of modern zoning – allowing greater use flexibility expands economic opportunities to justify complex and costly rehabilitation projects. Code amendments would:

- a. Exempt all landmarks and districts from parking requirements.
- b. Increase zoning code incentives allowing for adaptive reuse of certain designated resources.
- c. Streamline requirements and applicability for FAR transfer.

5. ADMINISTRATION – How can code provisions be improved for staff, applicants and the public?

City staff, project applicants, and interested Portlanders have identified opportunities to improve the implementation of historic resource regulations. Code amendments would:

- a. Refine purpose statements, procedure types, and associated language.
- b. Amend the role and makeup of the Historic Landmarks Commission.

THEME 1: IDENTIFICATION

What are the different types of historic resources?

In 1984, the City of Portland comprehensively documented and evaluated over 5,000 buildings, structures and sites for potential historic significance. Adopted in October 1984, this Historic Resource Inventory (HRI) established an expansive roster for understanding some of the city's most notable historic places and provided baseline determinations of eligibility for future landmark and district designation. These determinations of eligibility were organized by a ranking system—Ranked Resources were determined likely eligible for future designation, and Unranked Resources were determined to be interesting but unlikely eligible for future designation. Since 1984, many Ranked Resources have been designated as landmarks or contributing resources within districts.



“Mini Pittock Mansion” in Montavilla was given Rank II status in 1984. The HRCPC amendments change the resource type name from Ranked Resource to Significant Resource.

While the 1984 effort was comprehensive and inclusive for the time, the HRI was never intended to be definitive. In the 37 years since its adoption, properties on the original HRI have been demolished, the city's boundaries have been expanded, and a broader understanding of historic resources has illuminated the significance of many important cultural places and BIPOC institutions once considered ordinary by largely white preservation professionals. Furthermore, the current definition of HRI as a category of resource types—Ranked and Unranked Resources—rather than a master list of all historic resource types, has perpetuated confusion and administrative inconsistencies in managing the citywide historic resources program.

The HRCPC provides an opportunity to comprehensively restructure the HRI as a master list of recognized historic resources, as well as intentionally revise the names and hierarchy of the historic resource types and protections included in the zoning code. Specifically, changes to the hierarchy of resource types (Recommendation 1.b) provides a foundation on which many of the other HRCPC amendments are built.

Recommendation 1.a: Re-define the Historic Resource Inventory as an umbrella term.

Background: The citywide survey effort that led to the adoption of the 1984 HRI documented over 5,000 historic resources, many of which have subsequently been designated as landmarks or as contributing parts of districts. Since its initial adoption, there have been no “updates” to the HRI because the term “HRI” has been defined as specific category of resource types—Ranked and Unranked Resources that have not been designated. However, whenever a new landmark or district is designated—and whenever a landmark or property in a district is demolished—those actions effectively “update” the City's roster of historic resources.

Recommendation: The amendments restructure the HRI as an umbrella term capturing the full list of historic resources recognized by the City, including but not limited to those historic resources regulated by the zoning code. The zoning code currently defines the HRI narrowly—Ranked and

Unranked Resources that have not been designated. A new definition for the HRI will more accurately include the complete roster of documented and designated historic resources.

Benefit: Broadening the HRI to become an umbrella term amounts to a significant change in nomenclature but does not, in and of itself, represent a change in the regulations that apply to different types of historic resources. The related changes to historic resource names and the hierarchy of protections included in Recommendation 1.b provide clarity about the different historic resource types that populate the re-defined HRI list. Changing the names—including clearer definitions—provides City staff, decision-makers, and the interested public with clarity that has long been lacking regarding the composition of the citywide HRI. Furthermore, redefining the HRI as the master list of recognized historic resources will allow for the ongoing updating of the inventory contemplated by the Comprehensive Plan and requested by the community.



Code section(s) affected: The new definition for HRI is included in Chapters 33.445 and 33.910. The new names for and definitions of specific historic resource types are provided in Chapter 33.910.

Recommendation 1.b: Establish a clear hierarchy of the historic resource types included in the inventory.

Background: Beginning in the 1970s, the zoning code has organized the different historic resource types—and their associated protections—into a multi-tiered hierarchy. The levels of the hierarchy correspond with different demolition and design regulations intended to protect historic resources, with greater protections applied to some resource types and fewer protections applied to others.

In general, the existing hierarchy applies the greatest design and demolition protections to those Historic Landmarks and Historic Districts that have also been listed on the National Register of Historic Places. City-designated Historic Landmarks and Historic Districts not listed on the National Register are provided with similar design protections but fewer demolition protections than those on the National Register.³

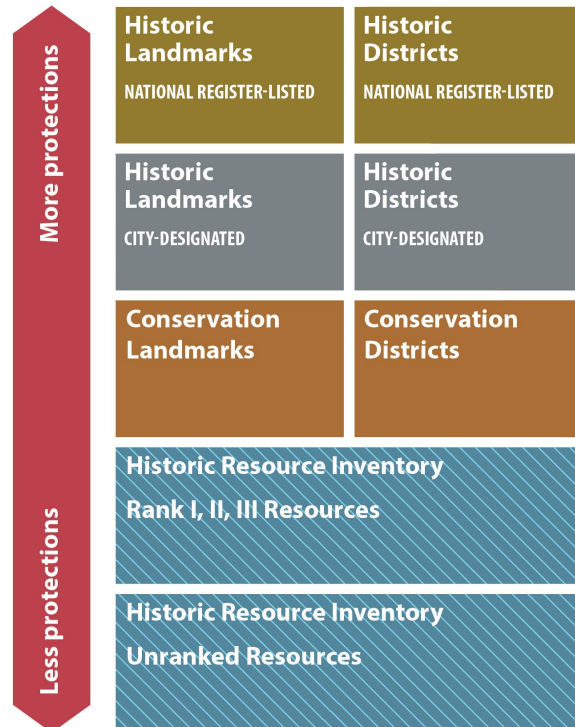
³ Resources listed in the National Register since January 2017 are effectively a *third* category of Historic Landmark and Historic District. This category is not shown on the existing hierarchy diagram because the zoning code has not been amended to incorporate the 2017 changes to State Administrative Rules (these code amendments do that). The new hierarchy incorporates the changes to administrative rules by creating new resource types for National Register Landmarks and Districts. National Register listings that have occurred since 2017 (such as the Laurelhurst and Peacock Lane districts) would populate these new resource types, as would future National Register listings that have not been independently designated by the City.

The existing hierarchy applies modest design and demolition protections to City-designated Conservation Landmarks and Conservation Districts. These Conservation-level resources have been colloquially described as ‘preservation lite,’ with several Conservation Districts seeking—and receiving—Historic District status after experiencing demolitions of contributing resources.⁴

At the bottom of the existing hierarchy are resources identified in the 1984 HRI as Ranked and Unranked Resources. These resources are not designated and, therefore, are subject to the most minimal State-required regulations. Ranked Resources—those that were determined to have enough significance to be eligible for future designation—are subject to demolition delay. Unranked Resources—those that were interesting, but likely not eligible for designation—are addressed by the zoning code but not subject to protections.

Importantly, the hierarchy graphics used in this staff report do not differentiate by contributing status of resources within the boundaries of designated landmarks and districts. All historic resource types may contain contributing elements—such as a historic house in a Historic District—and noncontributing elements—such as a new ADU in the backyard of a Conservation Landmark. If located within the boundary of a designated landmark or district, contributing and noncontributing resources are both considered to be part of the resource (although demolition protections do not apply to noncontributing resources).

Existing Hierarchy of Historic Resource Types



The existing historic resources hierarchy as codified in the zoning code. The two types shown at the bottom of the hierarchy—Ranked and Unranked—are not designated.

With the adoption of new State Administrative Rules in January 2017, an opportunity is presented to restructure the codified hierarchy of historic resource types.

Recommendation: The amendments incorporate the new State Administrative Rule and respond to public feedback by establishing a more intentional hierarchy of historic resource types included in the umbrella HRI described in Recommendation 1.a.

The recommended historic resources hierarchy has four discrete tiers— Historic Landmarks and Districts (gold standard), Conservation Landmarks and Districts (silver standard), National Register Landmarks and Districts (bronze standard) and Significant Resources (eligibility standard). Historic

⁴ The Irvington, Ladd’s Addition, and South Portland Historic Districts were all initially City-designated as Conservation Districts.

resources that are not one of these types (such as Unranked Resources) may still be included in the umbrella HRI for informational purposes, but would not be subject to zoning code protections and, therefore, are not identified in the recommended hierarchy.

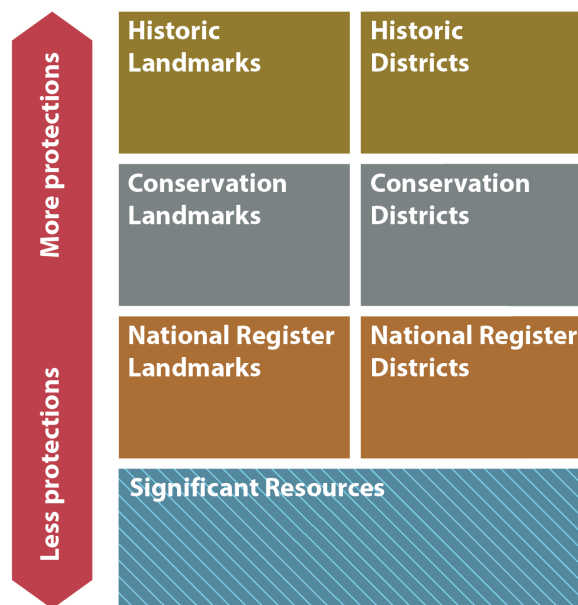
Establishing a clear hierarchy of historic resource types is necessary to codify a menu of demolition and design regulations scaled to the different levels of the hierarchy. The amendments described in Recommendations 3.a, 3.b and 3.c implement the new hierarchy by refining the protections that apply to the different historic resource types, providing the greatest protection to the highest type (Historic) and progressively less protection to the lower types.

Recommendation 1.c provides procedures and criteria for adding resources to the hierarchy, removing resources from the hierarchy, and changing the level of resources already on the hierarchy.

Prior to the change in State Administrative Rule in 2017, National Register listing and the automatic Historic Landmark or District designation that came with it effectively served as Portland’s gold standard for historic resource designation and protection. With the proliferation of residential National Register Districts in recent years, broad public concerns have been raised regarding the automatic application of protections to National Register listings. While State Rules require the City apply demolition review to National Register resources, the recommended new hierarchy reduces National Register-level resources to the bottom tier of the designated resource types, elevates City-designated Conservation-level resources to the middle tier, and retains existing and City-designated Historic-level resources as the gold standard for significance and protection. The recommended zoning code amendments would not in and of themselves amend the designation of any existing Historic Landmarks or Historic Districts that were identified as such because of their listing in the National Register prior to January 2017; however, Recommendation 2.b would establish new procedures and criteria allowing previously-listed resources to be moved up or down the hierarchy in the future based upon resources’ historic significance and the appropriateness of continued protections when considering other community values.

To ensure clarity and accuracy, the existing Ranked Resource type would change in name to Significant Resource. This change does not in and of itself amend any regulations (see Recommendation 3.d for an unrelated change in the regulations that apply to this group of resources). All existing Rank I, II, and III Resources that have not been previously demolished or

Recommended Hierarchy of Historic Resource Types



The historic resources hierarchy recommended for codification in the zoning code. The new type shown at the bottom of the hierarchy—Significant Resources—includes all existing Ranked Resources. All historic resource types shown in the hierarchy would be included in the broader Historic Resource Inventory described in Recommendation 1.a. The new definition of the Inventory includes resources that are designated (landmarks and districts) and those that are not (Significant Resources).

requested by their owner for removal would be included as Significant Resources. Changing the name to Significant Resource more accurately describes this category of undesignated resources and further clarifies the change in terminology for HRI included in Recommendation 1.a.

Benefit: Restructuring the hierarchy of historic resources types establishes clearer and more consistent categories of historic resources regulated by the zoning code. The new hierarchy would include fewer resource types than the existing hierarchy making the program easier to understand and administer. It would also elevate City-designated resources to the highest levels of protection, giving the community more control in determining the best level of protection for different historic resources. Finally, creating three discrete tiers of designated resource types—gold, silver, and bronze—provides decision-makers, property owners, and the broad community with a menu of options for how best to protect—or not—specific resources in the future.

Code section(s) affected: The recommended hierarchy of historic resource types is embedded throughout Chapter 33.445, with definitions of the different types provided in Chapter 33.910.

Recommendation 1.c: Remove zoning code provisions pertaining to Unranked Resources.

Background: The 1984 Historic Resource Inventory effort included documentation of properties that were found to be interesting but determined to be not imminently eligible for landmark or district designation. These Unranked Resources are recognized by the City and currently included in the zoning code. No demolition or design protections apply to these resources.

Recommendation: The amendments remove references to Unranked Resources from the zoning code, but information on these resources would be retained in the umbrella HRI for informational purposes.

Benefit: Unranked resources are unlikely to be eligible for designation as a landmark or district, therefore they are not appropriate for inclusion in the City's historic resource regulations. Removing reference to them from the zoning code will clarify that these are not significant historic resources while still allowing public access to the documentation assembled on these properties. Rehabilitation of a previously altered Unranked Resource or future research that demonstrates historic significance that was previously unknown or unsubstantiated could, in some instances, render an Unranked Resource eligible to become a Significant Resource, landmark, or part of a district (see Recommendations 2.a and 2.b).

Code section(s) affected: Reference to Unranked Resources are removed from the zoning code.

THEME 2: DESIGNATION

How are historic resources determined eligible for designation? What are the criteria and processes for designating landmarks and districts?

Since the mid-1970s, Portland's historic preservation regulations have recognized two tiers of undesignated resources (Ranked and Unranked Resources) and two tiers of designated resources (Historic Landmarks/Districts and Conservation Landmarks/Districts). Many of the city's first designated historic resources were in the Central City, such as individual buildings and collections of buildings adjacent to what is now Waterfront Park. As interest in designation began to expand beyond the downtown core, a concept for less-regulatory neighborhood Conservation Districts emerged, first in Lair Hill and then in Ladd's Addition (both areas become Historic Districts in the 1990s upon their listing in the National Register of Historic Places). Following the 1984 Historic Resource Inventory campaign, individual Historic and Conservation Landmark designations began to proliferate in the inner ring of neighborhoods and commercial areas adjacent to the Central City. And, when the City Council adopted the Albina Community Plan in 1993, a slate of Conservation Districts were established in North and Northeast Portland.



Neighborhood House was built by the National Council of Jewish Women in 1910. In 1977, it became part of the Lair Hill Conservation District. In 1979, it was added to the National Register of Historic Places. And in 1998 it became part of the South Portland Historic District.

Following the 1995 passage of Oregon's owner consent law—and the ensuing connection between National Register listing and local land use regulations—Portland's zoning code was amended to automatically identify all past and future National Register listings as either Historic Landmarks or Historic Districts. Due to ease of implementation and natural alignment of regulations and benefits, the automatic conveyance of Historic Landmark and District status to National Register listings has served as the primary vehicle for applying historic resource designations for the past 25 years. However, the 2017 change to State Administrative Rule—in part a reaction to the rapid proliferation of large residential areas being nominated to the National Register to secure local Historic District protections—established new options for how local governments apply protections to National Register listings (see Recommendation 3.a, 3.b. and 3.c for amendments related to the protection of designated resources). The change in administrative rules and the feedback received by the public throughout the HRCF process provide an opportunity to revise the procedures and criteria used to identify significant resources and to designate, remove or amend landmark and district status in the future.

Recommendation 2.a: Establish a new procedure for identifying resources eligible for designation.

Background: The 1984 citywide survey of historic resources resulted in a foundational inventory that has been useful in determining eligibility of resources for future designation and providing the public with information about individual historic places. However, no similar efforts have occurred

since 1984 resulting in geographic and thematic areas of the city's history being noticeably underrepresented.

Recommendation: The amendments would establish a legislative procedure for adding Significant Resources to the HRI without necessitating owner consent or conveying a landmark or district designation to the property.

In the future, additions of Significant Resources to the HRI would be periodically proposed by City staff following targeted or comprehensive surveys of potential historic resources. When City staff propose identifying new Significant Resources, the Historic Landmarks Commission would hold a public hearing to evaluate information presented to them regarding the resources.

After evaluating the significance of resources at the hearing, the Commission would make a recommendation to the Portland City Council. Following an additional public hearing, the City Council would hold a vote to add the Significant Resources to the HRI. The same process would apply to proposals to remove Significant Resource status.

Significant Resources are generally deemed eligible for a landmark or district designation, but being identified as a Significant Resource does not designate the resource. Designation as a landmark or district is a separate process (see Recommendation 2.b).

Benefit: The lack of a viable process to officially recognize historic resources as eligible for designation has long stymied efforts to comprehensively update the HRI. Furthermore, previous ambiguity that has now been clarified regarding the applicability of the owner consent law resulted in owner consent being required by the zoning code for the mere documentation and determination of eligibility of historic resources. Establishing a legislative procedure to add—and remove—Significant Resources from the HRI without owner consent and without a corresponding designation will allow City staff to more nimbly support requests from the community to document and evaluate the significance of potential historic resources. With these changes, the City can work with—and in service of—communities to inventory underrepresented historic places and evaluate them for eligibility for future historic landmark or district designation. Without these changes, updates to the Historic Resource Inventory would only result from designation of landmarks and districts—exactly what has happened since 1984, resulting in geographic and thematic inequities in the roster of recognized historic resources.

Code section(s) affected: The amended listing and removal processes for Significant Resources can be found in new sections 33.445.300 through .310.



Interest groups such as Restore Oregon (pictured above) regularly survey historic resources. Current code regulations do not allow the City to document and evaluate the significance of potential historic resources without owner consent.

Recommendation 2.b: Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.

Background: Portland’s existing designation and designation removal procedures and criteria have not been updated since the 1990s and are not aligned with State Administrative Rule or Comprehensive Plan polices. Because National Register listing has been the de-facto path to establishing new Historic Landmarks and Districts since 1995, the change in administrative rules provide a new opportunity to revise the processes for adding, removing, or changing City landmark and district designation. While Oregon law requires owner consent for local designation of landmarks and districts, the new historic resources hierarchy in Recommendation 1.b provides property owners, decision-makers, and the community a menu of options for historic resource designation and protection—as well as options for changing or removing existing designations when they’re no longer appropriate.

Recommendation: The amendments modernize the criteria and procedures used in establishing, amending, and removing Historic and Conservation Landmark and Historic and Conservation District status. The new criteria would elevate archaeological, architectural, cultural, and historical significance as the primary areas eligible for historic resource designation, as well as insert new integrity criteria to ensure that sufficient physical elements from the historic period remain to justify a designation. State-required owner consent would be included as an application requirement in quasi-judicial reviews to designate a landmark and incorporated into legislative procedures to designate a landmark or district. Specific to the approval criteria for listing and removal, underrepresented histories would be made explicitly eligible for future designation and the goals and policies of the Comprehensive Plan could be invoked to change or remove an existing designation. Furthermore, proposals to establish any new Historic or Conservation Districts would need to demonstrate significant association with an underrepresented community or convey multiple areas of significance to the broader community.



A contributing resource in the Woodlawn Conservation District

The recommended changes to the procedures for listing, amending, and removing designations would allow the Historic Landmarks Commission to designate new Historic and Conservation Landmarks and remove existing Historic and Conservation Landmark status through owner-initiated quasi-judicial procedures. The amendments also allow the boundaries and contributing status of existing designated resources to be changed quasi-judicially by staff as the result of historic designation review or historic designation removal review.

Regarding districts, the recommendation would require City Council to serve as the decision-maker in the establishment of new Historic and Conservation Districts and in the removal of entire existing Historic and Conservation Districts. The Planning and Sustainability Commission would hold a joint hearing with the Historic Landmarks Commission prior to the Planning and Sustainability Commission making a recommendation to City Council. The new joint hearing allows for efficiency in public engagement and provides the Historic Landmarks Commission the opportunity to directly

advise the Planning and Sustainability Commission on the significance, integrity, and appropriate level of protection for the district. The City Council would remain the decision-maker.

The recommended changes to City designation, amendment, and removal procedures and criteria would not supersede any federal decisions to list, amend, or remove a landmark or district from the National Register of Historic Places. However, the changes would allow National Register-listed resources that were automatically identified as Historic Landmarks and Historic Districts in the past to have their City designation reduced or removed as the result of owner-initiated historic designation removal review or a City Council legislative decision. Similarly, the changes would allow National Register Landmarks and Districts to be designated by the City as Historic or Conservation Landmarks or Districts when appropriate.

Benefit: Changes to the criteria and procedures used to designate, amend, or remove Historic and Conservation Landmark and District status would better infuse equity, inclusion, and community values into decisions concerning the protection of historic places. The amendments incorporate State Administrative Rule and better align with the goals and policies of the Comprehensive Plan, as well as ensure that property owners, decision-makers, and the interested public are meaningfully engaged in City designation and designation removal processes.

Code section(s) affected: Designation and removal procedures are specified for each historic resource type in Chapter 33.445, with procedure types and criteria provided in Section 33.846.030 for designation and Section 33.846.040 for removal. Additional affected sections are 33.710.060, 33.720.020, 33.720.030, 33.730.030, 33.740.030, 33.855.075, and 33.910.

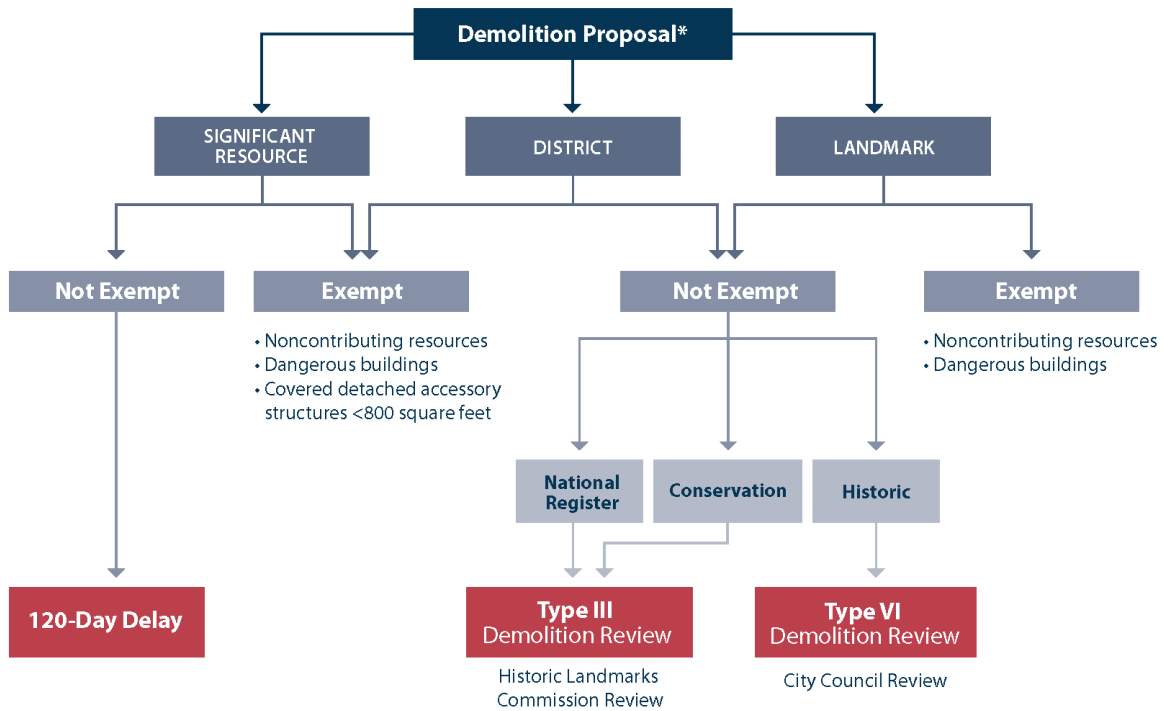
THEME 3: PROTECTION

What demolition and design regulations apply to designated resources?

In addition to formally recognizing the significance of historic resources, landmark and district designation is the vehicle by which the City of Portland applies land use regulations that protect historic resources. In recent decades, Portland's regulations for protecting historic resources have been routinely fine-tuned through code amendment projects such as this one. As Portland changes, new technologies become available, and preservation professionals evolve their thinking on the application of best practices, opportunities will continually emerge to better ensure the regulations protecting historic resources are meaningful, flexible, and implementable.

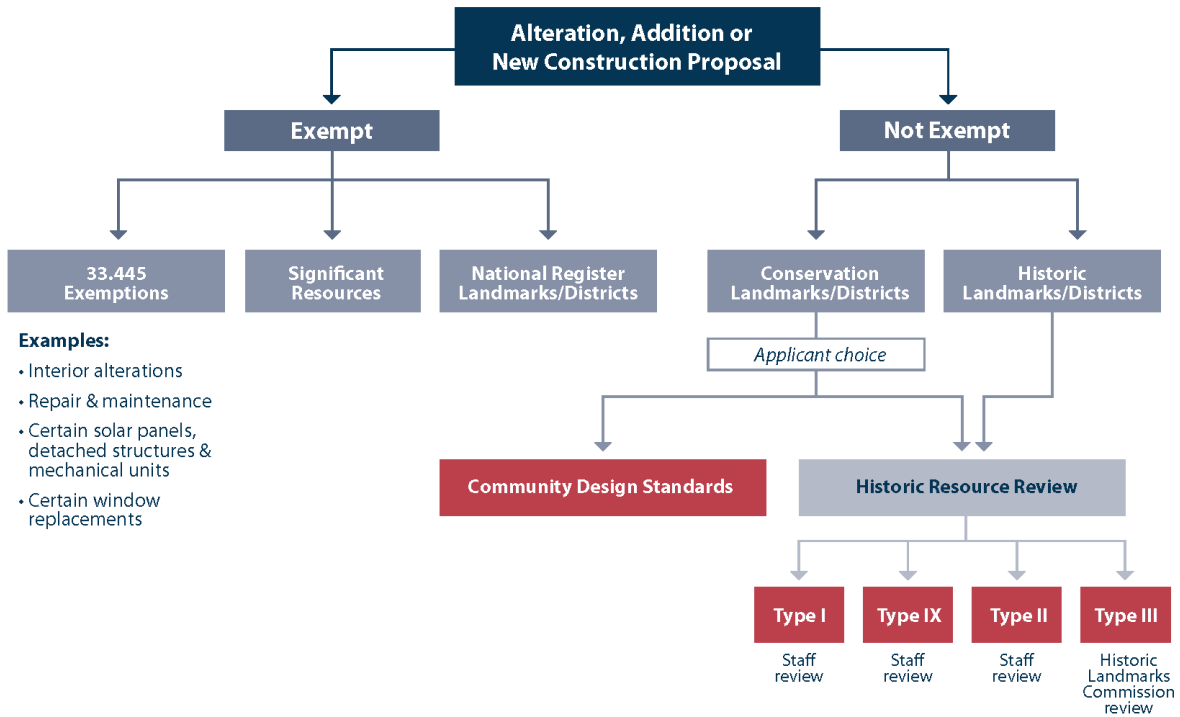
The HRCP recommends amending Portland's historic resource regulations to ensure public involvement in all applications to demolish designated historic resources, align the recommended hierarchy of historic resource types with progressive tiers of protection, and streamline the historic resource review process for certain minor alteration and new construction proposals. Recommended changes to protections would align with the hierarchy described in Recommendation 1.b, with National Register Landmarks and Districts serving as a bronze standard for regulations, Conservation Landmark and District designation serving as a silver standard, and Historic Landmark and District designation serving as a gold standard. Significant Resources (which are not designated) would be subject to 120-day demolition delay, a modest protection (and the maximum allowed by State Administrative Rule) intended to allow time for the owner community to consider alternatives to demolition.

Overview of Recommended Historic Resource Demolition Protections



*procedures for uncommon proposals, such as major alterations and removal of signs, are not reflected here

Overview of Recommended Historic Resource Design Protections



Recommendation 3.a: Apply demolition review to all designated historic resources, exempt certain accessory structures from demolition review, and amend demolition review approval criteria.

Background: Portland’s strongest regulation for protecting historic resources from demolition—demolition review—is limited in its current application to those landmarks and contributing resources in districts that have been listed in the National Register of Historic Places. City-designated Historic Landmarks, Conservation Landmarks, and contributing resources in Conservation Districts that are not also listed in the National Register are only subject to 120-day demolition delay, which provides no opportunity for meaningful public involvement, mitigation for the loss of a resource, or denial of an application for demolition.

Demotion review is a discretionary land use review; current regulations require a public hearing and decision by the Portland City Council for all applications subject to demolition review. Applicants for demolition review today must meet one of two approval criteria—one related to economic hardship or another related to the Comprehensive Plan.



This “1922 bungalow” was altered in 2018 without meeting the threshold necessary to require a demolition permit. A new definition of demolition specific to historic resources is recommended.

Recommendation: The amendments apply the demolition review requirement to all landmarks and contributing properties in districts, establish threshold definitions for demolition of historic resources, exempt most detached accessory structures from demolition review, amend the procedure types that apply to different types of demolition applications, and amend the list of approval criteria that may be met to gain approval for demolition.

The recommendation would extend demolition review to approximately 2,300 City-designated landmarks and contributing resources in Conservation Districts that are currently subject to demolition delay. In extending demolition review to City-designated resources, the amendments also establish objective thresholds that codify discretionary language in State Administrative Rule defining demolition as “any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost.” The new local definition applies to all historic resource types addressed by Chapter 33.445, not to all instances of demolition regulations in the city. The definition ensures that minor alteration proposals that do not result in the irreparable loss of the resource are not subject to demolition review and, therefore, approval criteria that are germane only to the forever loss of the resource.

New exemptions to demolition review are provided for each historic resource type addressed by Chapter 33.445. For all resource types, noncontributing resources and resources required to be demolished due to immediate danger would be exempt from demolition review. For Historic Districts, Conservation Districts, and National Register Districts, demolition of covered detached accessory structures smaller than 800 square feet (including those identified as contributing) would be exempt from demolition review. For all other landmarks and contributing resources in districts, alterations that would otherwise qualify as demolition could be reviewed through historic resource

review as an alternative to demolition review. This alternative is intended to allow major rehabilitation projects—such as a seismic upgrade that may require removal of walls—to be reviewed against the more appropriate historic resource review approval criteria, rather than demolition review approval criteria that are likely to be irrelevant to the rehabilitation proposal. Proposals for total demolition would not be eligible for this demolition review bypass provision.

Coupled with the expansion of demolition review, the amendments establish new demolition review procedure types and approval criteria. Historic Landmarks and contributing resources in Historic Districts would remain subject to Type IV (City Council) review with a singular approval criterion related to the goals and policies of the Comprehensive Plan; consideration of a list of factors would be required prior to a decision being made. Because of their ‘silver standard’ position on the new hierarchy of historic resource types, Conservation Landmarks and contributing resources in Conservation Districts would be subject to a lower Type III (Historic Landmarks Commission) review with an option of the approval criteria available to Historic-level resources or a new criterion related to mitigation. And, because of their ‘bronze standard’ position on the new hierarchy of historic resource types, National Register Landmarks and contributing resources in National Register Districts would be subject to a Type III (Historic Landmarks Commission) review with an option of the approval criteria available to Historic-level and Conservation-level resources and, for contributing resources in single-dwelling zones, a new criterion related to affordable housing. This new criterion would ensure that the listing of a residential area on the National Register not inhibit production of affordable housing. A new Type II (staff) review and an additional approval criterion apply to applications to demolish the small number of accessory structures that would still be subject to demolition review (e.g. signs and objects).

The recommended changes to demolition review remove application requirements previously required by an approval criterion and ensure State-required factors are considered.

Benefit: Applying demolition review—with new procedure types and approval criteria—to all City-designated landmarks and all contributing resources in City-designated districts would ensure that the most important historic resources are given consideration prior to demolition, with the decision-maker provided the authority to approve, approve with conditions, or deny proposals. Extending demolition review to City-designated resources would provide the public an opportunity to meaningfully engage with proposals to demolish resources that have gone through a City designation process. Furthermore, demolition review would allow the decision-maker to deny, approve, or approve with conditions (such as mitigation) demolition proposals after considering factors relevant to the historic resource, community, and owner.

Without applying demolition review to City-designated resources, there will remain no protection program to ensure the historic value of City-designated historic resources are considered against other relevant community values when the loss of such resources is proposed. Additionally, without applying demolition review to City-designated resources, National Register listing will remain the only viable option for protecting historic places from demolition, perpetuating the exclusive reliance on federal decision-making to convey meaningful demolition protections to historic resources in Portland.

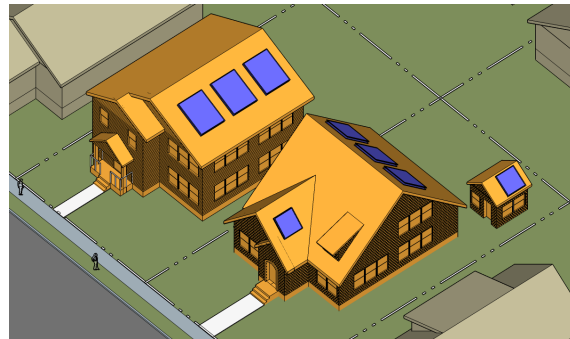
Eliminating the requirement for demolition review for approximately 1700 garages, sheds, and outbuildings in Historic, Conservation, and National Register Districts will streamline and facilitate the removal of vestigial covered vehicular storage and construction of new accessory dwelling units.

Finally, in their adoption of the Better Housing by Design and Residential Infill projects, the Portland City Council prohibited use of development bonuses on sites where a designated historic resource is demolished without demolition review. National Register-listed Historic Landmarks and contributing resources in Historic Districts are currently subject to demolition review, therefore National Register property owners are eligible to access development bonuses if their application for demolition review is approved by the decision-maker. The expansion of demolition review to all designated resources allows owners of City-designated resources to similarly pursue development bonuses when a proposed demolition meets one of the applicable demolition review approval criteria. In all cases where development bonuses are allowed following approval of demolition review, the decision-maker would be reviewing the demolition application against the approval criteria, including consideration of the merits of the proposed replacement building.

Code section(s) affected: The recommended demolition review requirement—including definitions, exemptions, and permit issuance standards—is provided in relevant sections for landmarks and districts in Chapter 33.445. The new procedure types and approval criteria are provided in Section 33.846.080, demolition review. Corresponding refinements to the applicability of the Community Design Standards are recommended to ensure demolition of Conservation-level resource cannot be approved using the standards (see Section 33.445.510). The development bonuses provided by the base zones are not recommended to change.

Recommendation 3.b: Increase exemptions to historic resource review.

Background: New construction and alterations to Historic Landmarks, Conservation Landmarks, and properties in Historic and Conservation Districts are subject to historic resource review. For these resource types, exemptions to historic resource review are provided by the code. These exemptions range from minor maintenance to certain rooftop mechanical units. Conservation Landmarks and properties in Conservation Districts have the option of meeting clear and objective design standards as an alternative to historic resource review when review is required. When activities affecting a Conservation Landmark or Conservation District are exempt from historic resource review, the activity is also exempt from required compliance with the Community Design Standards. Exemptions to historic resource review were last amended in 2013 with the Historic Resources Code Improvement Project.

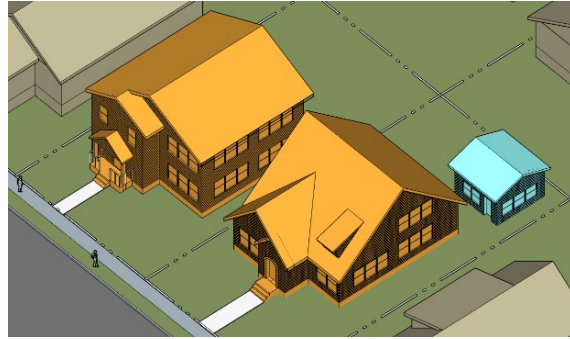


A recommended exemption would allow rooftop solar panels on all pitched roof slope in Historic Districts without requiring historic resource review.

Recommendation: The amendments retain the general approach to historic resource review that applies today, including offering the Community Design Standards as an alternative for Conservation Landmarks and Districts, but expands the list of exemptions to historic resource review for all designated resource types. National Register Landmarks and Districts are recommended to be exempt from historic resource review altogether unless the application is for relocation or an applicant voluntarily elects to pursue historic resource review.

While the amendments increase the number of exemptions for both Historic and Conservation-level resources, landmarks are provided fewer new exemptions than districts since individual landmarks are often less forgiving of change than entire collections of buildings that make up districts.

For landmarks, new exemptions relate to minor exterior alterations, signs, rear-facing rooftop solar installations, electric vehicle outlets, non-historic window replacement, and other relatively benign alterations.



A recommended exemption would allow certain detached accessory structures—such as the one pictured above—to be built in Historic and Conservation Districts without requiring historic resource review.

For districts, new exemptions go beyond those provided to landmarks to allow for flexibility in areas where collections of resources—not just one singular resource—convey an area’s significance. Recommended exemptions in Historic and Conservation Districts include allowing, without historic resource review, certain rooftop solar installations on flat and pitched roofs, larger new detached accessory structures, and replacement of windows on rear elevations and on noncontributing resources. The full list of recommended exemptions is provided by resource type in Volume 2 and are too numerous to recite in this staff report.

Benefit: The recommended exemptions respond to a variety of sometimes competing requests from the public, from neighborhood associations representing Historic Districts and Bureau of Development Services staff. The changes are intended to ensure the ongoing protection of historic resources, while eliminating unnecessary reviews for minor changes, presenting new opportunities to create housing in Historic Districts and expanding roof area that could be put into solar energy production without resulting in irreversible change to historic resources.

Code section(s) affected: Exemptions are provided in the relevant sections for landmarks and districts in Chapter 33.445.

Recommendation 3.c: Refine historic resource review approval criteria.

Background: When historic resource review is required for alteration, addition, or new construction proposals, section 33.846.060 provides the approval criteria that must be met. For Conservation Landmarks and properties in Conservation Districts, the clear and objective Community Design Standards can be met as an alternative to historic resource review. No changes to the Community Design Standards are recommended by these code amendments, but changes to the standards have been identified as a needed regulatory improvement (see Section VI for a discussion of potential future work that would update the standards).

Recommendation: The amendments make numerous changes to section 33.846.060 for clarity, alignment with the amendments in Chapter 33.445, and application of the hierarchy of historic resource types included in Recommendation 1.a. Changes to the applicable procedure types for historic resource review are included in Recommendation 5.a.

In general, the amendments to the historic resource review section do not change the applicability of the approval criteria that currently apply to Historic Landmarks, Historic Districts, and Conservation Landmarks.; however, there four primary areas that are recommended to change.

First, new approval criteria for relocation (structure moves) have been added as subsection 33.846.060.I. While relocation proposals are rare, State Administrative Rule requires consideration of certain factors when National Register-listed resources are proposed for relocation. These factors have been incorporated into new approval criteria that must be met for relocation of most designated resources to be approved by the review body.

Second, new more flexible approval criteria for proposals affecting Conservation Landmarks have been added as subsection 33.846.060.H. Because Conservation-level resources generally have less historic significance, diminished physical integrity, or are less appropriate for the highest level of protections (as compared to Historic-level resources), the new criteria provide flexibility for design changes to Conservation-level resources. Although there are only 12 Conservation Landmarks that would benefit from the new more flexible criteria today, these code amendments anticipate more will be designated in the future, including some Historic Landmarks that may have their designation reduced to Conservation Landmark through legislative or quasi-judicial procedures.

Third, minor changes to the existing approval criteria in subsection 33.846.060.G that generally apply to Historic Landmarks and Historic Districts without adopted design guidelines are recommended for clarity and to resolve ambiguities about compatibility in those Historic Districts where the general criteria apply. The changes related to compatibility are primarily intended to provide clarity in the Irvington Historic District, which is subject to the 33.846.060.G criteria as that district has no district-specific design guidelines. A recommended 200-foot radius for considering compatibility in the district context reflects the length of a typical Portland block.

Finally, minor changes clarify the hierarchy of applicability of historic resource review approval criteria in the Alphabet Historic District.

Benefit: Changes to the historic resource review section and approval criteria will provide clarity to applicants, City staff and interested community members. Furthermore, the amendments will ensure State-required factors are considered when historic resources are considered for relocation, Conservation Landmarks will be subject to more flexible historic resource review approval criteria and the approval criteria that apply in Historic Districts without adopted district-specific guidelines will be revised to resolve ambiguities.

Code section(s) affected: Section 33.846.060.

Recommendation 3.d: Improve demolition delay to apply only at the time of demolition application.

Background: State Administrative Rule requires local governments apply a 120-day demolition delay to historic resources that have been evaluated and formally determined to be significant (termed Significant Resources, as described in Recommendation 2.a). These resources are not designated but are determined *eligible* for designation.

Recommendation: The 120-day demolition delay provision currently exists in the zoning code and will not be substantively changed except for allowing interior permits to be issued during the delay period.

However, an amendment limits the list of actions that can initiate 120-day delay. Since 1996, Portland has allowed owners of Significant Resources (heretofore called Ranked Resources) to request removal from the HRI as a property right (albeit subject to 120-day delay). The zoning code changes would eliminate this proactive removal option. Instead, under the amendment, an applicant would need to apply for a demolition permit to initiate the 120-day delay. This change would ensure the community is notified of the 120-day demolition delay only when demolition is being proposed for the property, not preemptively. The change takes effect on the effective day of the new code; However, any property that is within the 120-day delay period at the time of the effective date of the new code will be removed from the Inventory at the conclusion of its specific delay period.



Despite its historic significance, the Palms sign could have its Significant Resource status removed with a simple owner request even if demolition is not proposed.

Benefit: The amendments would ensure the community is notified of the 120-day demolition delay only when demolition of a Significant Resource is being proposed. This would limit public confusion about requests for 120-day delay and ensure the identification of Significant Resources provides useful and lasting information for academics, architects, realtors, tenants, planners, and the general public. The changes would also eliminate an existing unnecessary suspension of issuance of interior permits during the 120-day delay.

Code section(s) affected: The 120-day demolition delay process for Significant Resources can be found in new code sections 33.445.310 through .340.

THEME 4: REUSE

How can historic resources be repurposed for economic viability and community access?

Historic resources are designated and protected because of their important role in establishing memory, meaning, and learning opportunities for current and future residents. Inherent in the value of historic preservation is the ability for the broad public to experience and engage with historic resources. The existing codified demolition and design regulations have generally protected the exterior features of historic resources such that they can be appreciated from the public realm, allowing Portlanders to experience the architecture of a unique façade—such as the Historic Landmark Hollywood Theater—or the patterns unique to a specific area—such as the loading docks of the NW 13th Avenue Historic District.

Providing economic opportunities to owners of historic resources encourages needed upgrades, discourages demolition proposals, and provides the opportunity for greater public access and use. Although the HRCP recommendations do not include direct financial incentives, several regulatory incentives would expand the existing use incentives available to owners and tenants of designated landmarks and districts. The incentives are intended to promote economic viability and allow for modern uses that interpret—and reinterpret—the histories of landmarks and districts while simultaneously increasing public access to the resources.

Recommendation 4.a: Exempt all landmarks and districts from parking requirements.

Background: Automobile parking is required in some areas and for some uses. Many of Portland’s historic resources were built during a time when automobile use and parking was non-existent or less commonplace than it has been in more recent decades.

Recommendation: A new exception to minimum parking requirements provides designated historic resources with greater flexibility for continued use, adaptive reuse, alterations, and compatible infill. Providing this exception allows for removal of unused parking pads, reuse of garages as ADUs or other uses, and flexibility for landmarks and properties in districts to adapt to more intensive uses without the need for paving site area or harming historic features to accommodate vehicles. This exception also allows for construction of new buildings in districts to more closely follow the design patterns of development seen prior to the proliferation of the automobile.



Eliminating parking requirements for all landmarks and districts will provide opportunities to re-establish the historic public realm experience.

Benefit: Accommodating on-site automobile parking often requires designs that depart from historic patterns. Reducing required parking to zero on all sites in Historic, Conservation, and National Register Districts provides designers of new buildings with greater flexibility to propose new buildings that are more compatible with the surrounding contributing properties than would be the

case if on-site parking were required. Similarly, reducing required parking to zero on all sites with a Historic, Conservation, or National Register Landmark allows for adaptive reuse proposals to proceed without retaining or incorporating automobile parking.

Code section(s) affected: Section 33.266.110.

Recommendation 4.b: Increase zoning code incentives allowing for adaptive reuse of certain designated resources.

Background: Many historic resources have the potential to be adapted to new and creative uses without harming significant historic features. Allowing for the reuse of historic resources provides economically viable options for rehabilitation, increases public access to historic places and provides opportunities for interpreting the past through the lens of contemporary values.

“Goal 5 requires a local government to do what it can, within the limits of the goal and rule, to help willing property owners achieve the actual (and not merely nominal) conservation of historic resources for present and future generations.”

—Land Use Board of Appeals (*King vs. Clackamas County*)

Across Portland, there exists countless examples of historic buildings that have been adapted to new uses. A few well-known examples are the McMenamins Kennedy School (a 1915 Historic Landmark), St Johns Signal Station Pizza (a 1939 National Register-listed gas station), Pine Street Market (an 1886 contributing building in the Skidmore/Old Town Historic District), and the Old Church (an 1882 Historic Landmark). Adaptively reusing a historic building prolongs its useful life by physically improving the structure, establishing an investment-backed expectation of longevity, and providing evolving uses relevant to Portlanders today and into the future. In areas where zoning allows for the conversion of buildings to new uses, such as in the Central City, incremental use changes and major adaptive reuse projects are relatively commonplace, with property owners regularly enrolling in state and federal incentive programs to defray costs associated with facade rehabilitation, systems upgrade, and seismic retrofit. In other areas of the city—namely single-dwelling zones—the potential for historic resources to be adapted to new and relevant uses is capped by the narrow residential uses allowed by the base zone.

Recommendation: To maximize the potential for historic resources to be preserved, rehabilitated, reused, and enjoyed by the full diversity of Portlanders, the amendments greatly expand the existing use incentives provided to historic resources. New use incentives would allow certain additional primary and accessory dwelling units in single-dwelling zones (beyond those allowed by the Residential Infill Project) and certain primary and accessory commercial uses in residential zones. Historic and Conservation Landmarks would be



Use flexibility allowed this former single-family home in SE Portland to evade a proposed demolition and be repurposed into seven rental homes.

provided the greatest opportunities for use incentives, sites in Historic Districts would be provided with several opportunities for use incentives, and sites with at least one contributing resource in Conservation Districts would be provided with a few opportunities for use incentives. National Register Landmarks and Districts would not be allowed to access the use incentives because of the absence of design protections applicable to those resource types.

Many of the recommended uses would be allowed by right when certain conditions are met (such as maximum size for non-residential uses and limitations on outdoor activities), with more aggressive adaptive reuse proposals requiring approval through historic preservation incentive review.

Benefit: Allowing historic resources to adapt to new and financially viable uses is critical to their long-term preservation. While the new uses may deviate from the uses present in a historic structure in the past, adaptive reuse provides unique opportunities to increase public visitation to historic resources and interpret historic places through new and creative storytelling. Adaptive reuse in districts that were historically hostile towards Black, Indigenous, and Portlanders of Color provides a unique opportunity for acknowledging the past and fostering healing through increased residential and commercial diversity in those historic places. Adaptive reuse is integral to the protection of and public benefit conveyed by historic resources and the recommended incentives intend to provide historic resources with a competitive advantage to serve the needs of current and future Portlanders.



Recommended zoning code amendments would allow for accessory commercial uses in residential zones, such as converting an unused garage to a small café.

Code section(s) affected: Historic resource incentives and incentive requirements can be found in section 33.445.400. The procedures and approval criteria for historic preservation incentive review can be found in section 33.846.050.

Recommendation 4.c: Streamline requirements and applicability for FAR transfer.

Background: City Council recently adopted new provisions to allow the transfer of unused development potential known as floor area ratio (FAR) from sites containing certain historic resources to other sites. FAR transfer is allowed in the Central City plan district and several base zones, including the multi-dwelling and commercial/mixed use zones. Transfer of historic resource FAR currently requires the property owner sign a covenant subjecting the historic resource to demolition review.

Recommendation: The amendments eliminate the demolition review covenant requirement and expand the types and locations of historic resources eligible to transfer FAR for greater consistency and eligibility. National Register Landmarks and contributing resources in National Register Districts

would not be eligible to transfer FAR because of the lack of design protections applicable to those resource types.

Benefit: The changes to the FAR transfer provisions for historic resources streamlines and aligns the applicability of the incentive in areas where transfers are currently allowed. FAR transfer from historic resources decreases the potential for demolition applications, increases financial opportunities for historic resource owners, and offsets lost development capacity by allowing unused FAR to be put into use elsewhere.

Code section(s) affected: Amendments affect each code section applicable to historic resource FAR transfer, including sections 33.120.210, 33.130.205, 33.140.205, 33.445.400, and 33.510.205.

THEME 5: ADMINISTRATION

How can code provisions be improved for staff, applicants and the public?

In addition to changes to designation and protection regulations, the HRCP recommendations would amend several areas of existing zoning code language to ensure more efficient program administration for the benefit of tenants, property owners, City staff and decision-makers. These include clearer definitions and purpose statements, refinements to procedure types, conforming amendments to other sections and titles, and amendments to sections related to the role and makeup of the Historic Landmarks Commission. The recommended administrative changes are largely the result of requests from the Bureau of Development Services and previous historic resource review applicants who commented on the HRCP proposals at each phase of the project.

Recommendation 5.a: Refine purpose statements, procedure types, and associated language.

Background: In addition to specific amendments, related sections of the code are amended for consistency, clarity and conformance with the primary recommendations. Additionally, applicants and City staff have identified opportunities to amend the procedure types for historic resource review to better align the impact of proposed work with the necessary project review timeline and application fee schedule.

Recommendation: The amendments make changes to historic resource-related purpose statements, language regarding historic resource types and the procedure types for historic resource reviews. The changes also clarify which types of resources are applicable to existing sections of the code that broadly reference historic resources, including references in Title 32. The changes to purpose statements and code language throughout affected sections of the zoning code are intended to better incorporate Comprehensive Plan polices, State Administrative Rules, and the new hierarchy of historic resource types. Recommended changes to the procedure types (i.e. Type I, Type II, etc.) that apply to historic resource review applications would streamline the review of minor changes and elevate the



Changes to procedure types would reduce sign applications from a Type Ix to a Type I historic resource review

level of review for projects that require additional staff time or a public hearing to review the proposal. Additionally, changes to the procedure types would allow certain affordable housing proposals to elect staff-level review—with a required design advice request meeting before the Historic Landmarks Commission—to expedite the review and approval of such projects while still requiring applicable historic resource review criteria to be met.

Benefit: Refining purpose statements, editing language for consistency and revising historic resource review thresholds ensures the code is responsive to community priorities and suited for efficient implementation by the Bureau of Development Services. Changes to procedure types align the impact of proposals with the level of review required. These changes benefit applicants and decision-makers, while also bringing greater efficiency to the historic resource review process.

Code section(s) affected: Chapters 33.445 and 33.846 and sections 33.207.040, 33.207.050, 33.510.119, 33.510.120, 33.815.125, 33.815.126, 33.815.129, 33.855.075, and 33.910. Chapter 32.34.020.C.

Recommendation 5.b: Amend the role and makeup of the Historic Landmarks Commission.

Background: Portland was the second city on the West Coast to appoint an official Historic Landmarks Commission and has been recognized as a Certified Local Government by the National Park Service for maintaining a historic resources program.

Recommendation: The amendment streamlines the membership requirements of the 7-member Historic Landmarks Commission. Broadening the categories of Commission membership was requested by the Bureau of Development Services to allow for more flexibility in recruiting a diverse and responsive slate of prospective commissioners when vacancies arise. The changes do not increase the size of the Commission or change the number of at-large Commission members but provides a larger applicant pool from which most prospective commissioners can be recruited. At least two commissioners would be required to have professional expertise in historic preservation, architecture, architectural history, and/or local history. Additional changes amend the responsibilities of the Historic Landmarks Commission to align with changes in chapters 33.445 and 33.846 related to legislative procedures and quasi-judicial land use reviews. A final change would amend the schedule on which the Historic Landmarks Commission delivers their annual report.

Benefit: Recommended changes to the roles of the Historic Landmarks Commission would implement the new and revised quasi-judicial and legislative land use reviews in Chapters 33.445 and 33.846. Additionally, changes to the makeup of the Commission and annual report schedule provide greater opportunities for the Commission to better reflect the makeup of the community and inform City Council of their activities during the annual budgeting process.

Code section(s) affected: Sections 33.710.060, 33.720.020, 33.720.030.

Section VI: Potential Future Work

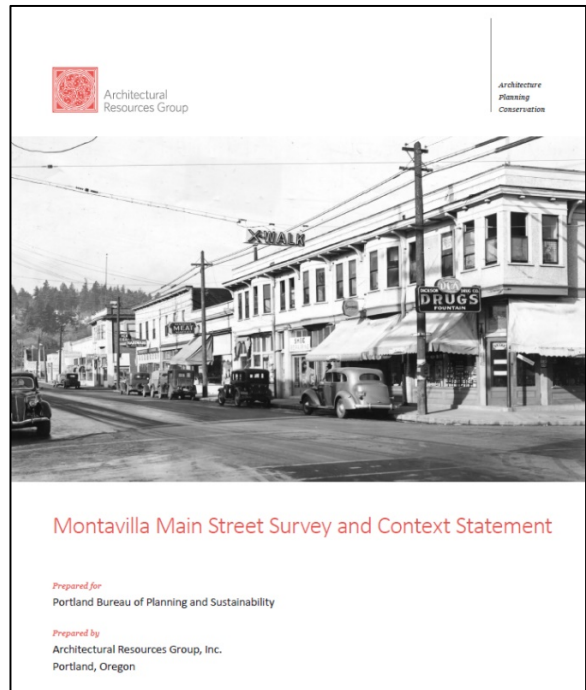
The HRCP recommends significant changes to the historic resource provisions of the zoning code but does not recommend changes to the Official Zoning Map, such as adding or removing landmarks or changing the base zones within districts. Additionally, the amendments do not include policy changes outside of the zoning code, such as modified building regulations, new or expanded financial incentives for rehabilitation, establishment of a legacy business program or greater recognition of or reparations for populations whose legacies have long been underrepresented by City programs.

During the each phase of public outreach, numerous concepts were raised by members of the public that were not included in the Volume 2 zoning code amendments due to scope, sequencing, and/or the need for deeper engagement with potentially affected populations. The recommended code amendments neither necessitate nor ensure the advancement of the future City-sponsored or community-led projects, but the HRCP provides a framework within which a new iteration of historic preservation work can be facilitated by the City of Portland in the future. Although the work items detailed in this section are neither scoped nor funded, the concepts are included here to provide a flavor of the range of historic preservation work that could follow adoption of the HRCP amendments. In addition to the staff-identified future work possibilities described below, both the Planning and Sustainability Commission and Historic Landmarks Commission identified several concepts for future work during the work session process.

Historic Resource Inventory updates

The Historic Resource Inventory (HRI) has not been comprehensively updated since 1984. In 2019, BPS undertook a small pilot survey of the Montavilla Main Street area to better understand the technological constraints and opportunities available to the City to efficiently document historic resources with the involvement of community volunteers. The survey documented over 200 properties and determined eight to be potentially eligible for future landmark designation. Although the pilot survey results won't be added to the HRI until after these code amendments are adopted, the pilot effort allowed BPS staff to identify and troubleshoot problems that are likely to arise in future inventory updates. Once the HRCP amendments are codified, BPS staff intend to bring forward the Montavilla survey results for adoption onto the HRI, including proposing eligible resources be identified by the City Council as Significant Resources.

In addition to the Montavilla pilot survey, codification of the HRCP amendments would allow staff to begin the process of updating the HRI, including surveying new parts of the city, working with property owners on landmark designation applications, and ensuring City resources are deployed



Results from a pilot survey of the Montavilla Main Street area will be considered for inclusion in the new more expansive Historic Resource Inventory following adoption of the HRCP code amendments.

to empower historically unrepresented communities to document their histories. HRI updates could be the result of a thematic study—such as an umbrella LGBTQ+ or AAPI historic context document—or the result of a geographic study—such as a component of an area plan. Future HRI update efforts could also simultaneously propose the removal of designations that are no longer appropriate (see below).

Reevaluation of existing designations

In addition to being potentially included as an element of future HRI updates, the HRCP amendments would allow City staff to evaluate the boundaries and appropriateness of existing Historic and Conservation Districts. During both the Discussion Draft and Proposed Draft phases, numerous members of the community requested a mapping component be added to the HRCP scope. While staff lacked the bandwidth and basis for parallel changes to the zoning map as part of the HRCP, reevaluation of existing designations would become possible following the codification of HRCP amendments related to historic resource types and procedures for adding, removing and amending existing designations.

Future efforts to reevaluate existing designations may look like reevaluating the boundaries of existing Conservation Districts, lowering the level of protection for a specific Historic District by reducing its designation to Conservation District, or proposing further protection of a specific National Register District by increasing its designation Conservation District.

Community Design Standards and Guidelines update

The [Design Overlay Zone Amendments \(DOZA\)](#) project is replacing the existing Community Design Standards and Guidelines for areas of the city within the Design Overlay Zone. Although many of the new Design Standards and Citywide Design Guidelines address context and adjacency to historic resources, they do not amend the Community Design Standards and Community Design Guidelines that apply to Conservation Districts and Conservation Landmarks. As was the case for the Design overlay zone, the standards and guidelines that apply to Conservation Districts and Landmarks are outdated and in need of replacement.

Following the adoption of the DOZA changes and the HRCP amendments, a future follow-up project could replace the Community Design Standards and Guidelines that apply to Conservation Landmarks and District with new standards and guidelines informed by the DOZA changes and, possibly, a reevaluation of the existing Conservation Districts. Replacing the vestigial Community Design Standards and Guidelines that apply to Conservation Landmarks and Districts would improve development and alterations in existing Conservation areas and make Conservation District designation a viable alternative to Historic District designation in areas appropriate for a lighter approach to preservation regulations, such as low-rise commercial storefront areas and geographic areas that are not appropriate for the highest level of preservation protections.

In addition, several Historic Districts have Design Guidelines that are outdated and needlessly limit opportunities for infill. BPS staff intended to bring an update to one such set of guidelines—the South Portland Historic District Design Guidelines—to City Council shortly after adoption of the HRCP amendments.

Map improvements

Over the past five years, BPS staff have digitized scores of paper records into the [Historic Resources Webmap](#), an online tool available to the general public and integrated with the City's PortlandMaps platform. Although volumes of historical information are available on the webmap, there are many opportunities to continue populating the map with reliable data, images and information for broad public use. Additionally, the findings from over three dozen previous City- and State-supported historic resource survey projects still await inclusion onto the webmap.

Potential future work would continue the expansion and refinement of the Historic Resources Webmap so that the tool can be made even more useful for students, tenants, researchers, realtors, and others in the community for whom historical information would prove valuable.

Preservation of intangible resources

City staff, the Historic Landmarks Commission, Planning and Sustainability Commission and many members of the public have expressed interest in expanding historic preservation programs beyond physical places to protect intangible resources such as legacy businesses, culturally specific activities and the preservation of communities of people vulnerable to displacement. San Antonio, San Francisco, and Seattle have recently begun implementing new historic preservation programs intended to empower and protect aspects of communities' lived history. While such a program for Portland would likely fall outside of the purview of Title 33, City staff are encouraged by the experience of peer cities in developing intangible historic preservation programs.

Future work could deploy City historic resources expertise to support ongoing and emergent community efforts to stem residential, commercial, and cultural displacement. Furthermore, a focus on lived history could allow communities to better document and prioritize even physical places for landmark or district designation, where appropriate and supportive of community goals. Any initiative to deploy City support for the protection of legacy businesses or cultural districts would necessitate leadership from within the community, with City staff working in service to those communities seeking preservation of their living histories.



Improvements to the Historic Resources Webmap could offer better access to records and images associated with properties included in the Historic Resource Inventory.



Dean's Barber Shop and Beauty Salon is Portland's oldest continuously operating Black-owned business. While the City sponsored a National Register nomination for the building in 2021, there are few tools available to protect institutions from displacement. Photo by Intisar Abioto.

Exhibit C

Historic Resources Code Project

Improving Portland's regulations for
identifying, designating, protecting,
and reusing historic places

RECOMMENDED DRAFT — AS-AMENDED
JANUARY 2022

VOLUME 2: ZONING CODE AMENDMENTS



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**



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Testimony on the recommended zoning code amendments:

The Portland City Council considered written and oral testimony on the Historic Resources Code Project *Recommended Draft* in fall 2022. Public hearings were held on November 3 and December 15, 2021. Written testimony was accepted online through the MapApp. The written and oral testimony period concluded on December 15, 2021.

For more information:

Visit the project webpage: www.portlandoregon.gov/bps/hrcp

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Table of Contents

Volume 1: Staff Report (under separate cover)

Volume 2: Code Amendments

33.120 Multi-Dwelling Zones	6
33.130 Commercial/Mixed Use Zones	8
33.140 Employment and Industrial Zones	10
33.207 Accessory Short-Term Rentals	14
33.266 Parking, Loading, And Transportation And Parking Demand Management.....	18
33.420 Design Overlay Zone	22
33.445 Historic Resource Overlay Zone	26
33.510 Central City Plan District	154
33.710 Review Bodies	164
33.720 Assignment of Review Bodies	168
33.730 Quasi-Judicial Procedures	170
33.740 Legislative Procedure	172
33.805 Adjustments	174
33.815 Conditional Uses	176
33.825 Design Review	182
33.846 Historic Resource Reviews	188
33.855 Zoning Map Amendments	260
33.910 Definitions.....	266
32.34 Additional Regulations For Specific Uses, Overlay Zones, And Plan Districts.....	272

Zoning Code Amendments

This section presents zoning code amendments recommended by the Portland Planning and Sustainability Commission. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and **related commentary** on the left-hand pages. Underlined formatting indicates added text, while ~~striketrough~~ formatting shows what text is deleted. Chapter 33.445, Historic Resource Overlay Zone, is proposed for replacement in its entirety for ease of readability; therefore, there is no ~~striketrough~~ or underline for the draft code amendments for that chapter.

The recommended amendments are organized by code chapter.

Only those sections of the code that are recommended to be amended are included in the document.

33.120.210.D Transfer of FAR

Changes to this subsection provide consistent terminology. Changes to this subsection also remove the existing requirement of the Historic Resource Overlay Zone that transfer of FAR from a historic resource requires an additional covenant subjecting the property to demolition review. Under these code amendments, demolition review applies to all historic resources eligible to transfer FAR, rendering the previous covenant requirement redundant with regulations of chapter 33.445.

33.120.210 Floor Area Ratio

A.-C. [No change]

D. Transfer of FAR. FAR may be transferred from one site to another subject to the following:

1. Sending site. FAR may be transferred from:
 - a.-b. [No change].
 - c. A site that contains a Historic or Conservation ~~l~~Landmark or a contributing resource in a Historic or Conservation ~~e~~District. Sites that are eligible to send floor area through this transfer are allowed to transfer:
 - (1)-(2) [No change].
- 2.-3. [No change]
4. Covenants. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and is attached to, and recorded with, the deeds of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential FAR. In addition:
 - a. ~~The covenant for the historic resource transferring the density must also meet the requirements of 33.445.610.D., Covenant.~~
 - b. ~~The~~the covenant for the site where trees will be preserved must:
 - (1)a. Require that all trees be preserved for at least 50 years; and
 - (2)b. Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

33.130.205.C. Transfer of floor area from historic resources

Changes to this subsection are consistent with changes made to 33.120.210.D. See commentary for 33.120.210.D.

Table 130-3

Changes to Table 130-3 allows 10' of bonus height for certain development proposals in Historic and Conservation Districts in the CM2 zone. This change aligns Historic and Conservation Districts with the existing 10' bonus height allowance for sites in the CM2 zone that have a Comprehensive Plan Map designation of Mixed Use-Urban Center or Mixed Use-Civic Corridor and are located within the Design overlay zone. This 10' bonus height allowance is already allowed in portions of the Kenton Commercial Historic District, Alphabet Historic District, Mississippi Conservation District, and Piedmont Conservation District that are also in the Design overlay zone. Use of the bonus height on sites where a landmark or contributing resource was demolished in the past 10 years is not allowed.

33.130 Commercial/Mixed Use Zones

33.130.205 Floor Area Ratio

A.-B. [No change]

C. **Transfer of floor area from historic resources.** Floor area ratios may be transferred from a site that contains a historic resource as follows:

1. Sending sites. FAR may be transferred from a site that contains a Historic or Conservation Landmark or a contributing resource in a Historic or Conservation District. Sites that are eligible to send floor area through this transfer are allowed to transfer:

a.-b. [No change].

- 2.-5. [No change].

6. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential density/FAR. The covenants for the receiving both sites must meet the requirements of Section 33.700.060, Covenants with the City. ~~The covenant for the historic resource transferring the density must meet the requirements of 33.445.610.D, Covenant.~~

Table 130-3 Summary of Bonus FAR and Height						
		CM1	CM2	CM3	CE	CX
Overall Maximums Per Zone						
Maximum FAR with bonus		2.5 to 1	4 to 1	5 to 1	4 to 1	6 to 1
Maximum height with bonus		35 ft.	55 ft. [1] 75 ft. [2]	75 ft. 120 ft. [2]	45 ft.	85 ft. 120 ft. [2]
Increment of Additional FAR and Height Per Bonus						
Inclusionary Housing (see 33.130.212.C)	FAR Height	1 to 1 none	1.5 to 1 10 ft.	2 to 1 10 ft.	1 to 1 none	2 to 1 10 ft.
Affordable Commercial Space (see 33.130.212.D)	FAR Height	0.5 to 1 none	0.75 to 1 10 ft.	1 to 1 10 ft.	0.5 to 1 none	1 to 1 10 ft.
Planned Development (see 33.130.212.E)	FAR Height	none none	1.5 to 1 up to 30 ft.	2 to 1 up to 55 ft.	1.5 to 1 up to 30 ft.	2 to 1 up to 45 ft.

[1] Bonus height in the CM2 zone is only allowed on sites that are within a Historic District, Conservation District, or the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor. Bonus height on a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner or the only structure on the site that was demolished was an accessory structure.

[2] This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

33.140.100 Primary Uses

This change restores an inadvertent deletion that occurred with the Shelter to Housing Continuum Project. Reference to Daycare in the use notation number [9] in Table 140-1 was inadvertently deleted and this change restores it.

33.140.205.D. Transfer of FAR from historic resources in the EX Zone

Changes to this subsection allow floor area to be transferred from sites containing a Historic Landmark, Conservation Landmark, contributing resource in a Historic District, or contributing resource in a Conservation District. Amendments are intended to be consistent with changes to the multi-dwelling and commercial/mixed use zones.

This subsection is also amended consistent with changes made to 33.120.210.D. See commentary for 33.120.210.D.

33.140.100 Primary Uses

- A. [No change]
- B. **Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.
 - 1-8. [No change]
 - 9. Daycare and Community Service in the I zones. This regulation applies to all parts of Table 140-1 that have a [9].
 - a. Short term and mass shelters are prohibited. Outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 - b. Daycare and ~~a~~All other Community Service uses up to 3,000 square feet of net building area are allowed. Uses larger than 3,000 square feet of net building area are a conditional use.
 - 10-15. [No change]

33.140.205 Floor Area Ratio

A.-C. [No change]

- D. **Transfer of FAR from ~~Landmarks~~historic resources in the EX Zone.** Floor area ratios may be transferred from a site zoned EX that contains a Historic or Conservation Landmark or contributing resource in a Historic or Conservation district as follows:
 - 1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks~~historic resources~~, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
 - 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
 - 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District is located, or to any site within two miles of the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District; and

33.140.205.E. Transfer of FAR from historic resources in the EG Zones

Changes to this subsection are consistent with changes made to 33.120.210.D. See commentary for 33.120.210.D.

4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential ~~density~~FAR. The covenants ~~for the receiving both sites~~ must meet the requirements of Section 33.700.060, Covenants with the City. ~~The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.~~
- E. Transfer of FAR from ~~Landmarks~~historic resources in the EG Zones.** Floor area ratios may be transferred from a site zoned EG1 or EG2 that contains a Historic or Conservation Landmark or contributing resource in a Historic or Conservation District as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from ~~Landmarks~~historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned EG1 or EG2; and
 - b. Within the recognized neighborhood where the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District is located, or to any site within two miles of the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District; and
 4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential ~~density~~FAR. The covenants for both sites must meet the requirements of Section 33.700.060, Covenants with the City. ~~The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.~~

33.207.040.B Standards

The section on commercial meetings is revised for accuracy due to the elimination of the previous open house requirement of the Oregon Special Assessment of Historic Property Program. Although the Special Assessment program no longer requires annual open houses, some historic preservation grant and incentive programs do require open houses as a condition of participation. Significant Resources, National Register Landmarks, Historic Landmarks, Conservation Landmarks, and resources in National Register Districts, Historic Districts, and Conservation Districts may participate in such historic preservation programs.

33.207.040 Type A Accessory Short-Term Rentals

- A. [No change]
- B. **Standards.** The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:
 - 1.-7. [No change]
 - 8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. ~~A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year.~~ A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This is not considered a commercial meeting.
 - 9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.
- C-D. [No change]

33.207.050.B Standards

The section on commercial meetings is revised for accuracy due to the elimination of the previous open house requirement of the Oregon Special Assessment of Historic Property Program. Although the Special Assessment Program no longer requires annual open houses, some historic preservation grant and incentive programs do require open houses as a condition of participation. Significant Resources, National Register Landmarks, Historic Landmarks, Conservation Landmarks, and resources in National Register Districts, Historic Districts, and Conservation Districts may participate in such historic preservation programs.

33.207.050 Type B Accessory Short-Term Rentals

A. [No change]

B. Standards.

1.-7. [No change]

8. Commercial meetings.

a. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are regulated as follows:

(1) In the single-dwelling zones, commercial meetings are prohibited;

(2) In all other zones, up to 24 commercial meetings per year may be approved as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.

b. ~~Historic resources/landmarks. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program.~~ A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This does not count as a commercial meeting.

c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by City staff upon request.

9.-10. [No change]

C.-D.[No change]

33.266.110.D. Exceptions to the minimum number of parking spaces

A new exception to minimum parking requirements provides designated historic resources with greater flexibility for continued use, adaptive reuse, alterations, and new construction. Many of Portland's historic resources were built during a time when automobile use and parking was non-existent or less commonplace than in more recent decades. Providing this exception allows for removal of unused parking pads, reuse of garages for other uses and flexibility for landmarks and contributing and noncontributing resources in districts to adapt to a more intensive use without the need for paving site area or harming the design of a historic resource—including design patterns in a district—to accommodate vehicles. This exception allows for construction of new buildings in districts to more closely follow the design patterns of development seen prior to the proliferation of the automobile. Accommodating automobile parking spots often requires designs that depart from historic patterns, therefore reducing required parking to zero on all sites in Historic Districts, Conservation Districts, and National Register Districts provides designers of new buildings with greater flexibility to design infill that is more compatible with surrounding contributing properties than would be the case if on-site parking were required.

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

33.266.110 Minimum Required Parking Spaces

A.-C. [No change]

D. Exceptions to the minimum number of parking spaces. The minimum number of required parking spaces may be reduced as follows:

1. Affordable housing exceptions. The minimum number of required parking spaces may be reduced to zero when the applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus, or the requirements of the deeper housing affordability bonus of Section 33.120.211. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.
2. Historic resource exception. The minimum number of required parking spaces may be reduced to zero on sites that contain a Historic Landmark, Conservation Landmark, or National Register Landmark and on sites located within a Historic District, Conservation District, or National Register District.
- ~~3.~~ Other exceptions. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this Paragraph. The 50 percent limit applies cumulatively to all exceptions in this Paragraph:
 - a.-f. [No change]

33.266.210 Bicycle Parking Development Standards

The Bicycle Parking Code Project became effective on March 1, 2020. The amendments included updated standards for bike lockers holding one or two bikes. Two elements of the standards—the dimensions required for a 2-space triangular locker and the minimum height dimensions for all lockers—have been found to be too limiting, resulting in some locker designs that are acceptable to PBOT requiring an adjustment for approval. This amendment reduces the size requirement for a triangular locker and removes the height requirement.

33.266.210 Bicycle Parking Development Standards

A-B. [No change]

C. **Standards for all bicycle parking.** The Bureau of Transportation maintains a bicycle parking handbook that includes information on rack standards, siting guidelines and other standards of this code chapter. Long-term and short-term bicycle parking must be provided in lockers or racks that meet the following standards:

1-3. [No Change]

4. Bicycle lockers. Bicycle lockers are fully enclosed and secure bicycle parking spaces.

- a. The locker must be securely anchored to the ground.
- b. There must be an aisle at least 5 feet wide behind all bicycle lockers to allow room for bicycle maneuvering.
- c. Locker Dimensions. All bicycle lockers must meet one of the following~~these~~:
 - (1) The locker space has a minimum depth of 6 feet, ~~with an~~ and an access door ~~of~~ that is a minimum of 2 feet wide and a minimum height of 3 feet 11 inches.
 - (2) A locker ~~space~~ provided in a triangle locker layout for two bicycle parking spaces must have a minimum depth of 6 feet ~~6 inches~~; and an access door that is a minimum of 2 feet wide on each end with a minimum width of 2 feet 6 inches; and a minimum height of 3 feet 11 inches.

5-6. [No Change]

33.420.425 Where These Regulations Apply

This amendment incorporates the new historic resource types National Register Landmark and National Register district into the Design Overlay Zone chapter and provides clarity as to where the Historic Resource Overlay Zone applies and where the Design Overlay Zone applies in situation where both are present.

33.420 Design overlay zone

420

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Meeting the regulations of this chapter may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision. This chapter does not apply to sites located within ~~the Historic Resources overlay zone~~ the boundary of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District.

33.445 Historic Resource Overlay Zone

This chapter is replaced in its entirety for ease of readability. The replacement chapter includes the addition, removal, and amendment of existing organization and text. Similarly, some language in the replacement chapter is retained as it was previously. Refer to [existing Chapter 33.445](#) to compare text changes between the previous and the replacement chapter. For commentary explaining text that has not changed between the previous chapter and the replacement chapter, see the commentary associated with previous code amendments.

~~33.445 Historic Resource Overlay Zone~~

445

[Delete this chapter. Replace with the revised Chapter 33.445 shown on the following pages]

33.445 Historic Resource Overlay Zone

The table of contents for this chapter has been updated to reflect new organization and numbering.

33.445 Historic Resource Overlay Zone

445

Sections:

General

- 33.445.010 Purpose
- 33.445.020 Historic Resource Inventory
- 33.445.030 Where These Regulations Apply
- 33.445.040 Types of Historic Resources and Map Symbols
- 33.445.050 Adoption of Design Guidelines
- 33.445.060 Notice of Building and Housing Code Violations

Landmarks

- 33.445.100 Historic Landmark
- 33.445.110 Conservation Landmark
- 33.445.120 National Register Landmark

Districts

- 33.445.200 Historic District
- 33.445.210 Conservation District
- 33.445.220 National Register District

Significant Resources

- 33.445.300 Identifying a Significant Resource
- 33.445.310 Removal of a Significant Resource
- 33.445.320 Relocation of a Significant Resource
- 33.445.330 Demolition of a Significant Resource
- 33.445.340 120-Day Delay

Historic Preservation Incentives

- 33.445.400 Historic Preservation Incentives

Community Design Standards

- 33.445.500 Purpose
- 33.445.510 When Community Design Standards May be Used

33.445.010 Purpose

Amendments to the purpose statement for the Historic Resource overlay zone more accurately reflect the breadth and depth of the Historic Resource Inventory, different historic resource types, and the intent behind protecting those resources. The changes, reflected in the amendments included throughout this and other chapters, elevate architectural, cultural, and historical significance as the primary areas of importance for identifying and designating historic resources. The changes also recognize the myriad of values embodied in the different historic resources subject to this chapter.

33.445.020 Historic Resource Inventory

This section is new to the chapter and describes the Historic Resource Inventory (HRI) more broadly than the previous chapter to better capture the full list of historic resource types under one umbrella. Although this chapter previously identified the HRI as a specific type(s) of historic resource, the HRI is more accurately the name of the complete roster of documented and designated historic resources in Portland. Recasting the HRI as a broader umbrella of historic resources allows the HRI to include the following types of historic resources:

- Resources that have been documented for their historic qualities, but which have not been determined significant or designated by the City or listed by the National Park Service. Formerly named Unranked Resources, these documented resources are no longer addressed by this chapter, but information about them remains publicly available on the HRI.
- Resources that have been documented and determined to be significant through a legislative procedure. Formerly called Rank I, II, III, this type of resource is renamed "Significant Resource."
- Resources designated or identified by the City (Historic Landmarks, Conservation Landmarks, Historic Districts, and Conservation Districts), including their constituent parts.
- Resources listed in the National Register of Historic Places (National Register Landmarks and National Register Districts) that have no City designation.
- Demolished resources that had been previously documented or designated (resources that have been demolished, unless intentionally designated as an archaeological site, are not addressed by this chapter).



General

33.445.010 Purpose

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

33.445.020 Historic Resource Inventory

Portland's Historic Resource Inventory is a record of the buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having architectural, historical, or cultural significance. Historic resources addressed by this chapter are included in the Historic Resource Inventory.

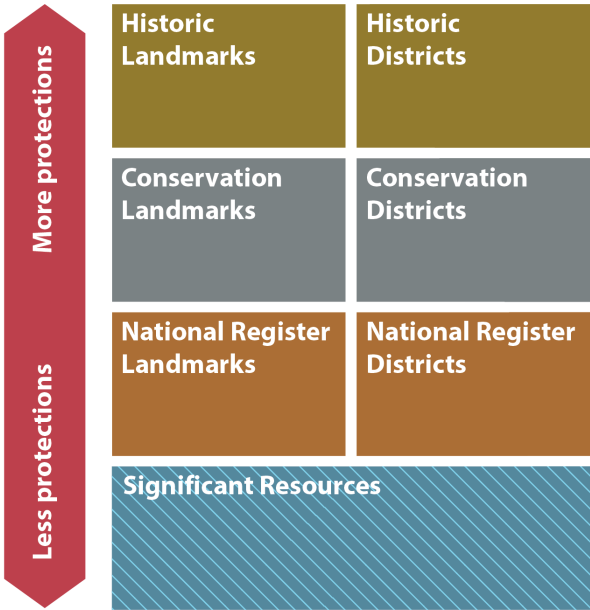
33.445.030 Where These Regulations Apply

Amendments to this section reflect amendments to the regulations that apply to the different types of historic resources addressed by the chapter. In general, the regulations of this chapter apply based on resource type, with landmarks afforded fewer exemptions to otherwise required regulations than their district counterparts at each level. The graphic at right provides a general guide for understanding the hierarchy of historic resource types addressed by this chapter.

The new historic resource types addressed by this chapter include fewer types than the previous code and elevates City designated and identified resources to higher levels of protections than resources that have been listed in the National Register of Historic

Places since 2017. The hierarchy of historic resource types (and protections) codified by this chapter recognizes Significant Resources as likely eligible for Historic, Conservation, or National Register Landmark designation; applies minimum State-required demolition protections to National Register Landmarks and Districts; applies demolition protections to Conservation Landmarks and Districts; and applies the highest level of protections to Historic Landmarks and Districts. Additionally, the amendments establish procedures that allow the City to move resources up and down the hierarchy in the future through a legislative or quasi-judicial procedure. With the exception of changing the naming conventions for two types of existing resources ("Ranked Resources" become "Significant Resources" and recently-listed National Register resources become National Register Landmarks and Districts), the amendments do not add, remove, or change any resources from the Official Zoning Map.

The new table assigns applicable regulations to the different historic resource types based upon the 'highest' historic resource type(s) present on a given property.



33.445.030 Where These Regulations Apply

- A. Sections 33.445.010 through .060 and .400 through .500 apply to all historic resources.
- B. Sections 33.445.100 through .340 apply as shown in Table 445-1.

Table 445-1				
Where These Regulations Apply				
	In Historic District	In Conservation District	In National Register District	Not in a district
Historic Landmark	33.445.100	33.445.100	33.445.100	33.445.100
Conservation Landmark	33.445.200	33.445.110	33.445.110	33.445.110
National Register Landmark	33.445.200	33.445.210	33.445.120	33.445.120
Significant Resource	33.445.200	33.445.210	33.445.220	33.445.300 through 33.445.340
Not a Landmark or Significant Resource	33.445.200	33.445.210	33.445.220	N/A

33.445.040 Types of Historic Resources and Map Symbols

Descriptions of historic resource types have been removed from Chapter 33.445 and consolidated in Chapter 33.910 definitions.

B. Map symbols

The changes to this subsection reflect the addition of the new resource types National Register Landmark and National Register District and ensure that the boundaries of individual landmarks are shown on the Official Zoning Maps. Showing the boundaries provides clarity and information when land divisions and sales occur within the boundary of landmarks and districts.

33.445.040 Types of Historic Resources and Map Symbols

- A. Types of historic resources.** The following types of historic resources are regulated by this chapter. Each type of historic resource may contain contributing resources. The definition of each type of historic resource can be found in Chapter 33.910.
1. Historic Landmarks;
 2. Conservation Landmarks;
 3. National Register Landmarks;
 4. Historic Districts;
 5. Conservation Districts;
 6. National Register Districts; and
 7. Significant Resources.
- B. Map symbols.** Boundaries of Historic Landmarks, Conservation Landmarks, National Register Landmarks, Historic Districts, Conservation Districts, and National Register Districts are shown on the Official Zoning Maps.

33.445.050 Adoption of Design Guidelines

This section adds clarity that design guidelines are recommended by the Historic Landmarks Commission and adopted by the City Council as the result of a legislative procedure. Adopted design guidelines provide district-specific approval criteria that must be met for proposals that are subject to historic resource review.

An existing section pertaining to modifications considered as part of historic resource review is eliminated (modifications are covered by Chapter 33.846.070).

33.445.060 Notice of Building and Housing Code Violations

Revisions to this existing section adds new historic resource types and extends the number of days from 5 to 10.

33.445.050 Adoption of Design Guidelines

Design guidelines for Historic Districts and Conservation Districts are recommended by the Historic Landmarks Commission and adopted by City Council. These guidelines are used for historic resource review, which is required for some alterations and new development proposals affecting certain historic resources. Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.

33.445.060 Notice of Building and Housing Code Violations

When the Bureau of Development Services declares a Historic Landmark, Conservation Landmark, National Register Landmark, or contributing resource in a Historic District, Conservation District, or National Register District to be a dangerous building or posts a landmark to remain vacant, the Bureau of Development Services will notify the Historic Landmarks Commission of such action and of the specific code violations. The notice must be sent within ten working days of the action. The notice provides the Historic Landmarks Commission and the community the opportunity to inform the owner of potential rehabilitation programs and benefits or to pursue public or private acquisition and restoration of the historic resource.

Landmarks

Chapter 33.445 is reorganized for readability, ease of implementation, and accommodation of new historic resource types. The resource types have been organized into categories for Landmarks (Historic, Conservation, and National Register), Districts (Historic, Conservation, and National Register), and Significant Resources (formerly called Historic Resource Inventory Rank I, II, III). Each type of historic resource is provided its own section of regulations under the headings: Landmarks, Districts, and Significant Resources for ease of wayfinding and implementation. Although a small handful of properties may have two resource types—such as a Historic Landmark in a Historic District—historic resources generally have only one designation. For those properties that have two or more historic resource types, resolution between the regulations that apply can be found in 33.445.030, and in relevant sections of the resource-specific regulations in the pages that follow.

33.445.100.A Designation of a Historic Landmark

Amendments to "Designation of a Historic Landmark" provide clarity, consistency with other sections, and capture those Historic Landmarks that were automatically mapped as such upon their listing in the National Register of Historic Places. Additionally, the amendments to this section allow for proposals to expand the boundary of an existing Historic Landmark and/or reclassify a noncontributing resource as contributing within the boundary of an existing Historic Landmark.

Paragraph A.1. states that when the federal Keeper of the National Register amends the nomination form for resources that were automatically identified as Historic Landmarks upon listing in the National Register, the changes to the federal listing are automatically mirrored locally for the Historic Landmark designation (See 33.855.075, Automatic Amendments for Historic Resources).

Paragraph A.2. provides a clarification that Historic Landmarks that have been designated by the City legislatively or quasi-judicially can have their boundaries expanded and non-contributing resources reclassified as contributing through a legislative or quasi-judicial procedure.

Landmarks

33.445.100 Historic Landmark

A. Designation of a Historic Landmark

1. National Register listing. Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 are automatically identified as Historic Landmarks on the Official Zoning Maps. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic Landmark may be established through a legislative or quasi-judicial procedure. Designating a City Historic Landmark includes establishing a new Historic Landmark, expanding the boundaries of an existing Historic Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Historic Landmark:
 - a. Legislative designation. Historic Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 - b. Quasi-judicial designation. Historic Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.100.B Removal of a Historic Landmark Designation

Amendments to this section provide clarity, consistency with other sections, and to capture those Historic Landmarks that were automatically identified as such upon their listing in the National Register of Historic Places.

Paragraph B.1. describes the required process for removing a Historic Landmark's City designation and clarifies that removal includes reducing boundaries, reclassification of contributing resources, and changing a Historic Landmark to a Conservation Landmark. The removal procedure could be either quasi-judicial or legislative.

Paragraph B.2. clarifies that when the federal Keeper of the National Register amends the nomination form for resources that were automatically identified as Historic Landmarks, the changes to the federal listing are automatically mirrored locally for the Historic Landmark designation. Finally, Paragraph B.2. allows for removal of Historic Landmark status from resources that are listed in the National Register by changing the resource type to Conservation Landmark or National Register Landmark.

B. Removal of a Historic Landmark designation

1. Removal of a resource's City designation as a Historic Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.3. and B.4. Removing a resource's City designation includes removing an existing Historic Landmark designation, changing a Historic Landmark designation to Conservation Landmark designation, reducing the boundaries of an existing Historic Landmark, and reclassifying a contributing resource as noncontributing within the boundary of an existing Historic Landmark.
2. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, the following is required:
 - a. Removal by the federal Keeper of the National Register of Historic Places automatically removes Historic Landmark designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 - b. Removing a resource's designation as Historic Landmark or changing the resource's designation from Historic Landmark to Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C.
3. If the Historic Landmark is destroyed by causes beyond the control of the owner, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
4. If the Historic Landmark is demolished, after approval of demolition through demolition review, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

33.445.100.C Relocation of a Historic Landmark

Changes to the existing regulations for relocating a Historic Landmark clarify and streamline the process by collapsing the review and approval process within one historic resource review application. See code and commentary in 33.846.060 for additional information about the procedure thresholds and approval criteria that would apply to proposals to relocate a Historic Landmark. Changes to this section allow a Historic Landmark to be moved and retain its designation without having to be designated again on the receiving site.

33.445.100.D Development within a Historic Landmark Boundary

Historic resource review is currently required for most alterations to a Historic Landmark. Changes to the existing regulations capture those activities that would result in the potential loss, alteration, or damage to exterior historic features. Amendments to the regulations clarify that new construction and alterations within the boundary of the Historic Landmark are subject to historic resource review, consistent with current practice, so that development activities within a Historic Landmark boundary will be subject to historic resource review. Existing language related to paint is amended to only require historic resource review for proposals to paint previously unpainted surfaces, such as unpainted brick or stone, which may be irreparably harmed by painting.

Amendments to subsection D.1.f clarifies that while historic resource review does not generally apply to interior spaces, City-designated interior Historic Landmark spaces are subject to historic resource review. Interior Historic Landmark designation requires a quasi-judicial or legislative procedure that specifically designates the interior spaces as a landmark.

- C. Relocation of a Historic Landmark.** Relocating a Historic Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation. When a Historic Landmark or contributing resource is relocated after approval of relocation through historic resource review, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a Historic Landmark boundary.** Certain development within the boundary of a Historic Landmark requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.
1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Historic Landmark are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure within the boundary of a Historic Landmark;
 - c. Installation or alteration of exterior signs;
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review;
 - e. Painting an unpainted exterior surface; and
 - f. Alteration of an interior space when that interior space is specifically designated by the City as a Historic Landmark. Alteration of an interior space of a Historic Landmark that has been listed by the federal Keeper of the National Register of Historic Places but has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure does not require historic resource review.

33.445.100.D.2 Exempt from historic resource review

The exemptions provided in this section are for activities that have minimal impact on a historic resource's historic significance, integrity, materials, or features. The exemptions for Historic Landmarks, Conservation Landmarks, Historic Districts, and Conservation Districts have been reorganized for ease of implementation and amended and expanded to increase the list of activities that are not subject to historic resource review. In general, there are fewer exemptions for Historic and Conservation Landmarks than there are for Historic and Conservation Districts. The shorter list of exemptions for landmarks recognizes that the integrity of individual historic resources may be less forgiving to even minor alterations than larger collections of resources that make up districts. The expanded list of exemptions—especially for Historic and Conservation Districts—are intended to more readily allow tenants and property owners to execute routine improvements, accessibility alterations, seismic upgrades, solar installations, and backyard ADUs without irreparable harm to historic features or materials.

- a. is an existing exemption with a change for technical accuracy.
- b. is an existing exemption.
- c. is an existing exemption.
- d. is an existing exemption with a change for technical accuracy and consistency with an exemption in the Design Overlay Zone.
- e. is a new exemption that would allow for roof and parapet improvements when those improvements do not extend above the roof or parapet and are not visible on exterior walls. This exemption is intended to allow for bracing and structural improvements when obscured by the existing parapet or roof.
- f. is an existing exemption.
- g. is an existing exemption with a change for technical accuracy.
- h. is an existing exemption.
- i. is a new exemption that would apply to new and existing paved and unpaved paths.
- j. is a new exemption that would allow for certain signs and sign structures to be exempt from historic resource review. The sign and sign structure must extend perpendicularly from an existing structure, encompass an area no more than 3 square feet in size, have a width of no more than 2 inches (both the sign and sign structure), and lack any lighting or other electrical components on the sign or sign structure. The sign and sign structure could not affect brick or stone but may be installed into the mortar joints between brick and/or stone.

2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;
 - g. Landscaping unless the landscaping is identified in the Historic Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - h. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
 - i. New or existing paths unless the path is specifically identified in the Historic Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the façade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;

33.445.100.D.2 Exempt from historic resource review (cont.)

k. is a new exemption that addresses changes to the fabric on existing fabric awnings. This exemption does not apply to new fabric awnings and does not apply to new or changed fabric awning signs. This exemption allows for the exact repair and replacement of fabric, including the exact replacement of signs on existing fabric awnings.

l. is a new exemption that allows for plaques, mailboxes, emergency key boxes, bird and bat houses, and other similar objects to be attached to or removed from the exterior of buildings. The attachments may not exceed 18 inches in length, width, or depth, may not contain electrical components (except for battery-operated components), and must be attached to exterior finish material. The attachments may not be attached to brick, stone, or architectural features.

m. is a new exemption that allows for installation of air conditioners, heaters, pumps, electrical storage and other mechanical equipment that rests on the ground.

n. is an existing exemption that is being amended to delete the limitation on the number of mechanical units allowed to be exempt.

o. is a new exemption that allows for new and altered hoses, conduits, tubes, and pipes near the grade of buildings. The exemption is intended to allow for routine changes to accommodate installation, alteration, and removal of garden, HVAC, electrical, and other ducting.

p. is a new exemption that allows for outlets and meters. Specifically, this exemption allows for EV charging outlets.

q. is an existing exemption.

r. is an existing exemption.

s. is an existing exemption amended to allow vents on rear- and side-facing roof slopes.

- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing façade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment will be installed has a pitch of 1/12 or less;
 - (2) The proposed mechanical equipment is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The proposed equipment has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
 - (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.

33.445.100.D.2 Exempt from historic resource review (cont.)

t. is a new exemption for Landmarks, modeled after a previous exemption applied in Historic Districts. The exemption allows for installation of solar energy systems on certain roof slopes, including pitched roofs that face within 45-degrees of a rear lot line. On pitched roofs, the top of the system may not project more than 8 inches from the surface of the roof. Other applicable regulations pertaining to solar energy systems may require the system be further setback from ridgelines or roof edges in certain situations.

u. is a new exemption for Landmarks, modeled after a previous exemption applied in Historic Districts.

- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face within 45 degrees of the rear lot line. See Figure 445-1;
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1;

33.445.100.D.2 Exempt from historic resource review (cont.)

v. is a new exemption that allows for certain non-historic windows on non-street-facing facades to be replaced with windows that are generally or more compatible with the design, materials, and workmanship of the historic resource. The exemption only applies to resources built before 1940 (due to the overwhelming prevalence of wood windows prior to WWII) and to those existing windows that are made of vinyl, fiberglass, or aluminum. By allowing those non-historic window types to be replaced with wood or metal-clad wood, property owners can make changes without the potential of damaging significant historic materials.

w. is a new exemption that allows owners to make changes to existing fire escapes for life and structural safety. This exemption only applies to those structural changes directly related to improvement of a fire escape. Other applicable regulations pertaining to alteration of fire escapes may preclude alteration in certain situations.

x. is an existing exemption with a change to reduce the side street setback from 25 to 20 feet.

y. is a new exemption that clarifies that alterations to trees that have been designated as Historic Landmarks are subject to Title 11, and not subject to historic resource review.

- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
 - (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a detached accessory structure when the following are met:
 - (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line;
- y. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees.

33.445.100.D.2 Exempt from historic resource review (cont.)

Changes to the figures accommodate changes to exemption text.

Figure 445-1
Solar Energy System, Skylight and Roof Hatch Location on a Landmark Rooftop

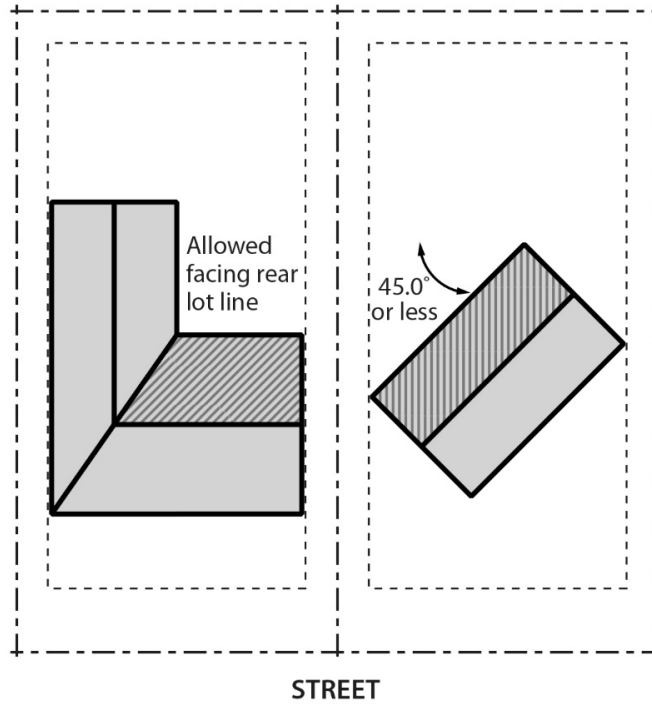
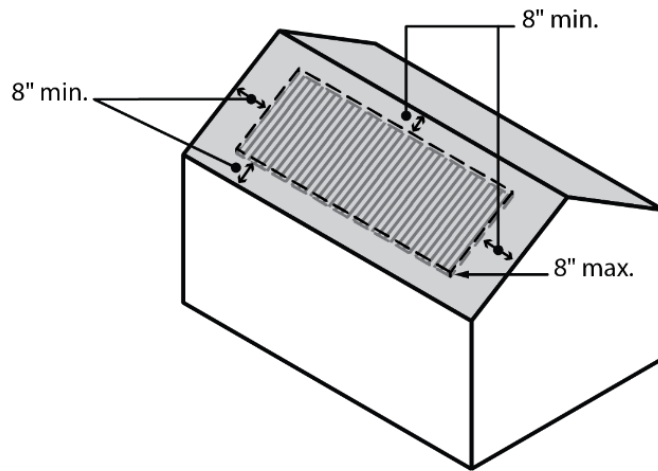


Figure 445-2
Solar Energy Systems on a Pitched Roof



33.445.100.E Demolition of a Historic Landmark

Amendments to the demolition section retain existing demolition review for National Register-listed Historic Landmarks and increase demolition protections for City-designated Historic Landmarks from 120-day demolition delay to demolition review. The change brings City-designated Historic Landmarks to the same level of demolition protection as is provided to National Register-listed Historic Landmarks. Applying demolition review to all Historic Landmarks provides for consistent regulations among Historic Landmarks and is integral to achieving the restructured hierarchy of historic resource types described in 33.445.040.

For local designation to be a viable alternative to National Register listing, City Historic Landmark listing must come with similar demolition protections to what is afforded to National Register listing. Currently, City-designated Historic Landmarks can be demolished after a 120-day delay, the same protection that previously applied to Conservation Landmarks and ranked structures on the Historic Resource Inventory (renamed "Significant Resources").

The amendments introduce a chapter-specific definitions of demolition. Existing regulations do not provide a historic resource-specific definition of demolition, instead relying on the definitions of this title, Title 24, and State Administrative Rule. Adding a threshold definition of demolition within the context of this chapter is necessary for the City's historic resource regulations to implement State Administrative Rule ([OAR 660-023-0200](#)) which provides the following: "Demolition' means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost." The OAR definition applies directly to local land use decisions regarding a National Register Resource. And, the OAR definition applies directly to other local land use decisions regarding a historic resource unless the local comprehensive plan or land use regulations contain a different definition."

Because the vast majority of the Historic Landmarks and Historic Districts in Portland are also listed in the National Register, a single definition of demolition is provided for all historic resource types addressed by the chapter. The definition (E.1 a.-e.) captures a variety of circumstances in which a historic resource could be "lost," including major alterations that would destroy the public-facing elevations of a building or other structure. These thresholds definitions apply to buildings, bridges, statues, and other structures. No thresholds are provided for atypical resources that are not structures, such as archaeological sites or landscapes—in those unique instances, the OAR definition would apply. Although the OAR "definition" provides a discretionary definition of demolition, application of the regulations of this chapter necessitate thresholds to assign an appropriate review (i.e. historic resource review or demolition review) for different development activities. Exemptions in Paragraph E.2. allow for major rehabilitation projects that otherwise qualify as demolition to be considered against historic resource review approval criteria as an alternative to demolition review and the associated demolition review approval criteria which relate to the *loss* of a resource.

Procedure type thresholds and approval criteria for demolition review can be found in 33.846.080.

- E. Demolition of a Historic Landmark.** Demolition of a Historic Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Historic Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;

E.2. Exempt from demolition review

A new exemption (subsection E.2.c) from demolition review addresses Historic Landmark trees. Several trees were designated as Historic Landmarks prior to the establishment of the Heritage Tree program. This exemption allows a Historic Landmark tree to be removed without demolition review, provided the tree is subject to the Heritage Tree provisions of Title 11.

An additional new exemption (subsection E.2.d) relates to the definition of demolition provided in Paragraph E.1. This exemption allows certain major addition or alteration proposals that preserve a resource, but which may require removal of walls, to be reviewed through historic resource review instead of demolition review. This exemption is intended to allow for major projects that do not result in the loss of the resource to be reviewed by a more appropriate review body using more appropriate approval criteria than would be required through demolition review. Proposals for total demolition would not be eligible to bypass demolition review.

Changes to the subsection pertaining to permit issuance (subsection E.3) provide clarity and ensure a demolition permit isn't issued until appeals, if any, have been resolved. This is an especially important requirement as demolition review decisions can be appealed to the Historic Landmarks Commission, City Council, and the Land Use Board of Appeals depending on the review procedure specified in 33.846.080. Ensuring a historic resource is not demolished until appeals have been resolved ensures that a unique resource is not lost during an appeal process that may result in a reversal of the first decision in demolition review. An addition change to subsection E.3 allows for a demolition permit to be issued when the demolition review decision does not require a new building. For example, if demolition of a landmark is approved to provide public open space there would not be a requirement for a new building on the site. Conversely, if demolition of a landmark is approved to provide housing on the site, the demolition permit should not be issued until the replacement building is approved. When approval of demolition review is predicated on replacement development, the demolition review decision should include a condition of approval related to the new development so that the historic resource isn't lost unless or until the new development is permitted.

2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of Historic Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees;
 - d. Alterations to Historic Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.110.A Designation of a Conservation Landmark

Changes to "Designation of a Conservation Landmark" provide clarity and consistency with other sections. Additionally, changes to the section accommodate proposals to expand the boundary of an existing Conservation Landmark and proposals to reclassify a noncontributing resource as contributing within the boundary of an existing Conservation Landmark.

Changes to Paragraphs A.1. and A.2. clarify that Conservation Landmarks can be designated legislatively or quasi-judicially using the approval criteria of 33.846.030.

Under Oregon law, owner consent is required for designating a property as a Conservation Landmark. Obtaining owner consent is a requirement of 33.846.030—historic designation review—and would be necessary for legislative or quasi-judicial designation of a Conservation Landmark. State-required owner consent would be obtained during the designation process.

33.445.110.B Removal of a Conservation Landmark Designation

Changes to this section provide clarity and consistency with other sections.

Paragraph B.1. provides for the removal of Conservation Landmark designation, including reduction of boundaries and reclassification of contributing resources. Removal is allowed through either a quasi-judicial or legislative procedure.

33.445.110 Conservation Landmark

- A. Designation of a Conservation Landmark.** A Conservation Landmark may be designated through a legislative or quasi-judicial procedure. Designating a Conservation Landmark includes establishing a new Conservation Landmark, expanding the boundaries of an existing Conservation Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Conservation Landmark.
1. Legislative designation. Conservation Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 2. Quasi-judicial designation. Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.
- B. Removal of a Conservation Landmark designation**
1. Removal of a resource's City designation as a Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.2. and B.3. Removing a resource's City designation includes removing an existing Conservation Landmark designation, reducing the boundary of an existing Conservation Landmark, and reclassifying a contributing resource as noncontributing within the boundaries of an existing Conservation Landmark.
 2. If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 3. If the resource is demolished, after approval of demolition through demolition review, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

33.445.110.C Relocation of a Conservation Landmark

Changes to this section align with the changes to the corresponding section for Historic Landmarks, while also allowing for some Conservation Landmark relocation proposals to proceed without historic resource review. Because Conservation Landmarks can meet the clear and objective Community Design Standards as an alternative to historic resource review, additional clarity is intended to ensure modest relocation proposals, relocation of noncontributing resources, and relocation of detached accessory structures do not trigger a required historic resource review. When historic resource review is required, new procedure thresholds and approval criteria are provided. See code and commentary in 33.846.060 for additional information about those thresholds and criteria. The changes to this section also allow a Conservation Landmark to be moved and retain its designation without having to be designated again on the receiving site.

The phrase "any direction" means up, down, sideways or any combination thereof.

33.445.110.D Development within a Conservation Landmark boundary

Revisions to the section applying to when historic resource review is required have been made. Clarification that new construction and alterations within the boundary of the Conservation Landmark are subject to historic resource review are provided, consistent with current practice, so that development activities within a Conservation Landmark boundary are subject to review. Existing language addressing paint is removed (unlike Historic Landmarks, where modified language relating to painting an unpainted surface is included). Language pertaining to the 'A' overlay, which was redundant to the requirements of this chapter, is removed.

The clear and objective Community Design Standards alternative to historic resource review is retained, allowing Conservation Landmark proposals subject to historic resource review to meet applicable design standards instead.

- C. Relocation of a Conservation Landmark.** Relocating a Conservation Landmark requires historic resource review to ensure the resource’s historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a Conservation Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a Conservation Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the Conservation Landmark; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
 3. When a Conservation Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a Conservation Landmark boundary.** Certain development within the boundary of a Conservation Landmark requires historic resource review to ensure the landmark’s historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.
1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Conservation Landmark are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure within the boundary of a Conservation Landmark;
 - c. Installation or alteration of exterior signs; and
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.

33.445.110.D.2 Exempt from historic resource review

The exemptions provided in this section are activities that may otherwise be subject to historic resource review, but which are exempt because of their minimal impact on a historic resource's historic significance, integrity, materials, or features. The exemptions for Historic Landmarks, Conservation Landmarks, Historic Districts, and Conservation Districts have been reorganized for ease of implementation and amended and expanded to increase the list of activities that are not subject to historic resource review. In general, there are fewer exemptions for Historic and Conservation Landmarks than there are for Historic and Conservation Districts. The shorter list of exemptions for landmarks recognizes that the integrity of individual historic resources may be less forgiving to even minor alterations than larger collections of resources that make up districts. The expanded list of exemptions—especially for Historic and Conservation Districts—are intended to more readily allow tenants and property owners to execute routine improvements, accessibility alterations, seismic upgrades, solar installations, and backyard ADUs without irreparable harm to historic features or materials. For activities that do not qualify as exempt, the activities must be reviewed through historic resource review or meet applicable Community Design Standards.

a. is an existing exemption with changes for technical accuracy.

b. is an existing exemption.

c. is an existing exemption.

d. is an existing exemption with change for technical accuracy and consistency with an exemption in the Design Overlay Zone.

e. is a new exemption that would allow for roof and parapet improvements when those improvements do not extend above the roof or parapet and are not visible on exterior walls. This exemption is intended to allow for bracing and structural improvements when obscured by the existing parapet or roof.

f. is an existing exemption.

g. is an existing exemption with changes for technical accuracy.

h. is an existing exemption.

i. is a new exemption that applies to new and existing paved and unpaved paths.

j. is a new exemption that allows for certain signs and sign structures to be exempt from historic resource review. The sign and sign structure must extend perpendicularly from an existing structure, encompass an area no more than 3 square feet in size, have a width of no more than 2 inches (both the sign and sign structure), and lack any lighting or other electrical components on the sign or sign structure. The sign and sign structure could not affect brick or stone but may be installed into the mortar joints between brick and/or stone.

2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;
 - g. Landscaping unless the landscaping is identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - h. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
 - i. New or existing paths unless the path is specifically identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the façade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone, unless the sign or sign structure is mounted through mortar joints on a masonry wall;

33.445.110.D.2 Exempt from historic resource review (cont.)

k. is a new exemption that addresses changes to the fabric on existing fabric awnings. This exemption does not apply to new fabric awnings and does not apply to new or changed fabric awning signs. This exemption allows for the exact repair and replacement of fabric, including the exact replacement of signs on existing fabric awnings.

l. is a new exemption that allows for plaques, mailboxes, emergency key boxes, bird and bat houses, and other similar objects to be attached to or removed from the exterior of buildings. The attachments may not exceed 18 inches in length, width, or depth, may not contain electrical components (except for battery-operated components), and must be attached to exterior finish material. The attachments may not be attached to brick, stone, or architectural features.

m. is a new exemption that allows for installation of air conditioners, heaters, pumps, electrical storage and other mechanical equipment that rests on the ground.

n. is an existing exemption that is being amended to delete the limitation on the number of mechanical units allowed to be exempt.

o. is a new exemption that allows for new and altered hoses, conduits, tubes, and pipes near the grade of buildings. The exemption is intended to allow for routine changes to accommodate installation, alteration, and removal of garden, HVAC, electrical, and other ducting.

p. is a new exemption that allows for outlets and meters. Specifically, this exemption allows for EV charging outlets.

q. is an existing exemption.

r. is an existing exemption.

s. is an existing exemption amended to allow vents on rear and side-facing roof slopes.

- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing façade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment will be installed has a pitch of 1/12 or less;
 - (2) The proposed mechanical equipment is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The proposed equipment has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing façade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
 - (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.

33.445.110.D.2 Exempt from historic resource review (cont.)

t. is a new exemption for Landmarks, modeled after a previous exemption applied in Historic Districts. The exemption allows for installation of solar energy systems on certain roof slopes, including pitched roofs that face within 45-degrees of a rear lot line. On pitched roofs, the top of the system may not project more than 8 inches from the surface of the roof. Other applicable regulations pertaining to solar energy systems may require the system be further setback from ridgelines or roof edges in certain situations.

u. is a new exemption for Landmarks, modeled after a previous exemption applied in Historic Districts.

- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face within 45 degrees of the rear lot line. See Figure 445-1;
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1.

33.445.110.D.2 Exempt from historic resource review (cont.)

v. is a new exemption that allows for certain non-historic windows on non-street-facing facades to be replaced with windows that are generally or more compatible with the design, materials, and workmanship of the historic resource. The exemption only applies to resources built before 1940 (due to the overwhelming prevalence of wood windows prior to WWII) and to those existing windows that are made of vinyl, fiberglass, or aluminum. By allowing those non-historic window types to be replaced with wood or metal-clad wood, property owners can make changes without the potential of damaging significant historic materials.

w. is a new exemption that allows owners to make changes to existing fire escapes for life and structural safety. This exemption only applies to those structural changes directly related to improvement of a fire escape. Other applicable regulations pertaining to alteration of fire escapes may preclude alteration in certain situations.

x. is an existing exemption with a change to reduce the side street setback from 25 to 20 feet.

- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
 - (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape; and
- x. Construction of a detached accessory structure when the following are met:
 - (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line.

33.445.110.E Demolition of a Conservation Landmark

Changes to this section increase demolition protections for City-designated Conservation Landmarks from 120-day demolition delay to demolition review. This change brings City-designated Conservation Landmarks to an equivalent level of demolition protection as is required for National Register-listed properties. Applying demolition review to all Conservation Landmarks is integral to the restructured hierarchy of historic resource designation and protection contemplated by these code amendments.

See commentary for 33.445.100.E for explanation of the demolition definition thresholds included throughout this chapter.

Exemptions to demolition review are consistent with those provided for Historic Landmarks. See commentary for 33.445.100.E for more explanation of exemptions to demolition review.

The review procedure thresholds and approval criteria for demolition review can be found in 33.846.080.

- E. Demolition of a Conservation Landmark.** Demolition of a Conservation Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Conservation Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
 2. Exempt from demolition review. The following are exempt from demolition review.
 - a. Demolition of noncontributing resources;
 - b. Demolition of Conservation Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Alterations to Conservation Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review;
 - (2) The historic resource review decision is final, and all appeals have been resolved.

33.445.110.E Demolition of a Conservation Landmark (cont.)

Changes to the subsection pertaining to permit issuance provide clarity and ensure a demolition permit isn't issued until appeals, if any, have been resolved. See commentary for 33.445.100.E for additional discussion.

3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.120.A Listing of a National Register Landmark

This new section applies to individually-listed National Register resources that have not been designated or identified by the City as a Historic Landmark or Conservation Landmark. Individually-listed National Register resources include structures, objects, and sites that are not districts. National Register Districts are addressed by 33.445.220.

Prior to January 27, 2017, all resources listed in the National Register of Historic Places were automatically identified on the Official Zoning Maps as Historic Landmarks or Historic Districts and subject to the regulations applicable to those designations. These code amendments end the practice of new National Register listings automatically becoming Historic Landmarks or Historic Districts (effective retroactively to January 27, 2017 when new State Administrative Rule [[OAR 660-023-0200](#)] became effective). These code amendments comport with State Administrative Rule, providing minimum State-required protections for National Register resources without automatically identifying—and regulating—future listings as Historic Landmarks and Historic Districts.

Listing a National Register Landmark (including boundary expansions and reclassifying noncontributing resources as contributing) is the result of decisions made by the federal Keeper of the National Register of Historic Places. Changes to a National Register resource are automatic upon change by the federal Keeper of the National Register of Historic Places.

Historic and Conservation Landmarks that have also been listed on the National Register of Historic Places are subject to the applicable Historic or Conservation Landmark regulations. If the City designation is removed for a Historic or Conservation Landmark that has also been listed on the National Register, the resource becomes a National Register Landmark.

33.445.120.B Removal of a National Register Landmark listing

The section "Removal of a National Register Landmark Designation" provides clarity and consistency with other sections. The section provides for the removal of National Register Landmark designation, including reduction of boundaries and reclassification of contributing resources, when changes are made by the Keeper of the National Register of Historic Places.

33.445.120 National Register Landmark

- A. Listing of a National Register Landmark.** Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Landmarks. Listing by the federal Keeper of the National Register of Historic Places also includes expanding the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- B. Removal of a National Register Landmark listing.** A National Register Landmark that is removed by the federal Keeper of the National Register of Historic Places is automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

33.445.120.C Relocation of a National Register Landmark

This new section aligns with the changes to the corresponding sections for Historic and Conservation Landmarks, while also allowing for some relocation proposals to proceed without review. Because National Register Landmarks are generally not subject to historic resource review, this section ensures modest relocation proposals, relocation of noncontributing resources, and relocation of detached accessory structures does not trigger historic resource review. State Administrative Rule ([OAR 660-023-0200](#)) requires a public hearing and decision before a National Register resource can be relocated, thereby requiring a review for relocation proposals even though alteration and addition proposals affecting a National Register resource are generally not subject to review. See code and commentary in 33.846.060 for additional information about the procedure thresholds and approval criteria that are provided for relocation proposals. This section also allows a National Register Landmark to be moved and retain its status on the receiving site.

The phrase "any direction" means up, down, sideways or any combination thereof.

- C. Relocation of a National Register Landmark.** Relocating a National Register Landmark requires historic resource review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a National Register Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a National Register Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the National Register Landmark; and
 - c. Relocating a detached accessory structure including those that are identified as a contributing resource.
 3. When a National Register Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

33.445.120.D Development within a National Register Landmark boundary

This new section exempts National Register Landmarks from historic resource review, except in situations where an applicant elects Historic Resource Review (such as in lieu of demolition review when the proposed work is not total demolition).

33.445.120.E Demolition of a National Register Landmark

Demolition review is applied to National Register Landmarks, consistent with the provisions for Historic Landmarks and Conservation Landmarks. State Administrative Rule ([OAR 660-023-0200](#)) requires local governments review demolition of resources listed in the National Register of Historic Places. This demolition protection "floor" serves as the basis of the re-structured hierarchy of historic resource types and protections included in these code amendments. See commentary for 33.445.100.E for more description of the demolition definition, exemptions, and permit issuance requirements.

The review procedure thresholds and approval criteria for demolition review can be found in 33.846.080

- D. Development within a National Register Landmark boundary.** Historic resource review is not required for development within the boundary of a National Register Landmark. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.120.E.2.d.
- E. Demolition of a National Register Landmark.** Demolition of a National Register Landmark requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a National Register Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;

33.445.120.E Demolition of a National Register Landmark (cont.)

Exemptions to demolition review are consistent with those provided for Historic Landmarks. See commentary for 33.445.100.E for more explanation of the demolition review exemptions and permit issuance process.

The review procedure thresholds and approval criteria for demolition review can be found in 33.846.080.

2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of National Register Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Alterations to National Register Landmarks, or contributing resources, that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations were approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.200.A Designation of a Historic District

Changes to "Designation of a Historic District" provide clarity, consistency with other sections, and capture those Historic Districts that were automatically mapped as such upon their listing in the National Register of Historic Places. Additionally, the section has been amended to accommodate proposals to expand the boundary of an existing Historic District and/or reclassify a noncontributing resource as contributing within the boundary of an existing Historic District.

Paragraph A.1. states that when the federal Keeper of the National Register amends the nomination form for resources that were automatically identified as Historic Districts, the changes to the federal listing are automatically mirrored locally in the Historic District designation. Paragraph A.1. also provides clarity that resources listed in the National Register subsequent to January 2017 are no longer automatically identified as Historic Districts, and are no longer subject to the regulations that apply to Historic Districts (see 33.445.220 for descriptions and regulations pertaining to National Register Districts that have no Historic or Conservation District designation).

Paragraph A.2. states that Historic Districts that have already been designated by the City legislatively or quasi-judicially can have their boundaries expanded and non-contributing resources reclassified as contributing through a legislative or quasi-judicial procedure. Paragraph A.2. also provides that new Historic Districts may only be designated legislatively. Information on the legislative procedure can be found in the code and commentary pertaining to legislative land use reviews, 33.720.030.

Under Oregon law, majority owner consent is required for designating a district as a historic resource. Obtaining satisfactory owner consent would be necessary for legislative designation of a Historic District. State-required owner consent would be obtained during the legislative process.

Districts

33.445.200 Historic District

A. Designation of a Historic District

1. National Register listing. Districts listed by the federal Keeper of the National Register of Historic Places or before January 27, 2017 are automatically identified as Historic Districts on the Official Zoning Maps. For Historic Districts that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is also automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic District may be established through a legislative or quasi-judicial procedure. City designation of Historic Districts includes establishing new Historic Districts, expanding the boundaries of existing Historic Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Historic Districts.
 - a. Legislative designation. New Historic Districts must be established through a legislative procedure. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done through a legislative procedure. When designation is done legislatively, the approval criteria of Section 33.846.030.D apply.
 - b. Quasi-judicial designation. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Historic District quasi-judicially is prohibited.

33.445.200.B Removal of a Historic District Designation

Changes to "Removal of a Historic District Designation" are provided for clarity, consistency with other sections, and to capture those Historic Districts that were automatically mapped as such upon their listing in the National Register of Historic Places.

Changes to Paragraph B.1. provide for the removal of Historic District designation and change of Historic District designation to Conservation District designation through a legislative procedure. For code and commentary related to legislative procedures, see 33.720.030.

Changes to Paragraph B.2. provide for the reduction of boundaries and reclassification of contributing resources through a quasi-judicial land use procedure.

Paragraph B.3. provides clarity that when the federal Keeper of the National Register amends the nomination form for resources that were automatically identified as Historic Districts, the changes to the federal listing are automatically mirrored locally in the Historic District designation. Paragraph B.3. also provides clarity that resources listed in the National Register subsequent to January 2017 are no longer automatically identified as Historic Districts, and are no longer subject to the regulations that apply to Historic Districts (see 33.445.220 for descriptions and regulations pertaining to National Register Districts that have no Historic or Conservation District designation). Finally, Paragraph B.3. allows for removal of Historic District status from resources that are listed in the National Register and changing the designation to Conservation District or National Register District.

B. Removal of a Historic District designation

1. Removal of a resource's City designation as a Historic District or changing the City designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.
2. For Historic Districts that have not been listed by the federal Keeper of the National Register of Historic Places, reclassifying a contributing resource to noncontributing or reducing the boundary requires historic designation removal review.
3. For Historic Districts that have been listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, removal by the federal Keeper of the National Register of Historic Places automatically removes the Historic District designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources. Removing a resource's designation as Historic District or changing the designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.

33.445.200.C Relocation of a contributing resource in a Historic District

A new section clarifies the process for relocating a contributing resource in a Historic District ensuring historic resource review must be met for such proposals. See code and commentary in 33.846.060 for additional information about the procedure thresholds and approval criteria that apply to proposals to relocate a contributing resource in a Historic District.

33.445.200.D Development in a Historic District

Changes have been provided to the section applying to when historic resource review is required. Clarification that new construction and alterations within the boundary of the Historic District are subject to historic resource review have been provided, consistent with current practice, so that development activities on all sites within a Historic District boundary are subject to review. Language pertaining to the 'A' overlay, which was redundant to the requirements of this chapter, have been removed. New language related to paint has been provided to require historic resource review of proposals to paint previously unpainted surfaces, such as unpainted brick or stone which may be irreparably harmed by painting.

- C. **Relocation of a contributing resource in a Historic District.** Relocating a contributing resource in a Historic District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
- D. **Development in a Historic District.** Certain development within a Historic District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.
 - 1. When historic resource review is required. Unless exempted by Paragraph D.2, the following proposals in a Historic District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs;
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review; and
 - e. Painting an unpainted exterior surface.

33.445.200.D.2 Exempt from historic resource review

The exemptions provided in this section are activities that may otherwise be subject to historic resource review, but which are exempt because of their minimal impact on a historic resource's historic significance, integrity, materials, or features. The exemptions for Historic Landmarks, Conservation Landmarks, Historic Districts, and Conservation Districts have been reorganized for ease of implementation and amended and expanded to increase the list of activities that are not subject to historic resource review. In general, there are fewer exemptions for Historic and Conservation Landmarks than there are for Historic and Conservation Districts. The shorter list of exemptions for landmarks recognizes that the integrity of individual historic resources may be less forgiving to even minor alterations than larger collections of resources that make up districts. The expanded list of exemptions—especially for Historic and Conservation Districts—are intended to more readily allow tenants and property owners to execute routine improvements, accessibility alterations, seismic upgrades, solar installations, and backyard ADUs without irreparable harm to historic features or materials. For activities that do not qualify as exempt, the activities must be reviewed through historic resource review.

a. is an existing exemption with a change for technical accuracy.

b. and c. are existing.

d. is an existing exemption with a change for technical accuracy and consistency with an exemption in the Design Overlay Zone.

e. is a new exemption that would allow for roof and parapet improvements when those improvements do not extend above the roof or parapet and are not visible on exterior walls. This exemption is intended to allow for bracing and structural improvements when obscured by the existing parapet or roof.

f. is an existing exemption.

g. is a new exemption that exempts changes in landscaping unless landscaping is significant to the resource.

h. is an existing exemption.

i. is a new exemption that applies to new and existing paved and unpaved paths.

j. is a new exemption that allows for certain signs and sign structures to be exempt from historic resource review. The sign and sign structure must extend perpendicularly from an existing structure, encompass an area no more than 3 square feet in size, have a width of no more than 2 inches (both the sign and sign structure), and lack any lighting or other electrical components on the sign or sign structure. The sign and sign structure could not affect brick or stone but may be installed into the mortar joints between brick and/or stone.

2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;
 - g. Landscaping unless the landscaping is identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - h. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
 - i. New or existing paths unless the path is specifically identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the façade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;

33.445.200.D.2 Exempt from historic resource review (cont.)

k. is a new exemption that addresses changes to the fabric on existing fabric awnings. This exemption does not apply to new fabric awnings and does not apply to new or changed fabric awning signs. This exemption allows for the exact repair and replacement of fabric, including the exact replacement of signs on existing fabric awnings.

l. is a new exemption that allows for plaques, mailboxes, emergency key boxes, bird and bat houses, and other similar objects to be attached to or removed from the exterior of buildings. The attachments may not exceed 18 inches in length, width, or depth, may not contain electrical components (except for battery-operated components), and must be attached to exterior finish material. The attachments may not be attached to brick, stone, or architectural features.

m. is a new exemption that allows for installation of air conditioners, heaters, pumps, electrical storage and other mechanical equipment that rests on the ground.

n. is an existing exemption that is being amended to delete the limitation on the number of mechanical units allowed to be exempt.

o. is a new exemption that allows for new and altered hoses, conduits, tubes, and pipes near the grade of buildings. The exemption is intended to allow for routine changes to accommodate installation, alteration, and removal of garden, HVAC, electrical, and other ducting.

p. is a new exemption that allows for outlets and meters. Specifically, this exemption allows for EV charging outlets.

q. is an existing exemption.

r. is an existing exemption.

- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing façade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment will be installed has a pitch of 1/12 or less;
 - (2) The proposed mechanical equipment is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The proposed equipment has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;

33.445.200.D.2 Exempt from historic resource review (cont.)

s. is an existing exemption with changes to allow additional wall vents and rooftop vents facing the side and rear lot line.

- s. Vents that meet the following:
- (1) Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area., Area is width times height;
 - Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.

33.445.200.D.2 Exempt from historic resource review (cont.)

t. is an existing exemption that has been expanded to require lower profile solar installations on pitched roofs and also to greatly expand the roof area that exempt solar energy systems can cover. The new exemption allows solar energy installations on most roof slopes and expands the area on flat roofs where mounted solar energy systems can be installed. The exemption applies to both contributing and noncontributing resources, including accessory structures. Other applicable regulations pertaining to solar energy systems may require the system be further setback from ridgelines or roof edges in certain situations.

The expanded exemption is intended to allow for solar energy systems to be installed without review in many more circumstances than the previous exemption allowed. Proposals for installations that do not meet the exemption can be reviewed through historic resource review.

Installation of solar energy systems through this expanded exemption may not meet National Park Service or State Historic Preservation Office standards that may be required if a property is benefitting from a financial incentive program.

u. is an existing exemption, expanded to allow skylights on roof slopes facing within 90 degrees of the rear lot line.

- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must also be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.

33.445.200.D.2 Exempt from historic resource review (cont.)

v. is a new exemption that allows for certain windows on certain facades to be replaced without historic resource review. The first part of the exemption only applies to resources built before 1940 (due to the overwhelming prevalence of wood windows prior to WWII) and to those existing windows that are made of vinyl, fiberglass, or aluminum. By allowing non-historic windows to be replaced with wood or metal-clad wood windows, property owners and tenants can make changes without damaging significant historic materials. The second part of the exemption allows for additional flexibility to replace windows in single-dwelling zones. This new exemption language differentiates between contributing and non-contributing resources, with specifications for the circumstances in which replacement of windows is allowed without historic resource review.

w. is an expansion of an existing exemption that allows owners to make changes to existing fire escapes for life and structural safety. The exemption language only applies to those structural changes directly related to improvement of a fire escape. Other applicable regulations pertaining to alteration of fire escapes may preclude alteration in certain situations.

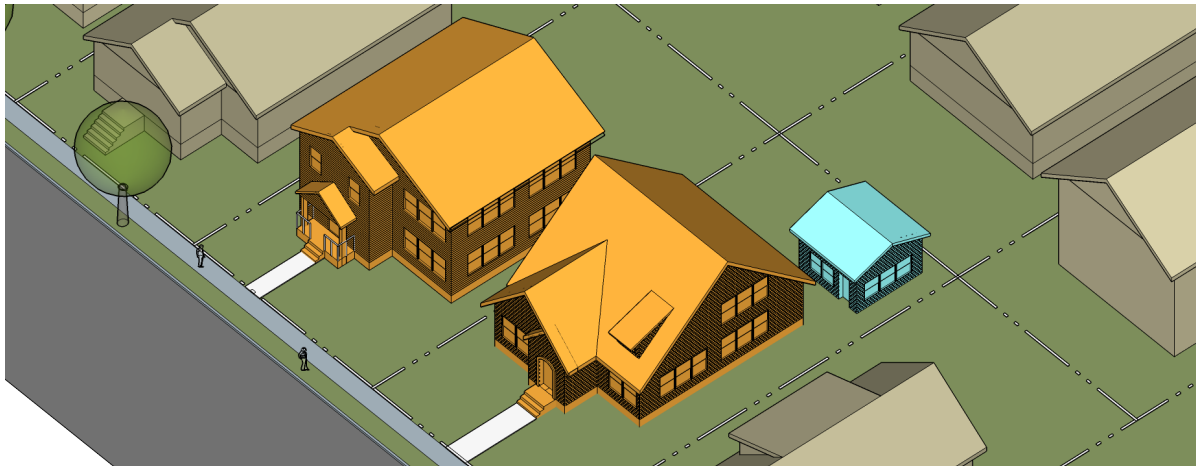
- v. Replacement of windows as follows:
- (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
- (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;

33.445.200.D.2 Exempt from historic resource review (cont.)

x. is an existing exemption that has been expanded. The existing exemption for detached accessory structures less than 200 square feet is retained, but is amended to reduce the minimum side street setback from 25 to 20 feet.

New exemption language allows for the construction of new detached accessory structures in residential zones up to 576 square feet in size without approval through historic resource review. Allowing larger detached accessory structures without review provides new opportunity to add small housing units in residentially-zoned Historic Districts consistent with patterns found in the districts and the use incentives allowed by 33.445.400. To be exempt from review, detached accessory structure walls could not exceed 24 feet in length, 10 feet in height (excluding gable walls), and could be no taller than 15 feet in height. The new structure needs to be clad in materials that 1) visually match the primary materials of any contributing resource on the site or 2) meet minimum standards if there is no contributing resource on the site. Finally, windows and doors in the new structure need to be wood, metal clad wood, or fiberglass and windows must have glass that is recessed by at least 2 inches from the outside edge of the exterior wall.

Alterations to existing detached accessory structures, including contributing resources, remain subject to historic resource review unless the activity is exempted by another exemption.



An illustration of a detached accessory structure that meets the new exemption

- x. Construction of a new detached accessory structure as follows:
- (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;
 - Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
 - (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
 - The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;

33.445.200.D.2 Exempt from historic resource review (cont.)

y. is an existing exemption that has been amended to specify window types and apply to all elevations.

z. is an existing exemption.

aa. is a new exemption that allows for removal of the exposed portion of internal chimneys. Many internal chimneys no longer serve a function and are generally secondary to the design of the structure. This exemption allows for removal of chimneys that are only visible above a roof. Removal of a chimney that is exposed on or projecting from the exterior wall of a building is not exempt.

ab. is a new exemption that allows for seismic straps to be installed on the exterior of buildings provided the straps are no more than four feet above the adjacent ground height and are painted to match the foundation wall and/or exterior finish material.

ac. is an existing exemption, with decks removed from the exemption (see .af).

ad. is an existing exemption.

ae. is an existing exemption.

af. is a new exemption that specifically exempts decks that are no taller than 30" from the ground.

ag. is an existing exemption amended to provide clarity.

- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
 - (1) New windows are wood, metal-clad wood, or fiberglass;
 - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
 - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and
- ag. Alterations to noncontributing resources when the following are met:
 - (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

33.445.200.D.2 Exempt from historic resource review (cont.)

Figure 445-3 provides additional clarity for exemption u.

Figure 445-4 is an existing figure.

Figure 445-3
Skylight and Roof Hatch Location on a District Rooftop

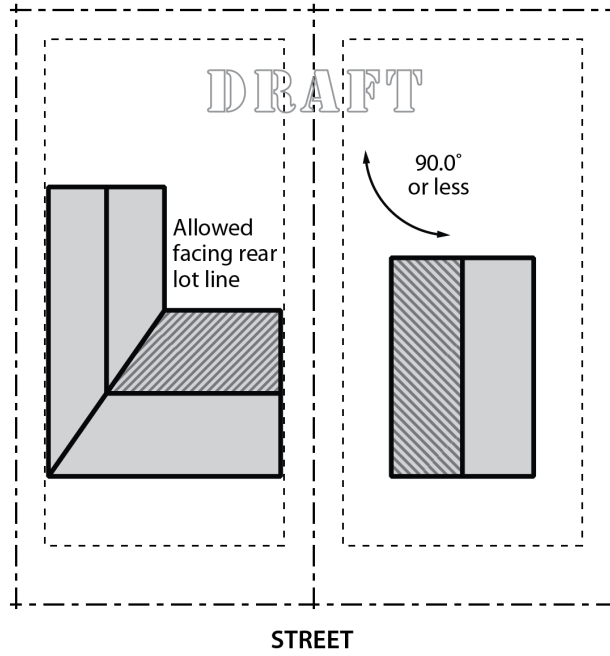
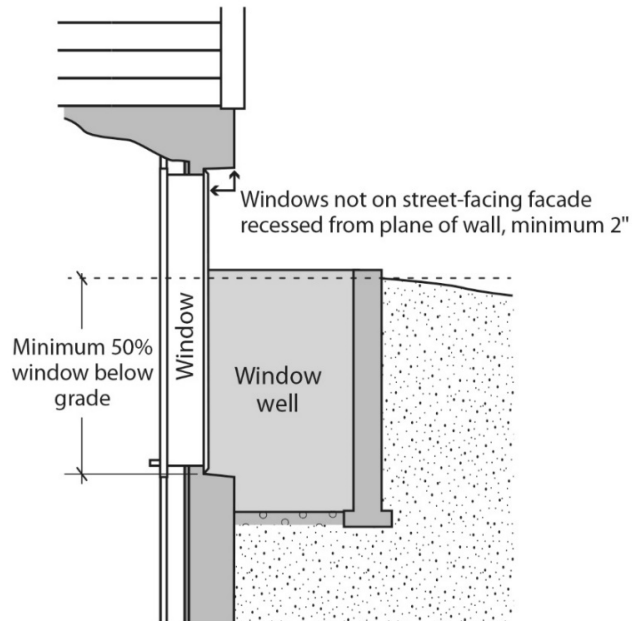


Figure 445-4
Basement Windows



33.445.200.E Demolition of resources in a Historic District

Changes provide specificity regarding the applicability of demolition regulations for historic resources in Historic Districts that are also a landmark or Significant Resource. In some Historic Districts, there exists individual landmarks and Significant Resources that are not identified as contributing to the district because they were built outside of the district's historic period of significance. For example, the 1950 St. Phillip Neri Catholic Church in Ladd's Addition Historic District is non-contributing to the Historic District but is on the citywide Historic Resource Inventory as a Significant Resource (Rank I).

Contributing resources in Historic Districts are currently subject to demolition review and remain subject to demolition review under these amendments.

Definitions for demolition are provided, consistent with those added for landmarks. See 33.445.100.E.1 for commentary regarding the definition.

The review procedure thresholds and approval criteria for demolition review can be found in 33.846.080.

- E. Demolition of resources in a Historic District.** Conservation Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.330. Demolition of contributing resources within a Historic District requires demolition review to ensure their historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Historic District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;

33.445.200.E Demolition of resources in a Historic District (cont.)

The demolition review exemption section expands on the exemptions provided for Historic Landmarks (see code and commentary for 33.445.100.E.2). The amendments for Historic Districts include a change from the current requirement for demolition review of all contributing resources, including detached accessory structures, in Historic Districts. The language in Paragraph E.2.c. allows for demolition of contributing covered detached accessory structures in residential and commercial zones that are 800 square feet or less in size without demolition review. Contributing resources, including accessory structures such as reservoir houses and comfort stations in OS zones, that do not meet an exemption are subject to demolition review.

The permit issuance section is consistent with other similar sections (see commentary in 33.445.100.E.3).

2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.210.A Designation of a Conservation District

Changes to "Designation of a Conservation District" provide clarity and consistency with other sections. Additionally, changes to the section accommodate proposals to expand the boundary of an existing Conservation District or reclassify a noncontributing resource as contributing within the boundary of an existing Conservation District.

Changes to Paragraphs A.1. and A.2. clarify that changes to existing Conservation Districts could occur legislatively or quasi-judicially using the approval criteria of 33.846.030, but new districts could only be designated legislatively. Information on legislative procedure that apply can be found in the code and commentary pertaining to legislative land use reviews, 33.720.030.

Under Oregon law, owner consent is required for designating a district as a resource. Obtaining majority owner consent would be necessary for legislative designation of a Conservation District. State-required owner consent would be obtained during the legislative process.

33.445.210.B Removal of a Conservation District designation

Changes to "Removal of a Conservation District Designation" provide clarity and consistency with other sections. The changes provide for the removal of Conservation District designation, including reduction of boundaries and reclassification of contributing resources as noncontributing.

33.445.210 Conservation District

- A. Designation of a Conservation District.** Conservation Districts may be designated through a legislative or quasi-judicial procedure. Designating City Conservation Districts includes establishing new Conservation Districts, expanding the boundaries of existing Conservation Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Conservation Districts.
- 1 Legislative designation. Conservation District designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D.
 2. Quasi-judicial designation. Expanding the boundaries of existing Conservation Districts and reclassifying noncontributing resources as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Conservation District quasi-judicially is prohibited.
- B. Removal of a Conservation District designation.** Removal of a resource's City designation as a Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C. However, reclassifying a contributing resource to noncontributing or reducing the boundary of a Conservation District is allowed quasi-judicially through historic designation removal review.

33.445.210.C Relocation of a contributing resource in a Conservation District

This new section aligns with a corresponding section for Historic Districts, while also allowing for some relocation proposals to proceed without historic resource review. Because certain development proposals in Conservation Districts can meet the clear and objective Community Design Standards as an alternative to historic resource review, additional clarity ensures modest relocation proposals, relocation of noncontributing resources, and relocation of detached accessory structures does not trigger a required historic resource review; development associated with such relocation proposals may still require compliance with the Community Design Standards. When historic resource review is required, new procedure thresholds and approval criteria apply. See code and commentary for 33.846.060 for additional information about those thresholds and criteria.

The phrase "any direction" means up, down, sideways or any combination thereof.

- C. Relocation of a contributing resource in a Conservation District.** Relocating a contributing resource in a Conservation District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a Conservation District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.

33.445.210.D Development in a Conservation District

Changes refine the section applying to when historic resource review is required in Conservation Districts. Clarification is provided that new construction and alterations within the boundary of a Conservation District are subject to historic resource review, consistent with current practice. Language pertaining to the 'A' overlay and Albina Community plan district, which was redundant to the requirements of this chapter, have been removed.

The clear and objective Community Design Standards alternative to historic resource review is retained for Conservation Districts, allowing development proposals subject to historic resource review to meet applicable design standards instead.

D. Development in a Conservation District. Certain development within a Conservation District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.

1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals in a Conservation District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs; and
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.

33.445.210.D.2 Exempt from historic resource review

The exemptions provided in this section are activities that may otherwise be subject to historic resource review, but which are exempt because of their minimal impact on a historic resource's historic significance, integrity, materials, or features. The exemptions for Historic Landmarks, Conservation Landmarks, Historic Districts, and Conservation Districts have been reorganized for ease of implementation and amended and expanded to increase the list of activities that are not subject to historic resource review. In general, there are fewer exemptions for Historic and Conservation Landmarks than there are for Historic and Conservation Districts. The shorter list of exemptions for landmarks recognizes that the integrity of individual historic resources may be less forgiving to even minor alterations than larger collections of resources that make up districts. The expanded list of exemptions—especially for Historic and Conservation Districts—are intended to more readily allow tenants and property owners to execute routine improvements, accessibility alterations, seismic upgrades, solar installations, and backyard ADUs without irreparable harm to historic features or materials. For activities that do not qualify as exempt, the activities must be reviewed through historic resource review or meet applicable Community Design Standards.

a. is an existing exemption with a change for technical accuracy.

b. and c. are existing.

d. is an existing exemption with a change for technical accuracy and consistency with an exemption in the Design Overlay Zone.

e. is a new exemption that would allow for roof and parapet improvements when those improvements do not extend above the roof or parapet and are not visible on exterior walls. This exemption is intended to allow for bracing and structural improvements when obscured by the existing parapet or roof.

f. is an existing exemption.

g. is a new exemption that exempts changes in landscaping unless landscaping is significant to the resource.

h. is an existing exemption.

i. is a new exemption that applies to new and existing paved and unpaved paths.

j. is a new exemption that allows for certain signs and sign structures to be exempt from historic resource review. The sign and sign structure must extend perpendicularly from an existing structure, encompass an area no more than 3 square feet in size, have a width of no more than 2 inches (both the sign and sign structure), and lack any lighting or other electrical components on the sign or sign structure. The sign and sign structure could not affect brick or stone but may be installed into the mortar joints between brick and/or stone.

2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;
 - g. Landscaping unless the landscaping is identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - h. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
 - i. New or existing paths unless the path is specifically identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the façade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;

33.445.210.D.2 Exempt from historic resource review (cont.)

k. is a new exemption that addresses changes to the fabric on existing fabric awnings. This exemption does not apply to new fabric awnings and does not apply to new or changed fabric awning signs. This exemption allows for the exact repair and replacement of fabric, including the exact replacement of signs on existing fabric awnings.

l. is a new exemption that allows for plaques, mailboxes, emergency key boxes, bird and bat houses, and other similar objects to be attached to or removed from the exterior of buildings. The attachments may not exceed 18 inches in length, width, or depth, may not contain electrical components (except for battery-operated components), and must be attached to exterior finish material. The attachments may not be attached to brick, stone, or architectural features.

m. is a new exemption that allows for installation of air conditioners, heaters, pumps, electrical storage and other mechanical equipment that rests on the ground.

n. is an existing exemption that is being amended to delete the limitation on the number of mechanical units allowed to be exempt.

o. is a new exemption that allows for new and altered hoses, conduits, tubes, and pipes near the grade of buildings. The exemption is intended to allow for routine changes to accommodate installation, alteration, and removal of garden, HVAC, electrical, and other ducting.

p. is a new exemption that allows for outlets and meters. Specifically, this exemption allows for EV charging outlets.

q. is an existing exemption.

r. is an existing exemption.

- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing façade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment will be installed has a pitch of 1/12 or less;
 - (2) The proposed mechanical equipment is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The proposed equipment has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;

33.445.210.D.2 Exempt from historic resource review (cont.)

s. is an existing exemption with changes to allow additional wall vents and rooftop vents facing the side and rear lot line.

- s. Vents that meet the following:
- (1) Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area. Area is width times height;
 - Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.

33.445.210.D.2 Exempt from historic resource review (cont.)

t. is an existing exemption expanded consistent with the exemption provided for solar energy installations on flat roofs in Historic Districts. See commentary for 33.445.200.D.2.t.

u. is an existing exemption expanded consistent with the amendment for Historic Districts. See commentary for 33.445.200.D.2.u.

- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must also be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
 - (2) When the solar energy system is on a pitched roof, the solar energy system must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - (3) Photovoltaic roofing shingles or tiles may be directly applied to the roof surface;
 - (4) Photovoltaic glazing may be integrated into windows or skylights.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.

33.445.210.D.2 Exempt from historic resource review (cont.)

v. is a new exemption that allows for certain windows on certain facades to be replaced without historic resource review. The first part of the exemption only applies to resources built before 1940 (due to the overwhelming prevalence of wood windows prior to WWII) and to those existing windows that are made of vinyl, fiberglass, or aluminum. By allowing non-historic windows to be replaced with wood or metal-clad wood windows, property owners and tenants can make changes without damaging significant historic materials. The second part of the exemption allows for additional flexibility to replace windows in single-dwelling zones. This new exemption language differentiates between contributing and non-contributing resources, with specifications for the circumstances in which replacement of windows is allowed without historic resource review.

w. is an expansion of an existing exemption that allows owners to make changes to existing fire escapes for life and structural safety. The exemption language only applies to those structural changes directly related to improvement of a fire escape. Other applicable regulations pertaining to alteration of fire escapes may preclude alteration in certain situations.

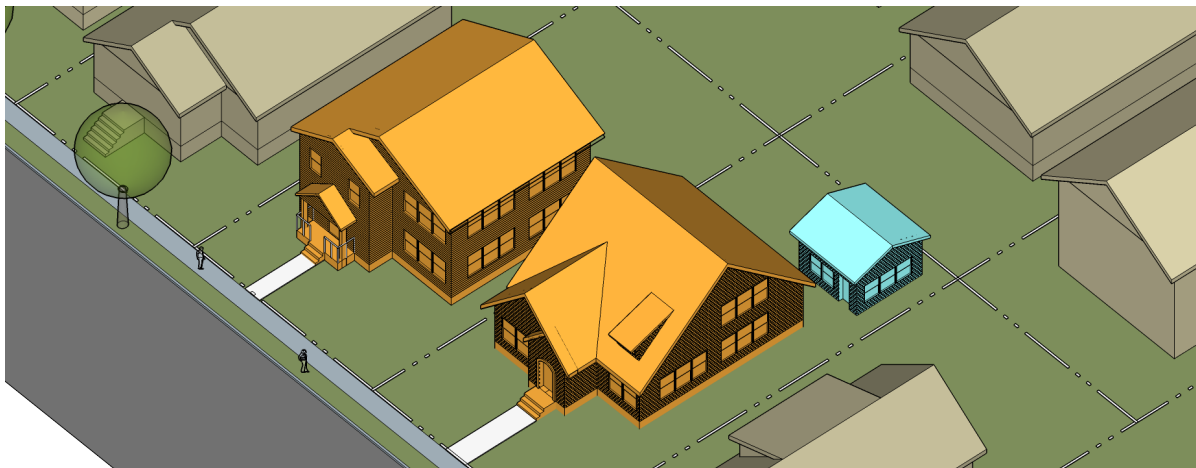
- v. Replacement of windows as follows:
- (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
- (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;

33.445.210.D.2 Exempt from historic resource review (cont.)

x. is an existing exemption with a change. The existing exemption for detached accessory structures less than 200 square feet is retained, but amended to reduce the minimum side street setback from 25 to 20 feet.

New exemption language allows for the construction of new detached accessory structures in residential zones up to 576 square feet in size without approval through historic resource review. Allowing larger detached accessory structures without review provides new opportunity to add small housing units in residentially-zoned Historic Districts consistent with patterns found in the districts and the use incentives allowed by 33.445.400. To be exempt from review, detached accessory structure walls could not exceed 24 feet in length, 10 feet in height (excluding gable walls), and could be no taller than 15 feet in height. The new structure needs to be clad in materials that 1) visually match the primary materials of any contributing resource on the site or 2) meet minimum standards if there is no contributing resource on the site. Finally, windows and doors in the new structure need to be wood, metal clad wood, or fiberglass and windows must have glass that is recessed by at least 2 inches from the outside edge of the exterior wall.

Alterations to existing detached accessory structures, including contributing resources, remains subject to historic resource review or the applicable design standards unless the activity is exempted by another exemption.



An illustration of a detached accessory structure that meets the exemption

- x. Construction of a new detached accessory structure as follows:
- (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;
 - Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
 - (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
 - The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;

33.445.210.D.2 Exempt from historic resource review (cont.)

y. is an existing exemption that has been amended to specify window types and apply to all elevations.

z. is an existing exemption.

aa. is a new exemption that allows for removal of the exposed portion of internal chimneys. Many internal chimneys no longer serve a function and are generally secondary to the design of the structure. This exemption allows for removal of chimneys that are only visible above a roof. Removal of a chimney that is exposed on or projecting from the exterior wall of a building is not exempt.

ab. is a new exemption that allows for seismic straps to be installed on the exterior of buildings provided the straps are no more than four feet above the adjacent ground height and are painted to match the foundation wall and/or exterior finish material.

ac. is an existing exemption, with decks removed from the exemption (see .af).

ad. is an existing exemption.

ae. is an existing exemption.

af. is a new exemption that specifically exempts decks that are no taller than 30" from the ground.

ag. is an existing exemption amended to provide clarity.

- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
 - (1) New windows are wood, metal-clad wood, or fiberglass;
 - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
 - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and
- ag. Alterations to noncontributing resources when the following are met:
 - (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

33.445.210.E Demolition of resources in a Conservation District

Clarity is provided regarding the applicability of demolition regulations for historic resources in Conservation Districts that are also a landmark or Significant Resource. In some Conservation Districts, there may exist individual landmarks and Significant Resources that are not identified as contributing to the district because they were built outside of the District's historic period of significance.

The most significant change to this section increases demolition protections for contributing resources in City-designated Conservation Districts from required 120-day demolition delay to required demolition review. As of September 2020, there are 2,208 contributing resources in six Conservation Districts—Eliot, Kenton, Mississippi, Piedmont, Russell, and Woodlawn. The six Conservation Districts were all designated by the Portland City Council in 1993. The amendments to this and other sections anticipate additional Conservation Districts being listed in the future and, potentially, existing Conservation Districts being removed in the future. Applying a demolition review requirement to contributing resources in Conservation Districts better ensures the protection of the districts' significant historic resources, provides a public venue for evaluating demolition proposals, and allows for demolition to result in community benefits that mitigate for the loss when demolition is appropriate. Additionally, applying a demolition review requirement to Conservation Districts unlocks the potential for development bonuses that were recently codified by City Council in single-dwelling, multi-dwelling and commercial/mixed use zones. Without application of demolition review, these development bonuses are not allowed on sites in Conservation Districts where contributing resources have been demolished through demolition delay. The procedure types and approval criteria for Conservation District demolition review can be found in the code and commentary in 33.846.080.

This application of demolition review elevates City-designated Conservation Districts to the same level of demolition protection as is provided to National Register-listed resources. Applying demolition review to contributing resources in Conservation Districts is integral to the restructured hierarchy of historic resource types and protections included in these code amendments. By applying demolition review to Conservation Districts, the Conservation District designation becomes a viable option for 'promotion' of a National Register District or 'demotion' of a Historic District as a result of future legislative action by the Portland City Council.

Definitions for demolition are new, consistent with those added for Landmarks. See 33.445.100.E.1 for commentary regarding the definition.

E. Demolition of resources in a Conservation District. Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.330. Demolition of contributing resources in a Conservation District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Conservation District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;

33.445.210.E Demolition of resources in a Conservation District (cont.)

Exemptions to Conservation District demolition review are consistent with those provided for Historic Districts. See commentary in 33.445.200.E.2.

The issuance of a demolition permit section is consistent with other similar sections. See 33.445.100.E.3 for commentary.

2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.220.A Listing of a National Register District

This new section applies to National Register Districts. Individually-listed National Register resources (structures, objects, and sites) are addressed by 33.445.120.

Prior to January 27, 2017, all resources listed in the National Register of Historic Places were identified on the Official Zoning Maps as Historic Landmarks or Historic Districts and subject to the regulations applicable to those designations. These code amendments end the practice of new National Register listings automatically becoming Historic Landmarks or Historic Districts (effective retroactively to January 27, 2017 when new State Administrative Rule [[OAR 660-023-0200](#)] became effective). These code amendments comport with the State Administrative Rule, providing minimum State-required protections for National Register resources without automatically identifying them as Historic Districts and subjecting them to Historic District protections.

Listing a National Register District (including boundary expansions and reclassifying noncontributing resources as contributing) is the result of decisions made by the federal Keeper of the National Register of Historic Places. The amendments codify that changes to a National Register resource are automatic upon change by the federal Keeper of the National Register of Historic Places. A National Register District cannot be established by City action, except in situations where City designation of Historic District or Conservation District is removed and the district is also on the National Register.

Historic and Conservation Districts that have also been listed on the National Register of Historic Places are subject to the applicable Historic or Conservation Districts regulations. If the City designation is removed for a Historic or Conservation District that has also been listed on the National Register, the resource would become a National Register District.

33.445.220.B Removal of a National Register District Designation

The section on "Removal of a National Register District Designation" is provided for clarity and consistency with other sections. The changes provide for the removal of National Register District designation, including reduction of boundaries and reclassification of contributing resources, when changes are made by the keeper of the National Register of Historic Places. A National Register District cannot be removed by City action.

33.445.220 National Register District

- A. Listing of a National Register District.** Districts listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Districts. Listing by the federal Keeper of the National Register of Historic Places also includes expanding of the boundaries of the listed resource. 33.855.075, Automatic Map Amendments for Historic Resources.
- B. Removal of a National Register District listing.** National Register Districts that are removed by the federal Keeper of the National Register of Historic Places are automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

33.445.220.C Relocation of a contributing resource in a National Register District

This section aligns with the corresponding sections for Historic and Conservation Districts, while also allowing for some relocation proposals to proceed without review. Because National Register Districts are generally not subject to historic resource review, additional clarity is provided in this section to ensure modest relocation proposals, relocation of noncontributing resources, and relocation of detached accessory structures does not trigger a required historic resource review. State Administrative Rule ([OAR 660-023-0200](#)) requires a public hearing and decision before a National Register resource can be relocated, thereby requiring a review for relocation proposals when alteration and addition proposals are generally not subject to a review. See code and commentary for 33.846.060 for additional information about the procedure thresholds and approval criteria that apply to relocation proposals.

The phrase "any direction" means up, down, sideways or any combination thereof.

- C. Relocation of a contributing resource in a National Register District.** Relocating a contributing resource in a National Register District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a National Register District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.

33.445.220.D Development in a National Register District

This section addresses historic resource review for National Register Districts. Following the adoption of new State Administrative Rule ([OAR 660-023-0200](#)) in 2017, new listings in the National Register of Historic Places are not automatically subject to design protections. This section clarifies that historic resource review is not required for alteration or new construction proposals within a National Register District boundary. However, historic resource review is required for proposals to relocate contributing resources (see Paragraph C) and is an optional alternative to demolition review for owners proposing significant alterations to a contributing resource that would otherwise qualify as demolition.

33.445.220.E Demolition of resources in a National Register District

Demolition review is required for contributing resources in National Register Districts, consistent with the provisions for Historic Districts and Conservation Districts. State Administrative Rule ([OAR 660-023-0200](#)) requires local governments review demolition of resources listed in the National Register of Historic Places. This demolition protection "floor" serves as the basis of the hierarchy of historic types and protections included in these code amendments. See commentary for 33.445.100.E.1 for a description of the demolition definition thresholds.

The review procedure thresholds and approval criteria for demolition review can be found in 33.846.080.

- D. Development in a National Register District.** Historic resource review is not required for development within the boundary of a National Register District. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.220.E.2.d.
- E. Demolition of resources in a National Register District.** Historic Landmarks in a National Register District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a National Register District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.120.E. Significant Resources in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.330. Demolition of a contributing resource in a National Register District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a National Register District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;

33.445.220.E Demolition resources in a National Register District (cont.)

Exemptions to demolition review are consistent with those for Conservation Districts. See 33.445.100.E.2 and 33.445.210.E.2 for commentary.

The permit issuance section is consistent with other similar sections. See 33.445.100.E.3 for commentary.

2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Significant Resources

Changes to this section incorporate the provisions of State Administrative Rule ([OAR 660-023-0200](#)) and advance Comprehensive Plan [policies related to historic resource inventory and historic preservation equity](#). The changes incorporate the renaming of "ranked resources" in the City's Historic Resource Inventory as "Significant Resources" (see commentary for 33.910). Significant Resources are included in the Historic Resource Inventory—but do not constitute the entirety of the inventory—as important historic places determined to be likely eligible for Historic or Conservation Landmark or District designation. Identification of Significant Resources is not a designation—only landmarks and districts are designated. The changes remove reference to "unranked resources" from this chapter.

33.445.300 Identifying a Significant Resource

The provisions of this section specify how documented historic resources are determined to be significant, and identified as Significant Resources, in the future.

A significant change from existing regulations requires that identification of a resource as a Significant Resource be the result of a legislative land use decision made by the City Council. This change is consistent with changes to the Historic District and Conservation District designations in that the Historic Landmarks Commission is not the decision-maker in legislative procedures. Because of the potential number of properties affected and the likelihood that an owner(s) may object, the Portland City Council is the appropriate decision-maker for identification of Significant Resources.

Unlike Historic Landmark, Conservation Landmark, Historic District, and Conservation District designation, State law does not require owner consent for identification as a Significant Resource. Determination of eligibility for a landmark or district designation is not itself a designation. Therefore, the amendments remove the owner consent requirement for determining a resource to be a Significant Resource. Removing the owner consent requirement for Significant Resources supports Policy 4.52 of the Comprehensive Plan: "Historic Resources Inventory. Within statutory limitations, regularly update and maintain Portland's Historic Resources Inventory to inform historic and cultural resource preservation strategies." Owners of potential Significant Resources would be provided notice of the possible identification and invited to participate in the legislative procedure.

33.445.310 Removal of a Significant Resource Identification

A change to existing code provides that a Significant Resource determination can only be removed through demolition or a legislative procedure. Corresponding changes are included in 33.710 and 33.720 to provide for the legislative procedure to identify and remove Significant Resource identification.

Changes provide that, like other types of historic resources, a Significant Resource determination is removed upon destruction or demolition of the resources.

Significant Resources

33.445.300 Identifying a Significant Resource

Identifying a Significant Resource in the Historic Resource Inventory requires a legislative procedure.

33.445.310 Removal of Significant Resource Identification

Removal of a resource's identification as a Significant Resource in the Historic Resource Inventory requires a legislative procedure except as follows:

- A. Removal after destruction.** If the Significant Resource is destroyed by causes beyond the control of the owner, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.
- B. Removal after demolition.** If the Significant Resource is demolished after approval through demolition review or after 120-day delay, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.

33.445.310 Removal of a Significant Resource Identification (cont.)

The amendments allow for removal of a Significant Resource only through demolition or a legislative procedure, eliminating the existing option for owner-initiated removal in circumstances where the owner has no intention to demolish the resource in the immediate future. Owner-initiated removals have weakened the value of the Historic Resource Inventory as a research tool that provides the public with robust and comprehensive information about significant-but-undesigned resources. Additionally, owner-initiated removals do not provide a meaningful and timely delay of demolition, which is the stated purpose of 120-day delay. Eliminating the owner-initiated removal option allows the Significant Resource determination to become a more useful tool for mapping eligible historic resources and engaging the community when they are proposed for demolition. Because 120-day delay is currently required in either situation (following a request for removal or an application for demolition), the change does not increase the cumulative effect of the sole protection that comes with Significant Resource identification: 120-day delay.

The existing code addresses "unranked resources," which are included in the Historic Resource Inventory but were not found to have sufficient historic significance to be eligible for Landmark designation. Therefore, references to unranked resources are removed from the chapter. These documented-but-not-determined-significant resources are still included in the broader Historic Resource Inventory, but are not be subject to the provisions of this chapter (see commentary related to 33.910).

33.445.320 Relocation of a Significant Resource

This new section clarifies that the Significant Resource determination moves from the sending site to the receiving site when a Significant Resource is relocated. Relocating a Significant Resource does not require 120-day delay.

33.445.330 Demolition of a Significant Resource

Changes to this section incorporate the demolition definition found throughout this chapter and the exemptions found throughout this chapter (see commentary in 33.445.100.E.1 and E.2 for more information about the definition of demolition included in this chapter; see commentary in 33.445.200.E.2 for more information about the detached structure exemption). An additional exemption to demolition delay for Significant Resources allows for small significant resources—such as a sidewalk stamps, horse rings, brick streets, and railroad tracks—to be removed as part of right-of-way improvement projects. This exemption is not intended for street clocks, sculptures, light standards, or other types of large resources that provide more visible and meaningful contributions to the built environment.

33.445.320 Relocation of a Significant Resource

When a Significant Resource is relocated, the Historic Resource Inventory is automatically amended to reflect the Significant Resource's new location.

33.445.330 Demolition of a Significant Resource

- A. Demolition of a Significant Resource.** Demolition of a Significant Resource requires 120-day delay. See 33.445.340. For the purposes of this Chapter, demolition is defined as:
1. Total demolition;
 2. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 3. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 4. Alterations that result in:
 - a. The removal of 50 percent or more of the total exterior wall area of a structure; and
 - b. The removal of 50 percent or more of the total roof area of a structure; or
 5. For structures that are not buildings, an alteration that results in removal of 50 percent or more of the structure.
- B. Exempt from 120-day delay.** The following are exempt from 120-day delay:
1. Demolition of noncontributing resources;
 2. Significant Resources that are required to be demolished because:
 - a. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 3. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 4. Significant Resources that are located in the public right-of-way and are less than 2 feet in height.

33.445.340 120-Day Delay

Changes to this section incorporate technical clarifications and changes consistent with other sections of this chapter, including changes to the purpose statement. An additional change specifies that only issuance of permits for demolition or exterior alteration are suspended during 120-day delay. This change narrows existing code language that was adopted in 2017 for consistency with other historic resource protections, including historic resource review, that generally regulate physical changes to the exterior of historic resources and do not regulate changes to the interior of historic resources.

33.445.340 120-Day Delay

- A. Purpose.** 120-day delay allows time for consideration of alternatives to demolition, such as rehabilitation, reuse, relocation, or architectural salvage.
- B. Suspension of permit issuance.** During the 120-day delay period, no permit for the demolition or exterior alteration of a Significant Resource may be issued. This suspension of permit issuance does not apply to relocation of a Significant Resource during the 120-day delay period.
- C. Procedure for 120-Day Delay.** 120-day delay is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of BDS and are final.
 - 1. **Application.** The applicant must submit an application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A. Current or historic photographs of the features of the resource that were included when the resource was identified as a Significant Resource must be included with the application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A.
 - 2. **Notice of application.**
 - a. **Posting notice on the site.** Within 14 days of applying for a demolition or other alteration that qualifies as demolition as defined by Subsection 33.445.330.A, the applicant must post a notice on the site of the historic resource proposed for demolition. The posting must meet the following requirements:
 - (1) **Number and location of posted notices.** Notice must be placed on each frontage of the site occupied by the Significant Resource. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access;

33.445.340 120-Day Delay (cont.)

Revisions to the existing posted and mailed notice sections incorporate the elimination of the option to remove a Significant Resource from the HRI without a corresponding demolition application (known as "removal from the HRI"). Changes to this section also remove reference to Historic Advisory Committees, which are no longer recognized by the zoning code.

- (2) Content of the posted notice. The notice must include the following information:
 - The date of the posted notice.
 - The address of the resource proposed for demolition.
 - A statement specifying what action triggered the 120-day delay procedure and this notice.
 - A statement that during the 120-day delay period, no building permit for the demolition or exterior alteration of a Significant Resource requested to be demolished may be issued, other than a permit for relocation of the resource.
 - A statement that the purpose of the 120-day delay is to allow time for notice and consideration of alternatives to demolition, including restoration, relocation, or salvage of materials.
 - A statement that building permits may be issued after the date on which the 120-day delay has ended.
 - The name, address, and telephone number of the owner or the party acting as an agent for the owner.
- (3) Removal of the posted notice. The posted notice must not be removed until the date on which the permit for demolition is issued. The posted notice must be removed within 30 days of that date.
 - b. Mailed notice. Within 14 days of receiving the application for a demolition or other alteration that qualifies as demolition as defined by this Chapter, the Director of BDS will mail a notice of the proposed demolition to all properties within 150 feet of the site of the resource, all recognized organizations within 1,000 feet of the site of the resource, and to the State Historic Preservation Office. The notice will include the same information as in Subsubparagraph C.2.a.(2).
3. Decision. The Director of BDS will issue the permit 120 days after receiving the application if the applicant submits a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.

A section providing for preservation agreements is removed. Preservation agreements have not been a successful option and are removed from the code in favor of the revised landmark, district, and Significant Resource types.

33.445.400 Historic Preservation Incentives

Historic preservation incentive opportunities are expanded and requirements for their use streamlined.

33.445.400.A Purpose

Amendments to the purpose statement clarify that incentives allow for adaptive reuse of resources, consistent with Comprehensive Plan Policy 4.57, Economic Viability, which reads: "Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources." An additional sentence provides for the public benefit of allowing greater access to historic resources.

33.445.400.B Eligibility for historic preservation incentives

This section details which types of historic resources can use different incentives. Historic and Conservation Landmarks have the greatest opportunities to access incentives. Contributing resources in Historic and Conservation Districts have access to some, but fewer, opportunities to use incentives. Noncontributing resources in Historic Districts have access to one opportunity to use incentives. National Register Landmarks, National Register Districts, and Significant Resources do not have access to any incentives because no design protections apply to those resource types and use of incentives may encourage alterations that could destroy historic features.

In addition to expanding the number and eligibility of incentives, these amendments eliminate the requirement for a historic preservation covenant when a property owner uses one of the incentives of this chapter. This change responds to public and staff concern that the covenant requirement has reduced interest in use of the incentives and has actively discouraged creative adaptive reuse projects. Because the covenant was established before demolition review was codified, the covenant is redundant with the regulations that apply to designated landmarks and contributing resources in districts.

Projects that utilize incentives remain subject to the applicable design and demolition regulations that apply to the resource type, as well as other applicable requirements of the Zoning Code and other applicable building code requirements.

Historic Preservation Incentives

33.445.400 Historic Preservation Incentives

- A. Purpose.** Historic preservation incentives increase the potential for historic resources to be preserved, rehabilitated, and reused. Incentives make preservation and rehabilitation more attractive to tenants and owners of historic resources because they provide use flexibility and economic opportunities. Some incentives also allow for broader public access to certain historic resources.
- B. Eligibility for historic preservation incentives.** The following are eligible for historic resource incentives:
 - 1. Historic Landmarks and Conservation Landmarks are eligible to use all of the historic preservation incentives in Subsection C. The incentives only apply within the boundary of the Historic Landmark or Conservation Landmark;
 - 2. Sites in Historic or Conservation Districts that have at least one contributing resource are eligible to use all of the incentives in Subsection C except for the incentives in Paragraphs C.9 and C.10;
 - 3. Sites in Historic Districts that have no contributing resources are only eligible to use the incentives in Paragraph C.1 and C.2.

33.445.400.C Incentives

The revisions provide that adjustments are prohibited for applications to use an incentive provided in this section. Use of any incentive requires that any applicable off-site impact regulations are met (including 33.262, Off-Site Impacts, which are not changed by these code amendments).

Reference to FAR transfers are removed from this section. FAR transfer incentives are provided in applicable base zones and/or plan districts.

Incentive C.1 is a revised version of a previous incentive. Incentive C.1 provides greater housing arrangement flexibility in single-dwelling residential and commercial residential zones consistent with the floor area and height limitations established by the Residential Infill Project. Incentive C.1 applies to sites containing a Historic or Conservation Landmark, sites located in Historic Districts, and sites that contain one or more contributing resources in Conservation Districts. This incentive increases the dwelling unit allowances of the Residential Infill Project to provide owners with even more options for internal conversions and accessory dwellings. The incentive is structured such that it will not increase demolition pressure on landmarks or contributing resources. Finally, incentive C.1 does not affect the applicability of the affordable housing bonus provisions of the Residential Infill Project as the additional units provided by this incentive are limited to the standard floor area and height bonus limits provided in the base zone.

Incentive C.2 is new and allows two ADUs on sites in single-dwelling and commercial residential zones containing a landmark, containing a contributing resource in a Conservation District, or located within a Historic District.

- C. Incentives.** The following incentives are allowed. Adjustments to the incentives are prohibited:
1. Residential infill. Except as stated in Subparagraph C.1.c., multi-dwelling structures and multi-dwelling development that meet the following standards are allowed on sites zoned R7, R5, R2.5, or CR within the boundary of a Historic Landmark, Conservation Landmark, or Historic District and are allowed on sites zoned R7, R5, R2.5, or CR within a Conservation District when the site contains at least one contributing resource:
 - a. Density. There is no limit on the number of dwelling units allowed on the site;
 - b. Maximum FAR.
 - (1) R7. Maximum FAR in R7 is 0.7 to 1;
 - (2) R5. Maximum FAR in R5 is 0.8 to 1;
 - (3) R2.5. Maximum FAR in R2.5 is 1 to 1;
 - (4) CR. Maximum FAR in CR is 1 to 1;
 - c. Exception. This incentive does not apply to any site where a historic resource was demolished after September 14, 2020 unless the resource demolished was exempt from demolition review or 120-day delay, or the resource demolished was an accessory structure.
 2. Accessory dwelling units. Up to two accessory dwelling units are allowed on a site with a duplex, triplex, fourplex, or multi-dwelling structure in the R7, R5, R2.5, or CR zone.

33.445.400.C Incentives (cont.)

Incentives C.3-C.5 are existing.

Incentive C.6 is a new incentive that allows for certain commercial and office uses in residential zones when the site contains a Historic or Conservation Landmark, or in certain areas in residential zones when the site contains a contributing resource in a Historic or Conservation District. Sites containing a Historic or Conservation Landmark could use this incentive and reduce the number of dwelling units by two. Sites in a Historic or Conservation District that contain a contributing resource but no landmark must be located near transit and could not reduce the number of dwelling units on the site. A provision of Incentive 6 requires that people of all ages be allowed to access the uses allowed by this incentive. This means that no use can exclude people of ages under 18, but does not mean that private or ticketed events are prohibited provided that persons under 18 would be legally allowed to attend the event. Uses not open to those under 18, such as adult entertainment or marijuana sales, are not allowed. The only exterior activity allowed is outdoor seating, which cannot operate between 10pm and 8am. Finally, maximum building area limitations apply to Incentive 6 (the building may be larger than this, but the uses allowed by the incentive cannot exceed the building area limitations). The provisions of Chapter 33.262 Off-site Impacts must also be met to ensure noise, vibration, odors, and glare associated with the non-residential uses are addressed.

Incentive C.7 revises and expands an existing incentive available in multi-dwelling zones, eliminating the need for historic preservation incentive review. The incentive can only be used if there was a legally allowed non-residential use in the building in the past and the new use does not reduce the number of dwelling units on the site. The provisions of Chapter 33.262 Off-site Impacts need to be met to ensure noise, vibration, odors, and glare associated with the non-residential uses are controlled.

Incentive C.8 is an amended version of an existing incentive available in the RX zone. See code and commentary in 33.846.050 related to the historic preservation incentive review approval criteria that must be met to access this incentive.

3. Daycare use in residential and IR zones. Daycare is an allowed use in residential and IR zones.
4. Conditional uses in R, C, E, CI and IR zones. In R, C, E, CI and IR zones, applications for conditional uses are processed through a Type II procedure.
5. Exemption from minimum density. Minimum housing density regulations do not apply.
6. Retail Sales And Service and Office uses in residential zones. In residential zones, Retail Sales And Service and Office uses are allowed as follows:
 - a. The site contains a Historic or Conservation Landmark and the following are met:
 - (1) No more than two dwelling units that existed on September 14, 2020 are removed from the site;
 - (2) No more than 5,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
 - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and
 - (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
 - b. The site contains a contributing resource in a Historic or Conservation District that had a legally established nonresidential use in the historic resource in the past or the site contains a contributing resource in a Historic or Conservation District and it is located 1500 feet or less from a transit station or 500 feet or less from a transit street with 20-minute peak hour service. In both cases, the following must be met:
 - (1) There is no reduction in the total number of dwelling units on the site that existed on September 14, 2020;
 - (2) No more than 1,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
 - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and
 - (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
7. Manufacturing and Production and Industrial Service uses in multi-dwelling zones. In the RM1, RM2, RM3, RM4, and RX zones, if there was a legally established nonresidential use in the historic resource in the past, then Manufacturing and Production and Industrial Service uses are allowed uses when there is no reduction in the total number of dwelling units on the site.
8. Nonresidential uses in the RX zone. In the RX zone Retail Sales And Service, Office, Major Event Entertainment, and Manufacturing and Production uses may be approved through historic preservation incentive review. Sites that front on the Park Block frontages shown on Map 510-14 are not eligible for this incentive.

33.445.400.C Incentives (cont.)

Incentive C.9 is a new incentive that allows adaptive reuse of Historic Landmarks and Conservation Landmarks in most zones. Sites in industrial zones are not eligible. All primary use categories, except those identified in a.-e., could be proposed for the adaptive reuse. See code and commentary in 33.846.050 related to the historic preservation incentive review approval criteria that must be met to access this incentive.

Incentive C.10 is a new incentive that allows additional uses of Historic Landmarks and Conservation Landmarks in industrial zones. Sites in the prime industrial overlay are not eligible for incentive C.10. See code and commentary in 33.846.050 related to the historic preservation incentive review approval criteria that must be met to access this incentive.

9. Major adaptive reuse. Except for the following primary uses, primary uses not otherwise allowed by the base zone may be approved through historic preservation review. Sites in industrial zones are not eligible for this incentive:
 - a. Self-Service Storage;
 - b. Bulk Fossil Fuel Terminal;
 - c. Basic Utilities;
 - d. Waste-Related; and
 - e. Detention Facility.
10. Major Event Entertainment and Retail Sales And Service uses in industrial zones. In industrial zones, Major Event Entertainment and Retail Sales And Service uses, excluding lodges, hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days, may be approved through historic preservation incentive review. Sites in the Prime Industrial overlay zone are not eligible for this incentive.

33.445.500 Purpose

Changes to that section clarify the intent of allowing an alternative to historic resource review for certain proposals affecting Conservation Landmarks and sites in Conservation Districts. These changes recognize that Conservation Landmarks and Conservation Districts generally have fewer significant historic features, are more localized in their historic significance, and/or are less appropriate for the highest level of protection than Historic Landmarks and Historic Districts.

33.445.510 When Community Design Standards May Be Used

While Conservation Landmarks and Conservation Districts are generally more accommodating of alterations and additions than Historic Landmarks and Historic Districts, these amendments recognize that the historic features of Conservation-level resources could be lost in their entirety by major street-facing alterations. Changes to this section reflect new thresholds for when the Community Design Standards may be used as an alternative to historic resource review.

Much of the Central City Plan District is subject to discretionary design review, therefore allowing a standards path would conflict with what is required by the plan district. This exception exists currently.

Changes to the existing exceptions to use of the Community Design Standards for alterations to Conservation Landmarks and contributing resources in Conservation Districts capture alterations to street-facing facades that may irreparably harm the historic features of the resource. The thresholds still allow for tenants and owners to make modest changes to the exterior Conservation-level buildings by complying with the Community Design Standards, but lessen the likelihood that the standards path would result in the historic features of the resource being lost. When a proposal is subject to historic resource review but the Community Design Standards cannot be used as an alternative, the approval criteria are provided by 33.846.060. New approval criteria are provided in 33.846.060 to further differentiate the approach to protecting Conservation-level and Historic-level resources.

Finally, new exceptions ensure that the Community Design Standards are not used as an alternative to historic resource review or demolition review for proposals to relocate or demolish a Conservation Landmark or contributing resource in a Conservation District. In addition, a new exception ensures that alterations to Conservation Landmarks and contributing resources in Conservation Districts that are not buildings are subject to historic resource review and not the Community Design Standards. The Community Design Standards are a set of clear-and-objective standards that were written primarily for buildings and would not adequately protect the unique attributes of non-building historic resources, such as freestanding neon signs. This change will allow for better resource-specific design protection for non-building resources than could be achieved through the Community Design Standards.

Community Design Standards

33.445.500 Purpose

The Community Design Standards provide a clear and objective alternative to historic resource review for some proposals affecting Conservation Landmarks and Conservation Districts. In this case, the applicant may choose to go through the historic resource review process set out in Chapter 33.846.060, Historic Resource Review, or meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and Related Regulations. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through historic resource review. Allowing some proposals to be approved through the Community Design Standards provides Conservation Landmarks and Conservation Districts more options for physical changes than is generally acceptable for Historic Landmarks and Historic Districts.

33.445.510 When Community Design Standards May Be Used

The Community Design Standards may be used as an alternative to historic resource review for proposals within the boundary of a Conservation Landmark or Conservation District except as follows:

- A. Proposals affecting a Conservation Landmark or Conservation District in the Central City plan district are not eligible to use the Community Design Standards as an alternative to historic resource review;
- B. Alterations affecting more than 50 percent of the area of any street-facing façade of a Conservation Landmark or contributing resource within a Conservation District are not eligible to use the Community Design Standards as an alternative to historic resource review;
- C. Alterations that increase the height of a Conservation Landmark or contributing resource within a Conservation District by 15 feet or more are not eligible to use the Community Design Standards as an alternative to historic resource review;
- D. Proposals that meet the definition of demolition in this chapter are not eligible to use the Community Design Standards as an alternative to historic resource review;
- E. Proposals to relocate a Conservation Landmark or relocate a contributing resource in a Conservation district that is not a detached accessory structure are not eligible to use the Community Design Standards as an alternative to historic resource review;
- F. Alterations to a Conservation Landmark when the Conservation Landmark is not a building or alterations to a contributing resource within a Conservation District when the contributing resource is not a building are not eligible to use the Community Design Standards as an alternative to historic resource review.

33.510.119.B Historic Resources

A change to this section reflects changes in Chapter 445 related to historic resource types. National Register Landmarks and Districts listed after January 27, 2017 have fewer protections applied to them than Historic and Conservation Landmarks and Districts. All National Register resources listed before January 27, 2017 are either a Historic Landmark or Historic District unless or until their Historic Landmark or District designation is changed or removed. The change establishes that only those historic resources subject to historic resource review design protections—Historic and Conservation Landmarks and Districts—are eligible for the special uses.

33.510.119 Retail Sales And Service and Office Uses in the IG1 Zone

A. [No change]

B. Historic Resources

1. The regulations of this subsection apply in the IG1 Zone to ~~historic resources that are listed on the National Register of Historic Places~~ Historic Landmarks, Conservation Landmarks, or are identified as contributing to the historic significance of a and contributing resources within Historic Districts or and Conservation Districts.
2. Allowed uses.
 - a. Retail Sales And Service and Traditional Office. Up to 12,000 square feet on a site may be in Retail Sales And Service or Traditional Office use. The total amount of square footage includes net building area, exterior display, and exterior storage area of all Retail Sales And Service and Traditional Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
 - b. Industrial Office. Up to 100 percent of the gross building area on a site may be in an Industrial Office use including gross building area added inside of the building as it existed on July 9, 2018. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on July 9, 2018 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.
3. Conditional uses. More than 12,000 square feet on a site may be in Traditional Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Traditional Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

C. [No change]

33.510.120.A Where these regulations apply

A change to this section reflects changes in Chapter 445 related to historic resource types. National Register Landmarks and Districts listed after January 27, 2017 have fewer protections applied to them than Historic and Conservation Landmarks and Districts. All National Register resources listed before January 27, 2017 are either a Historic Landmark or Historic District unless or until their Historic Landmark or District designation is changed or removed. The change establishes that only those historic resources subject to historic resource review design protections—Historic and Conservation Landmarks and Districts—are eligible for the special uses.

33.510.120 Retail Sales And Service and Office Uses in Specified Historic Resources in the IH Zones

- A. **Where these regulations apply.** The regulations of this subsection apply in the IH Zone to ~~historic resources that are listed on the National Register of Historic Places~~ Historic Landmarks, Conservation Landmarks, ~~or are identified as contributing to the historic significance of a and contributing resources within~~ Historic Districts ~~or~~ and Conservation Districts.
- B. **Allowed uses.** Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
- C. **Conditional uses.** More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

33.510.205.D Floor area transfer options

A change to this section provides clarity and consistency with other sections related to historic resource types.

33.510.205 Floor Area Bonus and Transfer Options

A.-C. [No change]

D. Floor area transfer options. Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:
 - a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.
 - b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:
 - (1) Be in a RH, RX, CX, EX, or OS zones, and
 - (2) Contain a Historic Landmark, ~~or~~ Conservation Landmark, or a contributing resource in a Historic District or Conservation ~~d~~District for which the Bureau of Development Services verifies the following:
 - If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
 - If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- BPON improvement standard as defined in City of Portland Title 24.85; or
 - The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.
 - c. Sites eligible to receive floor area:
 - (1) Must be zoned RH, RX, CX or EX; and
 - (2) Must be within the Central City plan district outside of the South Waterfront subdistrict.

33.510.205.D Floor area transfer options (cont.)

Changes to this section delete the historic resource demolition review covenant requirements for transfer of FAR., consistent with changes to other sections.

- d. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City. The covenant must meet the requirements of 33.700.060, and must be attached to and recorded with the deed. The covenants may not be revoked or rescinded. ~~The covenants must include the following:~~
 - ~~(1) The covenant for each site must reflect the existing floor area on each site and the respective increase and decrease of potential floor area; and~~
 - ~~(2) The covenant for the sending site must state that the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review.~~
 - e. Exceptions.
 - (1) Sites with eligible historic resources in a RH, RX, CX or EX zone may elect to transfer floor area to a receiving site outside of the Central City plan district if they meet the standards of 33.120.205.G, 33.130.205.C or 33.140.205.D.
 - (2) Sites with eligible historic resources in the R1, R2 and R3 zones may transfer density if they meet the standards of 33.120.205.G.
2. Transfer of floor area within a floor area transfer sector. In the RX, CX, EX, and OS zones, floor area, including bonus floor area and bonus floor area earned through a bonus that no longer exists in the zoning code, may be transferred between sites. The sites are not required to be abutting, however both the sending site and the receiving site must be located within the same floor area transfer sector shown on Map 510-23. In addition, floor area transfers are subject to the following requirements:
- a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic or a conservation district;
 - b. If bonus floor area is included in the transfer, the public benefit to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit on the receiving site taking advantage of the bonus floor area; and
 - c. The property owner(s) must execute a covenant for both sites. The covenants must comply with the regulations of 33.700.060, must be recorded with the deeds for each site, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.

33.710.060.B Membership

Changes to this section amend the required membership of the Historic Landmarks Commission. Broadening the categories of Commission membership was requested by the Bureau of Development Services to allow for more flexibility in the recruitment of prospective commissioners given the similarities between the previous membership categories. The changes do not amend the size of the Commission or change the number of at-large Commission members but provide a larger applicant pool from which most prospective commissioners could be recruited. The change requires a minimum of two of the seven members on the Historic Landmarks Commission to have professional background in historic preservation, local history, architectural history, or architecture.

The City of Portland has been a *Certified Local Government (CLG)* since 1996, a National Park Service designation which 50 other cities in Oregon share for their commitment to managing historic resources. *CLGs* must have a historic landmarks commission. Oregon's *CLG* performance standards provide the following regarding the make-up of commissions: "The *CLG* must seek the expertise necessary to make informed decisions about historic and prehistoric cultural resources. This is normally provided by a landmarks commission composed of professional and lay members; however, qualified staff members and/or consultants may be relied upon as needed. At a minimum, the *CLG* must make a reasonable effort to seat commissioners with a demonstrated positive interest in historic preservation, the majority of whom should meet the federal historic preservation professional standards."

33.710.060 Historic Landmarks Commission

- A. Purpose.** The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic districts.
- B. Membership.** The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. ~~The Commission must include a historian with knowledge of local history; an architectural historian; an architect; two members from the following: landscape architecture, real estate, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, or related disciplines; and two members at-large.~~ All members must have demonstrated interest, competence, or knowledge of historic preservation. At least two members must have professional experience in historic preservation, local history, architectural history, or architecture. At least three of the additional members must have professional experience or working knowledge of historic preservation, local history, architectural history, architecture, landscape architecture, real estate, economics, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, cultural resources management, or related disciplines. The Commission may have up to two members at-large. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.
- C. Meetings, officers, and subcommittees.**

 - 1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
 - 2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

33.710.060.D Powers and duties

Changes to this section amend the responsibilities of the Historic Landmarks Commission to align with changes in chapters 33.445 and 33.846 related to both legislative and quasi-judicial land use reviews.

Changes to D.1 provide clarity that designations may be more than just buildings or sites (such as structures or portions of structures) and that the details of an existing designation (such as a boundary or the contributing status of a resource) can be amended in a quasi-judicial review. This change does not allow the Commission to establish or remove an entire Historic or Conservation District designation.

Changes to D.2 allow the Commission to recommend establishment, amendment, or removal of Historic Landmark designation, Conservation Landmark designation, and Significant Resource identification directly to the City Council in legislative actions.

Changes to D.3 clarify that Historic and Conservation Districts can be created, amended, and removed by City Council in legislative actions, with the Planning and Sustainability Commission serving as the recommending body to the City Council. The Historic Landmarks Commission provides advice on the merits of establishing or removing Historic or Conservation District designation, including participation in a joint hearing with the Planning and Sustainability Commission prior to the Planning and Sustainability Commission making their formal recommendation to City Council (see 33.740.030). Entire Historic and Conservation Districts can only be established or removed by the City Council through a legislative action.

Changes to D.4 add clarity that design guidelines require adoption through a legislative procedure.

Changes to D.5 provide clarity and consistency regarding the types of proposals subject to quasi-judicial historic resource review.

Changes to D.6 facilitate the application of quasi-judicial demolition review for Historic Landmarks, Conservation Landmarks, and contributing resources in Conservation Districts.

Changes to D.8 provide grammatical edits and clarifies that the Historic Landmarks Commission, as part of Portland's obligations as a Certified Government, makes recommendations on National Register nominations to the State Advisory Committee on Historic Preservation and National Park Service's Keeper of the National Register.

33.710.060.E Annual report

A change amends when the Historic Landmarks Commission publishes their annual report. The change was requested by the Bureau of Development Services to align with the calendar year so that land use reviews and Commission accomplishments can be tracked by calendar year—not fiscal year—for easier reporting. The change also allows the Historic Landmarks Commission to make requests of City Council during the annual budgeting process.

- D. Powers and duties.** The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
1. Establishing, amending, or removing Historic Landmark and Conservation Landmark designations and amending Historic District and Conservation District designations for specific buildings or sites in quasi-judicial reviews;
 2. Recommending the establishment, amendment, or removal of Historic Landmark and Conservation Landmark designations and Significant Resource identification to the City Council in legislative actions;
 3. ~~Recommending~~ Providing advice on the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning and Sustainability Commission ~~and the City Council~~ in legislative actions;
 4. ~~Recommending and developing~~ design guidelines for Historic Districts and Conservation Districts to the City Council in legislative actions;
 5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts in quasi-judicial reviews;
 6. Reviewing demolition and relocation requests for certain Historic ~~Landmarks,~~ Conservation Landmarks, and ~~buildings,~~ resources in Historic Districts and Conservation Districts in quasi-judicial reviews;
 7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning and Sustainability Commission, Portland Development Commission, other City commissions and committees, and City Council; and
 8. Initiating and coordinating historic preservation and public outreach programs in the City, including ~~reviewing~~ making recommendations on ~~for a~~ National Register status of Historic Places nominations and making recommendations to other governmental agencies regarding historic preservation programs and issues.
- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each ~~fiscal~~ calendar year. The report must be filed with the Director of BDS by the first working day of ~~September~~ April. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.720.020 Quasi-judicial Land Use Reviews

An addition to clarifications related to resource names, this section accommodates National Register Landmarks and Districts and provides that the Historic Landmarks Commission is the decision-maker for certain demolition review applications. See 33.846.080 for demolition review procedures. Additionally, a change assigns the Historic Landmarks Commission to serve as the review body for appeals of adjustments associated with designated historic resources.

33.720.030 Legislative Land Use Reviews

An addition to this section allows the Historic Landmarks Commission to recommend the determination of Significant Resources directly to the City Council in legislative actions.

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

A.-C. [No change]

D. Historic Landmarks Commission. Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.

1. Landmark designations, and the removal of landmark designations; ~~and~~
2. Historic resource review of ~~Historic and Conservation, and National Register Landmarks and structures~~ resources in Historic, Conservation, and National Register Districts;
3. Demolition review of Historic, Conservation, and National Register Landmarks and contributing resources in Historic, Conservation, and National Register Districts; and
4. Adjustments associated with Historic, Conservation, and National Register Landmarks and Historic, Conservation, and National Register Districts.

E.-G. [No change]

33.720.030 Legislative Land Use Reviews

- A. Legislative land use reviews, unless stated otherwise in Subsections B ~~or C~~ through D, below, are assigned to the Planning and Sustainability Commission, who will make a recommendation to City Council.
- B. Design ~~Guidelines in~~ for Historic Districts and Conservation Districts are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council ~~require a recommendation from the Historic Landmarks Commission before being submitted to the City Council for adoption.~~
- C. Design guidelines for the Design overlay zone are assigned to the Design Commission, who will make a recommendation to City Council ~~require a recommendation from the Design Commission before being submitted to the City Council for adoption.~~ In some cases, a joint hearing with the Design and Planning and Sustainability commissions is required. See 33.740.020.
- D. Historic Landmark and Conservation Landmark designation and removal and Significant Resource identification and removal are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- ~~D.E.~~ Final action on all legislative land use reviews is by the City Council.

33.730.030.A Pre-application conference

This change corresponds with changes in 33.846.030 and 33.846.040. The change eliminates the requirement for a pre-application conference for Type III historic designation review and Type III historic designation removal review. This change is intended to eliminate an unnecessary requirement for applicants and reduce the staff time necessary to review historic resource designation or historic resource removal proposals.

33.730.030 Type III Procedure

A Type III procedure requires a public hearing before an assigned review body. Subsections A through D apply to all sites. If the site is within the City of Portland, Subsections E through H also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection I also applies.

A. Pre-application conference. A pre-application conference is required for all requests processed through a Type III procedure, except applications for historic designation review and historic designation removal review. See 33.730.050, Pre-Application Conference.

B.-J. [No change]

33.740.030 Commission Review

This change requires a joint hearing of the Planning and Sustainability Commission and Historic Landmarks Commission whenever an entire Historic or Conservation District is proposed for establishment or removal through a legislative procedure. The joint hearing ensures that both commissions have the opportunity to hear from the interested public in advance of the Planning and Sustainability Commission making a formal recommendation to the City Council. The Historic Landmarks Commission provides advice to the Planning and Sustainability Commission but does not make the formal recommendation to City Council.

33.740.030 Commission Review

1. A Commission must hold at least one public hearing before recommending action on a legislative matter.
2. When a legislative matter includes the establishment or amendment of any design standards in 33.420 or the establishment or amendment of any design guidelines for design review, at least one joint public hearing with the Planning and Sustainability Commission and the Design Commission is required before each commission recommends action on the subject matter assigned to them.
3. When a legislative matter includes the designation of a Historic District or Conservation District or the removal of a Historic District or Conservation District, at least one joint public hearing with the Planning and Sustainability Commission and the Historic Landmarks Commission is required before the Planning and Sustainability Commission recommends action on the designation or removal.

33.805.040 Approval Criteria

A change to this section clarifies the types of historic resources applicable to criterion D.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
- D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or
- G. Application of the regulation in question would preclude all reasonable economic use of the site; and
- H. Granting the adjustment is the minimum necessary to allow the use of the site; and
- I. Any impacts resulting from the adjustment are mitigated to the extent practical.

33.815.125 Specified Uses in Industrial Zones

A change to this section reflects changes in Chapter 445 related to historic resource types. National Register Landmarks and Districts listed after January 27, 2017 have fewer protections applied to them than Historic and Conservation Landmarks and Districts. All National Register resources listed before January 27, 2017 are either a Historic Landmark or Historic District unless or until their Historic Landmark or District designation is changed or removed. The change clarifies that only those historic resources subject to historic resource review protections—Historic and Conservation Landmarks and Districts—are eligible for the special uses.

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Lower Albina Subdistrict of the Central City Plan District may use the approval criteria listed in 33.815.126: Office Uses in the IG1 Zone in the Lower Albina Subdistrict, if they contain characteristics of manufacturing businesses. Office uses in ~~individually listed structures on the National Register of Historic Places~~ Historic Landmarks, Conservation Landmarks, and structures identified as contributing resources in to the historic significance of a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

A.-E. [No change]

33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict

A change to this section reflects changes in Chapter 445 related to historic resource types. National Register Landmarks and Districts listed after January 27, 2017 have fewer protections applied to them than Historic and Conservation Landmarks and Districts. All National Register resources listed before January 27, 2017 are either a Historic Landmark or Historic District unless or until their Historic Landmark or District designation is changed or removed. The change clarifies that only those historic resources subject to historic resource review protections—Historic and Conservation Landmarks and Districts—are eligible for the special uses.

33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in ~~individually listed structures on the National Register of Historic Places~~Historic Landmarks, Conservation Landmarks, and structures identified as contributing to the historic significance of resources in a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. The approval criteria are:

A.-E. [No change]

33.815.126 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

A change to this section reflects changes in Chapter 445 related to historic resource types. National Register Landmarks and Districts listed after January 27, 2017 have fewer protections applied to them than Historic and Conservation Landmarks and Districts. All National Register resources listed before January 27, 2017 are either a Historic Landmark or Historic District unless or until their Historic Landmark or District designation is changed or removed. The change clarifies that only those historic resources subject to historic resource review protections—Historic and Conservation Landmarks and Districts—are eligible for the special uses.

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote ~~the~~ preservation of historic resources that are ~~listed on the National Register of Historic Places~~ Historic Landmarks, Conservation Landmarks, or ~~are identified as contributing to the historic significance~~ resources in of a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes; ~~and,~~
- ~~D. The owner must execute a covenant with the City, as described in Subsection 33.445.610.D.~~

33.825.025 Review Procedures

Changes to this section match changes made to 33.846. These changes provide specificity for the procedure types available when minor changes to approved land use reviews are proposed.

33.825.025 Review Procedures

This section lists procedures for design review for proposals in Design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents. Procedures for design review vary with the type of proposal being reviewed and the geographic area in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D.

- A.** [No change]
- ~~**B.** Minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met. Alterations to a structure after the final building permit approval are exempt from this regulation:
 - ~~1. The original design review has not expired;~~
 - ~~2. The building permit for the project has not received final approval;~~
 - ~~3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and~~
 - ~~4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.~~~~
- ~~**C.B.** [No change]~~
- ~~**D.C.** [No change]~~

**Table 825-1
Procedure Type for Design Review Proposals**

Geographic Area	Proposal	Threshold	Procedure	
Central City Plan District	New development or new building(s) on a site with existing development	1) New floor area is > 25,000 s.f. or 2) New building height is > 45 ft. [1]	Type III [2]	
		All other new development or new buildings	Type II	
	Exterior alteration to existing development	Addition to an existing building > 45 ft height [1], and adds > 25,000 s.f. of floor area	Type III [2]	
		Exterior alteration affecting 500 s.f. or less of façade or roof area	Type I	
		All other exterior alterations	Type II	
	<u>Changes to an approved design review [3]</u>	<u>Rooftop mechanical equipment</u>	<u>Type I</u>	
		<u>Alteration to ground floor façade</u>	<u>Type I</u>	
		<u>All other changes [4]</u>	<u>Type II</u>	
	All Other Areas Subject to Design Review	New development or new building(s) on a site with existing development	1) New floor area is > 80,000 s.f. or 2) New building height is > 65 ft. [1]	Type III [2]
			All other new development or new buildings	Type II
Exterior alteration to existing development		Addition to an existing building > 65 ft height [1], and adds > 50,000 s.f. of floor area	Type III [2]	
		Exterior alteration affecting 500 s.f. or less of façade or roof area	Type I	
		All other exterior alteration	Type II	
<u>Changes to an approved design review [3]</u>		<u>Rooftop mechanical equipment</u>	<u>Type I</u>	
		<u>Alteration to ground floor façade</u>	<u>Type I</u>	
		<u>All other changes [4]</u>	<u>Type II</u>	
Exterior development not listed above			Type II	

[1] The height threshold does not include additional height allowed through a height exception in the bases zone.

[2] An affordable housing project may choose a Type II review procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. If a Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for design review may not be submitted before the required design advice request is held.

[3] Changes to an approved design review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original design review has not expired;

2. The building permit for the project has not received final approval;

3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and

4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[4] If the original design review was processed through a Type I procedure, then review of a change is processed through the same procedure as the original review.

33.846.010 Purpose

Several changes are made to the purpose statement for the chapter. The changes incorporate clarity, consistency with chapter 445, and reference the two elements that, together, make a historic resource eligible for designation—historic significance and physical integrity. The changes also broaden the purpose of incentives, referencing the increased adaptive reuse opportunities that are allowed by new incentives in 33.445.400. Finally, the changes specifically address the importance of community involvement in the different historic resource reviews.

Sections:

General

- 33.846.010 Purpose
- 33.846.020 Review Procedures
- 33.846.025 Additional Notification Required
- 33.846.030 Historic Designation Review
- 33.846.040 Historic Designation Removal Review
- 33.846.050 Historic Preservation Incentive Review
- 33.846.060 Historic Resource Review
- 33.846.070 Modifications Considered During Historic Resource Review
- 33.846.080 Demolition Review

General

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic resource reviews. The approval criteria protect the region's significant historic resources and preserve ~~significant~~important parts of the region's heritage. The reviews recognize and protect the region's archaeological, cultural, historic, and architectural resources, ~~ensuring~~ensure that changes to a designated historic resources preserve ~~historic, and architectural~~physical integrity and historic significance, values and provide incentives for historic preservation and adaptive reuse. The reviews also allow for community involvement and the potential for denial when demolition, relocation, new development, or alteration is proposed for certain historic resources.

33.846.020 Review Procedures

The review procedures in this chapter supersede procedural and threshold statements in the City's adopted design guidelines documents for Hhistoric and Conservation Districts.

33.846.025 Additional Notification Required

In addition to the notifications provided for by Chapter 33.730, Quasi-Judicial Procedures, when a Conservation District or Historic District has a Historic District Advisory Committee that is recognized by a Neighborhood Association, notice of all historic resource reviews will also be sent to the District's advisory committee.

33.846.030.A Purpose

Amendments to this section provide clarity and establish that historic designation review can allow for changes to the boundaries of designated historic resources and changes to the contributing status of resources within designated historic resource boundaries. The changes also more clearly delineate the types of historic resources that may be considered for designation. The purpose statement also establishes the importance of designating underrepresented historic resources and applying an appropriate level of protection (i.e. Historic or Conservation) at the time of designation.

33.846.030.B Review procedure

Changes to this section allow for different procedure types proportional to the impact of different designation decisions.

The Type III procedure remains for proposals to designate Historic Landmarks and Conservation Landmarks that have not been previously listed in the National Register of Historic Places. The requirement for a pre-application conference is struck to eliminate unnecessary staff and applicant time and complexity for such individual designations. See commentary for 33.730.030.

A new Type II procedure allows for staff-level decisions to change the boundary or contributing status of an already-designated resource. Because the Historic or Conservation Landmark or District has already been designated, changes in the contributing status or boundary of a resource requires less staff evaluation of historic significance than justifies a Type III procedure.

A new Type I procedure allows for individual National Register Landmarks to be City designated as Historic or Conservation Landmarks through a Type I procedure. Because the National Park Service evaluates historic significance and physical integrity at the time of National Register listing, a subsequent local historic designation review requires the least staff intensity to render a decision.

There is no quasi-judicial option for establishing new Historic or Conservation Districts or City-designating a National Register District. Establishment of new City-designated districts can only result from a legislative procedure.

33.846.030 Historic Designation Review

- A. Purpose.** ~~The Historic Designation Review is a process~~ allows for the City of Portland to designate Historic Landmarks, ~~or Conservation Landmarks, Historic Districts, or Conservation Districts,~~ expand the boundaries of Historic Landmarks, Conservation Landmarks, Historic Districts, or Conservation Districts, and to designate resources as contributing resources within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District. This review does not affect a ~~landmark or district's~~ resource's listing on the National Register of Historic Places. These provisions promote the protection of historic resources by:
- Enhancing the city's identity through the protection of the region's significant historic resources;
 - Ensuring underrepresented histories are recognized and protected;
 - Fostering preservation and reuse of historic artifacts, structures, sites, objects, places, and districts as important parts of the region's fabric; and
 - Encouraging new development to sensitively incorporate historic ~~structures~~ resources and artifacts.
 - Applying an appropriate level of protection to historic resources at the time of City designation.
- B. Review procedure.** Historic designation reviews are processed ~~as follows:~~ through a Type III procedure.
1. Designating a Historic Landmark or Conservation Landmark when the resource is a structure, site, or object that has been listed on the National Register of Historic Places is processed through a Type I procedure.
 2. Expanding the boundary of a City-designated Historic Landmark, Conservation Landmark, Historic District, or Conservation District is processed through a Type II procedure.
 3. Designating a resource as a contributing resource within a City-designated Historic Landmark, Conservation Landmark, Historic District, or Conservation District is processed through a Type II procedure.
 4. All other historic designation reviews are processed through a Type III procedure. A pre-application conference is not required.

33.846.030.C Supplemental application requirements

This new section provides minimum application requirements for historic designation review. The materials required are intended to provide staff and decision-makers with the information necessary to evaluate proposals to establish the historic resource designation on the Official Zoning Maps.

Requirement C.2 requires that the application identify a year or span of years during which the significance of the resource occurred. For example, a construction date or the date(s) of a significant event.

The previous owner consent provisions of this chapter are moved to supplemental application requirement C.6, consistent with the requirements of Oregon's "owner consent" law ([ORS 197.772](#)) and State Administrative Rule ([OAR 660-023-0200](#)).

C. Supplemental application requirements. In addition to the application requirements of Section 33.730.060.D, the following information is required for an application for historic designation review:

1. Two copies of a map and narrative description of the proposed boundary for the designated resource, including identification of which resources within the boundary are contributing resources. At least one copy of the map must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction;
2. Two copies of a narrative description of the resource's significance and integrity, including identification of the year or years proposed as the resource's period of historic significance;
3. Five or more current photos of the resource;
4. One or more historic photos of the resource, if available;
5. For resources listed on the National Register of Historic Places, two copies of the National Register nomination; and
6. Two copies of a signed statement from the property owner providing consent for the designation. For the purposes of this application requirement, property owner is defined as:
 - a. The owner of fee title to the property as shown in the deed records of the county where the property is located;
 - b. The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
 - c. If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

Property owner does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests, including leaseholds, of any nature.

33.846.030.D Approval criteria

Changes provide that in addition to establishing new landmarks and districts, historic designation review can change the boundary and contributing status of resources within existing City-designated landmarks and districts.

Changes to the section on significance incorporate cultural resources, Comprehensive Plan [historic preservation policies](#), National Park Service [criteria for listing](#) in the National Register of Historic Places, and State Administrative Rule ([OAR 660-023-0200](#)) criteria for designating resources under [statewide land use Goal 5](#). The criteria support the historic resource types defined in 33.910. Proposals to designate an entire Historic or Conservation District must meet two criteria unless the proposal meets criterion f by having a significant association with an underrepresented group. Designation of an entire Historic or Conservation District is not allowed quasi-judicially.

Criteria a-d reflect the designation criteria included in State Administrative Rule ([OAR 660-023-0200](#)).

Criterion e applies to proposals to designate Conservation Landmarks and Conservation Districts. Because Conservation resources may be significant at a more local or community level and/or have a high level of historic integrity but lower historic significance, criterion e provides a path for approval that is not available to proposals to designate Historic Landmarks or Historic Districts. "Neighborhood or community" includes the recognized Neighborhood Association, general geographic area, and thematic association with a population group which may be dispersed over many areas of the city.

Criterion f allows for the designation of resources associated with communities and populations that have been underrepresented in previous historic resource designations. The resource must have a demonstrably significant association with the population with which it is associated. The association may be historical or contemporary.

Applicants for landmark designation would be invited to provide their preference for the type of designation—Historic or Conservation—as owner consent is required for landmark designation.

D. Approval criteria. Proposals to designate a historic resource as a Historic Landmark, Conservation Landmark, Historic District, or Conservation District, or as a contributing resource within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District, or expand the boundary of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District will be approved if the review body finds that all of the following approval criteria are met:

1. ~~Significant value~~Significance. The resource has significant archaeological, cultural, historical, or architectural value, demonstrated by meeting at least three of the following. For proposals to designate a Historic Landmark or Conservation Landmark, designate a resource as a contributing resource in an existing Historic District or Conservation District, or expand the boundary of an existing Historic Landmark, Conservation Landmark, Historic District or Conservation District, at least one of the following must be met. For proposals to designate an entire Historic District or Conservation District, the district must either meet D.1.f or two of D.1.a-e:
 - a. The resource is associated with at least one event that has made a significant contribution to one or more broad patterns of local, regional, state, or national history;
 - b. The resource is associated with the life of at least one person significant to local, regional, state, or national history;
 - c. The resource possesses at least one distinctive characteristic of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - d. There is a high likelihood that, if preserved, the resource would yield information important in local, regional, state, or national history;
 - e. If the proposal is to designate a Conservation Landmark or Conservation District, the resource is associated with at least one event or pattern that is architecturally, culturally, or historically significant to the neighborhood or community with which the resource is associated; or
 - f. The resource has a significant association with at least one underrepresented community, cultural, or ethnic group;

33.846.030.D Approval criteria (cont.)

Previous approval criteria are deleted to allow for clarity and consistency with the historic resource types defined in 33.910, State Administrative Rule ([OAR 660-023-0200](#)) criteria, and Comprehensive Plan policies.

- a. The resource represents a significant example of a development, architectural style, or structural type once common or among the last examples in the region;
- b. The resource represents a significant work of a developer, architect, builder, or engineer noted in the history or architecture of the region;
- c. The resource represents a particular material, method of construction, quality of composition, or craft work which is either associated with the region's history or which enriches the region's character;
- d. The resource is associated with culture, activities, events, persons, groups, organizations, trends, or values that are a significant part of history;
- e. The resource is associated with broad patterns of cultural, social, political, economic, or transportation history of the region, state, or nation;
- f. The resource significantly contributes to the historic or cultural development of the area or neighborhood;
- g. The resource symbolizes a significant idea, institution, political entity, or period;
- h. The resource retains sufficient original design characteristics, craft work, or material to serve as an example of a significant architectural period, building type, or style;
- i. The resource significantly contributes to the character and identity of the neighborhood district or city;
- j. The resource includes significant site development or landscape features that make a contribution to the historic character of a resource, neighborhood, district, or the city as a whole;
- k. The resource represents a style or type of development which is, or was, characteristic of an area and which makes a significant contribution to the area's historic value; or
- l. The resource contributes to the character of a grouping of resources that together share a significant, distinct, and intact historic identity.

33.846.030.D Approval criteria (cont.)

A new approval criterion—integrity—allows for the consideration of the physical and spatial characteristics of a resource proposed for designation. Without sufficient integrity from the historic period (the year or years during which the resource’s significance was acquired), an otherwise significant historic resource may not be appropriate for designation and, consequently, historic resource protections. This criterion is directly informed by the National Park Service’s [criteria for listing](#) in the National Register of Historic Places. The Park Service’s recognized aspects of integrity are: location, design, setting, materials, workmanship, feeling, and association. National Park Service guidance on integrity—including National Park Service Bulletins—should be consulted in situations where additional context is needed.

Historic Landmarks and Districts are generally expected to have a high degree of integrity; Conservation Landmarks and Districts may have lower degrees of integrity, unless the Conservation Landmark or District is being considered for designation primarily due to its design or architectural significance.

2. Integrity. The resource has retained physical and associative features from the period of historic significance. For proposals to designate a Conservation Landmark or Conservation District, at least three of the following must be met. For proposals to designate a resource as a contributing resource in a Historic District or Conservation District, at least three of the following must be met. For proposals to designate a Historic Landmark or Historic District, at least four of the following must be met:
- a. The resource remains in the exact location as during the period of historic significance;
 - b. The resource retains sufficient design elements to convey an association with the period of historic significance;
 - c. The overall configuration of the resource and its surroundings is generally unchanged since the period of historic significance;
 - d. The resource's materials are generally unchanged since the period of historic significance or, if changed, have been replaced in kind;
 - e. The resource retains expressions of craft from the period of historic significance;
 - f. Sufficient artistic, spatial, or intangible elements from the period of historic significance remain to convey the significance of the resource; or
 - g. The cumulative features of the resource, as described by D.2.a through f, are together sufficient to convey an association with the resource's significance.

33.846.030.D Approval criteria (cont.)

Changes to criterion 3 provide clarity and accommodate review of changes in contributing status of resources in Historic Districts and Conservation Districts. The changes also recognize archaeology and culture as areas of significance. Finally, the change clarifies the factors that are considered when determining an appropriate level of protection for a resource proposed for landmark or district designation.

Criterion 3 is removed and replaced by a new supplemental application requirement.

- ~~23.~~ Appropriate level of protection. The proposed City designation is appropriate, considering the following historical or architectural value of the resource and other conflicting values. Levels of protection for City designation are Historic Landmark designation, Conservation Landmark designation, Historic District designation, Conservation District designation, contributing resource in a Historic District, contributing resource in a Conservation District, and no City designation; ~~and~~
- ~~a.~~ The significance and integrity of the resource proposed for designation;
 - ~~b.~~ The regulatory effects of the proposed level of protection; and
 - ~~c.~~ Other values, such as relevant goals and policies in the Comprehensive Plan.
- ~~3.~~ ~~Owner consent.~~
- ~~a.~~ For Historic Landmark or Conservation Landmark designation, the property owner must consent, in writing, to the Historic Landmark or Conservation Landmark designation;
 - ~~b.~~ For Historic District or Conservation District designation all owners of property in the district must consent, in writing, to the Historic District or Conservation District designation at the time of designation.

33.846.040.A Purpose

Changes to this section provide clarity and allow for reduction of boundaries and reclassification of contributing resources as noncontributing through historic designation removal review. The amendments also allow for changes in the level of protection for previously designated resources, such as reducing a Historic-level resource to a Conservation-level resource. Changing the level of protection does not require the removal and re-addition of a designation.

33.846.040.B Review procedure

Changes to this section allow for boundary reductions or reclassification of contributing resources as noncontributing to be processed through a Type II procedure, consistent with the Type II procedure provided in 33.846.030 for changing the classification of resources from noncontributing to contributing or expanding a boundary.

The existing Type III procedure for historic designation removal review for Historic and Conservation Landmarks remains, but the unnecessary requirement for a pre-application conference is eliminated.

Entire Historic District and Conservation District designations can only be removed through a legislative procedure.

33.846.040.C Approval criteria

Changes provide clarity and incorporate State Administrative Rule ([OAR 660-023-0200](#)), which provides:

"(9) Removal of a historic resource from a resource list by a local government is a land use decision and is subject to this section.

(a) A local government must remove a property from the resource list if the designation was imposed on the property by the local government and the owner at the time of designation:

(A) Has retained ownership since the time of the designation, and (B) Can demonstrate that the owner objected to the designation on the public record, or (C) Was not provided an opportunity to object to the designation, and (D) Requests that the local government remove the property from the resource list.

(b) Except as provided in subsection (a), a local government may only remove a resource from the resource list if the circumstances in paragraphs (A), (B), or (C) exist. (A) The resource has lost the qualities for which it was originally recognized; (B) Additional information shows that the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing; (C) The local building official declares that the resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition."

A new criterion, C.2., allows changes in the level of protection for resources when a change in protection would equally or better meet the goals and policies of the Comprehensive Plan. Changing the level of protection through C.2. would retain landmark or district status—albeit at a lower level of protection—for the resource. This criterion allows for resources with a local Historic or Conservation designation to be protected as a National Register Landmark or District if the resource in question has been listed in the National Register of Historic Places. C.2 requires the entire resource's level of protection be changed; Therefore, C.2 does not allow for changes to boundaries or status of contributing resources. C.2 does not require a resource to be de-designated and re-designated since it is only the level of protection that is changed.

33.846.040 Historic Designation Removal Review

- A. Purpose.** These provisions allow for the removal of the City's City landmark historic designation when it is no longer appropriate. The provisions also allow for the level of protection to be changed from Historic Landmark to Conservation Landmark, and for the boundaries of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District to be reduced. And these provisions allow for removing the contributing status of resources within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District. This review does not affect a property or district's resource's listing on the National Register of Historic Places.
- B. Review procedure.** Historic designation removal reviews are processed as follows:~~through a Type III procedure.~~
1. Historic designation removal review to reduce the boundary of or identify a resource as noncontributing within a City-designated Historic Landmark, Conservation Landmark, Historic District, or Conservation District is processed through a Type II procedure.
 2. All other historic resource designation removal reviews are processed through a Type III procedure. A pre-application conference is not required.
- C. Approval criteria.** Proposals to remove the ~~historic~~ designation from a historic resource or change the level of protection of a historic resource will be approved if the review body finds that ~~all~~one of the following approval criteria are met:
1. ~~Loss of public benefit historic value. Information shows that the resource does not meet the applicable criteria for historic designation review in Sections 33.846.030.D.1. and D.2; The benefits to the public and the property owner of retaining the historic designation no longer outweigh the benefits of removing the designation; or~~
 2. Change in level of protection. The goals and polices of the Comprehensive Plan are equally or better met by changing the level of protection of the entire landmark or district from Historic Landmark to Conservation Landmark, from Historic District to Conservation District, or, if the resource is listed in the National Register of Historic Places, by changing the level of protection to National Register Landmark or National Register District; or
 23. Owner consent.
 - a. For Historic Landmarks or Conservation Landmarks. The property owner at the time of designation must have objected, on the record, to the historic designation and must have retained ownership since the time of designation.
 - b. For individual sites not designated as Historic Landmarks or Conservation Landmarks in Historic Districts or Conservation Districts. The Fifty percent plus one of the property owners at the time of designation must have objected, on the record, to inclusion in the district.

33.846.040.C Approval criteria (cont.)

The definition of owner provided by State Administrative Rule ([OAR 660-023-0200](#)) is incorporated into this section.

c. For the purposes of this criterion, property owner is defined as the following:

- (1) The owner of fee title to the property as shown in the deed records of the county where the property is located;
- (2) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
- (3) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

Property owner does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests, including leaseholds, of any nature.

33.846.050.A Purpose

Changes to this section make clear that contributing resources in Historic and Conservation Districts are eligible for some incentives. Historic preservation incentive review allows for uses that are not otherwise allowed to occur in certain zones to increase the economic viability of preservation and rehabilitation of historic resources. The list of historic preservation incentives—including those that require historic preservation incentive review—can be found in 33.445.400.

33.846.050.C Approval criteria

Changes to C.2 reflect the elimination of no-net-loss housing criteria elsewhere in the code.

C.3 is a new criterion that allows for consideration of the impacts of adaptive reuse in industrial zones. See 33.445.400.C.10, Major Event Entertainment and Retail Sales And Service uses in industrial zones, for more on historic resource incentives that apply in industrial zones.

33.846.050 Historic Preservation Incentive Review

- A. Purpose.** These provisions increase the potential for Historic Landmarks, ~~and~~ Conservation Landmarks, and contributing ~~structures~~resources in Historic Districts and Conservation Districts to be reused, rehabilitated, protected, renovated, and preserved.
- B. Review procedure.** Historic preservation incentive reviews for sites in the RX zone are processed through a Type II procedure. Historic preservation incentive reviews for sites in all other zones are processed through a Type III procedure.
- C. Approval criteria.** The use of a historic preservation incentive ~~in~~for a Historic Landmark, Conservation Landmark, or a contributing resource identified as contributing to the historic significance ofin a Historic District or a Conservation District will be approved if the review body finds that all of the following approval criteria are met:
1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the site and surrounding area;
 2. If the site is in an R zone: ~~a. The approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met;~~ ~~and~~
 - ~~b. Proposals on sites larger than one acre will not reduce the amount of new housing opportunity in the City. These criteria may be met by using the methods to mitigate for housing loss in Comprehensive Plan Map amendments in Subparagraph 33.810.050.A.2.c;~~ ~~and~~
 3. If the site is in an industrial zone, the approval criteria of 33.815.129 A through D are met; and
 - ~~34. The regulations of 33.445.610400, Historic Preservation Incentives are met;~~

33.846.060.A Purpose

An additional sentence captures proposals to relocate historic resources, which are better addressed by historic resource review than demolition review.

33.846.060.B Review procedure

An additional sentence addresses National Register Landmarks and contributing resources in National Register Districts that have no other designation. Generally, these National Register resources are not subject to historic resource review, however, the provisions of State Administrative Rule ([OAR 660-023-0200](#)) require proposals to relocate certain National Register resources to be reviewed at a public hearing and approved by a decision-maker. The new approval criteria for relocation can be found in 33.846.060.I. Finally, proposals to alter certain National Register Resources to the extent that the alteration meets the demolition definition thresholds in 33.445 are subject to demolition review unless the applicant voluntarily elects to be reviewed through historic resource review. Under either circumstance, the review procedure is Type III.

Redundant neighborhood contact requirements are eliminated.

33.846.060 Historic Resource Review

- A. Purpose.** Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources. Historic resource review also ensures that proposals to relocate historic resources do not result in the loss of historic significance and integrity.
- B. Review procedure.** ~~Certain proposals specified in B.1 are subject to neighborhood contact requirements. For National Register Landmarks that are not located in a Historic or Conservation District, and for contributing resources in National Register Districts that are not a Historic or Conservation Landmark, the review procedure is Type III. Procedures for all other~~ historic resource reviews are shown in Tables 846-1 through 846-4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.
- ~~1. Neighborhood Contact. The following proposals are subject to the Neighborhood Contact requirement, as specified in Section 33.700.025, Neighborhood Contact, if they are in the~~
- ~~a. Alternative Design Density Overlay Zone; in the Albina Community Plan area shown on Map 825-2; or in the Outer Southeast Community Plan area shown on Map 825-3:~~
 - ~~a. Proposals that create more than three new dwelling units. Dwelling units are created:
 - ~~(1) As part of new development;~~
 - ~~(2) By adding net building area to existing development that increases the number of dwelling units;~~
 - ~~(3) By conversion of existing net building area from nonresidential to residential uses; and~~
 - ~~(4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex;~~~~
 - ~~b. Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or~~
 - ~~c. Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.~~
21. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.140-B100.D.2, the review procedure is determined by Table 846-1, below:

33.846.060.B Review procedure (cont.)

Revisions are provided to the Historic Landmark review procedure table. The changes largely reflect requests from the Bureau of Development Services to align review procedure types with the staff time necessary to conduct the review.

A new threshold distinguishes between proposals to relocate a primary structure and proposals to relocate a contributing accessory structure.

In addition, the procedure type for development of certain affordable housing projects affecting a Historic Landmark has been revised. The amendment allows certain affordable housing proposals to be processed through a Type II review, with a required design advice request meeting, in lieu of a Type III procedure. This amendment also allows a narrower subset of affordable housing proposals to be processed through a Type Ix review, with a required design advice request meeting. And, the procedure type for minor changes to an approved historic resource review has been reduced. This change allows for refinements to an approved land use review through a lower procedure level. For consistency between similar sections of the code, these amendments affect the procedure tables in both Chapters 33.846 and 33.825.

**Table 846-1
Procedure Types for proposals affecting Historic Landmarks**

Proposal	Zone	Threshold	Procedure
<u>Relocation</u>	<u>All</u>	<u>Historic Landmark</u>	<u>Type III</u>
		<u>Contributing accessory structure</u>	<u>Type II</u>
<u>New structure</u>	<u>All</u>	<u>Floor area > 5,000 sq. ft.</u>	<u>Type III [1]</u>
		<u>Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.</u>	<u>Type II [1]</u>
		<u>Floor area ≤ 800 sq. ft.</u>	<u>Type Ix</u>
Alterations of a landmark-designated interior public space	All	Project value > \$459,450	Type III
		Project value ≤ \$459,450	Type II
Mechanical equipment	All	Exterior	Type Ix
Awnings	All	New or replacement	Type Ix
Signs	C, E, I, RX, CI <u>All</u>	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	<u>RF-RM4</u>	<u>Affected facade or roof area < 150 sq. ft.</u>	<u>Type I</u>
	C, E, I, RX, CI	<u>Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.</u>	Type Ix
		<u>Affected facade or roof area ≤ 50 sq. ft.</u>	<u>Type I</u>
Historic restoration	RF-RM <u>All</u>		Type I
<u>Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.</u>	<u>All</u>		<u>Type I</u>
<u>Paving and landscaping</u>	<u>All</u>	<u>Affected site area < 800 sq. ft.</u>	<u>Type I</u>
<u>Changes to an approved historic resource review [2]</u>	<u>All</u>	<u>Rooftop mechanical equipment</u>	<u>Type I</u>
		<u>Alteration to ground floor facade</u>	<u>Type I</u>
		<u>All other changes [3]</u>	<u>Type II</u>
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450	Type III [1]
		Project value ≤ \$459,450	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

33.846.060.B Review procedure (cont.)

Revisions are provided to the Conservation Landmark review procedure table. The changes largely reflect requests from the Bureau of Development Services to align review procedure types with the staff time necessary to conduct the review.

Reference to Conservation Landmarks in Historic Districts are eliminated because the Historic District table provides the applicable review procedures for those resources.

A new threshold distinguishes between proposals to relocate a primary structure and proposals to relocate a contributing accessory structure.

In addition, the procedure type for development of certain affordable housing projects affecting a Conservation Landmark has been revised. The amendment allows certain affordable housing proposals to be processed through a Type Ix review, with a required design advice request meeting. And, the procedure type for minor changes to an approved historic resource review has been reduced. This change allows for refinements to an approved land use review through a lower procedure level. For consistency between similar sections of the code, these amendments affect the procedure tables in both Chapters 33.846 and 33.825.

**Note:* Many proposals affecting Conservation Landmarks that require historic resource review can meet the Community Design Standards as an alternative to discretionary historic resource review.

32. For Conservation Landmarks, including those in ~~Historic Districts or Conservation Districts~~, when proposals are not exempt from review as specified in Subsection 33.445.230-B110.D.2, the review procedure is determined by Table 846-2, below:

Table 846-2			
Procedure Types for proposals affecting Conservation Landmarks			
Proposal	Zone	Threshold	Procedure
<u>Relocation</u>	<u>All</u>	<u>Conservation Landmark</u>	<u>Type III</u>
		<u>Contributing accessory structure</u>	<u>Type Ix</u>
<u>New structure</u>	<u>All</u>	<u>Floor area > 800 sq. ft.</u>	<u>Type II [1]</u>
		<u>Floor area ≤ 800 sq. ft.</u>	<u>Type Ix</u>
<u>Mechanical equipment</u>	<u>All</u>		<u>Type I</u>
<u>Awnings</u>	<u>All</u>		<u>Type I</u>
<u>Signs</u>	<u>C, E, I, RX, CI</u> <u>All</u>	<u>Sign area < 150 sq. ft.</u>	<u>Type Ix</u>
<u>Alteration to the exterior of a structure</u>	<u>RF-RM4</u>	<u>Affected facade or roof area < 150 sq. ft.</u>	<u>Type I</u>
	<u>C, E, I, RX, CI</u>	<u>Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.</u>	<u>Type Ix</u>
		<u>Affected facade or roof area ≤ 50 sq. ft.</u>	<u>Type I</u>
<u>Historic restoration</u>	<u>RF-RHAll</u>		<u>Type I</u>
<u>Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.</u>	<u>All</u>		<u>Type I</u>
<u>Paving and landscaping</u>	<u>All</u>	<u>Affected site area < 800 sq. ft.</u>	<u>Type I</u>
<u>Changes to an approved historic resource review [2]</u>	<u>All</u>	<u>Rooftop mechanical equipment</u>	<u>Type I</u>
		<u>Alteration to ground floor façade</u>	<u>Type I</u>
		<u>All other changes [3]</u>	<u>Type II</u>
<u>Any other non-exempt exterior alteration or historic restoration proposal</u>	<u>All</u>		<u>Type II [1]</u>

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any facade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

33.846.060.B Review procedure (cont.)

Revisions are provided to the Historic District review procedure table. The changes largely reflect requests from the Bureau of Development Services to align review procedure types with the staff time necessary to conduct the review.

Reference to Conservation Landmarks is eliminated as Table 846-3 applies to Conservation Landmarks in Historic Districts.

In addition, the procedure type for development of certain affordable housing projects affecting a Historic District has been revised. The amendment allows certain affordable housing proposals to be processed through a Type II review, with a required design advice request meeting, in lieu of a Type III procedure. This amendment also allows a narrower subset of affordable housing proposals to be processed through a Type Ix review, with a required design advice request meeting. And, the procedure type for minor changes to an approved historic resource review has been reduced. This change allows for refinements to an approved land use review through a lower procedure level. For consistency between similar sections of the code, these amendments affect the procedure tables in both Chapters 33.846 and 33.825.

A new threshold distinguishes between proposals to relocate a contributing primary structure and proposals to relocate a contributing accessory structure.

43. For Historic Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.320.B.200.D.2, the review procedure is determined by Table 846-3, below:

Table 846-3 Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
<u>Relocation</u>	All	<u>Contributing resource</u>	Type III
		<u>Contributing accessory structure</u>	Type II
New structure New accessory structure	All RF-RH	Project value > \$459,450 Floor area > 5,000 sq. ft.	Type III [1]
		Project value ≤ \$459,450 Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
<u>Window replacement</u>	RF-R2.5		Type I
<u>Mechanical equipment</u>	All		Type I
<u>Awnings</u>	All		Type I
Signs	C, E, I, RX, CI All	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RHM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	RF-RH>All		Type I
<u>Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.</u>	All		Type I
<u>Paving and landscaping</u>	All	Affected site area < 800 sq. ft.	Type I
<u>Changes to an approved historic resource review [2]</u>	All	<u>Rooftop mechanical equipment</u>	Type I
		<u>Alteration to ground floor façade</u>	Type I
		<u>All other changes [3]</u>	Type II
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450	Type III [1]
		Project value ≤ \$459,450	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

33.846.060.B Review procedure (cont.)

Revisions are provided to the Conservation District review procedure table. The changes largely reflect requests from the Bureau of Development Services to align review procedure types with the staff time necessary to conduct the review.

A new proposed threshold distinguishes between proposals to relocate a contributing primary structure and proposals to relocate a contributing accessory structure.

In addition, the procedure type for development of certain affordable housing projects affecting a Conservation District has been revised. The amendment allows certain affordable housing proposals to be processed through a Type Ix review, with a required design advice request meeting. And, the procedure type for minor changes to an approved historic resource review has been reduced. This change allows for refinements to an approved land use review through a lower procedure level. For consistency between similar sections of the code, these amendments affect the procedure tables in both Chapters 33.846 and 33.825.

*Note: Many proposals affecting Conservation Districts that require historic resource review can meet the Community Design Standards as an alternative to discretionary historic resource review.

5. For Conservation Districts, excluding Historic Landmarks or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.420.B210.D.2, the review procedure is determined by Table 846-4, below:

Table 846-4			
Review procedures for proposals within Conservation Districts			
Proposal	Zone	Threshold	Review Type
<u>Relocation</u>	<u>All</u>	<u>Contributing resource</u>	<u>Type III</u>
		<u>Contributing accessory structure</u>	<u>Type Ix</u>
New structure	All	<u>Floor area > 800 sq. ft.</u>	<u>Type II [1]</u>
		<u>Floor area ≤ 800 sq. ft.</u>	<u>Type Ix</u>
<u>New accessory structure</u>	<u>RF-RH</u>		<u>Type I</u>
<u>Window replacement</u>	<u>RF-R2.5</u>		<u>Type I</u>
<u>Mechanical equipment</u>	<u>All</u>		<u>Type I</u>
<u>Awnings</u>	<u>All</u>		<u>Type I</u>
Signs	<u>C, E, I, RX, CI</u>	<u>Sign area < 150 sq. ft.</u>	<u>Type Ix</u>
	<u>All</u>		<u>Type Ix</u>
Alteration to the exterior of a structure Alteration to the exterior of a structure	<u>C, E, I, RX, CI</u>	<u>Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.</u>	<u>Type Ix</u>
		<u>Affected facade or roof area ≤ 50 sq. ft.</u>	<u>Type I</u>
	<u>RF-RHM4</u>	<u>Affected facade or roof area < 150 sq. ft.</u>	<u>Type I</u>
Historic restoration	<u>RF-RHAll</u>		<u>Type I</u>
<u>Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.</u>	<u>All</u>		<u>Type I</u>
<u>Paving and landscaping</u>	<u>All</u>	<u>Affected site area < 800 sq. ft.</u>	<u>Type I</u>
<u>Changes to an approved historic resource review [2]</u>	<u>All</u>	<u>Rooftop mechanical equipment</u>	<u>Type I</u>
		<u>Alteration to ground floor façade</u>	<u>Type I</u>
		<u>All other changes [3]</u>	<u>Type II</u>
Any other non-exempt exterior alteration or historic restoration proposal	<u>All</u>		<u>Type II [1]</u>

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

No changes

C. Phased proposals.

1. For phased proposals. Applicants may submit design plans for a phase proposal, provided the application includes adequate information to allow review of all phases of the proposal, including anticipated timelines.
2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate historic resource review for each phase.
3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a historic resource review for a specific development.

D. Models of proposals in the Central City plan district. For proposals located in the area of the Central City plan district shown on Map 510-1, a three dimensional digital model of a proposal located in a Historic District or Conservation District is required with an application for historic resource review. This requirement applies only to new developments or changes in the bulk of existing buildings. Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

33.846.060.E Approval criteria for outside the Central City plan district

The amendments throughout sections E and F provide clarity regarding the applicability of historic resource review approval criteria. In general, proposals affecting Historic Landmarks are required to, at minimum, meet the criteria in Subsection G. In general, proposals affecting Conservation Landmarks are required to, at minimum, meet new criteria provided in Subsection H. And, in general, proposals to relocate landmarks and contributing resources are required to, at minimum, meet the approval criteria of Subsection I, a new subsection that responds to requirements provided by State Administrative Rule ([OAR 660-023-0200](#)) for proposals to relocate certain historic resources.

Changes to the paragraphs within subsection E are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

E. Approval criteria for outside the Central City plan district. Outside the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph E.45, below. The approval criteria for historic resource review outside the Central City plan district are as follows:

1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:

a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the King's Hill Historic District Guidelines. When historic resource review is required in such districts, the approval criteria are:

(1) The guidelines specific to the district; are the approval criteria.

(2) If the resource is a Historic Landmark, the criteria in Subsection G;

(3) If the resource is a Conservation Landmark, the criteria in Subsection H; and

(4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.

b. Historic Districts without district-specific guidelines. Where there are no guidelines that are specific to the Historic District, ~~the criteria in Section 33.846.060.G are the approval criteria; or~~ approval criteria are:

(1) The criteria in Subsection G;

(2) If the resource is a Conservation Landmark, the criteria in Subsection H; and

(3) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;

c. Alphabet Historic District. In the Alphabet Historic District, the approval criteria are:

(1) The Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum;

(2) If the resource is a Historic Landmark, the criteria in Subsection G;

(3) If the resource is a Conservation Landmark, the criteria in Subsection H; and

(4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.

33.846.060.E Approval criteria for outside the Central City plan district (cont.)

Changes to the paragraphs within subsection E are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

2. Conservation Districts. When historic resource review is required for any resource in a Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
- a. Conservation Districts with district-specific guidelines. Conservation Districts may have guidelines that are specific to the district. When historic resource review is required in such districts, the approval criteria are:
 - (1) ~~¶The guidelines specific to the district; are the approval criteria~~
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I; or
 - b. Conservation Districts without district-specific guidelines. Where there are no guidelines that are specific to the Conservation District, the approval criteria are:
 - (1) ~~¶The Community Design Guidelines; are the approval criteria~~
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I. must also be met;

33.846.060.E Approval criteria for outside the Central City plan district (cont.)

Changes to the paragraphs within subsection E are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

The addition of Paragraph E.4 applies to National Register resources that are proposed for relocation or alteration to the extent that the alteration meets the definition of demolition in Chapter 33.445 and the applicant elects historic resource review as an alternative to demolition review. The approval criteria for such situations are the new criteria of Subsection H and the new criteria of Subsection I.

Changes to Paragraph E.5 clarify the resolution of conflicts in a variety of situations.

An additional change addresses the hierarchy of approval criteria in the Alphabet Historic District. The Alphabet Historic District is subject to the *Community Design Guidelines* and the *Historic Alphabet District Addendum to the Community Design Guidelines*. Occasionally conflicts arise between the *Guidelines* and *Addendum*. This change clarifies that when conflicts arise, the guidelines in the *Addendum* supersede the guidelines in the *Community Design Guidelines*.

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts or Conservation Districts. When historic resource review is required for a Historic Landmark or Conservation Landmark located outside of a Historic District or Conservation District, the approval criteria are:
 - a. If the resource is a Historic Landmark, the criteria in Subsection G;
 - b. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - c. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
4. National Register Landmarks located outside of Historic Districts and Conservation Districts and contributing resources in National Register Districts. When historic resource review is required for a National Register Landmark located outside of a Historic District or Conservation District or a contributing resource in a National Register District, the approval criteria are:
 - a. The criteria in Subsection H; and
 - b. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
5. Conflicts among guidelines and criteria.
 - a. When guidelines and the criteria in Subsection G apply, if a criterion in Section 33.846.060-Subsection G conflicts with any guideline, the criterion in Section 33.846.060-Subsection G supersedes the guideline.
 - b. When guidelines and the criteria in Subsection H apply, if a criterion in Subsection H conflicts with any guideline, the guideline supersedes the criterion in Subsection H.
 - c. When a guideline that is specific to a Historic District or Conservation District conflicts with one of the Community Design Guidelines or with a subdistrict design guideline, the guideline specific to the historic district supersedes the Community Design Guideline or subdistrict design guideline.
 - d. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Community Design Guidelines, the Alphabet District Addendum supersedes the Community Design Guidelines.
 - e. When a criterion in Subsection I conflicts with any guideline or criterion, the criterion in Subsection I supersedes the guideline or criterion.

33.846.060.F Approval criteria for inside the Central City plan district

Changes to the paragraphs within subsection F are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

F. Approval criteria for inside the Central City plan district. In the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph F.56, below. The approval criteria for historic resource review in the Central City plan district are as follows:

1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the NW 13th Avenue Historic District Design Guidelines. When historic resource review is required in such districts, the approval criteria are:
 - (1) ~~the~~ The Central City Fundamental Design Guidelines and the guidelines specific to the Historic District;
 - (2) ~~If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060, Subsection G; must also be met~~
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;

33.846.060.F Approval criteria for inside the Central City plan district (cont.)

Changes to the paragraphs within subsection F are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

- b. Historic Districts without district-specific guidelines.
- (1) Where there are no guidelines that are specific to the Historic District and the site is also in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
- ~~¶~~The Central City Fundamental Design Guidelines and the subdistrict design guidelines;
 - If the resource is a Historic Landmark ~~or Conservation Landmark~~, the criteria in ~~Section 33.846.060-Subsection G~~; ~~must also be met~~
 - If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
- (2) Where there are no guidelines that are specific to the Historic District and the site is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:
- ~~¶~~The Central City Fundamental Design Guidelines and the criteria in ~~Section 33.846.060-Subsection G~~; and
 - If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;

33.846.060.F Approval criteria for inside the Central City plan district (cont.)

Changes to the paragraphs within subsection F are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

- c. Alphabet Historic District. In the portion of the Alphabet Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - (1) ~~¶~~The Central City Fundamental Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum;
 - (2) ~~¶~~ If the resource is a Historic Landmark ~~or Conservation Landmark~~, the criteria in ~~Section 33.846.060, Subsection G~~; ~~must also be met~~
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I; or
 - d. Irvington Historic District. In the portion of the Irvington Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - (1) ~~¶~~The Central City Fundamental Design Guidelines;
 - (2) ~~¶~~The design guidelines for the Lloyd District subdistrict of the Central City plan district; ~~and~~
 - (3) ~~¶~~The criteria in Subsection ~~33.846.060-G~~; ~~and~~
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
2. Russell Street Conservation District. When historic resource review is required for any resource in the Russell Street Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
- a. ~~¶~~The Community Design Guidelines;
 - b. ~~¶~~ If the resource is a Historic Landmark ~~or Conservation Landmark~~, the criteria in ~~Section 33.846.060, Subsection G~~; ~~must also be met~~
 - c. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - d. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.

33.846.060.F Approval criteria for inside the Central City plan district (cont.)

Changes to the paragraphs within subsection F are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts and Conservation Districts. When historic resource review of a Historic Landmark or Conservation Landmark located outside of Historic Districts and Conservation Districts is required, the approval criteria are:
- a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
 - (1) ~~The Central City Fundamental Design Guidelines;~~
 - (2) ~~The subdistrict design guidelines; and~~
 - (3) If the resource is a Historic Landmark, the criteria in ~~33.846.060-Subsection G;~~
 - (4) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (5) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
 - b. Subdistricts without design guidelines. If the resource is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:
 - (1) ~~The Central City Fundamental Design Guidelines;~~
 - (2) ~~and~~ If the resource is a Historic Landmark, the criteria in ~~Section 33.846.060-Subsection G;~~
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (5) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;

33.846.060.F Approval criteria for inside the Central City plan district (cont.)

Changes to the paragraphs within subsection F are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

4. National Register Landmarks located outside of Historic Districts and Conservation Districts and contributing resources in National Register Districts. When historic resource review is required for a National Register Landmark located outside of a Historic District or Conservation District or a contributing resource in a National Register District, the approval criteria are:
- a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
- (1) The Central City Fundamental Design Guidelines;
 - (2) The subdistrict design guidelines; and
 - (3) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
- b. Subdistricts without design guidelines. If the resource is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:
- (1) The Central City Fundamental Design Guidelines; and
 - (2) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection; and

33.846.060.F Approval criteria for inside the Central City plan district (cont.)

Changes to the paragraphs within subsection F are intended to provide clarity regarding the applicability of relevant approval criteria based upon the resource's type, the applicability of the relocation approval criteria provided by Subsection I, and the presence of adopted design guidelines.

45. Specified sites along N. Broadway. When historic resource review is required for a historic resource on a site in the CXd zone, and the site fronts on and is within 300 feet of N. Broadway between N. Interstate and N. Wheeler streets, the approval criteria are:
- a. ~~¶~~The Central City Fundamental Design Guidelines and the Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan District;
 - b. If the resource is a Historic Landmark ~~or Conservation Landmark~~, the criteria in ~~Section 33.846.060-Subsection G~~; ~~must also be met~~
 - c. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - d. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
56. Conflicts among guidelines and criteria. Conflicts among guidelines and criteria are resolved as specified in this paragraph.
- a. ~~When guidelines and the criteria in Subsection G apply, when~~ if a criterion in ~~Section 33.846.060-Subsection G~~ conflicts with any other guideline, the criterion in ~~Section 33.846.060-Subsection G~~ supersedes the other guideline.
 - b. When guidelines and the criteria in Subsection H apply, if a criterion in Subsection H conflicts with any other guideline, the guideline supersedes the criterion in Subsection H.
 - c. When a guideline that is specific to a ~~Historic~~ District, such as one of the NW 13th Avenue Historic District Design Guidelines, conflicts with one of the Central City Fundamental Guidelines or with a subdistrict design guideline, such as one of the River District Design Guidelines, the guideline specific to the ~~Historic~~ District supersedes the Central City Fundamental Guideline and the subdistrict guideline.
 - d. When a subdistrict design guideline, such as one of the Goose Hollow District Design Guidelines, conflicts with one of the Central City Fundamental Design Guidelines, the subdistrict guideline supersedes the Central City Fundamental Guideline.
 - e. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Central City Fundamental Design Guidelines, the Alphabet District Guideline supersedes the Central City Fundamental Guideline. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Community Design Guidelines, the Alphabet District Addendum supersedes the Community Design Guideline.
 - f. When a Lloyd District Design Guideline conflicts with a Central City Fundamental Design Guideline, the Lloyd District Guideline supersedes the Central City Fundamental Guideline.
 - g. When a criterion in Subsection I conflicts with any guideline or criterion, the criterion in Subsection I supersedes the guideline or criterion.

33.846.060.G Other historic approval criteria

To further differentiate the protections applying to Historic-level and Conservation-level resources, an additional set of approval criteria are established for Conservation-level resources that are not subject to district-specific guidelines. The new criteria in subsection H are informed by the criteria in Subsection G, but allow for more extensive changes than is appropriate for historic-level resources.

Changes to 33.846.060.G retain and clarify existing historic resource review approval criteria. These criteria are informed by the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#), a National Park Service best practice guide that is often invoked as a requirement for rehabilitation projects taking advantage of grants and/or tax incentives. The changes to Subsection G intend to maintain general alignment with the Secretary of the Interior's Standards, while also providing additional specificity and flexibility in the approval criteria. Projects taking advantage of grants or tax incentives, and projects subject to State or Federal rules, may need to meet more stringent interpretation of the Secretary of the Interior's Standards for State or Federal approval.

A change to criterion G.1 replaces the word "property" with "landmark or contributing resource" for specificity.

Changes to criteria G.2-G.4 provide additional specificity.

Amendments to criterion G.7 continue to allow the design of additions, alterations, and new construction to be differentiated from the old, but no longer require differentiation in all circumstances. The word "will" is replaced with "may" to allow applicants the option to propose projects that more closely replicate historic designs and styles where appropriate, such as a new dormer or a minor exterior addition to accommodate a bathroom remodel. The change does not limit applicants from proposing projects that differentiate new from old provided that the differentiated approach does not harm aspects of the resource's physical integrity. This change is consistent with interpretation of the existing criterion, but provides specificity to allow applicants a wider range of options when proposing changes to a historic resource subject to this criterion.

G. Other historic approval criteria. ~~Requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria have been met. When required by Paragraphs E. or F., the following approval criteria must be met:~~

1. ~~Historic character. The historic character of the landmark or contributing resource~~property~~ will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the ~~property's~~ historic significance of the landmark or contributing resource will be avoided;~~
2. ~~Record of its time. The historic resource~~landmark or contributing resource~~ will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;~~
3. ~~Historic changes. Most resources~~properties~~ change over time. Those changes that have acquired historic significance will be preserved;~~
4. ~~Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the ~~old~~historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;~~
5. ~~Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;~~
6. ~~Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken;~~
7. ~~Differentiate new from old. New additions, exterior alterations, or ~~related~~ new construction will not destroy historic materials that characterize a landmark or contributing resource~~property~~. New work ~~will~~may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a historic district, the district as a whole;~~

33.846.060.G other approval criteria (cont.)

Changes to criterion G.8 provide consistency with other criteria and address seismic improvements which, like accessibility upgrades, require creative solutions to implement in a manner that protects the integrity of historic resources. Seismic and accessibility improvements are encouraged, with the most sensitive and/or compatible design solutions generally being most appropriate for approval under this criterion.

Changes to criterion G.9 provide clarity and consistency with other criteria.

Changes to criterion G.10 provide consistency with other criteria. Additionally, Criterion G.10 provides specificity regarding the hierarchy of compatibility for situations where these criteria apply in a Historic District. By replacing "adjacent properties" with "contributing resources located within 200 feet," the change to the criterion allows applicants greater opportunities to demonstrate consistency with sub-district patterns found in a Historic District. The change also recognizes that "adjacent properties" may or may not be consistent with the patterns and significance of the district and, therefore, serve as inadequate benchmarks for compatibility. The 200 foot distance is intended to capture contributing resources that are within a standard block's distance of a site. The 200 feet is measured from outside edge of the development proposal.

8. Architectural compatibility. New additions, exterior alterations, or ~~related~~ new construction will be compatible with the ~~resource's~~ massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting ~~buildings or sites~~ to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the ~~historic resource~~landmark or contributing resource;
9. Preserve the form and integrity of historic resources. ~~New additions and adjacent or related new construction~~New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the ~~historic resource and its environment~~landmark or contributing resource and, if in a district, the district as a whole would be unimpaired; and
10. Hierarchy of compatibility. ~~Exterior alterations and additions~~New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource ~~original resource, secondarily with adjacent properties,~~ and finally, if located within a ~~Historic or Conservation D~~district, secondarily with contributing resources located within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

33.846.060.H Other conservation approval criteria

Subsection H is a new addition that replaces the applicability of Subsection G for Conservation-level resources previously subject to Subsection G. Because Conservation-level resources generally have less historic significance, diminished physical integrity, and/or are less appropriate for the highest level of protections than Historic-level resources, these new criteria provide expanded flexibility for changes to Conservation-level resources. Because the 33.846.060.G approval criteria for Historic Landmarks and Historic Districts is informed by historic preservation best practice and have been successful in protecting the integrity of Historic Landmarks and Districts at the highest level, the more flexible approval criteria provided in subsection H only apply to proposed alterations, additions, and new construction affecting Conservation-level resources that are not subject to other criteria (i.e. Portland's six Conservation Districts would not be subject to these criteria because they would remain subject to the existing applicable design guidelines). Although there exist only 12 Conservation Landmarks that would be subject to these criteria as of June 2021, the restructured hierarchy of historic resource types and protections is intended to make Conservation-level designation an alternative to Historic-level designation. Although these criteria are not intended to protect all aspects of integrity in the same way as Subsection G, they provide owners with flexibility to advance creative and responsive alterations while protecting historic features and materials.

Criterion H.1 is informed by criterion G.4.

Criterion H.2 is informed by criterion G.5.

Criterion H.3 is informed by existing criterion G.6, but with more flexibility for the extent of the differentiation allowed.

Criterion H.4 anticipates changes that are responsive to the massing, materials, and/or features of the existing building, but which may add significant volume to the existing building. Coherency means that there is a relationship between new and old, but, unlike compatibility, does not require the size or scale of the new to be deferential to the old.

Criterion H.5 is informed by criterion G.6

Criterion H.6 recognizes that many future Conservation-level resources may be significant for cultural, social, or ethnic history and, therefore, may be less significant for architecture alone. This criterion provides additional flexibility for applicants to propose changes to culturally significant resources when the features being changed are not directly associated with the significance of the resource. This criterion allows for alterations and additions that accommodate a degree of change not otherwise approvable through historic resource review.

H. Other conservation approval criteria. When required by Paragraphs E. or F., the following approval criteria must be met:

1. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;
2. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;
3. Differentiate new from old. New additions, exterior alterations, or new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the features or materials of the landmark or contributing resource and, if in a district, the district as a whole;
4. Architectural coherency. New additions, exterior alterations, or new construction will relate to the massing, materials, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole even if the new work is differentiated or of a larger scale than the old;
5. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken; and
6. Cultural character. For landmarks or contributing resources in districts primarily significant for an area of history other than architecture or design, new additions, exterior alterations, or new construction will maintain the cultural significance of the resource. New additions, exterior alterations, or new construction may alter, replace, or remove historic features and materials if such features or materials are not integral to the resource's cultural significance.

33.846.060.I Other relocation approval criteria

Subsection I is a new addition that provides approval criteria for proposals to relocate certain historic resources. The addition of Subsection I implements State Administrative Rule ([OAR 660-023-0200](#)) requirement that local governments review applications to move resources listed on the National Register of Historic Places. The criteria incorporates the factors identified as required in State Administrative Rule ([OAR 660-023-0200](#)), while providing criteria that allow for a variety of options to approve an application to relocate historic resources subject to these criteria.

I. Other relocation approval criteria. When required by Paragraphs E. or F., one of the following approval criteria must be met:

1. Maintaining the resource in its current location would effectively deprive the owner of all reasonable economic use of the site. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
2. Relocation of the resource has been evaluated against the goals and policies of the Comprehensive Plan and any relevant area plans and, on balance, relocation has been found to be more supportive of the goals and policies than preservation, rehabilitation, or reuse of the resource on its current site.
 - a. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
 - b. The evaluation must consider the merits of relocation, the merits of preserving the resource on site, and the economic consequences of relocation.
 - c. The evaluation may consider the following additional factors:
 - (1) The merits of the proposed development on the site after relocation;
 - (2) For contributing resources in a district with district-specific design guidelines, the design guidelines for the district; and
 - (3) Any proposed mitigation for relocation.
3. Relocation of the resource and related alterations will not substantially harm the historic significance and physical integrity of the resource.
 - a. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
 - b. The evaluation must consider the merits of relocation, the merits of preserving the resource on site, and the economic consequences of relocation.
 - c. The evaluation may consider the following additional factors:
 - (1) The merits of the proposed development on the site after relocation;
 - (2) For contributing resources in a district with district-specific design guidelines, the design guidelines for the district; and
 - (3) Any proposed mitigation for relocation.

33.846.070 Modifications Considered During Historic Resource Review

No change.

33.846.070 Modifications Considered During Historic Resource Review

The approval criteria for modifications considered during historic resource review are:

- A. Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
 - 1. The resulting development will meet the purpose of the standard being modified; or
 - 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

33.846.080.A Purpose

Changes to this section accommodate the expansion of demolition review to City-designated landmarks and contributing resources in City-designated districts, as well as provide for expanded approval criteria that allow, among other outcomes, mitigation of the loss of certain historic resources. The amendments remove reference to preservation agreements, which are removed from the zoning code as a result of these amendments.

The procedure types and approval criteria in this section align with and further reinforce the hierarchy of historic resource types and protections embedded throughout these code amendments.

33.846.080.B Review procedure

This section retains the existing Type IV procedure and adds new Type II and Type III procedures for certain proposals.

The Type IV procedure is retained for the most protected of Portland's historic resources, Historic Landmarks and contributing resources in Historic Districts that are not accessory structures (see new Type II procedure for accessory structures).

The new Type III procedure applies to Conservation Landmarks, National Register Landmarks, contributing resources in Conservation Districts, and contributing resources in National Register Districts. Conservation Landmarks and contributing resources in Conservation Districts are currently subject to demolition delay; National Register Landmarks and contributing resources in National Register Districts are currently subject to Type IV demolition review. The new Type III procedure meets the minimum State Administrative Rule ([OAR 660-023-0200](#)) requirement (a public hearing) for National Register resources, while also responding to the lower level of protections applied to Conservation-level and National Register-level resources as compared to Historic-level resources throughout these amendments. By applying the Type III review to both Conservation-level and National Register-level resources, this approach recognizes that some National Register resources may be City-designated in the future (such as the Peacock Lane National Register District becoming a Conservation District) and some City-designated resources may have their City designation removed in the future (such as Washington Park Reservoirs Historic District becoming a National Register District).

The new Type II procedure applies to accessory structures that are subject to demolition review.

Supplemental application requirements previously contained in 33.445 have been removed as they are no longer applicable to the approval criteria.

33.846.080 Demolition Review

- A. Purpose.** Demolition review protects landmarks and contributing resources in districts resources that have been individually listed in the National Register of Historic Places or identified as contributing to the historic significance of a Historic District. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our significant to the region's architectural, cultural, and historical identity heritage, beautify the city, enhance civic 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.
- B. Review procedure.** Demolition reviews are processed as follows: ~~through a Type IV procedure.~~
1. Proposals to demolish an accessory structure are processed through a Type II procedure;
 2. Proposals to demolish a Conservation Landmark, National Register Landmark, contributing resource in a Conservation District, or contributing resource in a National Register District are processed through a Type III procedure;
 3. All other proposals to demolish a historic resource are processed through a Type IV procedure.

33.846.080.D Approval criteria

Changes to the approval criteria for demolition review accommodate State Administrative Rule and the hierarchy of protections included throughout these amendments. Most Historic Landmarks and contributing resources in Historic Districts were previously subject to demolition review. For Conservation-level resources, National Register-level resources listed since January 2017 (and those that may have their City designation removed or level of protection changed in the future), and accessory structures, the new approval criteria provide additional options beyond what existed previously for gaining approval to demolish. The criteria generally provide the most options to those resources with the fewest protections, and the fewest options to those resources with the most protections. The factors required by State Administrative Rule ([OAR 660-023-0200](#)) are incorporated in the criteria as factors that must be considered by the decision-maker.

Existing criterion C.1 is removed.

Changes to criterion C.1 (renumbered) provide clarity and consistency with other chapters of the zoning code. The list of factors is amended to incorporate the factors required by OAR to be considered by the decision-maker, as well as additional factors relevant to decision-makers. Problematic language about "desired character" is removed.

Criterion C.2 is a new approval criterion. Because of their singular historic significance (in the case of landmarks) and relative value to the community (in the case of Historic Districts), Historic Landmarks, Conservation Landmarks, National Register Landmarks, and contributing resources in Historic Districts are not eligible to apply under this criterion (individual landmarks and contributing resources in Historic Districts that happen to also be listed in the National Register cannot apply under this criterion). The criterion allows demolition of contributing resources in Conservation Districts and National Register Districts if a mitigation measure is proposed that will, proportional to the significance and integrity value of the resource proposed for demolition, support the significance and integrity of the district. The required mitigation measure could be equal to, but cannot be required to exceed, rough proportionality to the loss of the historic resource. The evaluation will consider the significance and integrity of the resource proposed for demolition to determine the level of mitigation appropriate for the loss. Mitigation measures can be proposed on or off site and may include archaeological, architectural, cultural, or historic mitigation ranging from the design or programming of the proposed replacement project to rehabilitation or cultural investment elsewhere in the district. If the resource proposed for demolition has little significance or integrity, the required mitigation measure may be minimal, such as architectural salvage or documentation of the resource prior to demolition. If the resource proposed for demolition has high significance or integrity, the required mitigation may be more meaningful, such as a replacement project that reuses salvaged architectural elements and/or is required to meet historic resource review approval criteria. Proposed mitigation need not be architectural and could include such outcomes as cultural, economic, or housing opportunities related to the district's history, including providing benefits for individuals or populations historically excluded from or marginalized within the district.

C. Approval criteria. Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:

- ~~1. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site;~~
- 2.1. Demolition of the resource has been evaluated against and, on balance, demolition has been found to be equally or more supportive of the relevant goals and policies of the Comprehensive Plan, and any relevant area plans, than preservation, rehabilitation, or reuse of the resource. The evaluation ~~may~~ must consider factors such as:
 - ~~a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;~~
 - ~~b. The economic consequences for the owner and the community;~~
 - ~~a.c. The merits of demolition;~~
 - ~~b.d. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;~~
 - ~~c. The effect demolition of the resources would have on the area's desired character;~~
 - ~~d. The effect that redevelopment on the site would have on the area's desired character;~~
 - e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
 - f. Any proposed mitigation for the demolition.
2. The proposal is to demolish a contributing resource in a Conservation District or National Register District, and demolition of the resource will be mitigated to enhance, preserve, or restore the archaeological, architectural, cultural, or historic significance or integrity of the district. The mitigation must be responsive to the significance and integrity of the resource proposed for demolition. The evaluation must consider:
 - a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.

33.846.080.D Approval criteria (cont.)

Criterion C.3 is a new approval criterion. Because of their singular historic significance (in the case of landmarks) and relative value to the community (in the case of Historic and Conservation Districts), Historic Landmarks, Conservation Landmarks, National Register Landmarks, contributing resources in Historic Districts, contributing resources in Conservation Districts, and contributing resources in National Register Districts not zoned single-dwelling use are not eligible to apply under this criterion (individual landmarks and contributing resources in Historic and Conservation Districts that happen to also be listed in the National Register cannot apply under this criterion). The criterion allows demolition of contributing resources in National Register Districts when the zoning is single dwelling and the resource is not a Historic-level or Conservation-level resource. Contributing resources in National Register Districts where the zoning is not single-dwelling may be approved for demolition review under criterion C.1 or C.2, but not under criterion C.3 due to the greater intensity of development allowed and greater public use generally experienced in the other zones. Criterion C.3 allows demolition of a contributing resource if the decision-maker determines that more affordable housing units available to those earning 60 percent of the area median family income or less will be created by demolishing the resource than could be created by preserving the resource. The evaluation must consider the resource proposed for demolition as well as the proposed use of the replacement building. Approval with conditions is allowed, consistent with the relevant sections related to issuance of permits after demolition review found in 33.445. Factors required by OAR to be considered are included.

Criterion C.4 is a new approval criterion. In some instances—primarily Historic Landmarks and Historic Districts—contributing accessory structures are subject to demolition review. Some of these structures are significant— such as a carriage house or stone landscaping feature— but may lack distinction or important connection with the significance of the resource with which it is associated. This criterion allows a decision-maker to approve demolition of an accessory structure if the resource is not integral to the significance or integrity of an associated historic resource—landmark or district or, if the accessory structure is important, for a mitigation measure to balance the loss of the accessory structure. Mitigation measures may include on- or off-site rehabilitation, requiring the design of the replacement structure to meet historic resource review approval criteria, or requiring cultural preservation in the area or community in which it is located. Mitigation measures may not be required to exceed rough proportionality with the historic value of the resource proposed for demolition.

3. The proposal is to demolish a contributing resource in a single-dwelling zone in a National Register District, and 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. In this case, deeply affordable means permanently affordable to those earning no more than 60 percent of the area median family income. The evaluation must consider:
 - a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
4. The proposal is to demolish an accessory structure, and demolition of the resource will not significantly diminish the architectural, cultural, or historic significance or integrity of the associated landmark or district.

33.855.020 Initiating a Zoning Map Amendment

A change clarifies that the Historic Landmarks Commission does not initiate proposals to establish or remove Historic Districts.

33.855.020 Initiating a Zoning Map Amendment

- A. Quasi-Judicial.** Requests for a zoning map amendment which are quasi-judicial may be initiated by an individual, a representative of the owner, the Planning and Sustainability Commission, or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts, and the Design Commission may initiate amendments concerning design districts. The Director of BDS may request amendments for initiation by the Planning and Sustainability Commission. Initiations by a review body are made without prejudice towards the outcome.
- B. Legislative.** Requests for zoning map amendments which are legislative may be initiated by the Planning and Sustainability Commission or the City Council. ~~The Historical Landmarks Commission may initiate amendments concerning historic districts, and~~ The Design Commission may initiate amendments concerning design districts. Others may request to the Planning and Sustainability Commission to initiate a legislative zoning map amendment. The Planning and Sustainability Commission will review these amendment requests against adopted initiation criteria. Initiations by a review body are made without prejudice towards the outcome.

33.855.075 Automatic Map Amendments for Historic Resources

A minor change to the title provides grammatical accuracy

33.855.075.A Resources listed on the National Register of Historic Places

Amendments to this section address the changes in historic resource types included throughout these amendments. Effective January 2017 State Administrative Rule ([OAR 660-023-0200](#)) amended the protections that can—and must—be applied to resources automatically upon their listing in the National Register of Historic Places. Resources listed in the National Register before this date were automatically identified as Historic Landmarks and Historic Districts. Resources listed after this date are automatically identified as National Register Landmarks and National Register Districts in the Zoning Code. Future decisions to add or remove a City designation could alter a designation, either by elevating a resource's type from National Register to Conservation or Historic or lowering a resource's type from Historic or Conservation to National Register (assuming the resource is also listed in the National Register).

Subsection A.1.a maintains the automatic identification of Historic Landmarks and Historic Districts that were listed in the National Register prior to January 2017. A Historic Landmark or Historic District that was automatically identified as such upon a resource's listing in the National Register could have its City Historic designation changed to Conservation or removed altogether through a future legislative or quasi-judicial procedure as described in other sections. Unless or until such City action is taken, these resources remain as Historic Landmarks or Historic Districts.

Subsection A.1.b addresses resources listed in the National Register after January 2017. Resources listed in the National Register in the future are automatically identified as either a National Register Landmark or National Register District, unless the resource already had a City designation or is designated by the City in the future. In cases where a City-designated resource is listed in the National Register, the 'higher' City designation controls (see 33.445.030).

Amendments to Subsection A.2 provide clarity and incorporate the new National Register Landmark and National Register District resource types

Subsection A.3 addresses changes to boundaries of resources listed on the National Register. Changes in such boundaries are automatic.

33.855.075 Automatic Map Amendments For Historic Resources

The Official Zoning Maps will be amended automatically to add or remove historic resources as follows:

A. Resources listed on the National Register of Historic Places.

1. When a historic resource is listed ~~in~~on the National Register of Historic Places, it is automatically identified on the Official Zoning Maps as follows: as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource in the National Register; and
 - a. Historic resources listed on the National Register of Historic Places on or before January 27, 2017 are automatically identified on the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register; and
 - b. Historic resources listed on the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as a National Register Landmark or National Register District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register.
2. When a historic resource is removed from the National Register of Historic Places and it has ~~not local historic designation~~also been independently designated by the City as the result of a legislative or quasi-judicial procedure, it is automatically removed from the Official Zoning Maps as a Historic Landmark, Historic District, National Register Landmark, or National Register District ~~Historic Landmark or Historic District~~ on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the removal of the resource from the National Register.
3. When the federal Keeper of the National Register of Historic Places approves a change to the boundary of a historic resource listed on the National Register of Historic Places that has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure, the change is automatically identified on the Official Zoning Map on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the change.

33.855.075.B Removal after destruction

Amendments to Subsections B, C, and D accommodate the new National Register Landmark resource type.

- B. Removal after destruction.** If a Historic Landmark, ~~or~~ Conservation Landmark, or National Register Landmark is destroyed by causes beyond the control of the owner, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.
- C. Removal after demolition.** If a Historic Landmark, ~~or~~ Conservation Landmark, or National Register Landmark is demolished after approval of demolition through demolition review, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.
- D. Removal after relocation.** If a Historic Landmark, ~~or~~ Conservation Landmark, or National Register Landmark is relocated, the Landmark designation for the resource is automatically removed from the sending site on the Official Zoning Maps.

33.910.030 Definitions

Revised historic resource definitions provide a single place in the zoning code for information related to the different types of historic resources. Previous descriptions in 33.445 have been removed in favor of expanded definitions here.

Historic Resource

Changes to the definition of "historic resource" reflect broader resource types and areas of significance.

Historic Landmark

Revisions to the existing definition provide clarity on the types of properties and areas of history that may be considered for Historic Landmark status. The definition is informed by the criteria provided in State Administrative Rule ([OAR 660-023-0200](#)) that govern local historic resource designation decisions. The Historic Landmark resource type captures the existing slate of Historic Landmarks that were automatically identified as such upon listing in the National Register of Historic Places prior to changes in State Administrative Rule that took effect in January 2017. The definition also clarifies that that Historic Landmark status can be removed by the City; however removal of City Historic Landmark designation does not remove federal listing if the property is on the National Register. The definition explains that City-designated and National Register-listed Historic Landmarks are supported by documentation that provides details on the significance, integrity, boundary, and contributing status of the constituent parts of the Historic Landmark.

Conservation Landmark

Revisions to the existing definition provide a clearer summary of the types of resources and areas of history that may be considered for Conservation Landmark status.

National Register Landmark

This is a new definition. The new resource type reflects changes in State Administrative Rule ([OAR 660-023-0200](#)) that no longer require or allow for the automatic application of design protections to resources listed in the National Register. Previous to January 2017, all listings in the National Register were automatically identified on the zoning map as a Historic Landmark or Historic District. The 2017 change in State Administrative Rule, which was supported by the City of Portland, allows new National Register listings to be subject to only demolition protection upon federal listing, which provides the opportunity to establish a new resource type specific to landmarks and districts listed in the National Register. The new resource type accommodates both future National Register listings (retroactive to 2017), as well as previous National Register listings that may have their Historic Landmark status removed by future City action. National Register Landmarks that have been designated by the City as a Conservation Landmark or Historic Landmark—either automatically in the past or as the result of City action in the future—are subject to the regulations that apply to the 'higher' City designation.

Historic Resource. A place, structure, or object that has historic significance. A building, portion of a building, structure, object, landscape, tree, site, place, or district that has a significant relationship to events or conditions of the human past. Historic Resources may be important for archaeological, architectural, cultural, or historical reasons. Historic Resources include:

- **Historic Landmarks.** A Historic Landmark designation may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit. A Historic Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that has been designated for its special archaeological, architectural, cultural, or historical merit. Historic Landmark includes structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic Landmark designation removed. Information supporting a specific Historic Landmark's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Landmarks have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Historic Landmark's contributing resources;
- **Conservation Landmarks.** A Conservation Landmark may include buildings, a portion of a building, sites, statues, signs, or other objects or spaces that the City has designated for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance. A Conservation Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation Landmark's significance and integrity is found in the documentation done in support of the City designation. Conservation Landmarks have boundaries that are described in the documentation provided in support of the resource's City designation. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Conservation Landmark's contributing resources;
- **National Register Landmark.** A National Register Landmark is a building, structure, object, or site that has been listed by the federal Keeper of the National Register of Historic Places and has not been designated or identified by the City as a Historic Landmark or Conservation Landmark. National Register Landmark includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic Landmark or Conservation Landmark and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic Landmark or Conservation Landmark designation removed. Information supporting a specific National Register Landmark's significance and integrity is found in its National Register nomination. National Register Landmarks have boundaries that are described in the nomination provided in support of the federal listing;

Historic District

Revisions to this existing definition provide a clearer description of the areas of history that may be considered for Historic District status. The definition is informed by the criteria provided in State Administrative Rule ([OAR 660-023-0200](#)) that govern local historic resource designation decisions. The revised Historic District definition captures the existing slate of Historic Districts that were automatically identified as such upon listing in the National Register of Historic Places prior to changes in State Administrative Rule that took effect in January 2017. The definition clarifies that Historic District status can be removed by the City (removal of Historic District designation by the City does not affect a district's listing in the National Register of Historic Places). The definition explains that City-designated and National Register-listed Historic Districts are supported by documentation that provides details on the significance, integrity, boundary, and contributing status of the constituent parts of the Historic District.

Conservation District

This new definition provides clarity on the areas of history that may be considered for Conservation District status.

National Register District

This is a new historic resource definition. The National Register District resource type reflects changes in State Administrative Rule ([OAR 660-023-0200](#)) that no longer require or allow for the automatic application of design protections to resources listed in the National Register of Historic Places. Previous to January 2017, all listings in the National Register were automatically identified on the zoning map as a Historic Landmark or Historic District. The 2017 change in State Administrative Rule, which was supported by the City of Portland, allows new National Register listings to be subject to only demolition protection upon federal listing. The new resource type accommodates both future National Register listings (retroactive to 2017), as well as existing National Register listings that may have their Historic District status removed by future City action. National Register listings that were automatically identified as Historic Districts prior to 2017 or that are designated by the City as a Conservation District or Historic District in the future would be subject to the regulations that apply to the 'higher' City designation (see 33.445.030).

- **Historic Districts**, ~~including those listed in the National Register of Historic Places~~ A Historic District is a geographic area that has been designated for its archaeological, architectural, cultural, or historical merit. Historic District includes districts listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic District designation removed. Information supporting a specific Historic District's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Districts have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing;
- **Conservation Districts**: A Conservation District is a geographic area that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation District's significance and integrity is found in the documentation done in support of the City designation. Conservation Districts have boundaries that are described in the documentation provided in support of the resource's City designation;
- **National Register District**. A National Register District is a district that has been listed by the federal Keeper of the National Register of Historic and has not been designated or identified by the City as a Historic District or Conservation District. National Register District includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic District or Conservation District and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic District or Conservation District designation removed. Information supporting a specific National Register District's significance and integrity is found in its National Register nomination. National Register Districts have boundaries that are described in the nomination provided in support of the federal listing;

Significant Resource

The new "Significant Resource" type replaces the previous "Historic Resource Inventory" resource type(s). This new type of resource, formerly referred to as "Rank I, II, and III", has been determined to be significant by the City but has not been designated as a Historic Landmark, Conservation Landmark, Historic District, or Conservation District, or listed as a National Register Landmark or National Register District. The change in naming convention reassigns the term "Historic Resource Inventory" to encompass the broad list of historic resources and more closely aligns with guidance from the Oregon State Historic Preservation Office and 2017 changes in State Administrative Rules ([OAR 660-023-0200](#)). Significant, but undesignated or listed, resources previously addressed by this chapter—Rank I, II, III resources identified in the 1984 Historic Resources Inventory—are included as Significant Resources. Rank I, II, III resources identified in the 1984 Historic Resources Inventory that have been demolished or previously removed from the Inventory are not resurrected as Significant Resources under this change. Unranked resources identified in the 1984 Historic Resources Inventory are removed from the Zoning Code.

Contributing Resources

Changes to the definition for "Contributing Resources" reflect that all historic resource types may include contributing elements. The definition describes that those elements not considered to be "contributing resources" are "noncontributing resources." Contributing resources can be an entire building, portion of a building (such as an arcade or sign), or other feature (such as a fountain or wall). Unless otherwise stated in the documentation, the primary resource(s) associated with a landmark or Significant Resource is a contributing resource even if the words 'contributing resource' are not used in the documentation (such as a building that is itself the landmark or a sign that is itself the Significant Resource).

Historic Resources Inventory

Changes to the definition for "Historic Resources Inventory" allows for the documentation of potential historic resources without necessitating those resources be subject to regulations included in the zoning code. Documented resources are not regulated by the zoning code unless or until they have been determined by the City to be a Significant Resource, designated by the City, or listed by the Keeper of the National Register of Historic Places. The revised definition of Historic Resources Inventory is a roster of all documented, identified, designated, and listed historic resources, not a specific historic resource type.



- **Significant Resource.** A Significant Resource is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has determined to be significant for its archaeological, architectural, cultural, or historical merit but has not been designated by the City as a landmark or district, and has not been listed by the federal Keeper of the National Register of Historic Places. Rank I, II, III resources identified in the 1984 Historic Resource Inventory that have not been demolished or removed are Significant Resources; and
- **Contributing Resources,** including an associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District, or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district; A contributing resource is a building, portion of a building, structure, object, landscape, tree, site, or place that adds to the archeological value, architectural qualities, cultural significance, or historic associations, that make a Historic Landmark, Conservation Landmark, National Register Landmark, Historic District, Conservation District, National Register District, or Significant Resource important, as identified in the documentation prepared for the City designation, National Register listing, or City Significant Resource identification. If a resource is not identified or described in the documentation as contributing to the historic significance of the landmark, district, or Significant Resource, it is a noncontributing resource; and
- Structures or objects that are included in the **Historic Resources Inventory.** The Historic Resources Inventory is a documentation and preliminary evaluation of the significance of historic resources. Information for each resource may include a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and in most cases, a ranking of significance.

Historic Resources Inventory. Buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having archaeological, architectural, cultural, or historical significance. The Historic Resource Inventory includes all resources defined as Historic Resources. See Historic Resource.

32.34.020 Additional Standards in Overlay Zones.

Conforming amendments to Title 32 align with changes to Chapter 33.445.

**CHAPTER 32.34 - ADDITIONAL
REGULATIONS FOR SPECIFIC USES,
OVERLAY ZONES, AND PLAN DISTRICTS**

Sections:

- 32.34.010 Additional Standards for Specific Uses.
- 32.34.020 Additional Standards in the Overlay Zones.
- 32.34.030 Additional Standards in the Plan Districts.

32.34.010 Additional Standards for Specific Uses.

A.-C. [No change]

32.34.020 Additional Standards in Overlay Zones.

(Amended by Ordinance Nos. 176469, 178172, 179092, 185915, 188959, and 190477, effective August 1, 2021.) Overlay zones are shown on the Official Zoning Maps.

A.-B. [No Change]

C. Historic Resource Overlay Zone

1. Where these regulations apply. The regulations of this subsection apply to signs on sites with the historic resource overlay zone. However, signs are not required to go through historic resource review if they meet one of the following standards:

- a. The sign is a portable sign, lawn sign, or temporary sign; or
- b. The sign is exempt from historic resource review under Sections 33.445.100.D., Development within a Historic Landmark boundary; 33.445.110.D., Development within a Conservation Landmark boundary; 33.445.120.D., Development within a National Register Landmark boundary; 33.445.200.D., Development in a Historic District; 33.445.210.D., Development in a Conservation District; or 33.445.220.D., Development in a National Register District. ~~33.445.140, Alterations to a Historic Landmark; 33.445.230, Alterations to a Conservation Landmark; 33.445.320, Development and Alterations in a Historic District; or 33.445.420, Development and Alterations in a Conservation District.~~

2. [No change]

D. [No change]

32.34.030 Additional Standards in the Plan Districts. [No change]