



Code Loophole Undermines City’s Historic Resource Protections, Violates State Law

On November 5, the Bureau of Development Services removed two historically significant downtown buildings from Portland’s Historic Resource Inventory. Their removal from the Inventory—approved on the day the requests were made and without notice or public hearing—was a prima facie violation of state statute and circumvented the City’s long-established demolition delay provision for historic resources.

Restore Oregon urges City Council to fast track adoption of an ordinance restoring demolition delay provisions to Historic Resource Inventory properties to 1) comply with state law and 2) provide meaningful opportunities for the preservation community to advance alternatives when the demolition of a historic resource is proposed.

An ordinance eliminating subsection 33.445.510(B) from the City’s zoning code would close this loophole.



APPLICABLE CODES AND STATUTES

The Historic Resource Inventory is an official resource of the Portland Historic Landmarks Commission, accepted and adopted by the Commission on October 10, 1984. Comprised of approximately 5,000 structures and objects, properties listed in the Inventory are defined as Historic Resources by the Zoning Code (PCC 33.910).

The Zoning Code explicitly requires a 120-day delay for applications to demolish properties listed in the Historic Resource Inventory. According to PCC 33.445.810, “demolition delay allows time for consideration of alternatives to demolition, such as restoration, relocation, or architectural salvage.”



The Ancient Order of United Workmen Temple (top) and Hotel Albion (bottom) were removed from the Historic Resource Inventory November 5 to make way for demolition.

A provision of Oregon’s 1995 “owner consent” law (ORS 197.772) states that “No permit for the demolition or modification of property removed from consideration for historic property designation ... shall be issued during the 120-day period following the date of the property owners refusal to consent.”

Despite clear language in the code and in statute, a package of code amendments adopted in 2002 contained a provision that allows owners of Historic Resource Inventory properties to request same-day removal from the Inventory. This provision is in direct conflict with the statute and Portland’s demolition delay requirement.

In 2015, 11 properties have been removed from the Historic Resource Inventory without the required delay.



The John Bridges House, 1423 SW Columbia, was removed from the Inventory and demolished in 2014

REQUESTED COUNCIL ACTION

Restore Oregon urges adoption of an ordinance that strikes the following from Title 33:

33.445.510 Removal of Historic Resource Inventory Listing

- A. Automatic removal of listing in the Historic Resource Inventory. When a resource listed in the City’s Historic Resource Inventory is demolished or destroyed by causes beyond the control of the owner, its listing in the Inventory is automatically removed.
- B. ~~Requests for removal. A resource listed in the City’s Historic Resource Inventory will be removed from the Inventory if the owner sends a written request to the Bureau of Development Services. The resource will be removed from the Inventory on the date that the Bureau of Development Services receives the request.~~
- C. Removal after demolition. When a resource listed in the City’s Historic Resource Inventory is demolished, after either approval of demolition through demolition review or after demolition delay, its listing in the Inventory is automatically removed.