



CITY OF PORTLAND, OREGON - BUREAU OF DEVELOPMENT SERVICES

1900 SW Fourth Avenue, Portland, Oregon 97201, www.portlandoregon.gov/bds



UPDATE: After further review the Bureau of Development Services has determined that the 120 day delay period in ORS 197.722 applies to all permit types, not only demolition permits. See the highlighted updates in the body of the email.

SERVICE UPDATE

August 31, 2016

Contact: Ross Caron, BDS Public Information Officer, (503) 823-4268

UPDATED September 12, 2016: Historic Resource Inventory (HRI) Buildings and Demolition Delay Policy Effective September 1, 2016

The Oregon Supreme Court recently issued a decision interpreting a state law that applies to the designation of historic properties by local governments. Under that law, ORS 197.772, a property owner may refuse to consent to the City's designation of the owner's property as a historic resource at any point in the designation process. When an owner refuses to consent, the City may no longer consider the property for historic designation and any designation the City applied over that owner's objection must be removed. The law also requires the City to wait 120 days before issuing a permit for modification or demolition. "Modification" includes issuance of any building, plumbing, electrical and/or mechanical permit. This delay period starts the day after the owner requests the City either stop considering the owner's property for historic designation or remove a historic designation applied over that owner's objection.

Completed in 1984, the Historic Resource Inventory (HRI) is an official resource of the Portland Historic Landmarks Commission used to evaluate applications for Landmark designation. Properties on the HRI fall into two categories: unranked and ranked. Unranked resources lacked sufficient characteristics of historic significance to be considered for historic designation at the time of inventorying; ranked resources were found to have adequate characteristics of historic significance to be considered for historic designation at the time of inventorying. There are 2,745 Rank I, II, and III properties on the HRI today.

Following the Supreme Court's decision, the Bureau of Planning and Sustainability and Bureau of Development Services conducted a thorough review of the legislative history of the City's Historic Resources Inventory (HRI) and the zoning code in light of state law and the Supreme Court's decision. **Consistent with ORS 197.772, beginning September 1, 2016, when an owner of a ranked resource requests removal of the resource from the HRI, the City will require a 120-day delay period before issuing a permit for modification or demolition.**

This change in practice will align the Bureau of Development Services' processes with state law

and provide interim protections to historic resources while the Bureau of Planning and Sustainability makes commensurate revisions to the zoning code currently underway through the Regulatory Improvement Program (RICAP 8).

This Service Update does not alter existing protections for Portland's Conservation Landmarks, Conservation Districts, Historic Landmarks, or Historic Districts.

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