

Senate Bill 823

Sponsored by Senator AVAKIAN; Senator ATKINSON, Representative BONAMICI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes State Historic Preservation Officer to restrict or condition development along route of Oregon Trail. Requires public body that receives application for development to submit application to officer for review.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to development along Oregon Trail; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Legislative Assembly finds and declares that:**

5 (1) **The Oregon Trail deserves protection and preservation as a finite, irreplaceable and**
6 **nonrenewable historic and cultural resource and an intrinsic part of the historic and cultural**
7 **heritage of the people of Oregon and the United States.**

8 (2) **The historic and cultural importance of the Oregon Trail is a matter of statewide**
9 **concern, and sections 1 to 3 of this 2007 Act apply to the approval or denial of an application**
10 **for a permit or other development approval under state law, charter provisions, ordinances**
11 **or rules regulating the issuance of permits or other development approvals for a change in**
12 **the use of land within 660 feet of the route of the Oregon Trail.**

13 **SECTION 2. As used in sections 1 to 3 of this 2007 Act:**

14 (1) **"Oregon Trail" means a pathway for early emigrants to the state of Oregon and a**
15 **practical corridor to the western United States as identified on the 1959 Oregon State High-**
16 **way Department map of the Oregon Trail in 10 sections, identified as "T. E. D. Draw'g No.**
17 **6138" and on file with the State Historic Preservation Officer.**

18 (2) **"Public body" has the meaning given that term in ORS 174.109.**

19 **SECTION 3. (1) The State Historic Preservation Officer shall protect and preserve the**
20 **Oregon Trail in Oregon as a public trust for the benefit of the residents of the State of**
21 **Oregon.**

22 (2) **If a public body receives an application for a permit under ORS 215.402 to 215.438 or**
23 **227.160 to 227.186 or an application for any other development approval to change a present**
24 **use, including construction or remodeling of structures at a location within 660 feet of the**
25 **route of the Oregon Trail, the public body shall refer the application to the State Historic**
26 **Preservation Officer for review of the potential impacts to the Oregon Trail before making**
27 **a decision on the application.**

28 (3) **The State Historic Preservation Officer may:**

29 (a) **Restrict or condition development along the Oregon Trail to protect and preserve the**
30 **Oregon Trail without regard to the presence or absence of visible evidence of the Oregon**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **Trail at the location.**

2 **(b) Consult with other public bodies.**

3 **SECTION 4. Sections 1 to 3 of this 2007 Act may be cited as “The Oregon Trail Protection**
4 **Act.”**

5 **SECTION 5. Section 6 of this 2007 Act is added to and made a part of ORS 215.402 to**
6 **215.438.**

7 **SECTION 6. The time limits for action on an application for a permit under ORS 215.402**
8 **to 215.438 are tolled during the period that the State Historic Preservation Officer is re-**
9 **viewing the application under section 3 of this 2007 Act.**

10 **SECTION 7. Section 8 of this 2007 Act is added to and made a part of ORS 227.160 to**
11 **227.186.**

12 **SECTION 8. The time limits for action on an application for a permit under ORS 227.160**
13 **to 227.186 are tolled during the period that the State Historic Preservation Officer is re-**
14 **viewing the application under section 3 of this 2007 Act.**

15 **SECTION 9. Sections 1 to 3, 6 and 8 of this 2007 Act apply to an application for a permit**
16 **or an application for any other development approval filed with a public body on or after the**
17 **effective date of this 2007 Act.**

18 **SECTION 10. This 2007 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
20 **on its passage.**

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