

March 25, 2019

Senator Michael Dembrow, Chair
Committee Members
Senate Committee on the Environment and Natural Resources

Re: Senate Bill 927

Dear Chair Dembrow and Committee Members:

I'm writing to urge your support for Senate Bill 927, which is scheduled to come before your committee on Tuesday, March 26.

The bill, as I understand it, would prevent the listing of property on the National Register of Historic Places from having local land-use consequences not approved by local governments. It's imperative that Oregon enact this disconnect, as more and more neighborhoods are turning to National Register listing as way of circumventing local democratic processes.

I have experienced this circumvention. I live in Eastmoreland, a neighborhood in Portland that is disproportionately wealthy and white, compared to the city as a whole. Some of my neighbors are upset at the city's plans to enable more and more varied housing throughout the city as a means of alleviating a housing crisis caused by, among other things, too little housing. These neighbors don't want any new housing in our neighborhood. To forestall it, they tried the traditional, democratic process; they went to the city council and asked it to re-zone the neighborhood for large lots only. When the council rebuffed them, they turned to what they called "Plan B": get the whole neighborhood – or most of it, some 1,200 houses overall – listed on the National Register. They assumed that such a listing would impede attempts to replace an old house on a large lot with two smaller ones on smaller lots, or with a duplex or triplex, or to turn a garage into an ADU, or similar developments. They relied on an undemocratic feature of the National Register process: to get on the Register, you don't need the approval of a majority of the affected property owners. In fact, you don't need the approval of *any* of them. You just need to keep a majority of them from expressing *dis*approval in notarized objections, which, as you can imagine, are difficult to gather.

There is no question that the historic-district proponents are a minority of the property owners in Eastmoreland. We know that because we had an election – a straight up or down vote: Do you support the district, yes or no? The turnout was large for any election, almost 70 percent. And the district proponents lost. There were more noes than yeses. The proponents, however, ignored that outcome and continued with their nomination of the neighborhood for the National Register.

That led to several months of people filing letters of objection and support with the State Historic Preservation Office, the agency assigned to determine whether proposed historic districts have majority support among the affected property owners. And, once again, there were more noes than yeses – over three times more. It's not clear whether the noes exceeded the 50 percent threshold. SHPO is still sorting that out. But it's clear, once again, that there was more opposition than support among people took a position (or were able to).

This misuse of the National Register process is occurring elsewhere in Portland and around the state, as people try to skirt land-use rules of general application. It's not how a democracy is supposed to work. Elected city councilors and county commissioners should decide which neighborhoods, if any, should be exempted from land-use laws that otherwise apply to everyone. A minority of residents in a neighborhood shouldn't be allowed to sidestep the council or commission – not to mention the votes of other residents – through the National Register process.

Senate Bill 927 would put an end to use of the National Register as a way around local democratic processes. Please give it your support.

Thank you for your attention.

Sincerely,

/s Tom Christ

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