



SB 927 – Historic Designations and Land Use

Senate Committee on Environment and Natural Resources

March 26, 2019

Chair Dembrow and Members of the Committee,

The Oregon Farm Bureau and Oregon Cattlemen's Association submit the following testimony in opposition to SB 927. We appreciate the value that listing certain properties on the National Register of Historic Places has on acknowledging and preserving Oregon's history. However, providing these designations with automatic Goal 5 protections results in unnecessarily limiting future redevelopment on properties protected without any showing of a need or benefit from these protections. As such, we strongly support the provisions of SB 927 which decouple Goal 5 protections from historic designations. However, we have serious concerns about SB 927 removing the "opt-out" provision afforded in ORS 197.772, as it is still necessary to protect landowners whose local governments choose to provide for Goal 5 protection of resources designated historic.

Under Statewide Planning Goal 5, local governments must protect National Register resources regardless of whether the resources are designated in the local plan or land use regulations. Specifically, a local government must protect National Register resources by holding a public hearing process to review any form of demolition or relocation, which can result in restrictive conditions on modifications to the property in question. Additionally, a local government may even go further and apply additional protection measures or amend its land use regulations to protect National Register resources. (See OAR 660-023-0200(8)). We strongly support decoupling the Goal 5 protections from the historic designation, and requiring local governments to make specific findings prior to providing additional land use protections to Goal 5 resources.

Under current law, a landowner may refuse to consent to historic designation under ORS 197.772. This "opt-out" provision was created because having a property listed on the Federal Register of historic places can have a number of negative consequences for a landowner, such as unnecessary public hearings, burdensome conditions of approval, denial of permits, and a decrease in property value. As written, SB 927 removes the "opt-out" provision of ORS 197.772. While we are supportive of property owners voluntarily choosing to list their properties on the historic register, we have serious concerns about erasing an owner's ability to consent to the designation and remove the designation if it does not make sense for the owner.

In recent years, we have seen an increase in historic designations outside of urban growth boundaries on resource lands. When paired with accompanying land use protections, these designations have the potential to significantly impact farmers, ranchers, and foresters in rural

communities who would be subject to changes in their ability to manage their land without any ability to “opt out” of the process if they feel that their land is not suitable for designation on the National Register of Historic Places.

Therefore, we ask the Committee to OPPOSE SB 927 as written and SUPPORT the -2 Amendments, which would restore the landowner opt out.

Oregon Farm Bureau

Oregon Cattlemen’s Association