

SB 927 -2, -3 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/26, 4/4, 4/8

WHAT THE MEASURE DOES:

Repeals ORS 197.772 (Consent for Designation as Historic Property). Authorizes a local government to adopt a historic resource program that fosters and encourages the identification, designation, and protection of historic resources consistent with statewide land use planning goals and rules. Requires the program to include: a local inventory; a process and criteria for determining if a resource on the inventory is significant to local, regional, state, or national history or prehistory as provided by rule; a process for designating significant historic resources as the result of a land use decision; and land use regulations for the modification, demolition, and relocation of designated resources. Allows a resource that is first listed on the National Register of Historic Places to be included on a local inventory but not automatically designated or made subject to local regulation. Allows consideration of listing on National Register as evidence sufficient to determine that a resources is significant under local process and, if found to be persuasive, to designate under local process. Prohibits local government from approving a demolition or relocation application for a resource listed on the National Register except through a land use decision that considers factors set forth in rule; does not apply to accessory structures or non-contributing resources. Prohibits the demolition of a significant resource for 120 days following date of application to demolish resource or remove resource from inventory. Specifies that Act may not be interpreted to remove any protections of historic resources in effect prior to Act effective date based on local comprehensive plan or regulations or rule of the Department of Land Conservation and Development. Appropriates \$ ___ to the Land Conservation and Development Commission to provide grants or technical assistance to local governments in developing or implementing a historic resource program.

Subsequent referral to JWMS.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 2 Removes provisions repealing owner consent statute.
- 3 Clarifies that land use regulations adopted as part of a local historic resource program (local program) are to protect historic resources. For properties listed on the National Register on or after the effective date of the Act: states that local program may consider listing as evidence sufficient to determine significance unless contrary evidence is more persuasive; applies prohibition on demolition for 120 days following date of demolition application if property is determined to be significant through local program; and clarifies that land use regulations may only be applied after a resource is designated through the local program. Deletes appropriation to the Land Conservation and Development Commission to provide grants or technical assistance to local governments to develop or implement a local program.

BACKGROUND:

The State Historic Preservation Office (SHPO) was established in 1967, a year after Congress passed the National Historic Preservation Act. Under federal and state laws, SHPO manages programs for individuals, organizations, and local governments to become involved in the protection of significant historic and cultural resources. The Oregon Parks and Recreation Department director is Oregon's designated State Historic Preservation Officer.

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SHPO accepts and submits nominations of historic properties in Oregon to the National Register of Historic Places, which is maintained by the National Park Service.

Senate Bill 100 (1973) established the Land Conservation and Development Commission (LCDC) to adopt state land use goals, and the Department of Land Conservation and Development to assist LCDC and local governments in the implementation of these goals and with coordinating state agencies in land use matters. In addition, SB 100 directed that local governments adopt and implement comprehensive plans and revise them periodically in accordance with the statewide goals. Comprehensive plans are required for cities and counties, and include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing the issues and problems, and implementation measures. Plans must be done in accordance with state standards outlined in state law, statewide planning goals, and administrative rules. Goal 5 is a broad statewide planning goal that covers a variety of resources, including wildlife habitat, historic places, and gravel mines.

Senate Bill 927 would authorize a local government to adopt a historic resource program.