

Senate Bill 927

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

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**.

Allows local governments to develop historic resource program to designate resources for protection. Removes requirement for owner consent to designate resources. Establishes minimum components for program. Requires additional action by local government to designate resources designated on National Register of Historic Places on or after effective date of Act. Requires that existing protections be maintained.

Appropriates moneys from General Fund to Land Conservation and Development Commission to provide grants or technical assistance to local governments in developing and implementing program.

A BILL FOR AN ACT

1
2 Relating to historic preservation; creating new provisions; and repealing ORS 197.772.

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

4 **SECTION 1. ORS 197.772 is repealed.**

5 **SECTION 2. Section 3 of this 2019 Act is added to and made a part of ORS chapter 197.**

6 **SECTION 3. (1) As used in this section, "National Register" means the National Register**
7 **of Historic Places under the National Historic Preservation Act (P.L. 89-665, 54 U.S.C. 300101**
8 **et seq.).**

9 **(2) As part of its comprehensive plan, a local government may adopt a historic resource**
10 **program that fosters and encourages the identification, designation and protection of historic**
11 **resources within the local government's jurisdiction consistent with statewide land use**
12 **planning goals and rules.**

13 **(3) A historic resource program must include:**

14 **(a) An inventory of historic resources within the local government's jurisdiction;**

15 **(b) A process and criteria for determining whether a resource on the inventory is sig-**
16 **nificant to local, regional, state or national history or prehistory as provided by rule;**

17 **(c) A process for designating significant historic resources on a resource list as the re-**
18 **sult of a land use decision; and**

19 **(d) Land use regulations for the modification, demolition and relocation of designated**
20 **historic resources.**

21 **(4) With respect to a resource that is first listed in the National Register on or after the**
22 **effective date of this 2019 Act, a historic resource program:**

23 **(a) May require that the resource be included in the inventory under subsection (3)(a)**
24 **of this section;**

25 **(b) May not automatically designate the resource under subsection (3)(c) of this section**
26 **or subject the resource to the regulations adopted under subsection (3)(d) of this section; and**

27 **(c) May consider the listing as evidence sufficient to determine that the resource is sig-**
28 **nificant under subsection (3)(b) of this section or, if found to be persuasive within the land**

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 use process described under subsection (3)(c) of this section, to designate the resource as
2 significant.

3 (5) With respect to a resource listed in the National Register before the effective date
4 of this 2019 Act, a local government may not approve an application for the demolition or
5 relocation of the resource except through a land use decision that considers factors set forth
6 by rule. This subsection does not apply to accessory structures or noncontributing resources
7 of a National Register listing.

8 (6) A historic resource determined significant under subsection (3)(b) of this section may
9 not be demolished for 120 days following the date of application to demolish the resource or
10 to remove the resource from the inventory under subsection (3)(a) of this section.

11 **SECTION 4.** Section 3 of this 2019 Act and the repeal of ORS 197.772 by section 1 of this
12 2019 Act may not be interpreted to remove any protections of historic resources that were
13 in effect before the effective date of this 2019 Act based on a local government's compre-
14 hensive plan or land use regulations or rule of the Land Conservation and Development
15 Commission.

16 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
17 ated to the Land Conservation and Development Commission, for the biennium beginning
18 July 1, 2019, out of the General Fund, the amount of \$____, for the purpose of providing
19 grants or technical assistance to local governments in developing or implementing a historic
20 resource program as described in section 3 of this 2019 Act.

21 _____