



American Planning Association  
**Oregon Chapter**

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*Making Great Communities Happen*

March 25, 2019

Senator Michael Dembrow  
Senate Committee on the Environment and Natural Resources  
900 Court Street NE  
Salem, OR 97301  
[senr.exhibits@oregonlegislature.gov](mailto:senr.exhibits@oregonlegislature.gov)

RE: Testimony from the Oregon Chapter of the American Planning Association in Support of SB 927 & 929

Dear Chair Dembrow and Members of the Committee:

The Oregon Chapter of the American Planning Association (OAPA) is an independent not-for-profit membership organization with over 950 members that provides leadership in the development of vital communities by advocating excellence in community planning, promoting education and citizen empowerment, and providing the tools and support necessary to meet the challenges of growth and change. Most of our members are professional planners working for cities, counties, special districts, state agencies, community-based organizations, and private firms across the state, plus planning commissioners and students.

Our Legislative and Policy Affairs Committee (LPAC) has reviewed SB 927 and 929 and supports this Committee in recommending adoption of both bills. One of the strengths of the Oregon land use program is that it works for all communities. It is designed to encourage all cities and counties to plan comprehensively, informed by authentic community engagement, through decision-making at the local level. OAPA advocates policies that are clear and predictable, while at the same time promote diversity, equity, and inclusion. OAPA also supports state initiatives that recognize local differences yet allocate financial resources for planning efforts that set a high standard for good planning.

SB 927 will allow local governments the flexibility to create and customize a historic preservation program that will protect an area's unique resources, such as bridges, cemeteries, signs or intersections to achieve identified community goals through a transparent and predictable process. Under the existing scheme, historic preservation protection is happening largely through the federal National Register program, through procedures that are vastly different from Oregon's established land use practices including public notice, public hearing, and an appealable decision by a politically accountable decision-maker with a right of appeal. The time has come for this practice to change.

Allowing local governments the freedom to implement local preservation programs based on community-based goals with full public engagement also requires elimination of the statewide owner consent rule. This rule, which gives owners the unilateral right to opt out of local historic designations, fails to give the same participatory rights to diverse groups of interest-holders such as tenants and the broader community whose voices are just as essential to these policy discussions. Although SB 927

eliminates owner consent as a statewide mandate, it does not preclude a local government from continuing to require owner consent to proceed with a local designation or including it as a factor to be balanced against other community objectives. Any number of approaches could be implemented through local regulation. Again, this is consistent with OAPA's established goal of encouraging land use programs that work for all communities.

A critical component of SB 927 is that it does not alter the status of historic resources that have already been designated and local design review and demolition review imposed by virtue of the Goal 5 rule will remain unchanged for these resources. Not only will this allow for the continued protection of already designated resources, it will not place any additional burden on local governments to take steps to come into compliance with these requirements. The extent to which local governments decide to designate or protection historic resources in Oregon is currently permissive and it will remain so after the adoption of SB 927.

In order to acknowledge the burden placed on owners who protect historic resources for the benefit of the greater public, SB 929 will establish a tax credit to help offset the cost of structurally strengthening a building and/or providing affordable housing. This credit will help owners of designated buildings who endeavor to seismically retrofit their structures, including, for example the commercial, unreinforced masonry buildings that line many Main Streets throughout the state. Improving housing affordability and availability is a key legislative priority of OAPA's. This tax credit will be a direct and tangible incentive that helps preserve a community's local assets while increasing affordability.

The planners at OAPA believe that historic preservation works best when it is a locally driven process that protects those resources that matter to a community. It is time to create a program that reflects those objectives and SB 927 and 929 will do just that.

Thank you for your time and attention to our testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Damian Syrnyk". The signature is fluid and cursive, with the first name "Damian" written in a larger, more prominent script than the last name "Syrnyk".

Damian Syrnyk, Chair  
Legislative and Policy Affairs Committee