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March 26, 2019

Chair Dembrow
Members of the Senate Environmental & Natural resources Committee
State Capitol
900 Court Street NE
Salem, OR 97301

Re: SB 927

Dear Chair Dembrow and Committee Members:

Thank you for the opportunity to provide testimony in support of SB 927, including the -3 amendment. 1000 Friends of Oregon is a nonprofit, membership organization that has worked with Oregonians for more than 40 years to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice.

SB 927 concerns historic resources, and how those are treated under the state's land use planning program. Land Use Goal 5 requires local governments to "conserve," among other things, "historic ... resources for present and future generations." The state's potentially historic resources are quite varied in size and scope, and include residential and commercial buildings, clusters of buildings, places, structures, signs, and more. Their value for protection might arise from a cultural, social, architectural, or history basis. Finally, decisions about whether to protect historic resources, and how, must also be balanced with other public needs.

Recent examples of conflicts in how best to meet these sometimes competing public interests have illustrated that the way Oregon handles historic resource protection is not only different from that of any other state, but it is also broken. The current structure of Oregon's law, ORS 197.772(1), has resulted in some interests using the National Historic register process as a work-around to the owner consent provision to, for example, thwart infill and redevelopment in some residential neighborhoods and to prevent water conservation measures from being implemented on irrigation canals. And, the owner consent provision has resulted in a patchwork of historic protection and made it difficult for communities to create cohesive local historic protection programs.

This current process is dysfunctional and neither transparent nor predictable and should, instead, be replaced with the land use planning system of public hearings, with notice and the opportunity to comment, based on clear criteria, with a decision made by a public body charged with balancing multiple public interests. Disconnecting listing on the National Historic Register from the imposition of automatic local restrictions, and removing owner consent and replacing it with a local public decision, are a package.

The -3 amendments to SB 927:

- Fully-decouple the imposition of all automatic protections for individual or collective historic resources listed on the National Register after Jan. 1, 2020.
- Provide that after Jan. 1, 2020, any historic preservation designation and protection decisions can be made only with public notice, an opportunity to comment, and a decision by a politically accountable decision-maker.
- Replace the owner consent rule with authorizing each local government to decide what role property owner-interest should play in designation and protection decisions. A local government can, and many already do, require owner consent.
- Allow existing historic designation and protections to remain in place.

We urge you to support this compromise, to treat all aspects of historic protection decisions like other land use decisions – with a public decision-making process. Thank you for consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Mary Kyle McCurdy". The signature is written in a cursive, flowing style.

Mary Kyle McCurdy
Deputy Director