

# D R A F T

## SUMMARY

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  
3 ORS 197.772.

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

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 ORS 197.772 is repealed.**

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

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

11 **(2) As part of its comprehensive plan, a local government may adopt  
12 a historic resource program that fosters and encourages the identifi-  
13 cation, designation and protection of historic resources within the lo-  
14 cal government’s jurisdiction consistent with statewide land use  
15 planning goals and rules.**

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

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

3 (b) A process and criteria for determining whether a resource on  
4 the inventory is significant to local, regional, state or national history  
5 or prehistory as provided by rule;

6 (c) A process for designating significant historic resources on a re-  
7 source list as the result of a land use decision; and

8 (d) Land use regulations for the modification, demolition and relo-  
9 cation of designated historic resources.

10 (4) With respect to a resource that is first listed in the National  
11 Register on or after the effective date of this 2019 Act, a historic re-  
12 source program:

13 (a) May require that the resource be included in the inventory un-  
14 der subsection (3)(a) of this section;

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

18 (c) May consider the listing as evidence sufficient to determine that  
19 the resource is significant under subsection (3)(b) of this section or,  
20 if found to be persuasive within the land use process described under  
21 subsection (3)(c) of this section, to designate the resource as signif-  
22 icant.

23 (5) With respect to a resource listed in the National Register before  
24 the effective date of this 2019 Act, a local government may not approve  
25 an application for the demolition or relocation of the resource except  
26 through a land use decision that considers factors set forth by rule.  
27 This subsection does not apply to accessory structures or noncontrib-  
28 uting resources of a National Register listing.

29 (6) A historic resource determined significant under subsection  
30 (3)(b) of this section may not be demolished for 120 days following the  
31 date of application to demolish the resource or to remove the resource

1 from the inventory under subsection (3)(a) of this section.

2 **SECTION 4. Section 3 of this 2019 Act and the repeal of ORS 197.772**  
3 **by section 1 of this 2019 Act may not be interpreted to remove any**  
4 **protections of historic resources that were in effect before the effec-**  
5 **tive date of this 2019 Act based on a local government's comprehensive**  
6 **plan or land use regulations or rule of the Land Conservation and**  
7 **Development Commission.**

8 **SECTION 5. In addition to and not in lieu of any other appropri-**  
9 **ation, there is appropriated to the Land Conservation and Develop-**  
10 **ment Commission, for the biennium beginning July 1, 2019, out of the**  
11 **General Fund, the amount of \$\_\_\_\_\_, for the purpose of providing**  
12 **grants or technical assistance to local governments in developing or**  
13 **implementing a historic resource program as described in section 3 of**  
14 **this 2019 Act.**

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