



City of Portland
Historic Landmarks Commission

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AUDITOR 05/18/15 AM11:28

May 18, 2015

Letter Regarding: Oregon Court of Appeals-Owner Consent Law

Dear Mayor Hales and City Council Members:

The Portland Historic Landmarks Commission recommends that City Council adopt the resolution authorizing the City to appear as Amicus Curiae in the Oregon Supreme Court case Lake Oswego Preservation Society v. City of Lake Oswego.

This case concerns the Oregon Court of Appeals interpretation of Oregon's owner consent law that would allow property owners who knowingly purchased a locally designated historic property to remove the historic designation, if a prior owner refused consent or had never been asked to consent. Such an interpretation is contrary to the intent of the owner consent law and would significantly weaken historic preservation programs statewide, including within the City of Portland.

The City of Portland has approximately 1,770 locally-designated historic resources, probably the largest number of any city in Oregon. Should the Court of Appeals decision be upheld, these irreplaceable historic resources would be at risk of losing historic preservation zoning protections and would be at increased risk of demolition. We urge the Council to seek Amicus status in this case and to file or co-sign an Amicus brief that supports the interpretation of the owner consent law that limits the ability of subsequent property owners to demand de-designation.

Thank you for considering this important issue, and for your continued support of historic preservation in Portland.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Emerick", with a long horizontal line extending to the right.

Brian Emerick, AIA
Chair of the Portland Historic Landmarks Commission