

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Approving the Removal of a Dwelling)
from the Yamhill County Historical Landmark Inventory)
Located at 1200 S. Springbrook Road, Newberg,) Ordinance 775
Tax Lot 3221-3100, Docket LC-01-05, Applicant)
Patricia H. Maze, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business at 9:00 a.m. on August 31, 2005, in Room 32 of the courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. The applicant requested approval of removal of a dwelling from the Yamhill County Historical Landmark Inventory. The application was heard at a duly noticed public hearing of the Newberg Area Urban Management Commission on July 27, 2005, which voted unanimously to recommend approving the application. A public hearing was held August 24, 2005 before the Board of Commissioners, who voted unanimously to approve the application. NOW THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD that the application is approved as detailed in the Findings for Approval, attached as Exhibit "A" and by this reference incorporated herein. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE this 31st day of August, 2005, at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

By: Anne Britt
Deputy ANNE BRITT



Mary P. Stern
Chair MARY P. STERN

Leslie Lewis
Commissioner LESLIE LEWIS

Kathy George
Commissioner KATHY GEORGE

APPROVED AS TO FORM:

Rick Sanai
Assistant County Counsel

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DOCKET NO.: LC-01-05

REQUEST: Approval of removal of a dwelling considered a Yamhill County Historical Landmark from the Yamhill County Historical Landmark Inventory. The property is located in the Urban Growth Boundary (UGB) of City of Newberg.

APPLICANT: Patricia H. Maze

TAX LOT: 3221-3100

LOCATION: 1200 S. Springbrook Road, Newberg, Oregon

COMPREHENSIVE PLAN: Agriculture/Forestry Small Holding

ZONE: AF-10

CRITERIA: Sections 100.2 and 100.05 of the Yamhill County Historic and Archeological Preservation Ordinance.

FINDINGS:

A. Background Facts

1. The request is to remove the subject dwelling from the Yamhill County Historical Landmark Inventory. The residence is identified as Resource # I-34, also known as "McKern Donation Land Claim". It was first evaluated in May of 1984. The structure was then identified as a Goal Five resource in the inventory of Yamhill County historical places which was completed in 1988. It appears that the location of the Donation Land Claim is more significant than the structures on the parcel as indicated in the inventory and by a plaque placed on the parcel by Chehalem Valley Heritage, Inc., which reads: "D.L.C. #56 filed for in 1852 by Luke and Melinda Parrish McKern, later occupied by Luke and second wife Mary Ann Parrott Parish McKern. Barn Built 1850. Present house circa 1874." The lack of historical significance is further supported by the evaluation done by the Yamhill County Landmarks Commission. The commission used a point system to rank the landmarks. The point system required 30 points to be considered for designation as a historic resource. The subject property scored 38 points in 1988. Notably, the structure scored zero points for "Historical Association" with a person, group, organization, event or land use pattern. At the time there was debate in the County as to whether structures with no historic association should be designated as landmarks since the list was to identify the Yamhill County Historical Landmarks. The description of the site, the resource and historical context is entered here by reference of the inventory documents contained in the file. The dwelling has not been occupied for a long time, has not received any maintenance and upkeep and is severely dilapidated.

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2. The subject parcel is 3.2-acre site located on the edge of the Newberg city limits boundary, on the northeast corner of Wilsonville Road, Springbrook Road and State Highway 219 (Hillsboro-Silverton Highway). The dwelling is surrounded by oak trees, two evergreens and two bay trees.
3. Surrounding area was at one time characterized as agricultural land. As the City of Newberg grew closer to the property, the character of the area changed to rural residential, commercial and industrial. The agricultural lands are being pushed farther away from the subject property.
4. The subject parcel is in the Urban Growth Boundary (UGB) of Newberg and it is anticipated that it will be annexed into the City sometime in the future.
5. The owner of the subject parcel is requesting that the historic property designation be removed from the inventory based on 1995 state law, ORS 598, effective September 9, 1995, and implementing county Ordinance 598, which was also enacted in 1995. The law requires the local government to allow a property owner to remove the historic property designation that was imposed by the local government with exceptions for National Historic Register designated property. The subject parcel is not on the National Historic Register.

B. Landmarks Ordinance Provisions and Analysis

1. Yamhill County Ordinance 598 which was adopted to implement 1995 Oregon Laws, Chapter 693, contains the requirement that the County allows the owner to remove a historic property designation from her property.
 - A. *Notwithstanding any other provision of law, the county shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.475 to 358.545, former Yamhill County Ordinance 466 as amended, this ordinance, or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470 et seq.).*

The subject parcel is not on the National Historic Register.

- B. *No permit for demolition or modification of property removed from consideration for historic property designation under subsection (A) of this section shall be issued during the 120-day period following the date of the property owner's refusal to consent.*
- C. *The county shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the County.*

Exhibit A - Findings

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Yamhill County first evaluated this structure in 1984. In 1988 Board Order 88-645 designated the property as a landmark. There is no evidence that the applicant consented with this designation. The applicant stated that, at the time the property was designated, she lived in Alaska and was not notified of the designation and of the subsequent provision to withdraw from the program. It should be noted that all written communication with the applicant was mailed directly to the property, not to Alaska.

2. Section 100.05 of the Yamhill County Ordinance 598, states that removal of a resource from inventory of significant landmarks is subject to the following criteria.

A. The process for removing a historic landmark from the County inventory of significant historic landmarks, may be initiated by the Board, the Commission, or by any interested person.

The property owner is the applicant.

B. The following written information shall be required in an application:

- 1. Names and addresses of applicant and owner(s);*
- 2. A written description and map indicating the location of the historic landmark;*

The application contains the requested information.

3. A statement explaining the following:

- a. Reasons why the proposed resource should not remain on the Inventory of Historic landmarks, based on the criteria set forth under Section 100.05(D).*

The applicant submitted a reasons statement as part of the application; the application is incorporated into these Findings by this reference.

- b. The potential impact, if any, removal of the resource from the inventory would have on the residents or other property owners in the area.*

The applicant indicated that there will be no impact to the surrounding area or property owners of those areas. The subject parcel is surrounded by a manufactured home park, a PGE substation and other commercial uses.

D. The Commission shall determine if the landmark should be removed from the inventory, based on the following criteria:

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1. *The landmark is not included in the National Register of Historic Places; or*

The applicant indicated that the parcel is not on the National Historic Register.

2. *The landmark does not retain physical integrity in original design, condition and setting; and, is not characterized by any one of the following:*
 - a. *Exemplifies or reflects special elements of the County's cultural, social, economic, political, architectural history;*
 - b. *Is identified with persons or events significant in local, State or national history;*
 - c. *Is among the best examples, within Yamhill County, of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;*
 - d. *Is representative of the notable work of a builder, designer or architect.*

The applicant stated that "the residence and the barn was constructed in 1874 and 1850 respectively, as a farmstead, and is currently in severe state of disrepair. The improvements and overgrown vegetation surrounding the improvements on the property would be very difficult to restore, and would have marginal value for the county's historic registry." The restoration of this property would be very expensive and it is doubtful that any of the original material could be used to restore the dwelling. Once the dwelling was restored with today's materials and technology it would remove much, if not all of its historical significance. As stated above, it appears that the location of the Donation Land Claim is more significant than the structures on the parcel as indicated in the inventory and by a plaque placed on the parcel by Chehalem Valley Heritage, Inc., which reads: "D.L.C. #56 filed for in 1852 by Luke and Melinda Parrish McKern, later occupied by Luke and second wife Mary Ann Parrott Parish McKern. Barn Built 1850. Present house circa 1874."

The inventory report indicates that the structure is one of other dwellings of this type of architectural style and, therefore, is not unique. It is not known who the architect or the builder was. The residence is not identified with persons or events significant in local, state or national history.

3. *Owner's consent pursuant to Chapter 693, Oregon Laws 1995, as required under section 100.02 of this ordinance.*

The applicant wishes to remove the historical landmark based on the Owners Consent provisions in Sections 100.02 and 100.05 (D)(3) of the ordinance. The structure is listed as significant historic landmark as defined in section 100.01(C) of Ordinance 598. The property owner stated that she

Exhibit A - Findings

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did not give her consent to be included on the Yamhill County Cultural Resources Inventory. The historic property designation was imposed on the property owner under former Ordinance 466, as amended. The parcel is not on the National Historic Register, and there are no legal impediments to removal of the landmark designation from the property.

CONCLUSIONS:

1. The applicant is requesting removal of a dwelling considered to be a Yamhill County Historical Landmark from the Yamhill County Historical Landmark Inventory. The property is located in the Urban Growth Boundary (UGB) of City of Newberg.
2. The application request satisfies the criteria set forth in Section 100.02 and 100.05 of the Yamhill County Historic and Archeological Preservation Ordinance 598, 1995.
3. The removal of the historic property designation on the county comprehensive plan and plan map with respect to the subject parcel is required under state law, 1995 Oregon Laws Chapter 693, and the county ordinance, Ordinance 598.

APPROVAL:

The application is approved with the following conditions:

1. The plaque originally placed by Chehalem Valley Heritage, Inc., is to be placed on the parcel.
2. The demolition permit for demolition of the existing home and the barn shall not be issued before November 27, 2005.