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YAMHILL COUNTY, OREGON

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CHARLES STERN
COUNTY CLERK

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 an Ordinance Amending the)
 Yamhill County Comprehensive Plan (1974) and)
 Plan Map to Remove Landmark No. 111,)
 Tax Lot 4301-00100, from the Yamhill)
 County Cultural Resources Inventory;)
 Planning Docket LCR-01-96; and Effective)
 October 1, 1996.)

ORDINANCE 613

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on July 3, 1996 Commissioners Robert Johnstone, Thomas E. E. Bunn, and Dennis L. Goecks being present.

WHEREAS, Yamhill County has properties currently on its inventory of significant historic landmarks, also known as the Yamhill County Cultural Resources Inventory, which were so designated under former Ordinance 466, as amended.

WHEREAS, 1995 Oregon Laws Chapter 693, and Yamhill County Ordinance 598, (both effective September 9, 1995) require the county to allow a property owner to remove a historic property designation that was imposed on their property by the local government;

WHEREAS, on March 15, 1996 the County received an application from Delford M. Smith ("Applicant"), on behalf of the Estate of Michael K. Smith, requesting that the property known as Tax Lot No. 4301-00100 (Landmark Identification No. 111, known as Gordon House and Barn at 2280 Fulquartz Ln, Dundee, OR 97115) as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference, be removed from the Yamhill County Cultural Resources Inventory on the Yamhill County Comprehensive Plan and Plan Map;

WHEREAS, on June 5, 1996 the Yamhill County Landmarks Commission held a public hearing to consider the removal of the property at which testimony and evidence was received, and that following the close of the hearing and the record, the Landmarks Commission deliberated and voted 3-1 to recommend to the Board of Commissioners that the Board adopt an ordinance to remove the historic property designation from the property based upon the findings contained in the staff report;

WHEREAS, on June 19, 1996, the Board held a public hearing on the proposed removal of the historic property designations for the listed properties, at which testimony and evidence was received, and that following the close of the hearing and the record, the Board deliberated and voted 2-0 (Commissioner Bunn excused) to tentatively approve the application for removal of the

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property set forth in Exhibit "A" from the Yamhill County Cultural Resources Inventory, based on the findings contained in the staff report (attached hereto and incorporated herein as Exhibit "B");

WHEREAS, the findings and conclusions attached hereto as Exhibit "B" provide a justification for approval of the application to remove the historic property designation under the Yamhill County Cultural Resources Inventory as shown on the County's Comprehensive Plan and Plan Map for the property identified in Exhibit "A"; and

WHEREAS, the attached Exhibit "B" demonstrates that the proposed amendment to the Yamhill County Comprehensive Plan and Plan Map of Yamhill County is in the best interests of the citizens of Yamhill county; Now Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The Yamhill County Cultural Resources Inventory as set forth in the Yamhill County Comprehensive Plan (1974) and Plan Map is hereby amended to remove the historic property designation from the property known as Tax Lot No. 4301-00100 (Landmark Identification No. 111, known as Gordon House and Barn at 2280 Fulquartz Ln, Dundee, OR 97115) as more particularly described on Exhibit "A".

Section 2. The findings attached as Exhibit "B" and incorporated herein by reference are hereby adopted in support of this ordinance.

Section 3. This ordinance shall be effective on October 1, 1996, the 90th day following its passage.

DONE at McMinnville, Oregon this 3rd day of July, 1996.



CHARLES STEPHENSON
County Clerk

By: *Jaynie Mitchell*
Deputy JAYNIE MITCHELL

APPROVED AS TO FORM BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel
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YAMHILL COUNTY BOARD OF COMMISSIONERS

Robert Johnstone
Chairman ROBERT JOHNSTONE

Thomas E.E. Bunn
Commissioner THOMAS E.E. BUNN

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

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EXHIBIT "A"
Ordinance 613

Tentative Decision by the Board of Commissioners: June 19, 1996

Final Decision by the Board of Commissioners: July 3, 1996

DOCKET NO.: LCR-01-96

APPLICANT: Delford M. Smith

REQUEST: Removal of property from the Yamhill County Cultural Resources Inventory, an inventory of significant historic landmarks adopted by Board Orders promulgated under Ordinance 598.

INVENTORY NO: i-111 (Gordon House and Barn).

CRITERIA: 1995 Oregon Laws Chapter 693; Yamhill County Ordinance 598, Sections 100.02 and 100.05.

TAX LOT: 4301-100.

LOCATION: 22800 NE Fulquartz Ln, Dundee, OR 97115.

A. BACKGROUND FACTS

The request involves a property owner of a designated historic landmark who has requested the property to be removed from the Yamhill County Cultural Resources Inventory.

B. ORDINANCE CRITERIA AND ANALYSIS

1. The Yamhill County Historic and Archeological Preservation Ordinance No. 598, Sections 100.02 and 100.05, lists the following criteria for removal of a designated landmark. The Commission shall consider the following criteria in determining whether to approve a removal request:

Section 100.02

"Provisions of this Chapter shall apply to significant historic landmarks and archaeologically, sensitive areas designated in the adopted inventory.

Section 100.05

"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.*

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

1. *The Landmark is not included in the National Register of Historic Places; or*
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.*
3. *Owner's consent, as required by 1995 Oregon Laws, Chapter 693 as follows:*
 - a) *Notwithstanding any other provision of law except as provided in subsection (b) of this section, the county shall allow a property owner to refuse to consent to any form of historic property designation. Such refusal to consent shall remove the property from any form of consideration for historic designation under OR 358.475 to 358.545 or other law.*
 - b) *Subsection (a) of this section does not apply to property that is classified and assessed as historic property under OR 358.475 to 358.545 pursuant to application filed before January 1, 1994.*

"F. Board approval, denial, or return of the request for removal of the historic landmark from the Inventory shall be in writing and supported by findings which address the criteria set forth under Section 100.05 (D) and other pertinent Goals, Policies and provisions of the Comprehensive Plan and Zoning Ordinance.

2. The Board finds that the subject site is a significant historic landmark. The Board finds that the applicant has indicated his desire to remove the property from historical landmark designation based on the Owners Consent provision Section 100.05(D)(3) of the ordinance. The applicant states that he did not consent to be included on the Yamhill County Cultural Resources Inventory.

CONCLUSION:

1. The property owner requested the subject property to be removed from the Yamhill County Cultural Resources Inventory.
2. The property owner did not give his consent for the property to be included on the Yamhill County Cultural Resources Inventory.
3. 1995 Oregon Laws Chapter 693 provided for this process and the application satisfies the criteria set forth in the statute and the ordinance.

DECISION::

The Board approves removal of the subject site from the Yamhill County Cultural Resources Inventory based on the owner consent provision of Section 100.05(D)(3) of the Yamhill County Historic and Archeological Preservation Ordinance No. 598.

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