

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 to )  
Designate Fernwood Pioneer Cemetery as a )  
Historic Landmark Pursuant to the Historic )       ORDINANCE 599  
Landmark Preservation Ordinance #466, as )  
Amended; Docket PA-1-95/LC-2-95; and )  
Declaring an Emergency. )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on August 23, 1995 Commissioners Dennis L. Goecks, Robert Johnstone, and Thomas E.E. Bunn being present.

WHEREAS, on April 27, 1995, Warren Parrish, on behalf of the Fernwood Pioneer Cemetery ("Applicant"), applied to the Department of Planning and Development for a Comprehensive Plan amendment to designate as a historic landmark, the Fernwood Pioneer Cemetery, located on Everest Rd one half mile south of State Highway 99W in Newberg, and known as Tax Lot 3220-1190, pursuant to the Yamhill County Historic Preservation Ordinance 466, as amended; and

WHEREAS, on July 5, 1995 a public hearing on the matter came before the Yamhill County Landmarks Commission, which voted unanimously in favor of recommending that the application be approved based on the staff report; and

WHEREAS, on August 9, 1995 a public hearing on the matter was held by the Board of Commissioners, at which testimony and evidence was received, and following the close of the public hearing and close of the record, the Board deliberated and voted unanimously to tentatively approve the recommendation of the Commission and to designate the Fernwood Pioneer Cemetery as a landmark pursuant to section 5 of the Yamhill County Historic Preservation Ordinance 466, as amended, and to amend the comprehensive plan to add the site to the comprehensive plan landmark inventory, and directed staff to prepare an ordinance and findings in support of approval; and

WHEREAS, the findings and conclusions attached hereto as Exhibit "A", and incorporated herein by this reference, provide a justification for approval of the decision made herein, and demonstrates that the proposed amendment to the Yamhill County Comprehensive Plan is in the best interests of the citizens of Yamhill County; Now Therefore,

*BO. 95-571*

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The Yamhill County Comprehensive Plan is hereby amended to designate the Fernwood Pioneer Cemetery, Tax Lot 3220-1190, described in Exhibit "A", on the County's Comprehensive Plan Landmark Inventory.

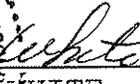
Section 2. The findings attached as Exhibit "A" and incorporated herein by reference are hereby adopted in support of this ordinance.

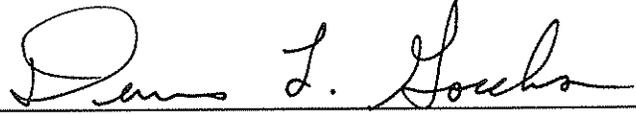
Section 3. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

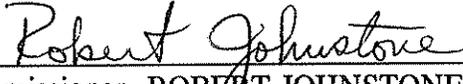
DONE at McMinnville, Oregon this 23rd day of August, 1995.

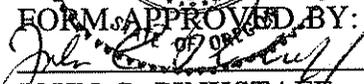
ATTEST

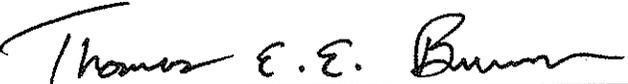
YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES ASTERN  
County Clerk  
BY:   
Deputy County Clerk  
YAMHILL COUNTY COMMISSIONERS

  
Chairman DENNIS L. GOECKS

  
Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:  
  
JOHN C. PINKSTAFF  
Assistant County Counsel

  
Commissioner THOMAS E. E. BUNN

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**EXHIBIT "A"**  
**Ordinance 599**

**Tentative Decision by the Board of Commissioners: August 9, 1995**

**Final Decision by the Board of Commissioners: August 23, 1995**

**DOCKET:** PA-1-95 /LC-2-95.

**APPLICANTS:** Fernwood Pioneer Cemetery / Warren Parrish.

**REQUEST:** Comprehensive Plan amendment to add Fernwood Pioneer Cemetery to the county's Landmark inventory.

**TAX LOT:** 3220-1190

**LOCATION:** The area requested by the applicants is on Everest Road, one-half mile south of State Highway 99W in Newberg, abutting the city limits of Newberg.

**EXISTING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS:**

Plan-designated County Public Facilities and zoned PAI Public Assembly Institutional.

**PROPOSED COMPREHENSIVE PLAN AND ZONING DESIGNATIONS:**

The subject area would be designated as Yamhill County Landmark. The Comprehensive Plan designation and the Zoning designation would remain the same.

**FINDINGS:**

*A. Background Facts*

1. The request is to include the Fernwood Pioneer Cemetery as a Goal Five resource in the Yamhill County landmarks inventory. Fernwood Pioneer Cemetery is on the Register of National Historical places.
2. The subject parcel is a one acre site located between the Newberg city limits boundary and the Newberg Air Park. Fernwood Pioneer Cemetery was established 110 years ago and is the primary burial place associated with the first generation of settlers in the Newberg area.
3. Exhibits C and D contain all the facts of the case and county staff has no disagreement with any of these findings of fact.

4. The Fernwood Pioneer Cemetery was placed on the National Register of Historic Places in 1994.

B. Oregon Administrative Rule Provisions and Analysis

1. Statewide Goal 5 reads:

*To conserve open space and protect natural and scenic resources and historic areas for future generations.*

1.1 Definition of a Historic Areas in Goal 5 reads as follows:

**Historic Areas** - *are lands with sites, structures and objects that have local, regional, statewide or national historical significance.*

1.2 Statewide Goal 5 Guideline (5) reads:

The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.

2. Historical resource is specifically recognized in Goal 5 as being a resource which is to be identified and protected. Oregon Administrative Rules (OAR) Chapter 660, Division 16, describes the requirements for complying with Statewide Goal 5. This division requires that Goal 5 resources be inventoried by the county and determined to be "significant" or "not significant" based on the "location, quality, and quantity" of the resource site. Only significant sites are required to be placed on the inventory. The specific rule provisions that address these requirements are considered in the following findings.

3. OAR 660-16-000(2) requires determination of the location of the resource. The accurate location of Fernwood Pioneer Cemetery is described and illustrated in Exhibits G and H.

4. OAR 660-16-000(2) also requires a determination of the quality and quantity of the resource. This analysis has been accomplished in submitted documentation included with the application for the National Register of Historic places. (See exhibits C - H.) At the time the original inventory was completed, the subject resource was accidentally omitted.

5. OAR 660-16-005 requires identification of uses that may conflict with a significant inventoried site. No significant farming activity takes place immediately adjacent to the subject property. However, the Newberg city limit boundary abuts directly to the west of the cemetery and Newberg Airfield is located to the east of the cemetery. Other possible conflicts are environmental (acid rain, if it ever develops, would damage the headstones) and social (vandalism).

6. OAR 660-16-005(2) requires that, if conflicting uses are identified, the economic, social, environmental, and energy consequences of the conflicting uses must be determined. This

requires review of these consequences of the cemetery of the conflicting use and of the conflicting use on the cemetery.

- (a) Impacts of residential use in the abutting city on the cemetery.

The Board finds that the **economic** consequences of residential use on the cemetery might reflect in higher property value for the cemetery land. However, because the cemetery is on the National Historic Register, the tax relief will offset any increase in taxes.

The Board finds that the **environmental** consequences are increase in traffic and use of fossil fuel which propagate acid rain could act as a corrosive agent on the historical stone grave markers and greatly damage them. There is no clear solution for this problem at this time. Hopefully, future technological advancements will mitigate this problem.

No **energy** consequences of residential use on the cemetery operation have been identified.

The Board finds that the **social** impacts of residential use include possible incidents of vandalism occurring due to increase in population density. However, these impacts are likely to be the same with or without the requested inclusion as a Yamhill County landmark, because of the existence of both.

- (b) Impact of the cemetery operation on residential use.

The Board finds that the only impact identified is an increase in traffic during memorial services or on a Memorial Day holiday.

7. OAR 660-16-010 requires the county to develop a program to resolve conflicts by (1) protecting the resource site, (2) allowing conflicting uses fully, or (3) limiting conflicting uses. The county, during the original historical sites inventory process, allowed conflicting uses fully side by side because the uses have existed for years without any serious consequences to either one. The same thing is approved here.

C. Landmarks Ordinance Provisions and Analysis.

1. The following criteria are required to be considered in determining whether to approve a proposed landmark or district:

- (a) Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation;
- (b) Association with an event that has made a significant contribution to the city, county, state or nation;
- (c) Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation;

- (d) Significance as an example of a particular architectural style, building type and/or convention;
- (e) Significance due to quality of composition, detailing, and/or craftsmanship;
- (f) Significance as an example of a particular material and/or method of construction;
- (g) Significance because the resource retains its original design features, materials, and/or character;
- (h) Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction;
- (i) Significance as a visual landmark;
- (j) Significance because existing land use surrounding the resource contribute to the integrity of the historic period represented;
- (k) Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community;
- (l) Significance because the property is 50 years old or older in conjunction with other criteria listed above;
- (m) The resource is listed on the National Register of Historic Places.

The above criteria are addressed, as required by Section 5 of the Yamhill County Historic Preservation Ordinance 466, as amended, in the following Exhibits:

- A. Staff report.
- B. Yamhill County Application Form.
- C. Public Notice Form.
- D. Letter to Ken Friday From Kay Atwood.
- E. National Register of Historic Places Registration Form.
- F. National Register of Historic Places Continuation Sheets - Sect. 7.
- G. National Register of Historic Places Continuation Sheets - Sect. 8.
- H. National Register of Historic Places Continuation Sheets - Sect. 9.
- I. National Register of Historic Places Continuation Sheets - Sec.10.
- J. National Register of Historic Places Continuation Sheets - Photos, maps and articles.
- K. Staff Photos.

## **CONCLUSIONS:**

1. The application has demonstrated the request is in compliance with the applicable statewide planning goals.
2. The request is in compliance with the Yamhill County Comprehensive Plan.
3. The application has demonstrated compliance with the Oregon Administrative Rules.

## **DECISION:**

The Board approves the request by Warren Parrish, on behalf of the Fernwood Pioneer Cemetery, for a Comprehensive Plan amendment to add Fernwood Pioneer Cemetery, Tax Lot 3220-1190, as a Goal 5 resource on the Comprehensive Plan inventory of historic landmarks, pursuant to Section 5 of the Yamhill County Historic Preservation Ordinance 466, as amended, based on the findings and analysis above.

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