

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 32 properties from the )       ORDINANCE 602  
 Yamhill County Cultural Resources Inventory; )  
 Planning Docket LCR-01-95; 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 November 22, 1995 Commissioners Dennis L. Goecks, Robert Johnstone, and Thomas E. E. Bunn being present.

WHEREAS, Yamhill County has 102 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, the County has received 32 applications from property owners requesting that their properties, 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 November 1, 1995 the Yamhill County Landmarks Commission held a public hearing to consider the removal of the properties at which testimony and evidence was received, and that following the close of the hearing and the record, the Landmarks Commission deliberated and voted unanimously to recommend to the Board of Commissioners that the Board adopt an ordinance to remove the historic property designations from the 32 properties based upon the findings contained in the staff report;

WHEREAS, on November 8, 1995, 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 to tentatively approve the applications for removal of the 32 properties 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");

95-752

WHEREAS, the findings and conclusions attached hereto as Exhibit "B" provide a justification for approval of the applications to remove the historic property designations under the Yamhill County Cultural Resources Inventory as shown on the County's Comprehensive Plan and Plan Map for the 32 properties identified in Exhibit "A"; and

WHEREAS, the attached Exhibit "B" demonstrates that the proposed amendments to the Yamhill County Comprehensive Plan and Plan Map of Yamhill County are 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 32 properties identified in Exhibit "A".

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

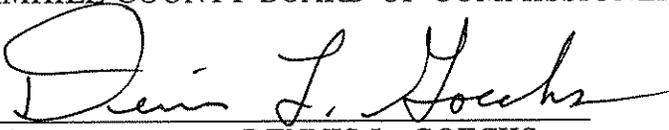
Section 3. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE at McMinnville, Oregon this 22nd day of November, 1995.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

  
Chairman DENNIS L. GOECKS

By:   
Deputy CAROL ANN WHITE

  
Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:

  
JOHN C. PINKSTAFF  
Assistant County Counsel

  
Commissioner THOMAS E. E. BUNN

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# EXHIBIT "A" FOR ORDINANCE No. 602

## COMPREHENSIVE PLAN AMENDMENT TO CHANGE COMPREHENSIVE PLAN (1974) AND PLAN MAP TO REMOVE 32 PROPERTIES FROM THE YAMHILL COUNTY CULTURAL RESOURCES INVENTORY

### List of properties to be considered as part of Docket: LCR-01-95

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Landmark Identification No: 006  
Tax Lot No: 2329-00300  
Name of the Landmark as it appears in the Inventory: Wenger House and Barn  
Address where Landmark is located: 21080 Ribbon Ridge Rd, Newberg, OR 97132

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Landmark Identification No: 015  
Tax Lot No: 3218BA-00900  
Name of the Landmark as it appears in the Inventory: Self House  
Address where Landmark is located: 1801 Chehalem Drive, Newberg, OR 97132

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Landmark Identification No: 028  
Tax Lot No: 3215-02400  
Name of the Landmark as it appears in the Inventory: Schaad House  
Address where Landmark is located: 31525 NE Schaad Rd, Newberg, OR 97132

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Landmark Identification No: 035  
Tax Lot No: 4106-00900  
Name of the Landmark as it appears in the Inventory: Cone House  
Address where Landmark is located: 36675 Wilsonville NE, Newberg, OR 97132

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Landmark Identification No: 041  
Tax Lot No: 3315-03800  
Name of the Landmark as it appears in the Inventory: Everest-Holzmeyer Dryer  
Address where Landmark is located: 12875 Dudley Rd, Newberg, OR 97132

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Landmark Identification No: 047  
Tax Lot No: 3303-00800  
Name of the Landmark as it appears in the Inventory: Davis House  
Address where Landmark is located: 16515 NE Kings Grade, Newberg, OR 97132

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Landmark Identification No: 053  
Tax Lot No: 2431-01800  
Name of the Landmark as it appears in the Inventory: Hanning House  
Address where Landmark is located: 11305 Pike Rd, Yamhill, OR 97148

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Landmark Identification No: 060  
Tax Lot No: 2534-00501  
Name of the Landmark as it appears in the Inventory: Hanson House  
Address where Landmark is located: 17080 Oak Ridge Rd, Yamhill, or 19148

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Landmark Identification No: 065  
Tax Lot No: 2526-00200  
Name of the Landmark as it appears in the Inventory: Pike Community Hall  
Address where Landmark is located: 22401 Turner Creek Rd, Yamhill, OR 97148

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Landmark Identification No: 070  
Tax Lot No: 3327-02400  
Name of the Landmark as it appears in the Inventory: Herring House  
Address where Landmark is located: 8649 Worden Hill, Dundee, OR 97115

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Landmark Identification No: 074  
Tax Lot No: 3420-02100  
Name of the Landmark as it appears in the Inventory: Kelty House  
Address where Landmark is located: 9315 Meadow Lake Rd, Carlton, OR 97111

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Landmark Identification No: 078  
Tax Lot No: 3429-00200  
Name of the Landmark as it appears in the Inventory: Bernard House  
Address where Landmark is located: 9600 Westside Rd, Carlton, OR 97111

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Landmark Identification No: 079  
Tax Lot No: 3431-00400  
Name of the Landmark as it appears in the Inventory: Sitton House #1 & Barn  
Address where Landmark is located: 6970 Hill Rd North, Carlton, OR 97111

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Landmark Identification No: 081  
Tax Lot No: 3418-01400  
Name of the Landmark as it appears in the Inventory: Bunn House  
Address where Landmark is located: 12595 McBride Cemetery Rd, Carlton, OR 97111

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Landmark Identification No: 086  
Tax Lot No: 3420-02300  
Name of the Landmark as it appears in the Inventory: Brown House  
Address where Landmark is located: 11305 Westside Rd, Carlton, OR 97111

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Landmark Identification No: 087  
Tax Lot No: 3419-00900  
Name of the Landmark as it appears in the Inventory: Carl House  
Address where Landmark is located: 11190 NW Shelton Rd, Carlton, OR 97111

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Landmark Identification No: 089  
Tax Lot No: 3433-00400  
Name of the Landmark as it appears in the Inventory: Crimmins House  
Address where Landmark is located: 7405 Poverty Bend Rd, McMinnville, OR 97128

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Landmark Identification No: 092  
Tax Lot No: 3425-01300  
Name of the Landmark as it appears in the Inventory: Fenton Barn  
Address where Landmark is located: 8160 Mineral Springs Rd, Carlton, OR 97111

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Landmark Identification No: 117  
Tax Lot No: 4307-01900  
Name of the Landmark as it appears in the Inventory: Lockskeepers House  
Address where Landmark is located: 3920 Locks Rd, Dayton, OR 97114

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Landmark Identification No: 143  
Tax Lot No: 5330-02100  
Name of the Landmark as it appears in the Inventory: Hopewell Church  
Address where Landmark is located: 21500 Church Rd, Dayton, OR 97114

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Landmark Identification No: 147  
Tax Lot No: 5309-00100  
Name of the Landmark as it appears in the Inventory: Alderman House  
Address where Landmark is located: 14301 Wallace Rd, Dayton, OR 97114

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Landmark Identification No: 149  
Tax Lot No: 5412-00300  
Name of the Landmark as it appears in the Inventory: Starr House  
Address where Landmark is located: 10250 Starr Quarry, Dayton, OR 97114

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Landmark Identification No: 150  
Tax Lot No: 5424-00200  
Name of the Landmark as it appears in the Inventory: Fairview/Mt Hood School  
Address where Landmark is located: 18330 Lafayette Hwy, Dayton, OR 97114

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Landmark Identification No: 159  
Tax Lot No: 4431-01900  
Name of the Landmark as it appears in the Inventory: Davis House  
Address where Landmark is located: 11301 Peavine Rd, McMinnville, OR 97128

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Landmark Identification No: 160  
Tax Lot No: 6501-00800  
Name of the Landmark as it appears in the Inventory: Sanders House  
Address where Landmark is located: 23975 SW Sanders Rd, Amity, OR 97101

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Landmark Identification No: 164  
Tax Lot No: 5515-01001  
Name of the Landmark as it appears in the Inventory: Olds House and Barn  
Address where Landmark is located: 17000 Oldsville Rd, McMinnville, OR 97128

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Landmark Identification No: 165  
Tax Lot No: 5515-00800  
Name of the Landmark as it appears in the Inventory: Duerst House  
Address where Landmark is located: 17450 Oldsville Rd, McMinnville, OR 97128

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Landmark Identification No: 167  
Tax Lot No: 5501-00200  
Name of the Landmark as it appears in the Inventory: McPhillips House  
Address where Landmark is located: 13465 Hwy 18, McMinnville, OR 97128

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Landmark Identification No: 168  
Tax Lot No: 5522-00300  
Name of the Landmark as it appears in the Inventory: Kirby House  
Address where Landmark is located: 17901 Hwy 18, McMinnville, OR 97128

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Landmark Identification No: 181  
Tax Lot No: 4425-00301  
Name of the Landmark as it appears in the Inventory: Sully House  
Address where Landmark is located: 11422 Cruickshank NE, Dayton, OR 97114

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Landmark Identification No: 188  
Tax Lot No: 5725-00800  
Name of the Landmark as it appears in the Inventory: Fendall School  
Address where Landmark is located: 37515 SW Tindle Creek Rd, Willamina, OR 97396

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Landmark Identification No: 195  
Tax Lot No: 6405-00400  
Name of the Landmark as it appears in the Inventory: McKinnon House  
Address where Landmark is located: 24840 S Hwy 99W, Amity, OR 97101

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**EXHIBIT "B"**

**ORDINANCE 602**

**DATE OF ADOPTION BY BOARD OF COMMISSIONERS: November 22, 1995**

**DOCKET NO.:** LCR-01-95

**APPLICANTS:** 32 property owners owning a property listed in the inventory of significant historic landmarks adopted by Board Orders promulgated under Ordinance 466, as amended.

**REQUEST:** Removal of properties designated on the attached list from the County's inventory of significant historic landmarks, also known as the Yamhill County Cultural Resources Inventory.

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

**TAX LOT:** Exhibit "A" attached

**LOCATION:** Exhibit "A" attached

**BACKGROUND FACTS:**

The request involves 32 properties which are designated significant historic landmarks on the Yamhill County Cultural Resources Inventory set forth in the County's Comprehensive Plan and Plan Map. The historic property designations were imposed upon these 32 properties under former Ordinance 466, as amended. The owners of these properties are requesting that the historic property designation be removed from the properties based on recently enacted state law and the implementing county ordinance. State law, namely, 1995 Oregon Laws, Chapter 598 (effective September 9, 1995), was changed recently to require a local government to allow a property owner to remove a historic property designation that was imposed by the local government with exceptions (for National Historic Register designated property, not applicable here). Yamhill County adopted Ordinance 598 to carry out the requirements of 1995 Oregon Laws, Chapter 693. None of the properties for which removal is sought are on the National Historic Register.

## APPLICABLE APPROVAL STANDARDS

### 1. Statutory Requirements

Section 21 of Chapter 693, Oregon Laws 1995, as amended, and now provides, in part:

"(3) A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government."

### 2. Ordinance Requirements

Ordinance 598, adopted to implement 1995 Oregon Laws, Chapter 693, contains the same requirement that the county allow owners to remove a historic property designation from their property.

- 2.1 **Section 100.02** The Yamhill County Historic and Archeological Preservation Ordinance No. 598, Section 100.02 governs owner consent, and provides in part:

"C. The county shall allow a property owner to remove from the property a historic property designation that was imposed by the County."

- 2.2 Other provisions of Ordinance 598 which apply to the requests to remove the designation are as follows.

- 2.3 **Section 100.01 C**

The provisions of Ordinance 598 apply to significant historic landmarks and archaeologically, sensitive areas designated in the adopted inventory. All 32 sites are significant historic landmarks.

- 2.4 **Section 100.05**

Section 100.05 of Ordinance 598 provides as follows:

"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.

- "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;
  - "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).
- "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, pursuant to Chapter 693, Oregon Laws 1995, as required under section 100.02 of this ordinance. (emphasis added)
- "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."

3. Applicants wish to remove the historical landmarks based on the Owners Consent provisions in sections 100.02 and 100.05(D)(3) of the ordinance, stating that they do not consent to be included on the Yamhill County Cultural Resources Inventory. None of the properties are on the National Historic Register.
4. The county imposed the historic property designation on these 32 properties under former Ordinance 466, as amended. The Board finds that under the state statute and county ordinance provisions, upon request by the owner the county is required to allow the subject property owners to remove from their property the historic property designation that was imposed by the County. The Board finds that the subject requests satisfy the criteria set forth under sections 100.02 and 100.05 (D) of Ordinance 598 and section 21 of 1995 Oregon Laws, Chapter 693.

**CONCLUSIONS:**

1. Thirty two (32) property owners as shown on Exhibit "A" requested that the historic property designations on their properties be removed from the Yamhill County Cultural Resources Inventory as shown on the county comprehensive plan and plan map.
2. None of those property owners gave their consent to be included on the Yamhill County Cultural Resources Inventory. The Board finds that historic property designation was imposed on the properties under former Ordinance 466, as amended.
3. The removal of the historic property designation on the county comprehensive plan and plan map with respect to each of the properties set forth in Exhibit "A" is required under state law, 1995 Oregon Laws Chapter 693, and county ordinance, Ordinance 598.

**DECISION:**

The Board approves the request for removal the historic property designation from the Yamhill County Cultural Resources Inventory in the comprehensive plan and plan map for all of the 32 sites listed in Exhibit "A".

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