

FILED

YAMHILL COUNTY OREGON

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL 96 MAR 25 AM 11:40

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS CHARLES STEIN CLERK

In the Matter of an Ordinance Amending the )  
Yamhill County Comprehensive Plan (1974) and )  
Plan Map to Remove 25 properties from the ) ORDINANCE 603  
Yamhill County Cultural Resources Inventory; )  
Planning Docket LCR-02-95; and Effective )  
June 18, 1996. )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on March 20, 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 of which became effective September 9, 1995, require the county to allow property owners to remove a historic property designation that was imposed on their property by the local government;

WHEREAS, the County has received 25 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 February 7, 1996 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 25 properties based upon the findings contained in the staff report;

WHEREAS, on March 6, 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 abstaining) to tentatively approve the applications for removal of the 25 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");

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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 25 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 25 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 shall be effective on March 18, 1996, which is the 90th day following the date of its adoption.

DONE at McMinnville, Oregon this 20th day of March, 1996.



ATTEST  
Charles Stern  
County Clerk

By: Carol Ann White  
Deputy CAROL ANN WHITE

YAMHILL COUNTY BOARD OF COMMISSIONERS

Robert Johnstone  
Chairman ROBERT JOHNSTONE

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

FORM APPROVED BY:

John C. Pinkstaff  
JOHN C. PINKSTAFF  
Assistant County Counsel

Dennis L. Goecks  
Commissioner DENNIS L. GOECKS

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Landmark Identification No: 003  
Tax Lot No: 2318-00600  
Name of the Landmark as it appears in the Inventory: Blum House  
Address where Landmark is located: 23811 NE Spring Hill Road, Gaston, OR 97119

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Landmark Identification No: 004  
Tax Lot No: 2320-00800  
Name of the Landmark as it appears in the Inventory: Lakeview School  
Address where Landmark is located: 22830 NE Albertson Rd, Gaston, OR 97119

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Landmark Identification No: 005  
Tax Lot No: 2333-00400  
Name of the Landmark as it appears in the Inventory: Dopp House and Barn  
Address where Landmark is located: 19562 NE Calkins Lane, Newberg, OR 97132

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Landmark Identification No: 048  
Tax Lot No: 3222-03100  
Name of the Landmark as it appears in the Inventory: Scherf House and Barn  
Address where Landmark is located: 30690 NE Fernwood Rd, Newberg, OR 97132

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Landmark Identification No: 062  
Tax Lot No: 2526-00100  
Name of the Landmark as it appears in the Inventory: Pike School  
Address where Landmark is located: 22180 NW Turner Creek Rd, Yamhill, OR 97148

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Landmark Identification No: 068  
Tax Lot No: 3235-00100  
Name of the Landmark as it appears in the Inventory: McKinley House  
Address where Landmark is located: 33875 NE Wilsonville Rd, Newberg, OR 97132

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Landmark Identification No: 069  
Tax Lot No: 3204-02000  
Name of the Landmark as it appears in the Inventory: Case House  
Address where Landmark is located: 29875 NE Mountain Top Rd, Newberg, OR 97132

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Landmark Identification No: 080  
Tax Lot No: 3431-00300  
Name of the Landmark as it appears in the Inventory: Sitton House #2  
Address where Landmark is located: 6805 Hill Rd North, Carlton, OR 97111

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Landmark Identification No: 084  
Tax Lot No: 3428-00900  
Name of the Landmark as it appears in the Inventory: Ladd Farm  
Address where Landmark is located: 9171 Hwy 47, Carlton, OR 97111

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Landmark Identification No: 094  
Tax Lot No: 3416-00500  
Name of the Landmark as it appears in the Inventory: Mesner House  
Address where Landmark is located: 12305 Hwy 47, Carlton, OR 97111

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Landmark Identification No: 112  
Tax Lot No: 4303-00800  
Name of the Landmark as it appears in the Inventory: Larkin House  
Address where Landmark is located: 19500 N Hwy 99W, Dundee, OR 97115

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Landmark Identification No: 115  
Tax Lot No: 4309-01600  
Name of the Landmark as it appears in the Inventory: McDougal House  
Address where Landmark is located: 17185 NE McDougal Rd, Dayton, OR 97114

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Landmark Identification No: 120  
 Tax Lot No: 4330-00700  
 Name of the Landmark as it appears in the Inventory: Morgareidge House  
 Address where Landmark is located: 9830 SE Lafayette Hwy, Dayton, OR 97114

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Landmark Identification No: 121  
 Tax Lot No: 4330-00800  
 Name of the Landmark as it appears in the Inventory: Baxter House  
 Address where Landmark is located: 9701 SE Lafayette Hwy, Dayton, OR 97114

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Landmark Identification No: 148  
 Tax Lot No: 5304-00100  
 Name of the Landmark as it appears in the Inventory: Moore Spaulding House  
 Address where Landmark is located: 12920 SE Wallace Rd, Dayton OR 97114

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Landmark Identification No: 152  
 Tax Lot No: 5410-00100  
 Name of the Landmark as it appears in the Inventory: Chrisman House  
 Address where Landmark is located: 7400 SE Amity-Dayton Hwy, Amity, OR 97101

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Landmark Identification No: 155  
 Tax Lot No: 5433-00600  
 Name of the Landmark as it appears in the Inventory: Allen House  
 Address where Landmark is located: 22970 SE Old Bethel Rd, Amity, OR 97101

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Landmark Identification No: 157  
 Tax Lot No: 5413-00300  
 Name of the Landmark as it appears in the Inventory: Risser House  
 Address where Landmark is located: 17540 SE Lafayette Hwy, Dayton, OR 97114

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Landmark Identification No: 166  
 Tax Lot No: 5515-00700  
 Name of the Landmark as it appears in the Inventory: Baker-Russell House  
 Address where Landmark is located: 17670 SW Oldsville Rd, McMinnville, OR 97128

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Landmark Identification No: 169  
 Tax Lot No: 5522-00500  
 Name of the Landmark as it appears in the Inventory: Dan Kirby House  
 Address where Landmark is located: 18401 SW Hwy 18, McMinnville, OR 97128

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Landmark Identification No: 174  
 Tax Lot No: 5521-00800  
 Name of the Landmark as it appears in the Inventory: Buel House  
 Address where Landmark is located: 19650 SW Hwy 18, McMinnville, OR 97128

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Landmark Identification No: 182  
 Tax Lot No: 5621-03500  
 Name of the Landmark as it appears in the Inventory: Rock Creek School  
 Address where Landmark is located: 18800 SW Rock Creek Rd, Sheridan, OR 97378

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Landmark Identification No: 202  
 Tax Lot No: 6602-00500  
 Name of the Landmark as it appears in the Inventory: Scroggin House  
 Address where Landmark is located: 27175 SW Frys Lane, Sheridan, OR 97378

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Landmark Identification No: 203  
 Tax Lot No: 6702-00300  
 Name of the Landmark as it appears in the Inventory: Lamson House and Barn  
 Address where Landmark is located: 37845 SW Dent Rd, Willamina, OR 97396

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Landmark Identification No: 206  
 Tax Lot No: 2426-00800  
 Name of the Landmark as it appears in the Inventory: Zimmerman House  
 Address where Landmark is located: 21000 NE Cove Orchard Rd, Yamhill, OR 97148

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**EXHIBIT "B"****ORDINANCE 603****DATE OF ADOPTION BY BOARD OF COMMISSIONERS: March 20, 1996****DOCKET NO.:** LCR-02-95.**APPLICANTS:** 25 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 25 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 25 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 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 25 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. All 25 sites listed are significant historic landmarks as defined in section 100.01 C of Ordinance 598. 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. The Board finds that the owners did not consent to be included on the Yamhill County Cultural Resources Inventory. The Board also finds that none of the properties are on the National Historic Register, and that there are no legal impediments to removal of the landmark designation from such properties.

4. 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. Twenty-five (25) 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 25 sites listed in Exhibit "A".

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