

**AGENDA
DAYTON HISTORIC PRESERVATION COMMITTEE**

DATE: WEDNESDAY, SEPTEMBER 13, 2023
PLACE: REMOTE VIA ZOOM ONLY
<https://us06web.zoom.us/j/81627057692?pwd=NUsrNjEzMGVvN1ZjODFqNExnZU8yUT09>
Meeting ID: 816 2705 7692 Passcode: 950837
TIME: 6:30 PM

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER	
B.	APPEARANCE OF INTERESTED CITIZENS	
This time is reserved for questions or comments from persons in the audience on any topic.		
C.	APPROVAL OF MINUTES	
	Meeting on July 12, 2023	1 – 3
E.	APPLICATION FOR HISTORIC ALTERATION	
	Attachment A – Application 508 4th St – Demolition Application	4 - 5
	Attachment B – Project Explanation	6
	Attachment C – Structure Letter	7 - 14
	Attachment D – Demo Site plan	15
	Attachment E - Photos – Front and side views	16 - 18
	Attachment F – Deed	19 - 21
	Attachment G – Tax Lot Map	22
	Attachment H – Dayton Municipal Code 7.2.112.06	23 - 26
D.	CLG GRANT UPDATE	
F.	OTHER BUSINESS	
G.	ADJOURN	

Posted: 09/07/2023
Cyndi Park, Library Director

If you have a disability and require a reasonable accommodation to fully participate in this meeting, please contact the City of Dayton at least 32 working hours (four days) before the meeting via email at cityofdayton@ci.dayton.or.us or telephone 503-864-2221 to discuss your accessibility needs.

**NEXT REGULAR MEETING DATE
Wednesday, October 11, 2023**

Dayton Historic Preservation Committee
Minutes of Meeting of July 12, 2023

Members present: Chairperson Judy Gerrard
Vice Chairperson Kelly Haverkate
Dave Hargett
Wayne Herring

Members absent: Kim Courtin

Staff: Cyndi Park, Library Director

The meeting was opened by Chairperson Judy Gerrard at 6:35 p.m.

Appearance of Interested Citizens

None in attendance.

Vice Chair Kelly Haverkate made a motion to approve the minutes of June 14, 2023. Dave Hargett seconded the motion. Motion passed unanimously.

Application for Historic Alteration

The Committee reviewed an application from the owners of 407 Church St to add an exterior door to the rear of their home, which is on the National Register.

Chairperson Judy Gerrard explained about the type and style of doors and the coverings over them that would have been used on a Gothic Revival house such as this one at the time that this house was built.

Because of the orientation of the home, the proposed door would only be obscured from street view by the fence that now exists.

The Committee went through the Decision Criteria from Dayton Municipal Code, 7.2.112.07 – Exterior Alteration and New Construction. Their decisions were as follows:

- Criteria 1 – Agreed, the change is minimal
- Criteria 2 – Agreed, the character is retained as the change is to the rear, additionally the siding and window are likely not original
- Criteria 3 – Agreed
- Criteria 4 – Not applicable
- Criteria 5 – Not applicable
- Criteria 6 - Not applicable

Criteria 7 - Not applicable

Criteria 8 – Agreed. The door is on the side will be obscured by the fence.

Criteria 9 – Not applicable

Criteria 10 – Agreed. The street façade will not be altered.

Vice Chair Kelly Haverkate moved to approve the addition of a door as described in the application, with a note that the Committee appreciates that there is no plan to add an overhang to the door as this was not common to the era.

Motion seconded by Wayne Herring, passed unanimously. Application is approved.

Kelly Haverkate mentioned that given the weather in Oregon, the homeowners might like to cover the door at some point as they begin to use it. Chair Judy Gerrard agreed that a cover would be practical, and that there are non-obtrusive examples of overhangs that were appropriate to the time.

The Committee decided to request that should they decide to add an overhang in the future, that they please come and have a discussion with the Committee about the most appropriate options for the home and the time in which it was built.

CLG Grant Discussion

The COG is requesting our help to correct errors in the spreadsheet, and to create separate lines for markers that have more than one name on them.

The Committee discussed the fragments and other items that HPNW cataloged and stored in the hopes that they can be matched up to the appropriate marker or space in the future. Perhaps in a future grant cycle the Committee can explore using funds to produce something that memorializes people that we believe to be buried in Brookside but for whom no marker exists.

Discussion continued about best practices for multiple people to edit the spreadsheet documents. Cyndi will investigate shared access of some sort for the Committee. Members might also meet with their own laptops and work on the file as a group.

Other Business

None.

Adjournment

There being no further business, Kelly Haverkate moved to adjourn the meeting, Dave Hargett seconded. Vice Chairperson Haverkate adjourned the meeting at 7:39 p.m.

Respectfully submitted,

Cyndi Park
Library Director



Historic Property Request for Change Application

416 Ferry St - PO Box 339
 Dayton OR 97114
 Ph # (503) 864-2221
 Fax # (503) 864-2956
www.ci.dayton.or.us
cityofdayton@ci.dayton.or.us

For City of Dayton Use:

Date Application Received:	Received By:	<i>File Number:</i>
Public Hearing Date:	Fee Amount:	Deposit Amount:
Application Completed Date:	Application Approval Date:	

TYPE OF ACTION REQUESTED:

Demolition
 Repairs/Restorations
 Other _____
 Addition of Designation
 Removal of Designation
 New Construction
 Alteration
 Relocation

Site Address: 508 4th St. Dayton, OR 97114

Name of Applicant: Dayton Properties, LLC (Single Member LLC Owned by Twin Towers, LLC)

Mailing Address: 7401 SW Washo Ct. Suite 200 City: Tualatin ST: OR Zip: 97062

Telephone number: 971-241-2076 Cell number: same

Email Address: kellyjhaverkate@gmail.com

Applicant Signature: W. Haverkate Date: 08/31/2023

Property Owner (If different from Applicant): _____

Address: _____ City: _____ ST: _____ Zip: _____

Consultants (please list all that apply)

Planning
 Engineering
 Surveyor
 Other

name: Nathan Coopridier Physical Address: 6911 SW 53rd Ave.

Firm: Nathan Coopridier, Architect City: _____ ST _____ Zip _____

Mailing Address: 6911 SW 53rd St. Telephone #: 503-729-2859

City: Portland ST: OR Zip: 97219 Cell Phone #: _____

Email Address: nathan@nathancoopridier.com

Planning
 Engineering
 Surveyor
 Other

name: Kate Giraud, Project Manager Physical Address: 2019 NW Wilson St.

Firm: R & H Construction City: Portland ST OR Zip 97209

Mailing Address: _____ Telephone #: 503-228-7177

City: _____ ST: _____ Zip: _____ Cell Phone #: 503-915-8068

Email Address: kgiraud@rhconst.com

For Office Use

Fee:	Deposit:	Amount Paid:	Date Paid:	Receipt #
Approved by:	<input type="checkbox"/> City Manager <input type="checkbox"/> City Council	<input checked="" type="checkbox"/> City Planner <input type="checkbox"/> Historic Preservation Committee	<input type="checkbox"/> Public Works Director <input type="checkbox"/> Fire Marshal	<input type="checkbox"/> City Engineer
Applicant notification Date:	Comments:			
Additional Services Amount Billed:	Paid:	Planner		Other
Engineer	Staff Time	Page 4 of 26		Other

Provide a written description/explanation of the proposed relocation or demolition: Twin Towers, LLC requests demolition and removal of the historic structure at 508 4th St. Dayton Please see attached explanation.

Provide a site plan indicating the location of structures on the subject property: See attached site plan

Provide statements indicating the intended re-use of the subject property: The immediate benefit with be to create a vacant site. Twin Towers, LLC has engaged in some development planning for this site that could include multi-family housing and/or residential commercial live-work units. This future development will not happen immediately and will be somewhat determined by the need exhibited for downtown Dayton.

Provide any other information necessary to address the approval criteria: See attached report from R & H Construction regarding condition of structure.

Twin Towers, LLC
Kelly Haverkate, Representative
7401 SW Washo Ct, Suite 200
Tualatin, OR 97062
971-241-2076
kellyhaverkate@gmail.com

City of Dayton
Demolition Permit Application
PO Box 339
Dayton, OR 97114

August 30, 2023

RE: Demolition request 508 4th St
Dayton Tax lot # 00800 Tax Account # R4317DD
Property Description: Lot 246 & PT LT 247 in Dayton, Town of

Project Explanation

Demolition and removal of the "Dayton Common School" proves necessary for general safety reasons and to allow for a more feasible economic re-development of the property. What began as a schoolhouse has been added on to multiple times and used as a residence for over a century. It is no longer in its original form and the photos reflect the lack of integrity in the structure due to the additions. It deteriorated to the point that it is not structurally sound and is a serious hazard to anyone who comes near it. (There is evidence of people being in the building in spite of the 6ft fencing surrounding the structure). In this dilapidated state any reuse of this structure would require almost complete deconstruction and reconstruction. It would also need to move to a different location on the property to maximize the usability of the site. If "rehabilitated", the re-built structure would contain mostly new materials and be virtually a new structure, on a new site.

In the short term, this demolition would allow for a safer and more aesthetically pleasing downtown block. We feel that it is more economically and practically feasible to thoughtfully design and build new structures on this property that would complement, and in no way detract from, the historic nature of Downtown Dayton.



September 5, 2023

Twin Towers, LLC
7401 SW Washo Court, Suite 200
Tualatin, OR 97062

RE: 508 4th Street Structure

Dear Twin Towers,

R&H entered the building on the 508 4th Street property in Dayton, OR on September 1st to assess the condition of the structure. Upon entry, there is evidence of extensive water intrusion and mold found at the openings and nearly all walls. There are visible signs that the foundation has settled, which has resulted in cracking in the walls and significant sloping of the floors throughout the building. The roof structure has pronounced sagging and apparent decay of primary structural elements.

After inspection, R&H considers the building to be in a poor and unsafe condition. There is severe deterioration throughout the structure that is beyond the point of repair or restoration.

Sincerely,

R&H Construction Co.

Kate Giraud
Project Manager

encl: Photographs taken 09/01/23.

cc: Steve Scott, Vice President, McMinnville Properties
Wayne Marschall, President, The Stoller Group
Adam Petersen, Project Executive, R&H















DAYTON HISTORIC RESOURCE INVENTORY

ASSESSOR MAP NUMBER: 4-3-17_DD TAX LOT NUMBER: 800
 PLAT NAME: Original Town of Dayton LOT: 246 and Part of BLOCK: NA
 PROPERTY ADDRESS: 504 Fourth Street
 CURRENT OWNER: Sam Genduzza
P.O. Box 432, Dayton, OR
 ORIGINAL OWNER: Unknown Contributing: 1
 ARCHITECT/BUILDER: Unknown
 STYLE OF ARCHITECTURE: Classic Revival (Vernacular) YEAR BUILT: c. 1850
 HISTORIC NAME: Dayton Common School HISTORIC USE: Schoolhouse
 CURRENT NAME: Genduzza Residence CURRENT USE: Residence
 CONDITION: Good-Fair ALTERATIONS: Moderate
 PHOTOGRAPH ROLL-FRAME: 3-25 INTERVIEWEE:
 RESOURCE NUMBER: 30 RECORDER: Demuth & Rees DATE: 10-4-84
 SITE DESCRIPTION: THEME: Exploration & Settlement

The former Dayton Common School is on the northwest side of Fourth Street, near the corner of Fourth and Alder Streets. It is in a residential area which is immediately adjacent to commercial properties to the west. The Dayton Elementary School is to the south of the former Common School, across Lippincott's Gulch.

Less than one acre.

10/494140/5007120

ARCHITECTURAL DESCRIPTION:

The Dayton Common School is a one story building and rectangular in plan. It has a stucco covered brick foundation, and is sided with clapboards. It has a gable roof with boxed eaves and wide eaveboards. The original windows, extant on the side facades of the building, are six over six double hung sash. The modified windows in the front of the house are large, single, fixed panes. The front porch, which has been altered, has a gable roof, square, solid posts and a simple railing. A rear addition to the building appears to be original or very early. A later small shed extension projects from the rear of the addition. The old school measures 20' X 46', excluding the additions.

HISTORICAL DESCRIPTION:

The former Dayton Common School was constructed before 1860 and was the first elementary school in Dayton. The building was used as a school from the 1850's until 1875, when a new building was completed. G.W. Elmore is listed in the 1860 census records as the common school teacher. In 1876, a new schoolhouse was constructed on the block bounded by Third and Fourth, Oak and Church Streets. This was the site of subsequent Dayton school buildings until the present high school was constructed at Eighth and Ferry in 1935 and the elementary school at Fifth and Ferry in 1951.

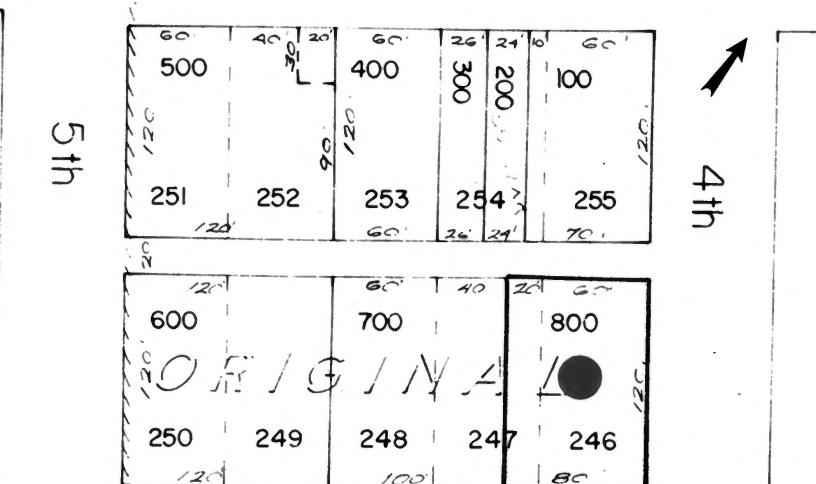
After 1875, the schoolhouse was fitted up as a residence. It is not known who first resided there; but it is assumed that in about 1887, John Mauts and his family took up residency in the former schoolhouse. Mauts, who was of German heritage and had been born in 1836, was a blacksmith. In 1887, he entered into partnership with Benjamin Morse (Resource #19) and operated a blacksmith shop and carriage factory. After Morse's death in about 1897, Mauts briefly joined forces with Carter and worked on the construction of a tug wheel for the steamboat "Toledo". Mauts died in 1906 and it is surmised that Catherine, his wife, left Dayton soon afterwards as she is not listed in the 1910 census records. Both John and Catherine Mauts are buried in the Brookside Cemetery.

SIGNIFICANCE:

This building was originally constructed as the first school in Dayton, that served the children of the early settlers of the area. Criterion a.

SOURCES:

- .Gemetry Survey, Brookside, Dayton, Oregon.
- .Dayton Centennial 1880-1980, Edit. June Bienz, 1980 p.24,25; p.17 photo.
- .Old Yamhill, The Early History of its Towns and Cities, Yamhill County Historical Society, 1976, p.19.
- .United States Census, Yamhill County, Dayton, 1900.
- .City of Dayton, 1905, annotated map, Bingham Gabriel.
- .Sanborn Fire Insurance Map, Dayton, Oregon, 1893, Sheet #2; 1912, Sheet #3.
- .Dayton Herald, May 11, 1894, p.1.col.1.



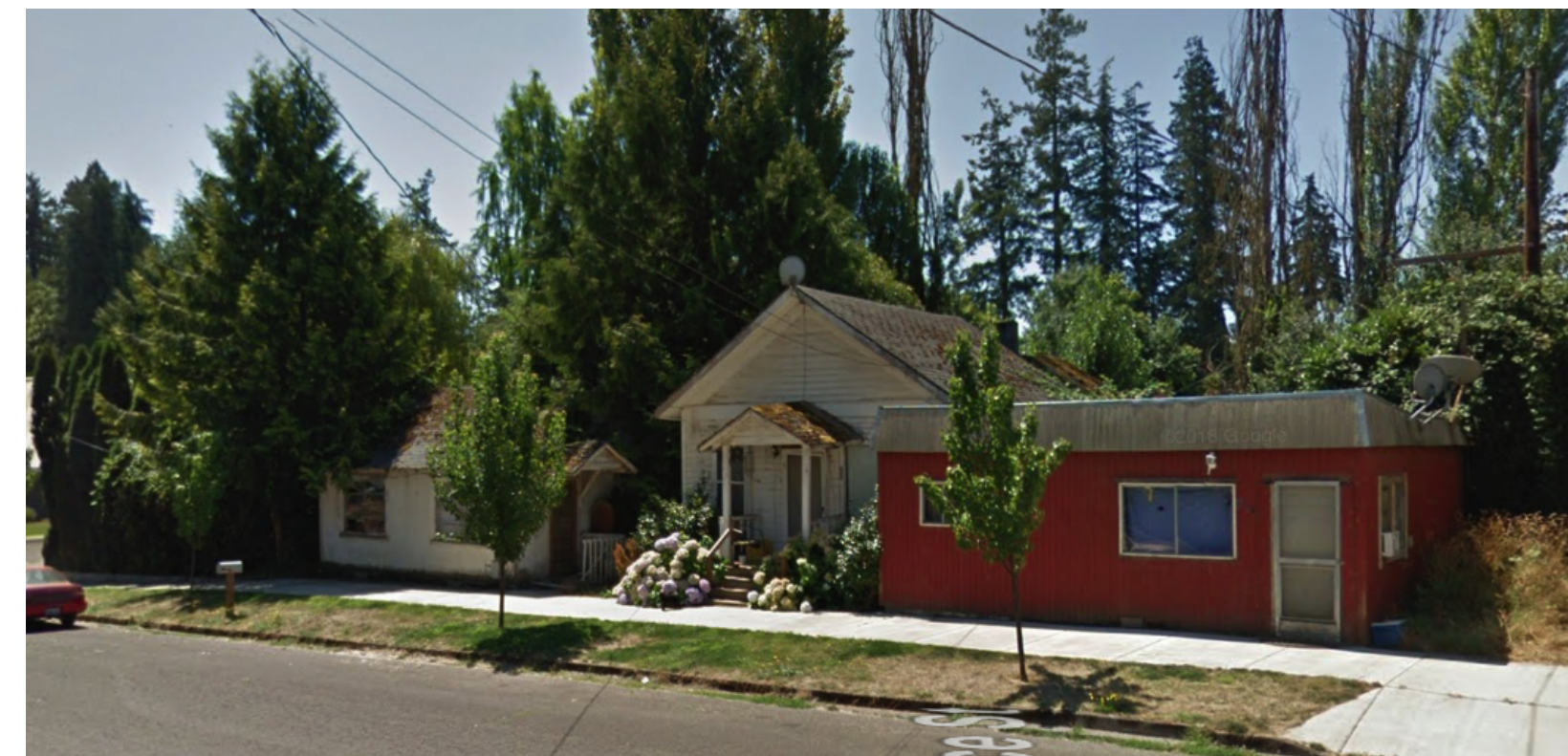
ADDRESS:
508 4th St, Dayton Oregon 97114
Zoning: "C"

ARCHITECT:
Nathan Coopridier, Architect
6911 SW 53rd Ave
Portland, OR 97219
phone: 503-729-2859
email: nathan@nathancoopridier.com

CONTRACTOR:
Lawson Corp. Excavation
Mike Lawson, CCB# 216882
11599 NE Finn Hill Loop
Carlton, OR 97111
phone: 926-852-0035
email: mike@lawson-corp.com

OWNER:
Dayton Properties, LLC
Wayne Marschall
7401 SW Washo Ct. Suite 200
Tualatin, OR 97062
503-612-1400
Wayne.Marschall@thetollergroup.com

CONTRACTOR:
R & H Construction
Kate Giraud, Project Manager
2019 NW Wilson St.
Portland, OR 97209



FRONT VIEW

SINGLE STORY STRUCTURES
(removed in previous demo)

SINGLE STORY BUILDING TO BE DEMO'D
-CONTRACTOR TO FOLLOW ALL CODE AND BEST MANAGEMENT PRACTICE IN DEMO AND DISPOSAL.

SINGLE STORY STRUCTURES
(removed in previous demo)

4TH STREET

PROJECT DESCRIPTION:

Demo of existing building on site.
NOTE: Contractor to provide additional information to City as required.

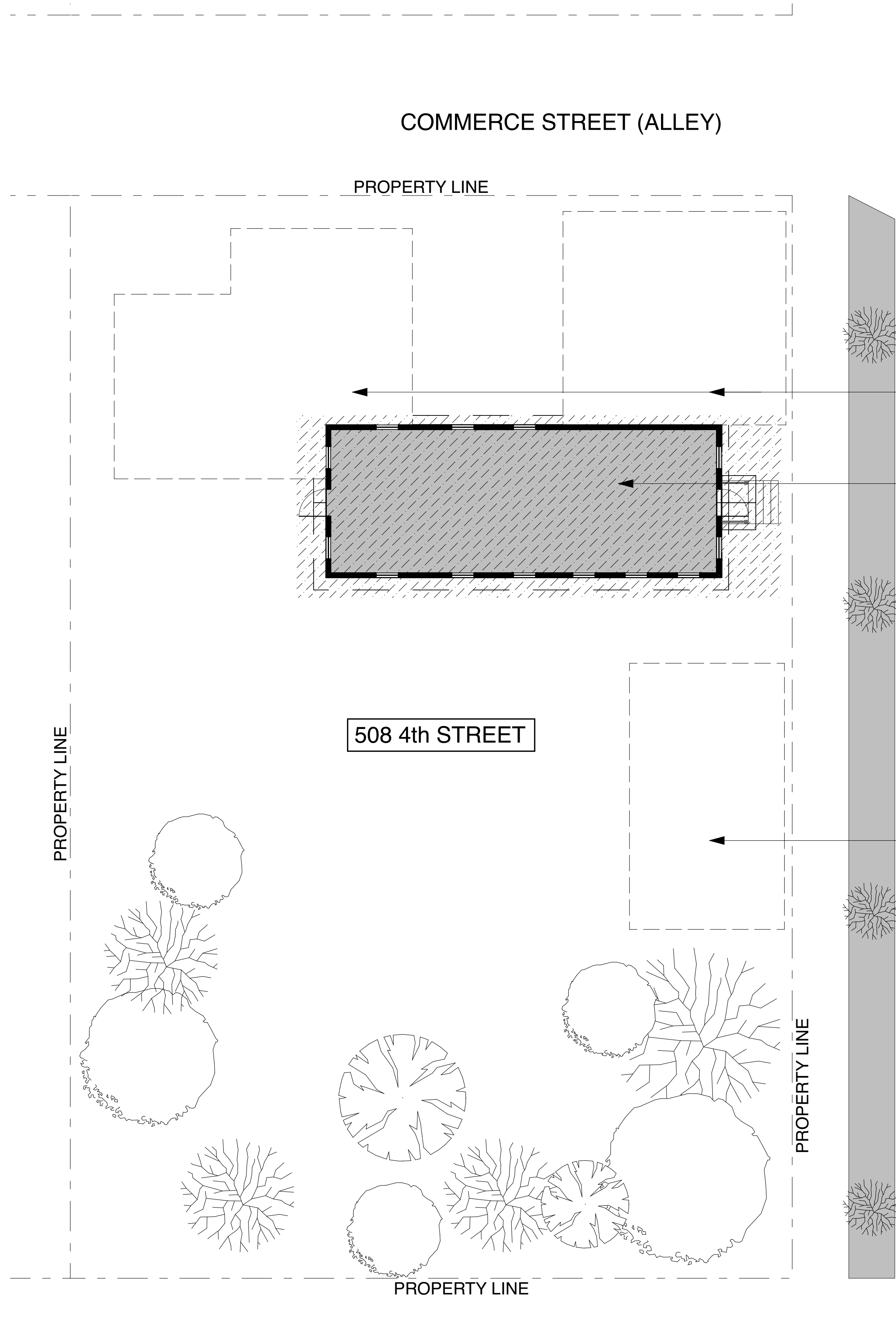
GENERAL NOTES:

Site information concerning existing conditions are suitable for preparation of the Drawings and given for convenience to the Contractor. Owner and Architect do not guarantee accuracy of such information. It is the responsibility of the Contractor to inform himself and the necessary officials as to the conditions affecting the Work. The Work shall conform to all applicable building codes.

Contractor shall verify all dimensions and field conditions before proceeding and notify Architect of any discrepancies. Contractor shall provide adequate bracing and shoring as necessary until permanent supports and stiffeners are installed. Contractor shall notify the Architect and Owner of proposed field changes prior to construction of modification. Contractor will notify the Owner, Architect, Engineer, and the local building official at critical construction milestones established by the local municipality in order to obtain necessary approvals prior to commencement of work.

The Architect and Engineers have not been retained or compensated to provide design and/or construction review services related to the contractor's safety precautions or to means, methods, techniques, sequences or procedures for the contractor to perform his/ her work. The undertaking of periodic site visits by the Architect or Engineer shall not be construed as supervision of actual construction nor make either responsible for providing a safe place for the performance of work by the Contractor or the Contractor's employees or employees of suppliers or subcontractors, or for access, visits, use, work, travel, or occupancy by any person. Contractor shall take all reasonable precautions for the safety of, and shall provide all reasonable protection to prevent damage, injury or loss to:

1. Employees and all other affected persons.
2. All work, materials, and equipment.
3. Other property at the site or adjacent thereto.

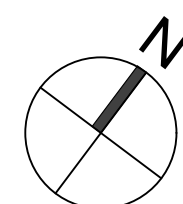


NOTE: THIS DRAWING IS NOT A LEGAL SURVEY. THE INFORMATION SHOWN WAS OBTAINED FROM PUBLIC RECORDS AND INFO PROVIDED BY THE PROPERTY OWNER. ALL INFORMATION IS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE OWNER & ARCHITECT.

PALMER CREEK LODGE PARKING LOT

1 DEMO PLAN
SCALE: 1/8" = 1'-0"

0 4' 8' 16'



6/29/23
PERMIT SET
DATE REVISION

PRELIMINARY
NOT FOR
CONSTRUCTION

508 4TH STREET - DEMO PLAN
DAYTON, OREGON

NATHAN COOPRIDIER ARCHITECT, LLC
503-729-2859
nathan@nathancoopridier.com
6911 SW 53rd Portland OR 97219

D1

DEMO PLAN



506

506







After recording return to:
Dayton Properties, LLC
2121 Front Street
Salem, OR 97301

Until a change is requested all tax
statements shall be sent to the
following address:
Dayton Properties, LLC
2121 Front Street
Salem, OR 97301

File No.: 1031-3244429 (MWG)
Date: May 17, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records		201907499
DMR-DDMR		06/12/2019 03:57:00 PM
Stn=2 MILLSA		3Pgs \$15.00 \$11.00 \$5.00 \$60.00
		\$91.00
<small>I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</small>		
Brian Van Bergen - County Clerk		

FIRST AMERICAN TITLE 3244429

STATUTORY WARRANTY DEED

Cheryle E. Klass Gendusa, Grantor, conveys and warrants to Dayton Properties, LLC , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

Lot 246 and the Northeast One-Third of Lot 247 (20 feet wide on Alder and 120 feet deep to alley), ORIGINAL TOWN OF DAYTON, in Yamhill County, Oregon.

Subject to:

Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$zero. However, the actual consideration consists of other value given or promised which is the whole consideration.** (Here comply with requirements of ORS 93.030)



After recording return to:
Dayton Properties, LLC
2121 Front Street
Salem, OR 97301

Until a change is requested all tax
statements shall be sent to the
following address:
Dayton Properties, LLC
2121 Front Street
Salem, OR 97301

File No.: 1031-3244429 (MWG)
Date: May 17, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Cheryle E. Klass Gendusa, Grantor, conveys and warrants to **Dayton Properties, LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

Lot 246 and the Northeast One-Third of Lot 247 (20 feet wide on Alder and 120 feet deep to alley), ORIGINAL TOWN OF DAYTON, in Yamhill County, Oregon.

Subject to:

Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$zero. However, the actual consideration consists of other value given or promised which is the whole consideration.** (Here comply with requirements of ORS 93.030)

3244429
FIRST AMERICAN TITLE

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

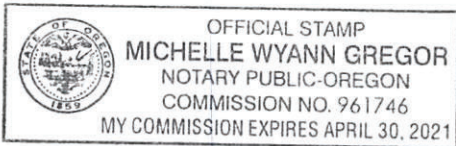
Dated this 12 day of June, 2019.

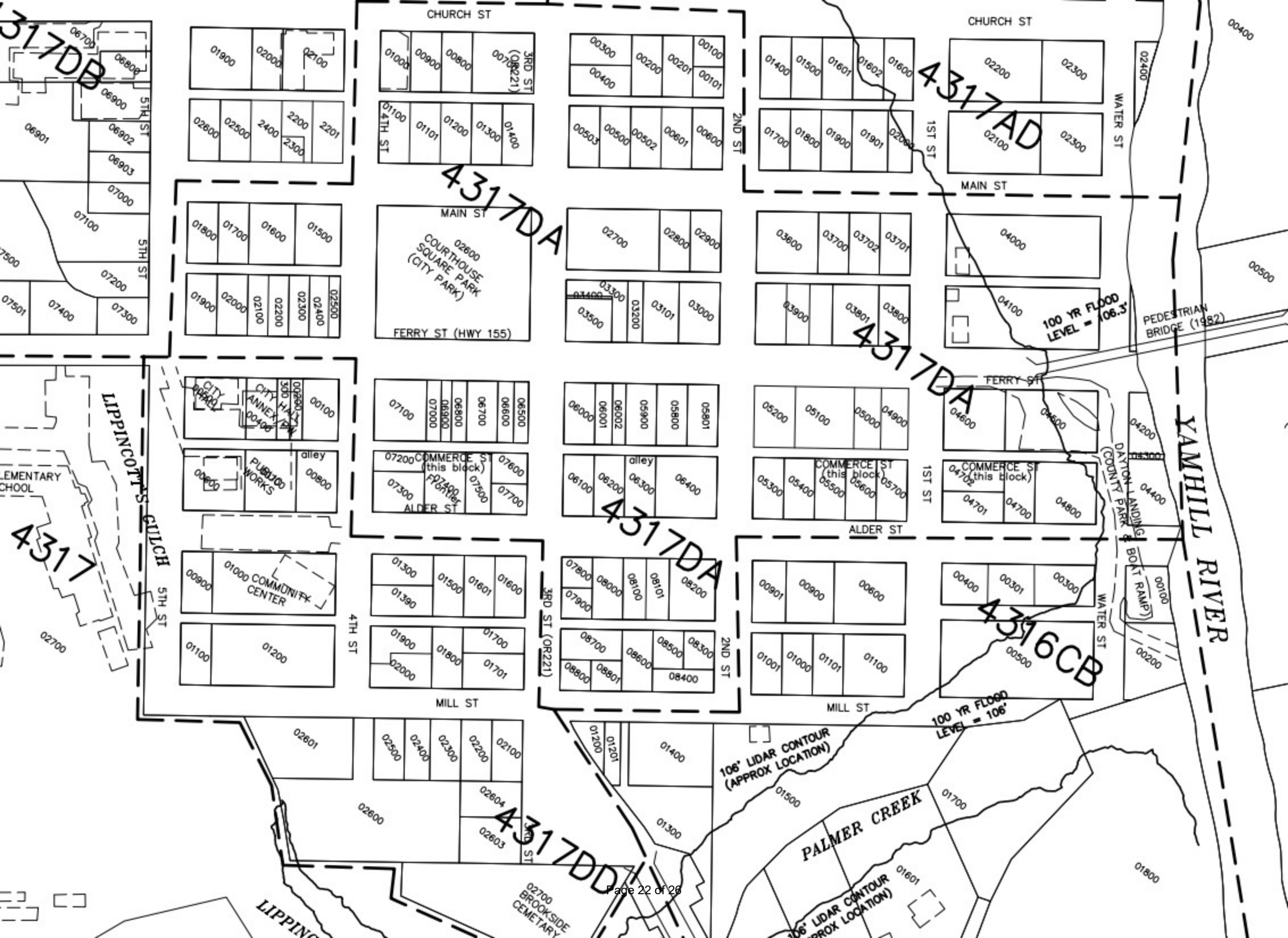
Cheryle Klass Gendusa
Cheryle E. Klass Gendusa

STATE OF Oregon)
County of Yamhill)ss.
)

This instrument was acknowledged before me on this 12 day of June, 2019 by **Cheryle E. Klass Gendusa**.

Michelle Willeg
Notary Public for Oregon
My commission expires: 4/30/21





317DB

4317DA

4317AD

4317DA

4317DA

4316CB

4317

4317DB

06700 06800 06900 06901 06902 06903 07000 07100 07200 07300 07500 07501 07400 07300

01900 02000 02100 02600 02500 2400 2200 2300 2201 01800 01700 01600 01500 01900 02000 02100 02200 02300 02400 02500

CHURCH ST
3RD ST (06221)
01000 00900 00800 00700 01100 01101 01200 01300 01400
4TH ST
02600 COURTHOUSE SQUARE PARK (CITY PARK)
FERRY ST (HWY 155)

00300 00200 00100 00400 00200 00201 00101 00503 00500 00502 00601 00600 02700 02800 02900 03300 03400 03200 03101 03000 03500

01400 01500 01601 01602 01600 01700 01800 01900 01901 03600 03700 03702 03701 03900 03801 03800

CHURCH ST
02200 02300 02100 02300 04000 04100
100 YR FLOOD LEVEL = 106.3'

CITY HALL ANNEX
00100 00200 00300 00400 00500 00600 00700 00800 00900 01000 COMMUNITY CENTER
01100 01200

07100 07200 07300 07400 07500 07600 07700 07800 07900 08000 08100 08101 08200 08300 08400 08500 08600 08800 08801 08700 08800 08901 08900 08600

06000 06001 06002 06900 06800 06500 06100 06200 06300 06400 07800 08000 08100 08101 08200 07900 08700 08800 08901 08600 08300 08400 08500 08600

05200 05100 05000 04900 05300 05400 05500 05600 05700 09901 09900 09600 01001 01000 01101 01100

04600 04500 04700 04701 04700 04800 00400 00301 00300 00500 00200 00100

00900 01000 COMMUNITY CENTER 01100 01200

01300 01500 01601 01600 01390 01900 01800 01700 02000 01701

07800 08000 08100 08101 08200 07900 08700 08800 08901 08600 08300 08400 08500 08600

09901 09900 09600 01001 01000 01101 01100

00400 00301 00300 00500 00200 00100

02601 02500 02400 02300 02200 02100 02600 02604 02603 02700 BROOKSIDE CEMETARY

01200 01201 01400 01300 01500 01700 01601

106' LIDAR CONTOUR (APPROX LOCATION) 01500 01700 106' LIDAR CONTOUR (APPROX LOCATION) 01601

100 YR FLOOD LEVEL = 106' PALMER CREEK 01800

02400 WATER ST
00400 00500
PEDESTRIAN BRIDGE (1982)
YAMHILL RIVER
DATON YARDING BOAT RAMP
WATER ST

7.2.112.06 Demolition And Moving

- A. Planning Commission Approval. No person shall move or demolish, or cause to be moved or demolished, an historic resource on the National Register of Historic Places, a Designated Landmark in the Historical Property Overlay Zone or in an historic district, unless approved by the Planning Commission. A separate permit must be obtained from the Building Official to demolish or move the structure.
- B. Application Process. An application for moving or demolishing an historic resource on the National Register of Historic Places, a Designated Landmark in the Historical Property Overlay zone or in an historic district shall be filed on a form provided by the City. The following information shall be required in an application:
1. The applicant's name and address and the applicant's signature;
 2. The owner's name and address, evidence of legal and recorded ownership of the subject property and the owner's signature;
 3. A written description of the proposed moving or demolition and an explanation of how the moving or demolition meets the approval criteria set forth in DMC 7.2.112.06, E;
 4. A site plan, drawn to scale, indicating the location of structures on the subject property, the dimensions of the structures and the distances from the structures to the property lines;
 5. Statements indicating the intended re-use of the subject property;
 6. Any other information deemed necessary by the City Manager to address the approval criteria.
- C. Historic Preservation Committee (HPC): After the application is deemed complete, the Historic Preservation Committee shall review the application at a regularly scheduled meeting or at a special meeting. The Historic Preservation Committee shall provide to the Planning Commission a written recommendation based on the approval criteria. The Historic Preservation Committee serves in an advisory capacity.
- D. Review Process. Upon receipt of a completed application, the City Manager shall schedule the application to be considered at a Planning

Commission meeting. The Planning Commission shall hold a Type II public hearing pursuant to DMC 7.3.2 (Administrative Procedures). The Planning Commission shall consider the Historic Preservation Committee's recommendation.

E. Approval Criteria. To approve the application to move or demolish a Designated Landmark, the Planning Commission must find one of the following criteria are met:

1. No prudent and feasible alternative exists; or
2. The Designated Landmark is deteriorated beyond repair; or
3. The value to the community of the proposed use of the property outweighs the historical or architectural value of retaining the Designated Landmark.

F. Planning Commission Approval. The Planning Commission may approve, or approve with conditions, the application where the application materials show at least one approval criterion is met. If no appeal is filed, the decision is effective on the day following the last day of the appeal period.

A permit shall not be issued unless the applicant provides evidence of legal and recorded ownership of the subject property

G. Planning Commission Denial. The Planning Commission may deny the application where the application materials do not show at least one approval criterion is met. If not appeal is filed, the decision is effective on the day following the last day of the appeal period.

H. Planning Commission Continuance. The Planning Commission may continue the final action in accordance with DMC 7.2.112.06, K, below, and consistent with the State of Oregon 120-day rule for making a final decision on an application.

I. Appeals. A decision by the Planning Commission to approve, approve with conditions or deny the application to may be appealed to the City Council by an aggrieved party who appeared orally or in writing, in person or through an attorney at the Planning Commission hearing and presented or submitted testimony related to the application under consideration. The appeal shall comply with the requirements in DMC 7.3.2. (Administrative Procedures).

J. Alternative Actions. At the time a demolition or moving application is filed the City Manager shall review alternatives to demolition or moving with the owner of the resource, including local, state and federal preservation programs.

K. Additional Requirements. During a period of continuance, the Planning Commission may require the property owner to:

1. List the resource for sale with a real estate agent for a period of time to allow for final decision within 120-days. The real estate agent shall advertise the resource in local and state newspapers of general circulation in the area for a minimum of 10 days and over a period of time that allows for a final decision within 120 days.
2. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by the City and be posted by the applicant in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for ensuring the sign is posted continuously within the time frame specified in DMC 7.2.112.06, K, 1, above.
3. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies who inquire.
4. Ensure that the owner has not rejected the highest bona fide offer for sale and removal of the resource.

L. Press Notification. Prior to issuance of a demolition permit, the City Manager shall issue a press release to local or state newspapers of general circulation in the county. The press release shall include, but not limited to, a description of the significance of the resource, the reasons for the proposed Moving or demolition, and possible options for preserving the resource.

M. Permit Conditions. As a condition for approval of a demolition permit, the Planning Commission may:

1. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriate by the Planning Commission.
2. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials or donate or sell them to the City or other party determined appropriate by the Planning Commission. The applicant shall be provided with a list of persons capable of salvaging the resource.

N. Dangerous Building. DMC 7.2.112 shall not be construed to make it unlawful for any person, without prior approval of the Planning Commission, to comply with an order by the City Council to remove or demolish any Designated Landmark determined by the City Council to be dangerous to life, health, or property.

HISTORY

Amended by Ord. [645](#) on 2/12/2020