



Stephen L. Madkour
County Counsel

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Assistants

March 17, 2022

Board of County Commissioners
Clackamas County

Members of the Board:

**A Board Order related to a previously approved
Zone Change Application: File #Z0439-21-Z**

Purpose/Outcomes	<i>Adopt a board order related to a previously approved land use action</i>
Dollar Amount and Fiscal Impact	<i>None identified</i>
Funding Source	<i>N/A</i>
Duration	<i>Indefinitely</i>
Previous Board Action	<i>Board of County Commissioners (“Board” or “BCC”) held a public hearing on February 9 2021, at which time the BCC voted 3-1, with one member absent, to approve the application with an added condition, and directed staff to draft the board order and the findings of fact, both of which are included with this report.</i>
Strategic Plan Alignment	<i>1. Build public trust through good government.</i>
Contact Person	<i>Nate Boderman, 503-655-8364</i>
Contract No.	<i>None</i>

BACKGROUND:

On November 11, 2022 a public meeting was held before the Historic Review Board (HRB) to consider the proposal in Z0439-21-Z, and at this meeting, the HRB voted to recommend approval of the proposal to remove the HL overlay on the subject property, known in the Clackamas County Historic Inventory as the Christian Muralt Farm (SHPO #1119). The site characteristics were determined to have changed such that the qualities for which it was originally listed were no longer clearly present on the property.

On January 9, 2022 a public hearing was conducted before the BCC, via Zoom teleconference, to consider the proposal to remove the Historic Landmark (HL) overlay on the subject property located at 20750 S Beaver Creek Road. At that hearing, the BCC orally voted 3-1, with one member absent, to approve the following motion: “I move we approve Z0439-21-Z as

recommended by staff and the County Historic Review Board with the condition that the property be listed for removal and advertised for a period of 90 days to include a sign to that effect posted on the property.” Given the context of the discussion leading to the previously quoted motion, County staff have interpreted this motion to mean an approval of the application to remove the HL zoning overlay, with the condition that the applicant promote the structures to the public for relocation or salvage by posting a sign on the property for not less than 90 days, by advertising the structures in a local newspaper and a regional newspaper, and by providing direct notice to local preservation organizations.

At the conclusion of the hearing, the Board directed staff to draft an order and findings consistent with its decision. A copy of the Board Order implementing the oral decision, and findings and conclusions to be adopted by the Board has been attached.

The applicant submitted evidence to the County on March 9, 2022 verifying that the required sign has been posted on the property near the driveway entrance in a location that is visible from the road and with space to allow a vehicle to idle and view the notice. The applicant also submitted a copy of an email demonstrating that information about the property had been emailed to Restore Oregon. The relocation and salvage opportunity associated with this property will be promoted in the Oregon City News from 3/16/22-3/23/22 and in The Oregonian from 3/14/22-3/25/22. The board order has a proposed effective date of June 15, 2022, which is 90 days after the approval date, to provide time to those that might be interested in relocation or salvage opportunities to coordinate their efforts.

RECOMMENDATION:

Staff recommends the Board approve the attached Board Order and the findings and conclusions which are attached thereto.

Respectfully submitted,

Nate Boderman
Assistant County Counsel

Structures Available for Relocation/Salvage Upon Future Demolition Permit

(County Case File No. Z0439-21)

For Further Information, Please Contact:

**Marie Holladay; AKS Engineering & Forestry, LLC
(503) 563-6151; holladaym@aks-eng.com**



Mar 8, 2022 5:21:24 PM
45.305732° N 122.544836° W



The Oregonian OREGONLIVE

OREGONIAN MEDIA GROUP

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3/8/2022 [OregonLive.com and Oregon Media Group Order Confirmation](#) adhelp@oregonlive.com ✕

My Ads (5 most recent)

ad Id/Title	Start Date	End Date	Status	Upsells
 0010270892-01 Structures for Relocation/S...	3/14/2022	3/25/2022	Inactive	OR Click-N-Buy T

My Watchlist

You currently have no ads in your watchlist





The Oregonian OREGONLIVE

OREGONIAN MEDIA GROUP

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My Web To Print

Print Ad

Below is an approximation of how your ad will appear in print.

Structures (including a house, cellar, and watertower) located at 20750 S Beaver creek Road are available for relocation/salvage upon future demolition permit pursuant to Clackamas County Case File. No. Z0439-21. Please contact: Marie Holladay; AKS Engineering & Forestry, LLC. 5035636151; holladaym@aks-eng.com

Your ad will run in the following Edition(s):

Edition: Oregonian
Run Dates: View

Edition: Oregon Online
Run Dates: View

[Advertising Agreement](#) | [User Agreement](#) | [Privacy Policy](#) | [Help/Feedback](#) | [Contact the Newspaper](#)

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From: [Marie Holladay](#)
To: [Michelle Swartout](#)
Cc: [Janelle Guiao](#)
Subject: FW: OregonLive.com and Oregon Media Group Order Confirmation
Date: Tuesday, March 8, 2022 1:13:00 PM
Attachments: [image001.png](#)

#7850 receipt for classified ad in Oregonian

Welcome Marie! [Log Out](#)

Thank you for placing your classified ad online!


Please Note: Any edits you make to your ad may be subject to review before appearing online or in print. Allow 90 minutes for updates to your ad to appear online.

If you wish to place another classified ad, click the Home or Return to Order Entry below to return to your account where you will be able to manage you ad entry.

Order Details

Name:	Order - 9083-4608901
Tracking Number:	9083-4608901
Total Items:	1
Total Price:	\$86.50
Order Date:	3/8/2022

Share Your Ad

Structures for Relocation/Salvage  ShareThis

Payment Information

Card Type:	Visa
Last Four Card Digits:	400725*****0000
Name on Card:	Michelle Swartout
Card Expiration:	12/21

Contact Address

Name:	Michelle Swartout
Address:	12965 SW Herman Road
City, State, Zip:	Tualatin, OR 97062

[Return to Order Entry](#) [Home](#)

Marie Holladay

AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 270 | www.aks-eng.com | holladaym@aks-eng.com

From: Oregon Combined Marketplace <OregonMarketplace@clicknbuy.com>

Sent: Tuesday, March 8, 2022 1:12 PM

To: Marie Holladay <holladaym@aks-eng.com>

Subject: OregonLive.com and Oregon Media Group Order Confirmation

EXTERNAL EMAIL: This email originated from outside AKS Engineering & Forestry.

Marie Holladay

To ensure delivery of important emails from OregonLive.com and Oregon Media Group, please add Oregonianmediagroup@clicknbuy.com to your address book or approved senders list.

PLEASE SAVE THIS EMAIL. It contains important information on how to manage your online Ad.

ENHANCE YOUR AD

- Expand your text up to 3500 characters, or approximately 700 words.
- Upload a maximum of 8 photos (if applicable. Please note that photos should be 2MB in size and in JPG, JPEG or GIF format)

Please note that any updates to your ad will be reflected in up to 90 minutes.

HOW YOU CAN DO IT

- -Simply click on the link below to log into your online account. **If you have an existing Classified Advertising account** enter your Email address and Password to access your account. **First time users please hit the "Forgot Password" link**, enter the temporary password sent to your email and finish the login procedure (create your new Password and Screen name) to create your online account. Save your Email Address, Screen Name and Password to access your account for future ad placements.

If your email program does not recognize the web address above as an active link, please copy and paste the address into your web browser.

SOME THINGS TO KNOW BEFORE YOU ENHANCE YOUR AD:

- Edits to your online ad will not be reflected in the newspaper. You will need to contact the newspaper directly using the information below.

WHO TO CONTACT IF YOU NEED ASSISTANCE WITH YOUR PRINT AD

- Issues with your print ad? Please contact the newspaper at feedback@oregonian.com

WHO TO CONTACT IF YOU NEED ASSISTANCE WITH YOUR ONLINE AD:

Please visit <http://www.OregonLive.com/placead/feedback>

Please include your ad number, PCM18540131, in all communications.

Learn how to protect yourself from Internet scams. Feel free to read our [online fraud prevention tips](#).

2016

[Advertiser Agreement](#) | [Privacy Policy](#) | [Fraud Prevention](#)

PamplinMediaGroup

-Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Mindy Johnson prior to deadline at or mjohnson@pamplinmedia.com.

<p>Date: 03/08/22</p> <p>Account #: 133074</p> <p>Company Name: AKS Engineering & Forestry LLC</p> <p>Contact: MARIE HOLLADAY</p> <p>Address: 12965 SW Herman Road, Ste. 100 Tualatin</p> <p>Telephone: (503) 563-6151</p> <p>Fax:</p>	<p>Ad ID: 235497</p> <p>Start: 03/14/22</p> <p>Stop: 03/16/22</p> <p>Total Cost: \$78.75</p> <p>Columns Wide: 1</p> <p># of Inserts: 2</p> <p>Ad Class: 206</p> <p>Phone #</p> <p>Email: mjohnson@pamplinmedia.com</p>
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Run Dates:

Zone 5

**Structures available for
relocation/salvage**

Upon future demolition permit pursuant to County Case File No. Z0439-21. Structures include a house, detached cellar, and water-tower located at 20750 S Beavercreek Road. For further information, please contact: Marie Holladay; AKS Engineering & Forestry, LLC. (503) 563-6151; holladaym@aks-eng.com."

From: [Marie Holladay](#)
To: info@restoreoregon.org
Subject: Structures available for salvage/relocation - 20750 Beaver Creek Road
Date: Wednesday, March 9, 2022 9:31:00 AM

Good Morning,

I am notifying Restore Oregon that there are structures of historical interest available for relocation/salvage upon submittal of a future demolition permit. The structures are in poor condition, including a house, detached cellar, and water-tower located at 20750 S Beaver Creek Road. Pursuant to County Case File No. Z0439-21, the structures are advertised for a period in March, printed in the Oregonian, Oregon Live, Oregon City News, and Pamplin newspapers. For further information, please feel free to contact me at the information below.

Thank you,

Marie Holladay



AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 Ext. 270 | www.aks-eng.com | HolladayM@aks-eng.com

Offices in: Bend, OR | Keizer, OR | Tualatin, OR | Vancouver, WA

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Zoning Map
Amendment application from Danielle and
Enoh Man, on property described
As T3S R2E Section 15D, Tax Lot 02200

File No.: Z0439-21-Z

Order No. _____
Page 1 of 2

This matter coming regularly before the Board of County Commissioners, and it appearing that Danielle and Enoch Man, as represented by AKS Engineering, made an application for a zone change to remove the Historic Landmark (HL) zoning overlay designation from an approximately 56.22 acre parcel located at 20750 S. Beaver Creek Road, on the property described as T3S R2E Section 15D, Tax Lot 02200.

Whereas, it further appearing that, in January of 1991, Clackamas County designated the Christian Muralt Farm (SHPO# 1119) as a Historic Landmark (HL) and applied the HL overlay zone to the parcel.

Whereas, it further appearing that, sometime between 1991 and late 2021 the historic farm house and water tower deteriorated significantly and each suffered partial structural collapse.

Whereas, it further appearing that after appropriate notice, a public meeting was held before the Historic Review Board on November 11, 2021, to consider the proposal in Z0439-21-Z, and at this meeting, the Historic Review Board voted to recommend approval of the proposal to remove the HL overlay zone; and

Whereas, it further appearing that after appropriate notice, a public hearing was held before the Board of County Commissioners on February 9, 2022, at which testimony and evidence were presented, and that, at that hearing, a decision was made by the Board, by the vote of 3-1, with one absence, to approve the following motion: "I move we approve Z0439-21-Z as recommended by staff and the County Historic Review Board with the condition that the property be listed for removal and advertised for a period of 90 days to include a sign to that effect posted on the property" and that given the context of the discussion leading to the previously quoted motion, the condition is to specifically require that the applicant promote the structures to the public for relocation or salvage by posting a sign on the property for not less than 90 days, by advertising the structures in a local newspaper and a regional newspaper, and by providing direct notice to local historic preservation organizations.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Zoning Map
Amendment application from Danielle and
Enoh Man, on property described
As T3S R2E Section 15D, Tax Lot 02200

File No.: Z0439-21-Z

Order No. _____
Page 2 of 2

Based on the evidence and testimony presented, this Board makes the following findings and conclusions:

1. The applicant requests approval of a zone change to remove the Historic Landmark (HL) zoning overlay on the subject site due to the fact that the significant historic features of the Christian Muralt Farm (SHPO #1119) have deteriorated such that the site no longer meets the relevant criteria for protection as a Clackamas County Historic Landmark. The site measures approximately 56.22 acres in area as described as T3S R2E Section 15D, Tax Lot 02200 W.M., and illustrated in Order Exhibit A.
2. This Board adopts as its findings and conclusions the *Findings of Fact and Conclusions of Law* document attached hereto and incorporated herein as Order Exhibit B, and the *Staff Recommendation to the Historic Review Board* document attached hereto and incorporated herein as Order Exhibit C which finds the application to be in compliance with the applicable criteria.

NOW THEREFORE, the Clackamas County Board of Commissioners do hereby order that the requested Zone Map Amendment is hereby APPROVED, as identified in Order Exhibit A, and as described in the *Findings of Fact and Conclusions of Law* document attached hereto and incorporated herein as Order Exhibit B, and the *Staff Recommendation to the Historic Review Board* document attached hereto and incorporated herein as Order Exhibit C, and that the effective date of this order shall be June 15, 2022.

DATED this 17th day of March, 2022

BOARD OF COUNTY COMMISSIONERS

Chair

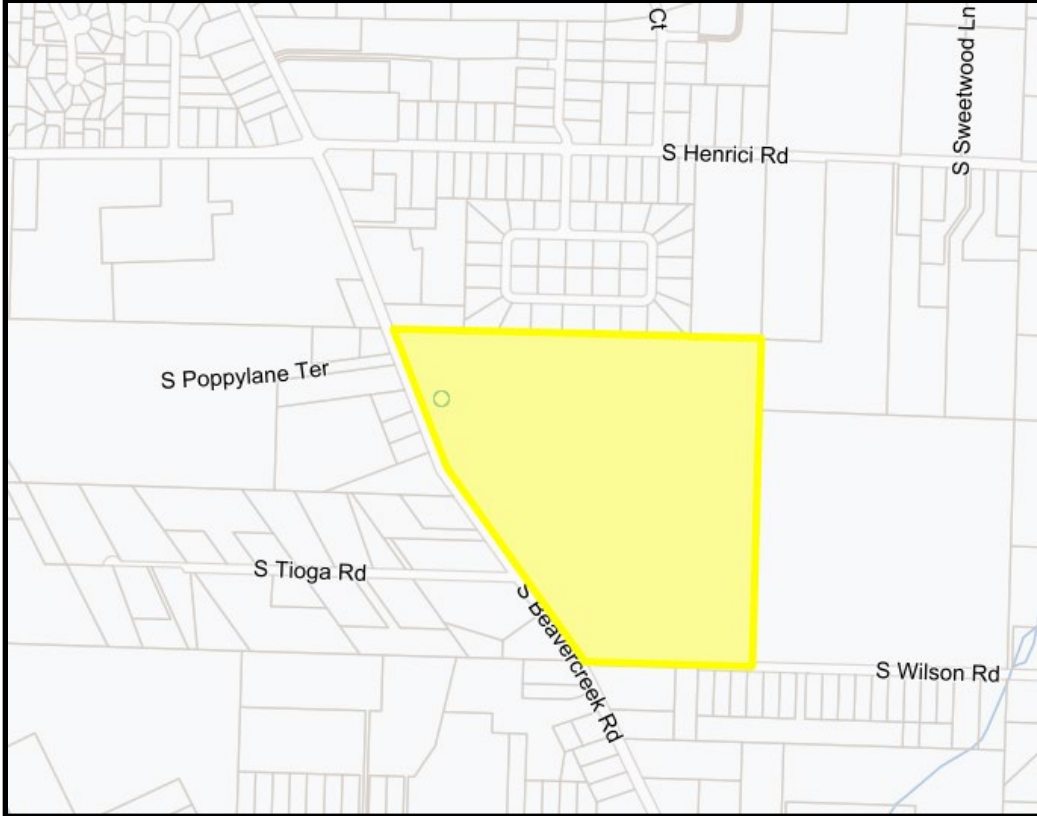
Recording Secretary

EXHIBIT A

File Z0439-21-Z

T3S R2E, Section 15D, Tax Lot 02200, W.M.

(Highlighted yellow and with situs address 20750 S Beaver Creek Road, Oregon City, Oregon)





PLANNING & ZONING DIVISION

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

EXHIBIT B
FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR
PLANNING FILE NO. Z0439-21-Z:
CHRISTIAN MURALT FARM
ZONE CHANGE TO REMOVE HISTORIC LANDMARK (HL) OVERLAY

SECTION 1 - GENERAL INFORMATION

Planning File No.: Z0439-21-Z

Adoption Date: March 17, 2022

Applicant(s): Danielle and Enoh Man, represented by AKS Engineering

Owner: Danielle and Enoh Man

Proposal(s): Removal of Historic Landmark (HL) zoning overlay

Legal Description: T3S R2E Section 15D, Tax Lot 02200

Site Address: 20750 Beaver Creek Road, Oregon City, OR

Comprehensive Plan Designation: Rural (R)

Zoning Designation: Rural Residential Farm/Forest, 5-Acre (RRFF-5)/Historic Landmark
Overlay (HL)

Total Area Involved: 56.22 acres

SECTION 2 - DECISION

The Board of County Commissioners (“Board”) finds that this application satisfies all the applicable state, regional and county criteria for the proposed change in the zoning designation for the subject property. Therefore, the Board hereby approves the removal of the Historic Landmark (HL) zoning overlay on the property, as proposed in planning file Z0439-21-Z, with a condition that the applicant promote the structures to the public for relocation or salvage by posting a sign on the property for not less than 90 days, by advertising the structures in a local newspaper and a regional newspaper, and by providing direct notice to local preservation organizations.

SECTION 3 – BACKGROUND INFORMATION

Background:

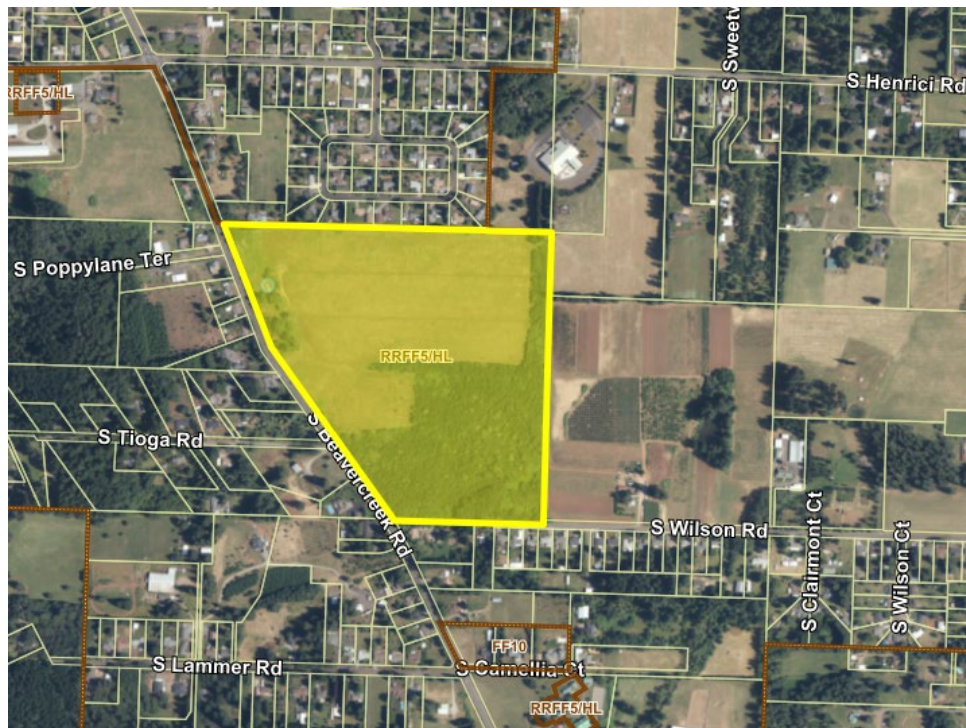
This application includes a proposal to remove the Historic Landmark (HL) zoning overlay on the property located at 20750 S Beaver Creek Road due to the fact that the significant historic elements on the site have been lost to deterioration and modification.

In January of 1991, Clackamas County designated the Christian Muralt Farm (SHPO# 1119) as a Historic Landmark (HL) and applied the HL overlay zone to the site. The site was designated on the basis of the architectural quality of the farm house, the presence of the original water tower on the site and the fact that it represented an extant collection of agricultural buildings with an association to the patterns of emigration and settlement of the area.

Subsequent to the property being established as a Clackamas County Historic Landmark, the buildings deteriorated significantly, in some cases suffering partial collapse. Though the essential form of the house remains intact, it is now significantly diminished from the point at which it was originally established as a Clackamas County Historic Landmark. Additionally, the original water tower has suffered a partial collapse, losing the upper levels of the structure.

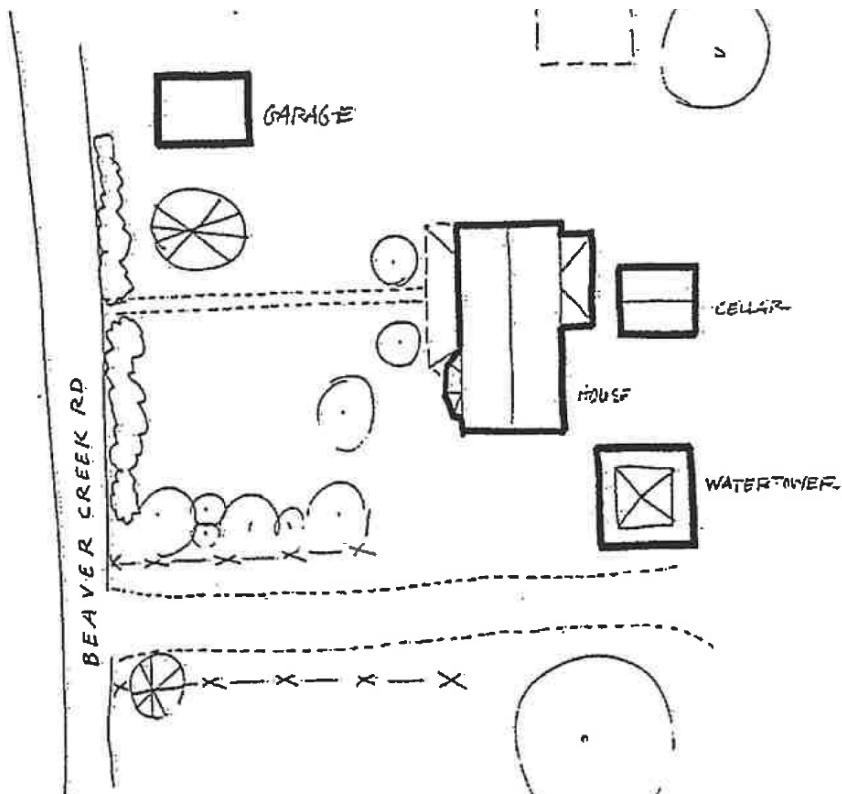
Based on the deterioration of the original farmhouse and collapse of the water tower, the applicant suggests that the essential features for which the site was originally nominated are no longer present, and thus requests the removal of the Historic Landmark Overlay Zoning from the property.

Location Map:



Images:

Site Drawing from County Historic Inventory



Aerial Photography, 2020



Current Day Site Photos of Deteriorated Structures on Property





Responses Requested:

- a. Community Planning Organization
- b. State Historic Preservation Office (SHPO)
- c. Property Owners within 750'

CPO Recommendation: The subject property is located within boundaries of the Beavercreek Community Planning Organization (CPO), which was notified of the proposal. The Beavercreek CPO submitted comments in opposition to the removal of the historic overlay.

Public Hearings/Meetings: After appropriate notice, a public meeting was held before the Historic Review Board (HRB) on November 11, 2021, for consideration of the proposal. At this meeting, the HRB voted to recommend approval of the removal of the HL overlay proposed in Z0439-21-Z.

A public hearing was held before the Board of County Commissioners on February 9, 2021. At this hearing, testimony and evidence were presented and the Board made the decision, by the vote of 3-1, with one member absent, to approve the following motion: “I move we approve Z0439-21-Z as recommended by staff and the County Historic Review Board with the condition that the property be listed for removal and advertised for a period of 90 days to include a sign to that effect posted on the property.” Given the context of the discussion leading to the previously quoted motion, it has been interpreted to be an approval of the application to remove the HL zoning overlay, with the specific requirement that the applicant promote the structures to the public for relocation or salvage by posting a sign on the property for not less than 90 days, by advertising the structures in a local newspaper and a regional newspaper, and by providing direct notice to local preservation organizations.

SECTION 4 – ANALYSIS AND FINDINGS

This proposal is subject to the relevant Statewide Planning Goals; Oregon Revised Statutes (ORS); Oregon Administrative Rules (OARs); County Comprehensive Plan (Plan) policies, and the County’s Zoning and Development Ordinance (ZDO). In an effort to be efficient and concise, only the applicable sections, regulations, and/or policies are noted below and discussed in these Findings.

Because the removal of the Historic Landmark (HL) overlay is technically a zone change, this application is processed as a Type III land use application, in which the Board of County Commissioners (BCC) is the designated decision-making body, after Historic Review Board (HRB) review and recommendation to the BCC on the matter.

1. Statewide Planning Goals and Guidelines

- a. Goal 1: Citizen Involvement. The zone change and map amendment does not propose to change the structure of the county’s citizen involvement program. Section 1307 of the Zoning and Development Ordinance (ZDO) contains adopted and acknowledged procedures for citizen involvement and public notification for quasi-judicial actions. This application has been processed consistent with the notification requirements in Subsection 1307, including notice of the proposed amendment to all property owners within 750 feet of the subject property. Also, notice of the Historic Review Board (HRB) meeting and the Board of County Commissioners (BCC) hearing was published in the newspaper and posted on the county’s website. The Department of Land Conservation and Development (DLCD) was notified of this proposal, but has not provided a response. **The Board finds that the relevant requirements of Statewide Planning Goal 1 and related provisions of the ZDO have been satisfied.**
- b. Goal 2: Land Use Planning. The zone change and map amendment does not propose to change the county’s land use planning process. The county will continue to have a comprehensive land use plan and implementing regulations that are consistent with the plan. No exceptions from the Goals are required.

Goal 2 requires coordination with affected governments and agencies. Notice of this application has been provided to potentially affected agencies and governments.

Goal 2 also requires that all land use actions be consistent with the acknowledged Comprehensive Plan. As noted below (Subsection 2, *County Comprehensive Plan Policies*) this proposal is consistent with all the applicable criteria in the county's Comprehensive Plan. **The Board finds that the relevant requirements of Statewide Planning Goal 2 have been satisfied.**

- c. Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.* Goal 5 resources include open space areas, scenic and historic resources and other natural features. Chapter 3 (Natural Resources and Energy) and Chapter 9 (Open Space, Parks and Historic Sites) of the Clackamas County Comprehensive Plan identifies significant Goal 5 resources within the County.

As noted throughout this document, the previously-designated Goal 5 historic resources on the subject property (the Christian Muralt Farm) have deteriorated and been significantly modified. There are no other Goal 5 resources identified in the Comprehensive Plan located on the subject property. **The Board finds that Statewide Planning Goal 5 no longer applies to the subject site.**

2. County Comprehensive Plan Policies

- a. **Chapter 11 (The Planning Process):** This section of the Comprehensive Plan (Plan) contains a section titled *City, Special District and Agency Coordination*. The Oregon Department of Land Conservation and Development (DLCD) and other identified interested parties received notice of the proposed amendment. This level of notification furthers the goals and policies of this section of the Plan.

Chapter 11 of the Plan also contains a section entitled *Amendments and Implementation*. This section contains procedural standards for Plan amendments, requires the Plan and the ZDO to be consistent with Statewide Planning Goals and Guidelines and Metro's Urban Growth Management Functional Plan, and requires the ZDO to be consistent with the Plan. Policy 3.0 establishes the procedural standards. The process followed for Z0439-21-Z is in compliance with these standards. Specifically, notice was mailed to DLCD and interested parties at least 35 days before the scheduled public hearing, and DLCD, SHPO and property owners within 750 feet of the subject property were provided with an opportunity to review and comment on the proposed amendments. The subject is within the boundaries of the Beavercreek Community Planning Organization (CPO), which was notified of the proposal. A public meeting was held before the Historic Review Board (HRB) and a public hearing was held before the Board of County Commissioners (BCC) to consider the proposed amendments.

The Board finds that the relevant policies in Chapter 11 are met.

- b. **Chapter 9 (Open Space, Parks, and Historic Sites)** of the County’s Comprehensive Plan contains policies for historic resources. The only applicable policy in this case is Policy 4.0, in the Historic Landmarks, Districts, and Transportation Corridors Section.

Policy 4.0. Zone properties Historic Landmark (HL), Historic Districts (HD), or Historic Corridor (HC) which are determined significant by the evaluation criteria.

As noted previously, the site was at one time determined significant by the evaluation criteria (scoring the minimum 40 points); but, due to successive deterioration and modifications, it can no longer be determined to be significant. Therefore the HL overlay zone is no longer appropriate for the subject site. The Board finds the proposed removal of this overlay is consistent with this policy. **This criterion is met.**

3. County Zoning & Development Ordinance (ZDO) Criteria

- a. Section 707.02(B) of the Clackamas County Zoning & Development Ordinance (ZDO) states that *a site, structure, or object may be zoned Historic Landmark if it is listed on the National Register of Historic Places, or if it is rated as significant under the County's procedure for evaluating historic resources under the specific architectural, environmental, and historic association criteria.* A site or structure must receive a minimum of 40 points under the required criteria found in Section 707.02(B)1 through 3.

At the time of its original designation as a Historic Landmark, the Christian Muralt Farm scored above the minimum required (40 points), largely based on its intact collection of agricultural buildings and the architectural significance of the home. Given the state of deterioration of the home and the water tower on the site, the Board finds it cannot achieve the necessary 40 points and the HL designation is no longer appropriate for the subject site. **This criterion is not met.**

- b. Section 1202 of the ZDO contains the criteria for a zone change.

- 1) 1202.03(A). *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*

As noted in Subsection 2, *County Comprehensive Plan Policies* (above) the proposal is consistent with all applicable Plan Policies and therefore the Board finds that the HL overlay zone is no longer appropriate for the subject site. **This criterion is met.**

- 2) 1202.03(B). *If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider’s existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties zoning designations shall be considered.*

The Board finds that the removal of the HL overlay does not authorize any development that is not already allowed under the existing RRFF-5 zoning and, as such, would not affect the need to provide any of the above-listed public services to the site. **This criterion is met.**

- 3) 1202.03(C). *The transportation system is adequate and will remain adequate with approval of the proposed zone change.*

The Board finds that the removal of the HL overlay does not authorize any development that is not already allowed under the existing RRFF-5 zoning and, as such, would not affect the transportation system. **This criterion is met.**

- 4) 1202.03(D). *Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

The Board finds that the removal of the HL overlay does not authorize any development that is not already allowed under the existing RRFF-5 zoning and, as such, would not affect the transportation system. **This criterion is met.**



EXHIBIT C

STAFF RECOMMENDATION to HISTORIC REVIEW BOARD

This document represents the Staff Recommendation on a Land Use Application requesting the removal of the Historic Preservation Overlay from the property known in the Clackamas County Historic Inventory as the Christian Muralt Farm, SHPO #1119.

SECTION 1 – SUMMARY

DATE: November 18, 2020

CASE FILE NO.: Z0439-21-Z

STAFF CONTACT: Anthony Riederer, (503) 742-4528

LOCATION: 20750 S Beaver Creek Road

APPLICANT: Enoh and Danielle Man (AKS Engineering is representing the applicant)

OWNER: Enoh and Danielle Man

TOTAL AREA: Approximately 56.2 acres

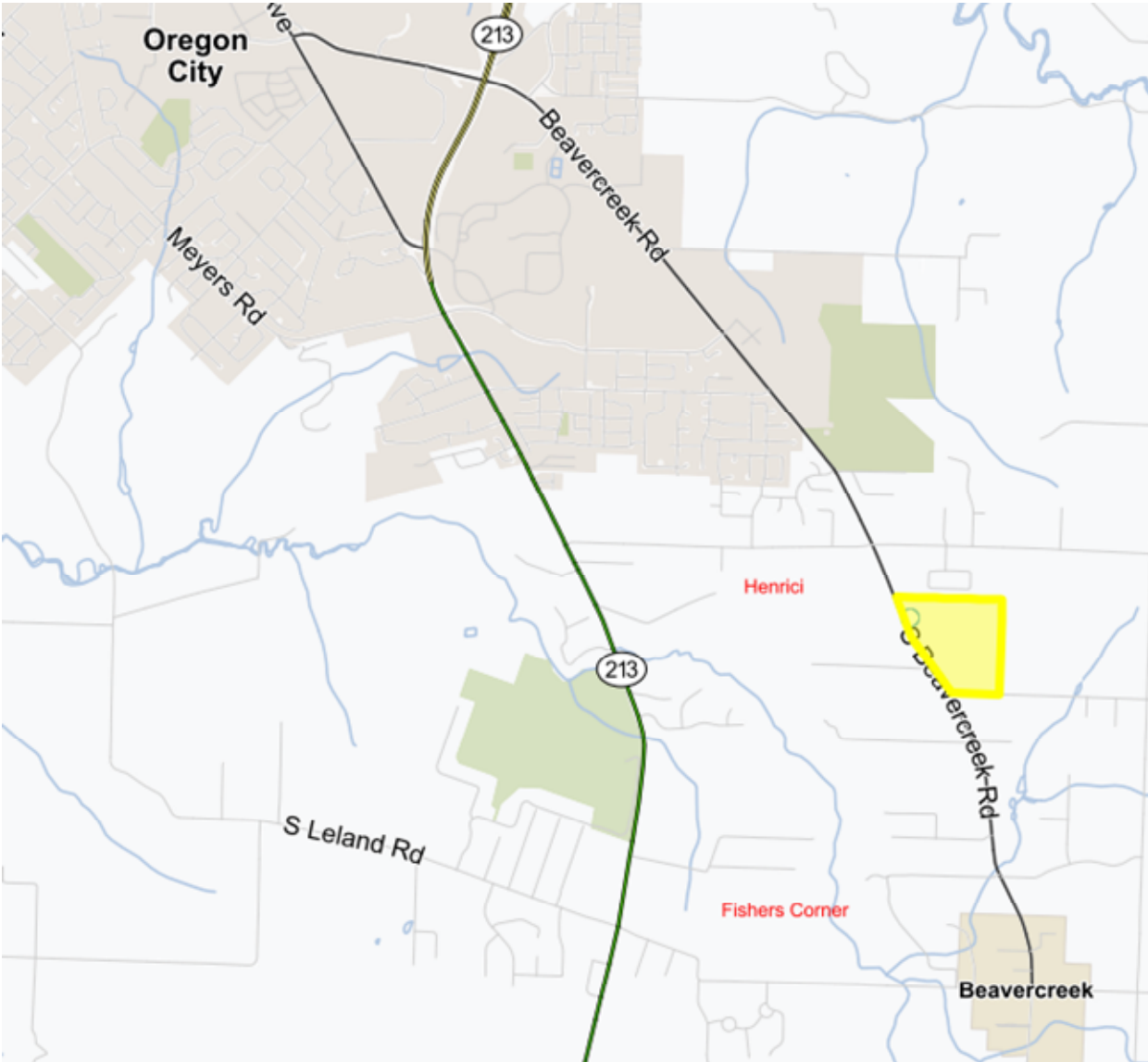
ZONING: RRRFF-5/HL, Exclusive Farm Use /Historic Landmark Overlay

CITIZENS PLANNING ORGANIZATION: Hamlet of Beaver Creek

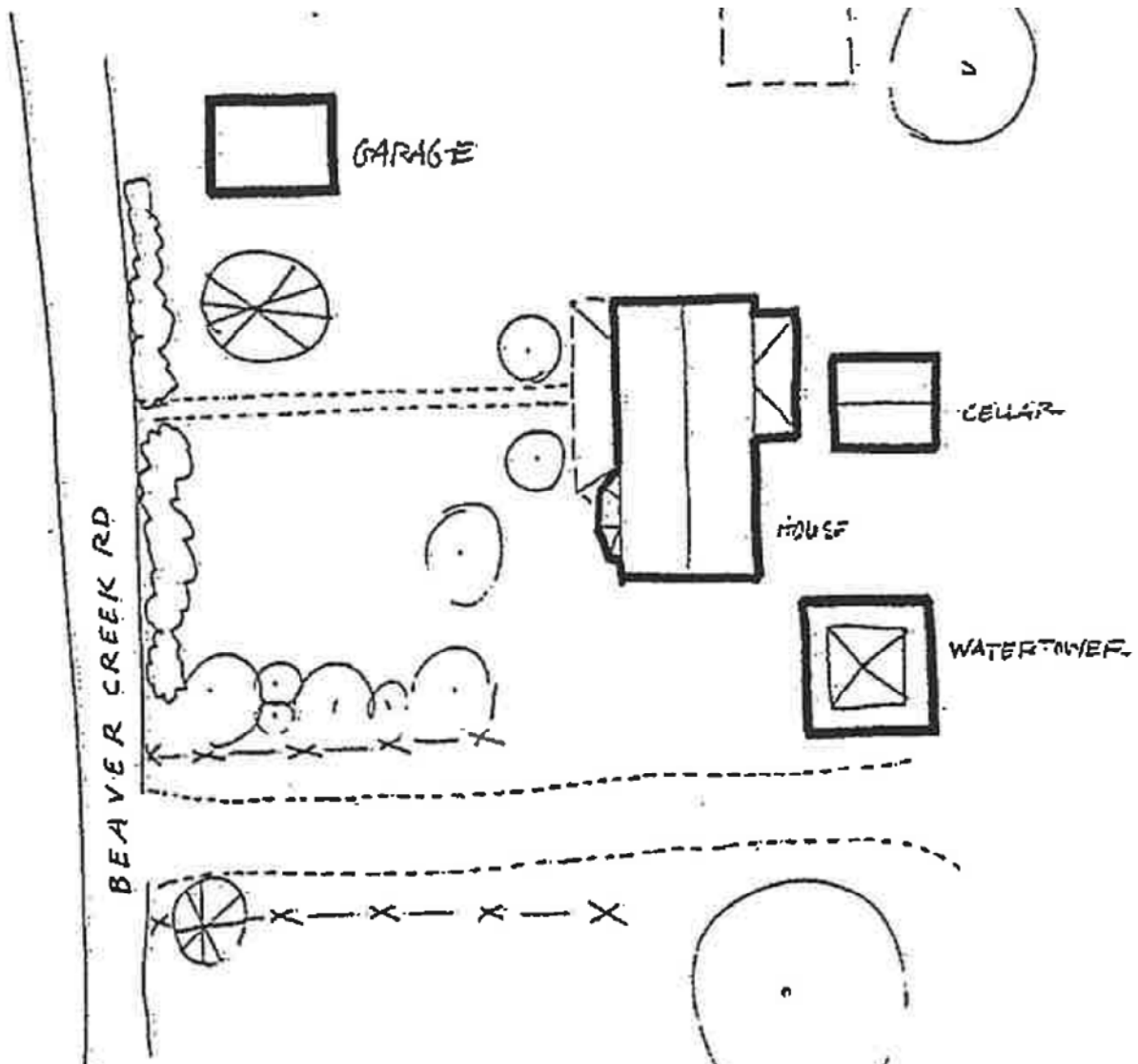
PROPOSAL: Proposed removal of Historic Preservation overlay zoning from the site.

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections(s) 707.06(A)(1), 706.02(B), and 1307.

Location Map



Historic Plot Plan



Site Aerial Image



Site Photographs



HOUSE (Front Right)



HOUSE (Front Left)



HOUSE (Rear Left)



HOUSE (Rear Right)



WATER TOWER (Rear)



WATER TOWER (Front)

BACKGROUND:

This property is known within the Clackamas County’s inventory of designated sites as the Christian Muralt Farm, originally designated in the early 1990s as an extant collection of agricultural buildings with an association to the patterns of emigration and settlement of the area and the Barlow Road. Specifically identified in was the vernacular style farm house and water tower.

Subsequent to the property being established as a Clackamas County Historic Landmark, both the farmhouse and water tower have fallen into significant disrepair. All the original windows have been destroyed or replaced. The entire front porch has collapsed along with a portion of a projecting bay window on the front façade. The house has been left open to the elements and does not appear to have been occupied for a significant length of time. Though the essential form of the house remains intact, it is now significantly diminished as compared to the condition it was in at the time of original nomination. The water tower structure has partially collapsed and continues to deteriorate.

Based on the removal of many of the agricultural buildings, and the significantly diminished architectural character of the farm house, and the partial collapse of the water tower, the applicant suggests that the essential features for which the site was originally nominated area no longer present, and thus requests the removal of the Historic Preservation Overlay Zoning from the property.

DISCUSSION AND RECOMMENDATION:

This site, as in previously reviewed sites, provides some potential evidence of the shortcomings of the Clackamas County Historic Preservation program. The slow and incremental deterioration of the historic character of this site is one of the things that the overlay zoning is meant to help prevent. That being said, the ordinance does not provide affirmative maintenance standards and, perhaps too frequently, properties are lost to alterations done without the required review or to simple deterioration.

The Planning and Zoning Staff finds that, based on the findings below, the subject site no longer meets the requisite criteria for nomination as a Clackamas County Historic Site and thus protection with the County’s Historic Preservation Overlay zoning. Based on analysis of the ordinance standards, staff recommends removal of the overlay zoning from the subject site.

Applicable Criteria And Findings: Sections 707.06(A)(1), 706.02(B) provide the criteria used to determine which properties in the county should have the Historic Preservation Overlay zone applied to them. Though generally phrased in the affirmative, these same standards can be used to determine if a property no longer qualifies for the protection and additional rights provided by the Historic Preservation Overlay zone. Section 1307 provides the process by which the zoning map is amended.

Section 707.06(A)(1) – Designation and Zoning:

Comprehensive Plan designation and zoning of a Historic Landmark, Historic District, or Historic Corridor shall be subject to the procedures identified in Section 1307 for Comprehensive Plan amendments and zone changes, respectively.

In addition, The Historic Review Board shall evaluate proposed designation and zoning of a Historic Landmark, Historic District, or Historic Corridor and shall make a recommendation to the Board of County Commissioners.

Finding: The standards for designation as a Historic Landmark are analyzed in the following section, for consideration by the Historic Review Board, as they make a recommendation to the Board of County Commissioners.

Section 707.02(B) – Historic Landmark

A site, structure, or object may be zoned Historic Landmark if it is listed on the National Register of Historic Places, or if it is rated as significant under the County's procedure for evaluating historic resources under the specific architectural, environmental, and historic association criteria. A site or structure must receive a minimum of 40 points under the following criteria to be considered for Historic Landmark status:

1. Architectural Significance

- a. It is an early (50 years or older), or exceptional, example of a particular architectural style, building type, or convention. (up to 10 points)

Finding: The primary building on the site, which is a good (though not exceptional) example of vernacular style architecture. It has deteriorated significantly over the years since it was originally designated. (Staff Rating: 2 points)

- b. It possesses a high quality of composition, detailing, and craftsmanship. (up to 4 points)

Finding: Deterioration and modification over time have diminished its composition, detailing, and craftsmanship. That said, the house continues to present the essential form of a vernacular style dwelling with limited detailing. (Staff Rating: 2 points)

- c. It is a good, or early, example of a particular material or method of construction. (up to 4 points)

Finding: Though an example of vernacular architecture, there is nothing particularly noteworthy about the method of construction or materials. (Staff Rating: 1 point)

- d. It retains, with little or no change, its original design features, materials, and character. (up to 7 points)

Finding: Though the original building form is apparent, virtually every element of the façade (siding, windows, doors, trim, etc.) have deteriorated or been modified. The structure has been considerably altered and diminished from the point at which it was originally nominated. (Staff Rating: 4 points)

- e. It is the only remaining, or one of the few remaining, properties of a particular style, building type, design, material, or method of construction. (up to 10 points)

Finding: This building is an example of vernacular architecture. That being said, there are a number of this type in Clackamas County. It is fair to say that it is one of a few of the style. There is nothing particularly unique about the type, material, or method of construction. (Staff Rating: 5 points)

Total for this section: 14 points

2. Environmental Significance

- a. It is a conspicuous visual landmark in the neighborhood or community. (up to 10 points)

Finding: Some of the site elements might serve as wayfinding points to those living in the immediate area. Though the watertower may have served as a reference point, it has partially collapsed and deteriorated such that any such function is significantly impaired. (Staff Rating: 3 points)

- b. It is well-located considering the current land use surrounding the property, which contributes to the integrity of the pertinent historic period. (up to 4 points)

Finding: As land uses in the area have shifted away from the model of family-run farms, so too have the land uses in the area. This site, though located in the rural area, has been diminished by the nearby development of tract-style single family residential neighborhoods and other homes of a modern era. (Staff Rating: 2 points)

- c. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, viewsheds and natural features. (up to 10 points)

Finding: Each of the interrelated buildings mentioned in the original listing have significantly deteriorated or partially collapsed since the time the site was originally evaluated. There are not notable remaining landscapes, viewsheds, or natural features. (Staff Rating: 4 points)

- d. It is an important or critical element in establishing or contributing to the continuity or character of the street, neighborhood, or community. (up to 7 points)

Finding: The site does continue to reflect the generalized agricultural character of the community, though not to a significantly greater extent than any other farmstead of its age. The capacity of the site to contribute to the continuity of character in the area has been diminished significantly as the identifiable structures on the property have deteriorated. (Staff Rating: 4 points)

Total for this section: 13 points

3. Historical Significance

- a. It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation. (up to 10 points)

Finding: The owners for which this farm is named in the SHPO listing are not identified as having a significant historic role in the region. The farm site itself is not an identified Century Farm. (Staff Rating: 0 points)

- b. It is associated with an event that has made a significant contribution to the community, state, or nation. (up to 10 points)

Finding: The site is not explicitly linked to a specific event that made a significant contribution to the community, state, or nation. (Staff Rating: 0 points)

- c. It is associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, state, or nation. (up to 10 points)

Finding: The site is associated with the broad patterns of migration and rural settlement in Oregon as well as the founding of agricultural communities in Clackamas County. (Staff Rating: 5 points)

- d. It possesses the potential for providing information of a prehistoric or historic nature. (up to 10 points)

Finding: There is not any known potential for providing information of a historic or pre-historic nature. (Staff Rating: 0 points)

Total for this section: 5 points

Finding: The above analysis of the property based on the criteria used to determine site's historic qualities yielded a score of **32 points**.

Per ZDO 702(B), A site or structure must receive a minimum of 40 points under the following criteria to be considered for Historic Landmark status.

Though the property may have been rightly given historic landmark status previously, successive alterations to and deterioration of the historic farm house, the deterioration and partial collapse of the water tower on the site, and the shifting land uses in the surrounding area have diminished the significance of the property such that removal of landmark status is warranted.

SUMMARY OF FINDINGS AND DECISION

The Planning and Zoning Staff finds that the site no longer meets the sufficient number of evaluation criteria for protection by as a Clackamas County Historic Landmark.

Based on the above analysis of the ordinance standards, staff recommends removal of the HL (Historic Landmark) zoning from this property.