

AGENDA  
DAYTON PLANNING COMMISSION



DATE: THURSDAY, NOVEMBER 9, 2023

TIME: 6:30 PM

PLACE: DAYTON CITY HALL ANNEX - 408 FERRY STREET, DAYTON, OREGON

VIRTUAL: ZOOM MEETING - ORS 192.670/HB 2560

You may join the Planning Commission Meeting online via Zoom at: <https://us06web.zoom.us/j/82659884471>

*Dayton - Rich in History . . . Envisioning Our Future*

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<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER	
B.	APPROVAL OF ORDER OF AGENDA	
C.	APPEARANCE OF INTERESTED CITIZENS	
	<ul style="list-style-type: none"><li>• The public is strongly encouraged to relay concerns and comments to the Commission in one of the following ways:</li><li>• Email - at any time up to 5 pm the day of the meeting to <a href="mailto:rvargas@daytonoregon.gov">rvargas@daytonoregon.gov</a>. The Chair will read the comments emailed to the Planning Coordinator.</li><li>• Appear in person - If you would like to speak during public comment, please sign-up on the sign-in sheet located on the table when you enter the City Hall Annex.</li><li>• Appear by Telephone only - please sign up prior to the meeting by emailing the Planning Coordinator at <a href="mailto:rvargas@daytonoregon.gov">rvargas@daytonoregon.gov</a> the chat function is not available when calling by phone into Zoom</li><li>• Appear Virtually via Zoom - once in the meeting send a chat directly to the Planning Coordinator Rocio Vargas, use the raise hand feature in Zoom to request to speak during public comment, you must give the Planning Coordinator your First and Last Name, Address and Contact Information (email or phone number) before you are allowed to speak.</li></ul>	
	When it is your turn, the Chair will announce your name and unmute your mic.	
D.	PUBLIC HEARING	
	508 4 <sup>th</sup> Street - HIST-2023-01 Demolition Request - Staff Report	1 - 2
	Exhibit A: Application for Demolition Request	3 - 25
	Exhibit B: Dayton Historic Preservation Committee Recommendation	27
	Exhibit C: Dayton Historic Resource Inventory	29 - 36
E.	OTHER BUSINESS	
F.	ADJOURN	

Posted: November 2, 2023

By: Rocio Vargas, City Recorder/Planning Coordinator

## NEXT MEETING DATES

Planning Commission Meeting Thursday, December 14, 2023

*Virtually via Zoom and in Person; City Hall Annex, 408 Ferry Street, Dayton, Oregon*



# City of Dayton

PO Box 339  
416 Ferry St  
Dayton, OR 97114  
Phone: 503-864-2221  
Fax: 503-864-2956  
cityofdayton@ci.dayton.or.us  
www.ci.dayton.or.us

## STAFF REPORT

HIST 2023-03

- Hearing Date:** November 9, 2023
- File:** File No. HIST 2023-03
- Applicant:** Dayton Properties, LLC/ Twin Towers, LLC
- Request:** Removal of the “Dayton Common School” located at 508 4<sup>th</sup> Street in Dayton’s Commercial Residential (CR) zoning district and Historical Property Overlay Zone (HPO)
- Criteria:** Dayton Land Use and Development Code, Section 7.2.112.06.E
- Procedure:** Type II - Land Use and Development Code, Section 7.3.202.02 and 7.2.112.06
- Attachments:** Exhibit A: Application Materials  
Exhibit B: Historic Preservation Committee Recommendation  
Exhibit C: Dayton Historic Resource Inventory Listing

### I. PROCESS

Applications for historic demolition follow a Type II procedure involving a quasi-judicial review by the Planning Commission with the Historic Preservation Commission (HPC) functioning as an advisory body. Per the review process outlined under DLUDC 7.2.112.06, applications undergo initial review by the HPC, which provides a recommendation to the Planning Commission. The Planning Commission then issues a final decision following a public hearing, with appeals heard by City Council.

### II. BACKGROUND

On September 13, 2023, the Historic Preservation Committee met to consider HIST 2023-03, a request by Dayton Properties, LLC/Twin Towers, LLC to remove the building known as the Dayton Common School located at 508 4th St in Dayton. As documented on the applicant’s site plan and in Exhibit C, the resource is listed on the National Register of Historic Places. HPC reviewed the application materials that included explanations of the condition of the property and photographs of the inside and outside of the building. The HPC agreed that the structure has deteriorated so significantly that it might not be possible to move or repair. Further, the HPC expressed concern the structure as it stands now is a potential safety hazard. For these reasons, the HPC recommends that the Planning Commission approve application HIST 2023-03.

The criteria for approving the application under are included in Section III below.

### **III. APPROVAL CRITERIA**

#### **7.2.112.06 Demolition and Moving**

*7.2.112.06.E. Decision Criteria. To approve an 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 value of retaining the Designated Landmark.*

**Finding:** The applicant's written materials state that the structure has deteriorated beyond repair. In support of the request, the applicant submitted several photos documenting the state of the structure as well as a letter from R&H Construction, Co. indicating that the structure is beyond repair. The supporting materials are substantially directed in support of Criterion 2 above. Only one of Criterion 1, 2, or 3 needs to be met to support approval. Because the approval criterion relates to whether or not the property can be repaired, staff recognize the expertise of R&H Construction in their determination that the structure is not repairable. Staff finds the criterion for demolition is satisfied.

### **IV. PLANNING COMMISSION ACTION**

Based upon the findings in the staff report, staff recommends the Planning Commission adopt the findings in the staff report and approve HIST 2023-03. Sample motions are:

- A. Adopt the findings in the staff report and approve the historic demolition as presented; or
- B. Amend the findings in the staff report, clearly stating revisions/comments/additions, and approve the historic demolition with revisions; or
- C. Recommend denial of the historic demolition, clearly stating the criteria that are not being met, and basis for denial of the application; or
- D. Continue the meeting, to a time and date certain, and state clearly the information needed to take final action on the application.



## 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: 09/06/2023	Received By: C Park	File Number: HIST2023-03
Public Hearing Date: Application	Fee Amount: \$100.00	Deposit Amount:
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

Dame 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	X Other
----------	-------------	----------	---------

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

Firm: Nathan Cooprider, 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@nathancooprider.com

Planning	Engineering	Surveyor	X 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:	City Manager	<input checked="" type="checkbox"/> City Planner	<input type="checkbox"/> Public Works Director	<input type="checkbox"/> City Engineer
	City Council	Historic Preservation Committee	Fire Marshall	
Applicant notification Date:	Comments:			
Additional Services Amount Billed:	Paid:	Planner		
Engineer	Staff Time			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](mailto:kellyhaverkate@gmail.com)

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

August 30, 2023

RE: Demolition request 508 4<sup>th</sup> 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 4<sup>th</sup> Street Structure

Dear Twin Towers,

R&H entered the building on the 508 4<sup>th</sup> Street property in Dayton, OR on September 1<sup>st</sup> 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.

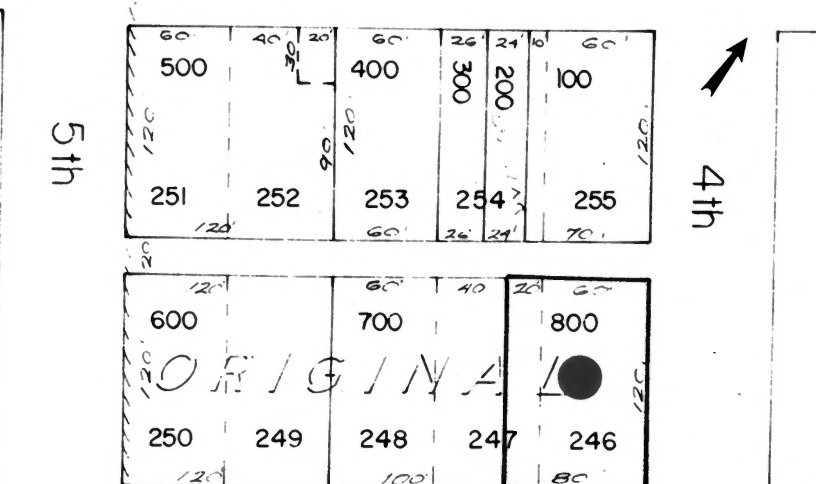
After 1875, the schoolhouse was fitted up as a residence. It is not known who first resided there; but it is assumed that in about 1887, John Mauts and his family took up residency in the former schoolhouse. Mauts, who was of German heritage and had been born in 1836, was a blacksmith. In 1887, he entered 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.



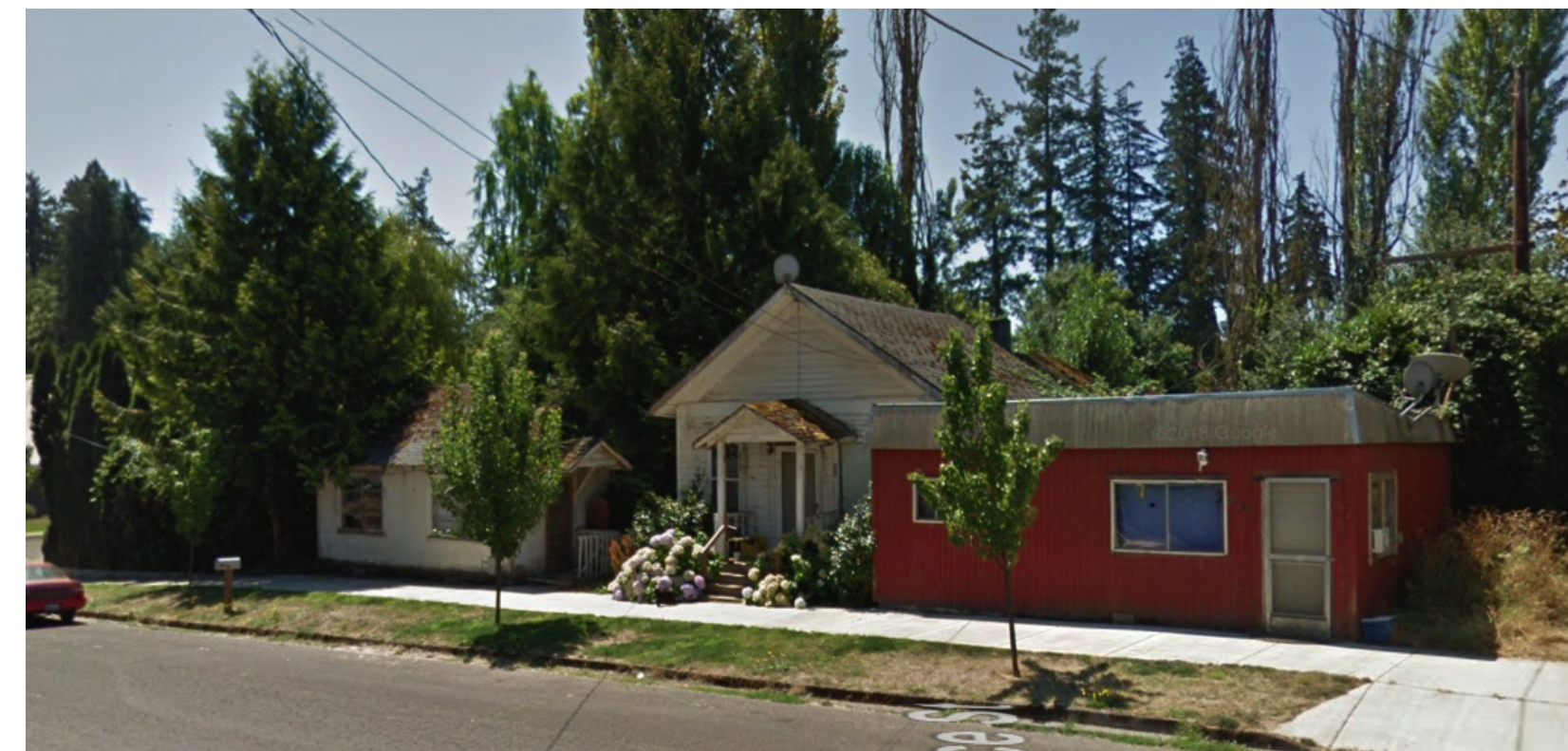
ADDRESS:  
508 4th St, Dayton Oregon 97114  
Zoning: "C"

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.

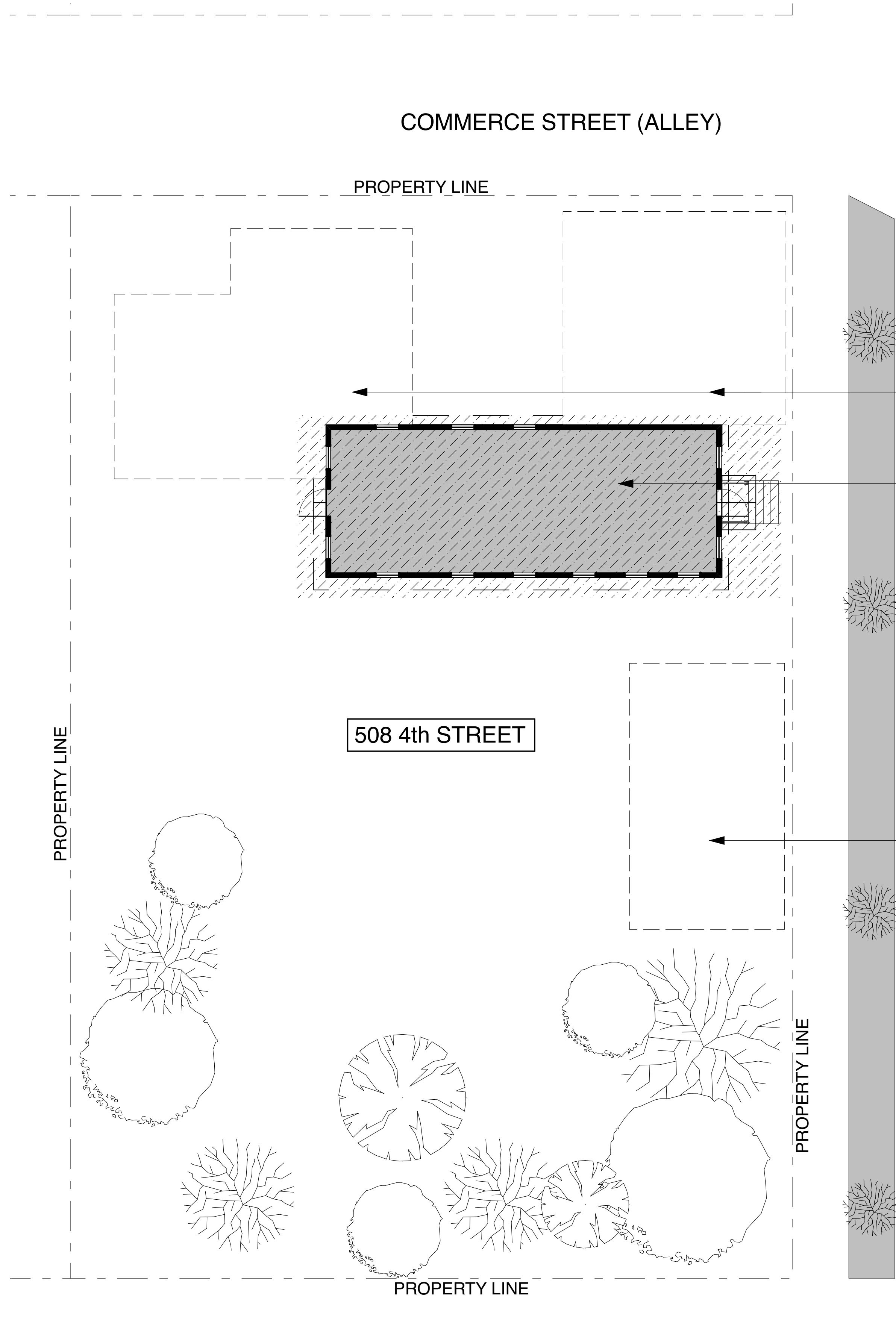
### GENERAL NOTES:

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.

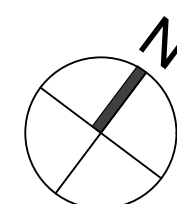


NOTE: THIS DRAWING IS NOT A LEGAL SURVEY  
THE INFORMATION SHOWN WAS OBTAINED FROM PUBLIC RECORDS AND INFO PROVIDED BY THE PROPERTY OWNER. ALL INFORMATION IS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE OWNER & ARCHITECT.

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









Page 17



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

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statements shall be sent to the  
following address:  
Dayton Properties, LLC  
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Date: May 17, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

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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)

FIRST AMERICAN TITLE 3244429

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.

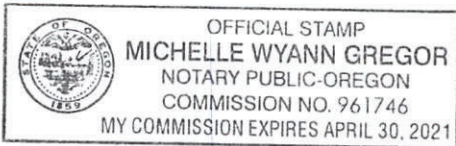
Dated this 12 day of June, 2019.

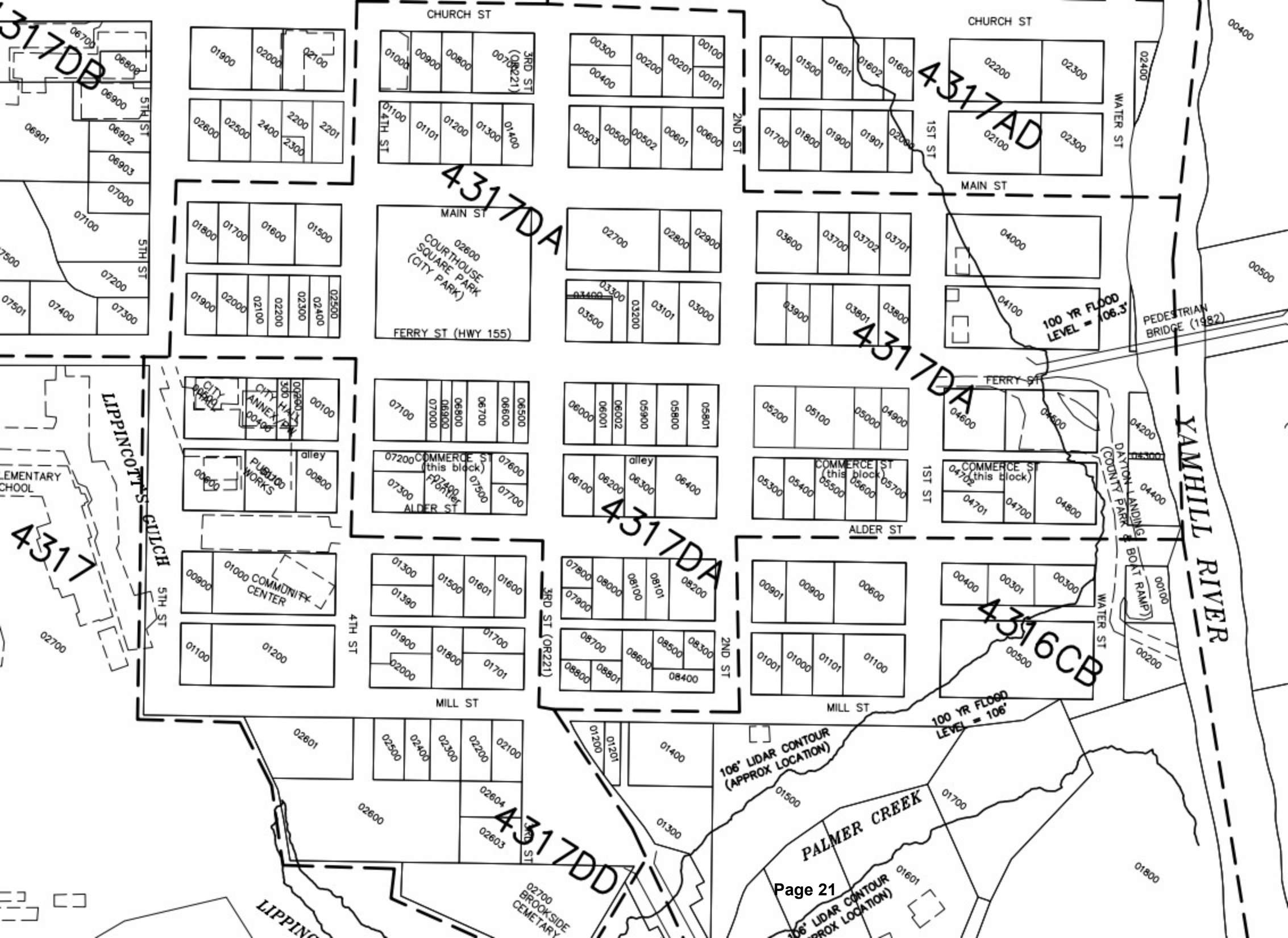
Cheryle Klass Gendusa  
Cheryle E. Klass Gendusa

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





4317DB

4317DA

4317AD

4317DA

4317DA

4316CB

4317DD

## **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*

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# EXHIBIT B

## Dayton Historic Preservation Committee 508 4<sup>th</sup> St – HIST2023-03 – Committee Recommendation

On September 13, 2023, the Historic Preservation Committee met to consider HIST2023-03, a request by Twin Towers LLC to demolish the building located at 508 4th St in Dayton.

A quorum of committee members was present to make the recommendation including Chairperson Judy Gerrard, Kim Courtin, Dave Hargett, and Wayne Herring. Vice Chairperson Kelly Haverkate, the applicant's representative for this action, was present for the meeting to answer any questions that the Committee might have but recused herself from the vote on the application.

The Committee reviewed the application materials including explanations of the condition of the property and photographs of the inside and outside of the building. They then consulted letter "F" of section 7.2.112.05 (Demolition and Moving) of the Dayton Municipal Code to guide their recommendation. The criteria for approving the application under this section are:

1. No prudent 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.

The Committee members agreed that restoring the structure at this point would create little more than a replica of the original structure since most of the original material is no longer on site, that the structure, particularly the foundation, has deteriorated so significantly that it might not be possible to move or repair it, and that the structure as it stands now is a safety hazard.

For these reasons, the Historic Preservation Committee recommends that the Planning Commission approve application HIST2023-03.

Respectfully submitted:

Cyndi Park  
Historic Preservation Committee Coordinator  
City of Dayton



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416 Ferry Street / PO Box 339, Dayton, Oregon 97114   
503-864-2221   
www.DaytonOregon.gov 

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# EXHIBIT C

## 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  
247

PROPERTY ADDRESS: 504 Fourth Street

CURRENT OWNER: Sam Genduza  
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: Genduza 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.

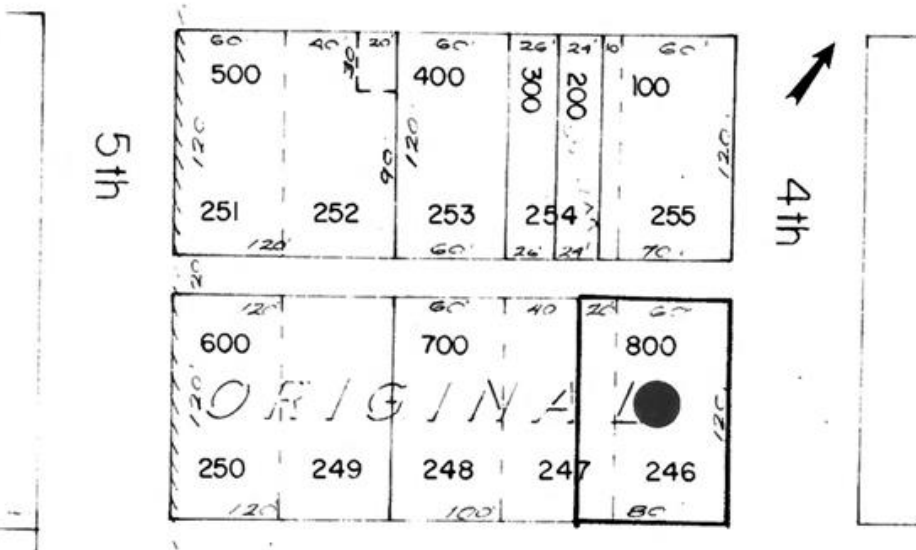
10/494140/5007120

### 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.

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ASSET METADATA



**Title:**

Dayton Common School

**National Register Information System ID:**

87000338

**Multiple Listing:**

Dayton MRA

**Applicable Criteria:**

EVENT

**Architectural Styles:**

CLASSICAL REVIVAL

OTHER

**Architects:**

Unknown

**Areas Of Significance:**

EXPLORATION/SETTLEMENT

**Periods Of Significance:**

1850-1874

**Significant Years:**

1850

**Resource Type:**

BUILDING

**Related Collections:**

National Register of Historic Places Collection

**Resource Format:**

pdf

**File Size (bytes):**

87845

**Date Published:**

3/16/1987

**Parks:**

National Register of Historic Places

**Locations:**

State: Oregon

County: Yamhill County

Dayton ; 504 Fourth St.

**Rating:****Categories:**

Historic

**Asset ID:**

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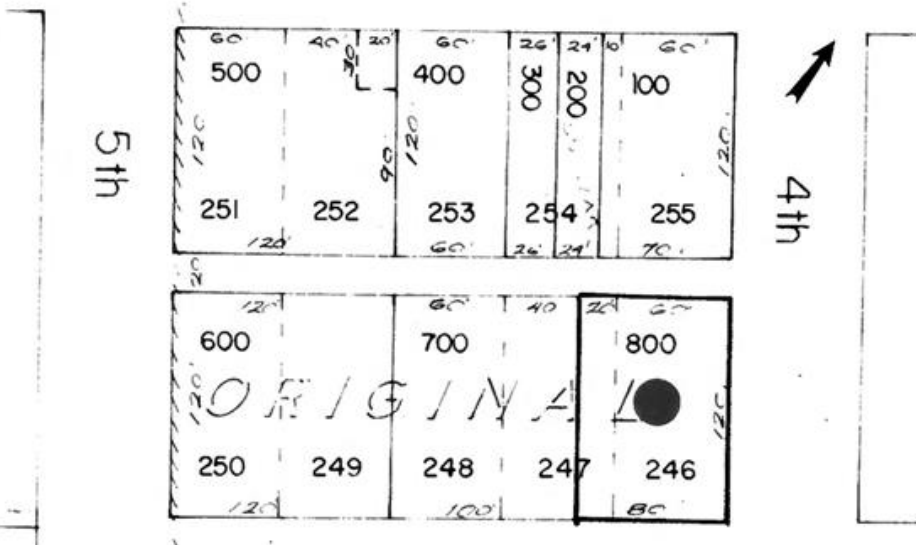
**Related Portals:**

National Register of Historic Places (/NRHP)

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**Title:**

Dayton Common School

**National Register Information System ID:**

87000338

**Multiple Listing:**

Dayton MRA

**Applicable Criteria:**

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OTHER

**Architects:**

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**Periods Of Significance:**

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**Resource Format:**

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**File Size (bytes):**

209151

**Date Published:**

3/16/1987

**Parks:**

National Register of Historic Places

**Locations:**

State: Oregon

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Dayton ; 504 Fourth St.

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**Asset ID:**

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**Related Portals:**

National Register of Historic Places (/NRHP)

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FOIA ([//www.nps.gov/aboutus/foia/index.htm](http://www.nps.gov/aboutus/foia/index.htm) )

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TWITTER ([//www.twitter.com/natlparkservice](http://www.twitter.com/natlparkservice)) INSTAGRAM ([//www.instagram.com/nationalparkservice/](http://www.instagram.com/nationalparkservice/))

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