



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

This document represents the Staff Recommendation on a Land Use Application requesting the approval to remove, or demolish, the 1904 historic farmhouse that is the farmhouse within the farm complex. The site is a Historic Landmark and was known as the Strowbridge-Benson Farm.

SECTION 1 – SUMMARY

DECISION: In support of the Historic Review Board's concern over this application, the Planning Director is approving the move of the Strowbridge-Benson Farmhouse to a new location on the same legal lot of record and suspending the demolition of the historic farmhouse for 60 days.

PERMIT TYPE: Historic Property Alteration, New Construction, Moving, Demolition

CASE FILE NO.: Z0575-22-HR

DECISION DATE: June 26, 2023

DEADLINE FOR FILING APPEAL: July 10, 2023 at 4:00 pm

Unless appealed, this decision is effective on July 10, 2023 at 4:00 pm

ISSUED BY : Joy Fields, jfields@clackamas.us

LOCATION: At 18089 S STROWBRIDGE RD, approximately 1550 feet south of the intersection of S. Strowbridge Rd and S Charriere Rd. Tax Map 33E04, Tax Lots 00500 and 00404, Tax Map 33E05, Tax Lots 00100 and 00190.

APPLICANT: Preston and Aimee Roth

OWNER: Roth Preston D Trustee

TOTAL AREA: Approximately 106 acres in four tax lots that combine to form a single lot of record. The Historic Landmark Overlay Zone is only on tax lot 500 that is approximately 75.34 acres

ZONING: EFU (Exclusive Farm Use) and Historic Landmark Overlay.

PROPOSAL: The applicant is proposing to move, or demolish, the 1904 historic farmhouse that is part of the Strowbridge-Benson Farm complex.

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections(s) 707.05, 707.06(D), and 1307.

COMMUNITY PLANNING ORGANIZATION: Redland - Fischers Mill - Viola

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at 503-655-8751.

OPPORTUNITY TO REVIEW THE RECORD: The submitted application is available for review online at <https://accela.clackamas.us/citizenaccess/>. [Select the Planning tab and enter the file number to search. Select Record Info and then select Attachments from the dropdown list, where you will find the submitted application.](#) The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this decision. Copies of all documents may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents.

APPEAL RIGHTS: Any party disagreeing with this decision, or the conditions of approval, may appeal this decision to the Clackamas County Land Use Hearings Officer. An appeal must include a completed County Appeal Form and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified on the first page of this decision.

[Appeals may be submitted in person during office hours \(8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays\). Appeals may also be submitted by email or US mail.](#)

The County Appeal Form is available at www.clackamas.us/planning/supplemental.html. Any party or parties appealing this decision may withdraw their appeal at any time prior to the hearing or final decision by the Hearings Officer. A party wishing to maintain individual appeal rights may file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

PUBLIC AND AGENCY COMMENTS:

Notice was sent to applicable agencies and owners of property within 500 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section.

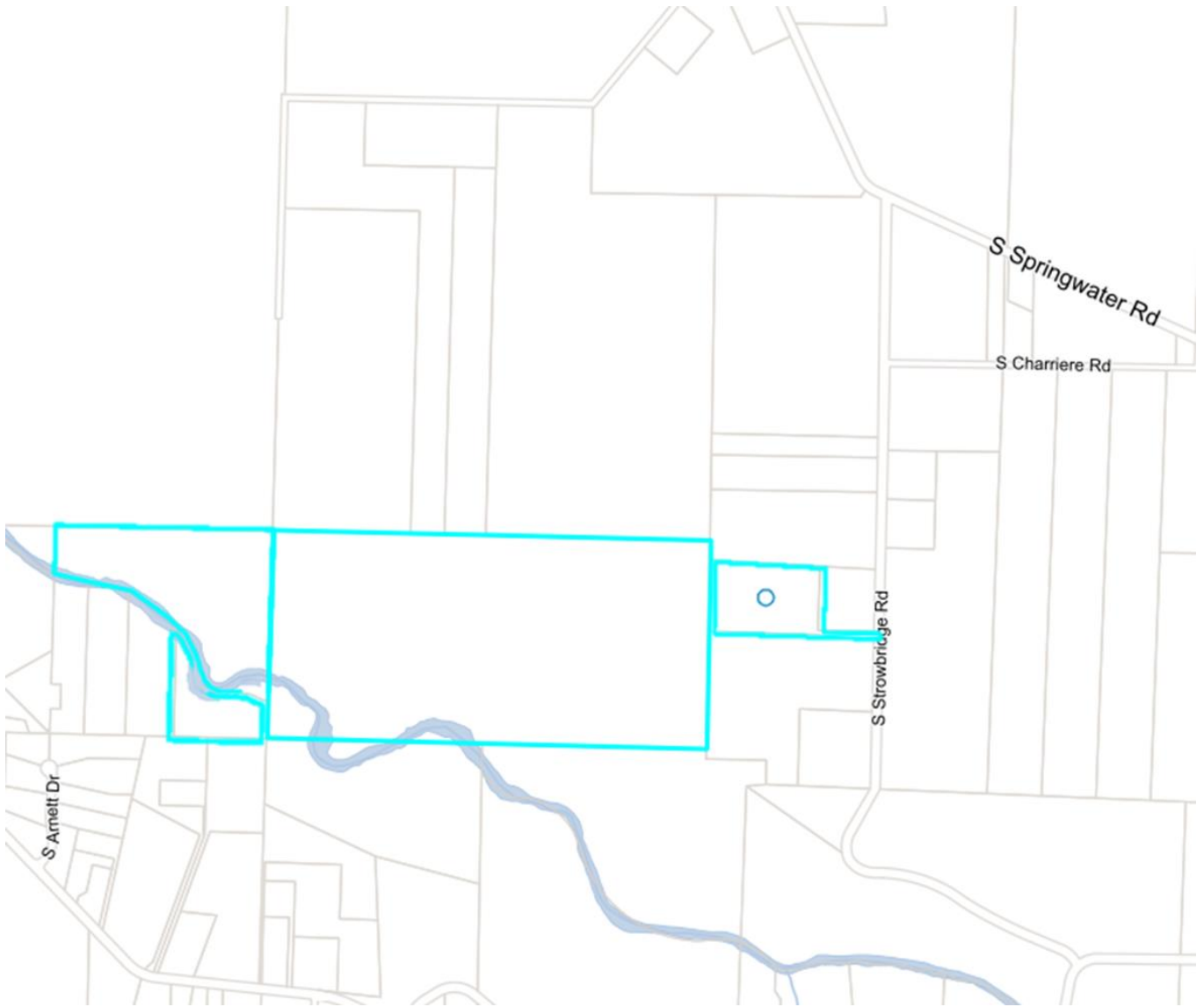
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? 翻译或口译? |

Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Location Map



The four tax lots that are combined as a legal lot of record are outlined in blue in the a map above.

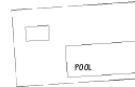
Site Plans



SITE PLAN
SCALE: 1" = 200'-0"



CABIN



EXISTING HOUSE



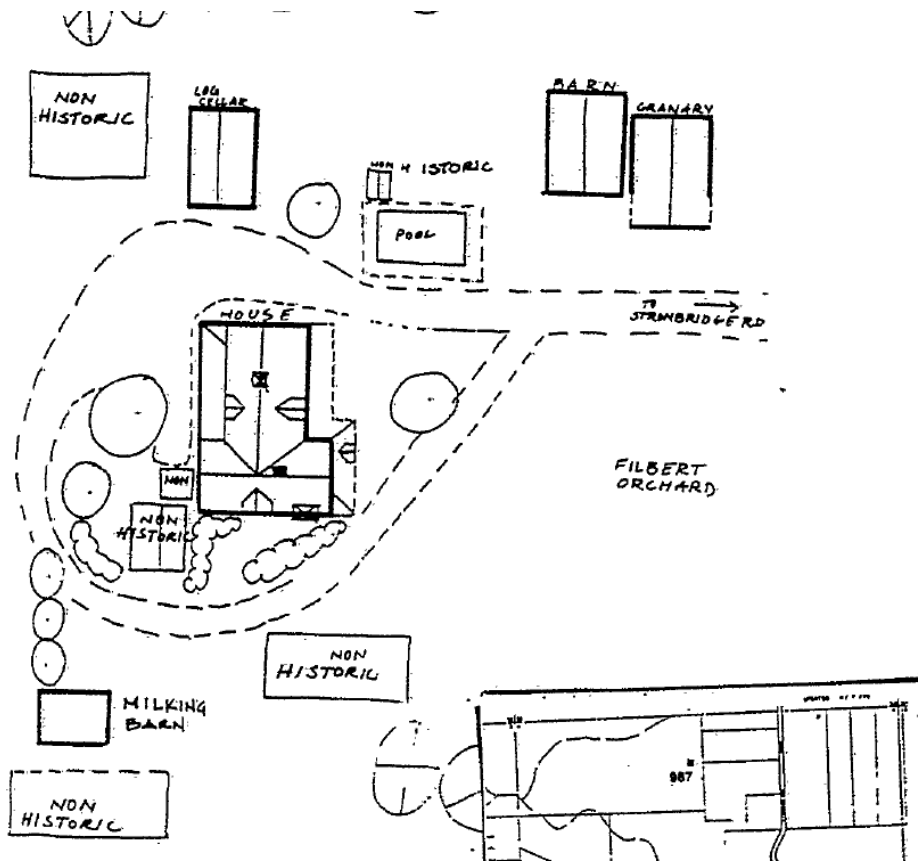
EXISTING HOUSE



SITE DETAIL
SCALE: 1" = 40'-0"

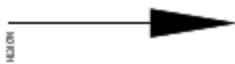
From Application:

From Historic Landmark Designation file:



Aerial Image, Elevations, and Advertisement

Stowbridge Farmhouse





EAST ELEVATION

SCALE: 1/4" = 1' - 0"



WEST ELEVATION

SCALE: 1/4" = 1' - 0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

FOR SALE

18089, South Strawbridge Road, Oregon City, Clackamas County, Oregon, 97045, United States



Description

Offering a historic home up for sale for \$250,000. Buyer must move it off the property to a new location and be required to follow all strict historic home requirements per state guidelines. Home is over 2000 feet from closest rd, power poles will need to be removed and reinstalled to allow for move. Fencing will need to be removed and reinstalled. Road/Driveway will need to be improved to allow for move and then put back to original footprint. Front gate will also need to be removed and reinstalled.

CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses.

1. Prior to issuance of a building permit for the demolition or change of use for the farmhouse that is part of the Historic Landmark, the applicant/property owner shall complete the following:
 - a. Replacement dwelling land use applications for the dwelling proposed to replace the historic farmhouse per 707.06(D)(8).
 - b. Any additional land use approval required for the new use of the historic farmhouse if it is not to be used as a residence per 707.06(D)(8).

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

BACKGROUND:

Excerpts from the 1994 Historic Landmark Designation (B094-1379):

“The house is an excellent and exuberant example of the Queen Anne style which was popular in western Oregon from the late 1880s through the first decade of the 20th century.... Tall double-hung sash windows and horizontal wood siding are other elements associated with the Queen Anne stylistic type.”

“Noteworthy features of the subject building include the patterned or imbricated shingles above the decorative belt course in the gable ends, the delicate jigsaw ornament in the gable peak, and the partial roof returns.”

Other features within the farm complex that are noted include:

- 1900 Cellar that had board-and-batten in gable peak; hewn logs with half dovetail joinery and exposed peeled log rafters
- 1900 Milking Barn that had board and batten exterior with a side-wall overhead sliding door
- 1890 Granery
- 1890 Barn
- Old apple and pear trees, ornamental plantings and massive deciduous trees.

The Strowbridge-Benson farm was in the Carver-Eagle Creek- Fischer’s Mill area that was near the Barlow Road and heavily settled due to the location with suitable land for farming.

Previous land use decisions include:

- A. Z0842-94-Z (HL); Designation the Strowbridge-Benson Farm on tax lot 500 that is approximately 75.34 acres in size

The applicant is proposing to move the historic home to a new location on the original Strowbridge-Benson Farm land, likely outside of the designated Historic Landmark Overlay Zone. If this new location is not approved by the county, or too expensive for the applicant, then they would like to demolish the structure. This application is to have both options moving forward simultaneously to ensure timely resolution for the property owners.

Site Description: The project site is a portion of the Strowbridge-Benson Farm complex located at 18089 S STROWBRIDGE RD, Oregon City, 97045 on tax lot 500. Access is provided by an existing driveway that crosses tax lot 404 that is part of the lot of record that contains the subject resource. The property generally slopes up to the location of the historic home and farm buildings. The remainder of the property, along with the tax parcels to the west and east that are part of the same legal lot of record, are involved with farming.

Applicable Criteria And Findings: Sections 707.04(A)(1), 707.06(D) provide the criteria used to determine how the Historic Preservation Overlay zone are applied to Historic Landmarks. Section 1307 provides the process by which the application is reviewed.

Section 707.02 APPLICABILITY

A. Section 707 applies to designated Historic Landmarks, Historic Districts, and Historic Corridors

Finding: The property at 18089 S STROWBRIDGE RD, Oregon City, 97045 is a designated Historic Landmark. This criterion is met.

Section 707.04 Uses Permitted

- A. *Primary Uses: A Historic Landmark or properties within a Historic District or Historic Corridor may be used for any use which is allowed in the underlying zoning district, including home occupations, provided such use is not detrimental to the preservation of the historic resource, subject to the specific requirements for the use, and all other requirements of Section 707.*

Finding: The use of the property that has Historic Landmark Designation has is currently and historically been farmland. The underlying zoning district is Exclusive Farm Use and farming is an allowed use, as is the restoration or alteration of a lawfully established dwelling. This criterion is not applicable.

Section 707.05 Historic Review Board

A Historic Review Board shall be established pursuant to Subsection 1307.03 and shall have the following responsibilities:

- F. *Review and make recommendations on all requests for moving or demolition of a Historic Landmark, subject to Subsection 707.06;*

Finding: The applicant is proposing to remove, or demolish a structure that was part of the farm complex that was designated as a Historic Landmark. Thus, the Historic Review Board is reviewing and providing recommendations to staff regarding Z0575-22. This criterion is met.

707.06 THE REVIEW PROCESS

Section 707.06. D. Moving or Demolition of a Historic Landmark or Contributing Resource: building identified as a primary, secondary, or contributing structure within a Historic District or Corridor, or designated as a Historic Landmark, shall be intentionally moved or demolished, unless approval is granted pursuant to Subsection 707.06(D). Moving or demolition of a Historic Landmark or Contributing Resource shall be reviewed as a Type II application pursuant to Section 1307. In addition:

1. *The applicant shall prepare and submit a plan for preservation of the Historic Landmark prior to filing an application for moving or demolition.*
 - a. *The preservation plan shall include a narrative describing how the applicant will accomplish the following:*
 - i. *Advertise the resource in local, regional, and historic preservation newspapers of general circulation in the area once per week during the pre-application period and shall provide evidence of such advertising;*
 - ii. *Give public notice by placing a sign on the subject property informing the public of intended action which will remove or demolish the structure and including the County department and telephone number to call for further information. The sign shall remain on the subject property until a permit is issued.;*
 - iii. *Prepare and make available information related to the history and sale of the subject property to all who inquire;*
 - iv. *Provide information regarding the proposed use for the Historic Landmark site;*

v. Keep a record of the parties who have expressed an interest in purchasing or relocating the structure. To ensure that an adequate effort has been made to secure a relocation site, the applicant shall provide a list of property locations and owners who were contacted regarding purchase of a relocation site.

Finding: The property owner has applied for a Type II application to remove or demolish the historic farmhouse from the Historic Landmark portion of the property. The preservation plan submitted by the property owner included information on how the applicant would advertise, provide notice to the public, and provide information to those that inquired. The applicant provided a copy of the advertisement in historic preservation newspapers in 2023. The indicated that they would be keeping a record of the parties interested in purchasing the farmhouse and relocating the structure.

These criterion are met.

2. Following receipt of the preservation plan, the Planning Director shall issue a media release to local and state newspapers of general circulation in the County. The media release shall include, but not be limited to, a description of the significance of the Historic Landmark, the reasons for the proposed moving or demolition, and the possible options for preserving the Historic Landmark.

Finding: The Clackamas County Planning and Zoning Division received the Preservation Plan along with the application for the removal/Demolition of the historic structure on December 21, 2022 and the application was deemed complete on February 9, 2023 following the receipt of additional information. Working with staff from the Public and Government Affairs Division, a media release was issued on March 9, 2023. This criterion is met.

3. The review authority for an application to demolish a Historic Landmark or contributing resource within a Historic District or Historic Corridor shall consider the following:

- a. All plans, drawings, and photographs submitted by the applicant;*
- b. Information presented at the public hearing concerning the proposed work; proposal;*

Finding: The Historic Review Board was provided with a copy of the application for Z0575-22 that included the plans, drawings and photographs submitted by the applicant. This criterion is met.

c. The Comprehensive Plan;

HISTORIC LANDMARKS, DISTRICTS, AND TRANSPORTATION CORRIDORS
GOAL

• Preserve the historical, archaeological, and cultural resources of the County.

9.C Historic Landmarks, Districts, and Transportation Corridors Policies

9.C.5 *Identify conflicts by analyzing the economic, social, environmental, and energy consequences of land use actions with regard to significant historic resources.*

9.C.6 *Develop policies and programs to protect historic resources and minimize the conflicts.*

9.C.7 Pursue private and public sources of funding for use by property owners in the renovation and maintenance of historic properties.

9.C.8 Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.

Finding: There is currently a conflict between the use of the historic farmhouse and the enjoyment of the family's living space. As the applicant noted "The current layout of our home, the inability to spend time with family & friends due to space restrictions, its mechanical function, the significant costs to continue to maintain ongoing repairs/maintenance & the significant inefficiencies in a old home in todays world, are not realistic for a family of 4's needs in todays world. We have lived in our home for the previous 4 years and its just not viable for a family of 4 with extreme inefficiencies, space and constant and costly upkeep. I compare this to a 1920's-1950's car, they just arent made as a daily driver in todays world without significant and costly upgrades and upkeep and even then you really can not get them to a place as a daily driver. The counties strict remodeling/addition requirements for a historic home make it very challenging and cost prohibitive to work with. Moving or demolishing are the only options.". The County has not pursued private and public sources of funding for use of private property owners for the renovation of their private homes. Staff is not aware of any additional efforts, programs, or funding, that could be used to minimize these conflicts further for a private property owner. The applicant addressed the lack of funding and incentives for private property owners in the application narrative. Therefore, it appears that the moving or demolition of the structure is being considered to resolve these conflicts. This criterion is met.

d. The purposes of Section 707 as set forth in Subsection 707.01;

707.01 PURPOSE Section 707 is adopted to: A. Implement the goals and policies of the Comprehensive Plan for Historic Landmarks, Districts, and Corridors; B. Promote the public health, safety, and general welfare by safeguarding the County's heritage as embodied and reflected in its historic resources; C. Provide for the identification, protection, enhancement, and use of sites, structures, corridors, objects, and buildings within the County that reflect special elements of the County's architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage; D. Facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas; E. Encourage public knowledge, understanding and appreciation of the County's history and culture; F. Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources; G. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the County; H. Preserve diverse architectural styles reflecting phases of the County's history; and encourage complimentary design and construction impacting cultural resources; I. Enhance property values and increase economic and financial benefits to the County and its inhabitants; J. Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and K. Integrate the management of cultural resources and relevant data into public and private land management and development processes.

Finding: The historic farmhouse is a private residence that is not visible from the road thus it is not currently fostering neighborhood pride and sense of identity through the use of cultural resources. The Historic Landmark Overlay Zone has promoted the safeguarding of the historic farmhouse through highlighting the historic significance and requiring the Historic Review Board to consider modifications to the historic farm complex. Therefore, while the designation of the Strowbridge-Benson Farm as a Historic Landmark in 1994 “Provided for the identification, protection, enhancement, and use of sites, structures, corridors, objects, and buildings within the County that reflect special elements of the County’s architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage”, the other historic structures that are part of the historic farm complex are still being used and maintained by the property owners.

This land use application is the way that the management of cultural resources has been incorporated into the public development process. This application is also a way that the Historic Review Board can identify and help resolve conflicts between the preservation of cultural resources and the alternate use of the property for a home that meets the modern expectations for space and usability.

As the applicant noted in the application, “The comprehensive plan generally speaks into how historic homes and or sites should or do provide some sort of community benefit, value or cultural experience. Our home provides none of those to the public in any way and our home is ONLY experienced by our family. No one in the community would be effected or have a loss of public benefit value in any way by having our home moved or demolished. No one would even know it was gone, except the county and a few longterm property owners in the area”.

This criterion can be met by moving the structure to a site that is visible to the larger community or by resolving the conflict by approving the demolition if moving the structure is not pursued.

e. The criteria used in the original designation of the Historic Landmark, Historic District, or Historic Corridor in which the property under consideration is situated;

Finding: As noted in the 1994 application to designate the historic structure known as the Strowbridge-Benson Farm house, there has been little change to the actual historic structure. The applicant states that “We are currently maintaining the other 4 Historic buildings on our property(barn, log cabin, milk barn and grainery) all of which take significant resources to maintain which we are not reimbursed for or compensated in any form of tax break etc from the county/state. However, as costs continue to rise to maintain the main living home, we will no choice but to allow the other 4 historic buildings to take a back seat.” Therefore, the house is not the only structure that gives the farm complex the historic significance that led to the original Historic Landmark Overlay Zone designation. The Historic Review Board will consider the request to move or demolish the farmhouse within the larger context of the farm complex.

This criterion is met.

f. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public rights-of-way and to other buildings and structures in the area;

g. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value;

Finding: The applicant is proposing to remove or demolish the historic farmhouse structure that was located between the historic log Cellar and the historic Milking Barn within a cluster of non-historic structures that includes the garage, pool, and additional dwelling. The proposed work of removing the historic structure and moving it to another location on the existing farm property would limit the loss of historical value. However, this Historic Landmark is not part of a Historic District or Historic Corridor and thus the removal or demolition historic farmhouse will cause a change to a district or corridor. This criterion is met.

h. Whether suspension of the proposed demolition will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of Section 707; and

Finding: The applicant noted in their application that they would experience substantial hardship if the application is not approved because “The house is too small, no insulation, no heat upstairs, our young children are constantly freezing, single pane crumbling windows, tiny bedrooms, constant insect infestation, costly inefficient oil heating, one bathroom for a family of 4, unable to have family and friends over as we don't have space in any area of the home to accommodate more. Our living/Tv room (biggest room in the home) does not allow for 4 seating spots so one of our family members sits on the floor every night. Our mothers/fathers/aunts/uncles out of state have to rent a hotel in order to see us during the holidays or other events as we don't have room for them. This is not what we want for our family, our relationships and our life.”

However, no building permit applications have been filed with the county for constructing a new home on the property. Additionally, no replacement dwelling applications have been submitted to the county to allow the replacement of a lawfully established home on EFU land as required by ZDO 401. Therefore, there are additional items that need to take place that would likely take more than 60 days to complete.

Therefore, staff finds this criterion is met, and could also be met with the suspension of demolition for 60 days or more. This criterion is met.

i. When applicable, the findings of the building official in determining the status of the subject building as a dangerous building under County Code Chapter 9.01, Uniform Code for the Abatement of Dangerous Buildings, and the feasibility of correcting the deficiencies to meet the requirements of the building official rather than demolishing the building.

Finding: There is no record of the home being dangerous. This Criterion is not applicable.

4. *The application may be approved in consideration of Subsections 707.06(D)(2) and (3).*

Finding: Staff considered those sections and are approving this application. This Criterion is met.

5. *The application may be suspended, if, in the interest of preserving historic values for public benefit, the building should not be moved or demolished.*

Finding: There is no record of the property owner considering alternatives through other land use applications, or through this application. Therefore, consideration of using the farmhouse as the second lawful dwelling on the same legal lot of record where it currently sits, or using the farmhouse for other permissible uses in the EFU Zoning District following a Type II land use application could be pursued and are valid alternatives to demolishing the structure. This criterion is met with the suspension of the demolition for 60 days.

6. *If the application is suspended, the written decision shall be transmitted to the building official along with a request that the enforcement of any applicable Notice and Order of the building official be stayed during the pendency of an appeal, or for a period of not more than 60 days from the date of the suspension decision. During this stay of moving or demolition, the following actions may be taken:*

a. The building official may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to protect the public from hazardous conditions associated with the building.

b. The applicant may be required to continue to carry out the pre-application plan activities through the entire stay of moving or demolition.

c. The Historic Review Board may research programs or projects underway which could result in public or private acquisition of the subject building and site, and assess the potential for the success of these programs or projects.

i. If the Historic Review Board determines that there are reasonable grounds to believe that such program or project may be successful, it may extend the suspension period up to 30 additional days per extension, not to exceed a total of 120 days from the date of the decision suspending the application.

ii. If the Historic Review Board determines that all such programs or projects are unlikely to be successful, and the applicant has not withdrawn his application or taken appropriate alternative action to correct the hazards associated with the subject building as provided in a Notice and Order of the building official, then, at the end of the suspension period, the Planning Director may issue a permit for moving or demolition, subject to all other applicable regulations.

7. *When moving or demolition is imminent, whether by direct approval or if efforts during the pre-application preservation plan and suspension period are unsuccessful, the following complete documentation of the structure(s) is required to be submitted to the County by the applicant:*

a. Floor plans to scale of the structure(s) and related structures;

b. Site plan to scale showing surrounding roadways, landscaping, natural features, structure(s), and related structures;

c. Drawings to scale or photographs of all exterior elevations;

d. Photographs of architectural detail not shown in elevation photographs;

and

e. The Historic Preservation League of Oregon or local preservation group to be given opportunity to salvage and record the resource.

8. *A moving or demolition permit for a landmark found to comply with Subsection 707.06(D) shall not be issued until all development permit applications for the new use or development have been approved by the County.*

Finding: The historic review board members volunteered to meet with the applicant and show them options for remodeling the existing structure in a manner that would preserve the historic integrity of the farmhouse. There is no record of this meeting occurring or other options being considered. The applicant provided scaled site plan, and exterior elevations in the land use application. There is no record of the required development permit applications necessary for the replacement of the home, or change of use of the home being filed with the Planning and Zoning Division. These criterion are met as conditioned.

DISCUSSION and DECISION SUMMARY:

The Planning and Zoning Staff finds that, based on the findings above, the subject Strowbridge-Benson farmhouse is eligible to be moved, or demolished, on the Strowbridge-Benson Historic Landmark site. The property owner has submitted a preservation plan and considered all location alternatives for the placement of the house. Based on analysis of the ordinance standards, staff approves the move of the house to a new location on the same legal lot of record and suspends the demolition for 60 days with the conditions of approval noted above.