

# Meeting Packet

OREGON COMMISSION ON HISTORIC CEMETERIES, OREGON HERITAGE

## Packet Items:

- Agenda - Action
- Draft Minutes - Action
- Cemetery Care Permit Program
- Cemetery Records Project – Heritage Bulletin Development
- SOLVE Flyer

## Oregon Commission on Historic Cemeteries

### MEMBERS

- Sarah Baylinson, Prineville (Chair)
- Lisa Sears, Cloverdale (Vice Chair)
- Peggy Drake, Sutherlin
- Johnny Edwards, McMinnville
- Milo Reed, Portland
- Sarah Silbernagel, Pendleton
- Shawn Steinmetz, La Grande

### WORK

The members of the Oregon Commission on Historic Cemeteries meet four times a year in communities around the state. The purpose of the commission is to document and support the preservation of historic cemeteries in Oregon. Any cemetery that includes the burial of at least one person who died before the date that is 75 years before the current date and is listed with the Oregon Commission on Historic Cemeteries is considered historic.

### CONTACT

Kuri Gill [Kuri.Gill@opr.d.oregon.gov](mailto:Kuri.Gill@opr.d.oregon.gov) 503-986-0685





**Oregon Commission on Historic Cemeteries**  
**Thursday, October 10, 2024**  
**Sutherlin Community Center**  
**150 S Willamette Street, Sutherlin**  
**Online**

**Friday, October 11, 2024**  
**Mildred Knipe Memorial Park**  
**16513 Elkhead Road, Oakland**

## AGENDA

**Thursday, July 18, 2024**

Zoom Meeting - [https://us06web.zoom.us/webinar/register/WN\\_eMo-YfiwSsyNoRyyR\\_h0kw](https://us06web.zoom.us/webinar/register/WN_eMo-YfiwSsyNoRyyR_h0kw)

**Business Meeting: 1:00pm**

### 1. Commission Business

- a) Welcome and Introductions (Information)
  - a) Jesse Jackson, Education Programs Officer, Cow Creek Band of Umpqua Tribe of Indians – Meeting blessing.
- b) Approval of October 10, 2024 Agenda (**Action**)
- c) Approval of July 18, 2024 Minutes (**Action**)

**2. Public Comment:** *This is the time for the public to address the Commission. If you wish to make public comment on an item on the agenda you can choose to make your comment either when the item is heard, or during this allotted time. **Speaking time is limited to 3 minutes.***

### 3. Disasters in Historic Cemeteries (Information) –

- a) **Community Wide Disaster Resilience Planning** – Melissa Graciosa, University of Oregon, Institute for Policy Research and Engagement (IPRE)  
Oregon Heritage, in collaboration with IPRE has developed a community planning process for heritage resources that can be replicated in any community. The pilot project was in Cottage Grove and now the work is happening in Bend and Salem. Check out the examples, guidebook and orientation videos [here](#).
- b) **Value of Heritage Resources in Community Recovery**- Kuri Gill  
Heritage resources are critical in community recovery from disaster. This conversation will share some resources that support this and share example.  
[Culture in City Reconstruction & Recovery](#), UNESCO  
[Value of Heritage in Disaster Resilience Report and Messaging Guide](#), Oregon Heritage Commission  
[Fact Sheet on Art & Culture: Helping People Before, During, and After Disasters](#), FEMA
- c) **Bureau of Land Management Cemetery protection effort** –

The 2020 effort was highlighted in the Oregon Heritage Exchange.

<https://oregonheritage.wordpress.com/2020/11/19/protecting-two-cemeteries-in-the-path-of-a-fire/>

- d) **Ways the commission can support disaster planning for historic cemeteries.** (Discussion)
4. **Cemetery Care Permit Program (Information)** – Koren Tippett
  - a) This will be an overview of the permit program, what it is and how to access. It will also include a summary of work completed and highlights from one of the permit users.  
<https://www.oregon.gov/oprd/OH/pages/historic-cemeteries-program.aspx>
5. **OPRD & Oregon Heritage Update**
  - a) Oregon Heritage Update (Information)
    - i. [Oregon Historic Preservation Plan](#) – released!
6. **SOLVE Historic Cemeteries Clean-up Day (Information)** – Kuri Gill
  - a) Ways to promote and encourage folks to use this resource.
7. **Cemetery Records Project (Discussion & possible Action)**
  - a) Bulletin Discussion & Blog
8. **Project Check-in (Information)**
  - a) Cemetery Stories – Themes between now and the next meeting. Archives Month, Historic Cemeteries Month, Native American Heritage Month, Veterans Day, Martin Luther King Jr. Birthday.
  - b) Remote Sensing Project – Shawn Steinmetz
9. **Upcoming Cemetery Resources (Information)**
  - a) Oregon Historic Cemeteries Grant <https://www.oregon.gov/oprd/OH/Pages/Grants.aspx>
  - b) SOLVE Historic Cemeteries Cleanup Support <https://www.oregon.gov/oprd/OH/pages/tools.aspx>
10. **Items for Future Meetings (Discussion)**
11. **Reports: Commissioner Actions and Issues (Information)**
12. **Fatality Management (Information)**
  - a) Candy Cates with Oregon Health Authority will share information about a disaster issue that is often overlooked in regard to cemeteries and disaster planning and response, fatality management. In some situations, human or natural caused, there are mass fatalities and cemeteries and funeral service providers need to be prepared for this. The state is coordinating a working group to address this issue. Candy will share some of the primary issues and the role of the working group.
13. **Commission Planning Calendar (Information)**
  - a) February 7, 2025 – Online
  - b) April 24-25, 2025 – TBA (suggested - Gorge Area)
  - c) May TBA, online grant approval
  - d) July 24-25, 2025 – TBA (suggested Astoria Area – Clatsop Community College)

**Friday, October 11 2024**

**Tour: 9:00 am**

**Mildred Memorial Knipe Park Burial –**

Meet at Mildred Memorial Knipe Park, 16513 Elkhead Road, Oakland, OR campground and equestrian area. Transportation not provided. The park is about 15 minutes from Sutherlin. The Friends of Mildred Knipe Memorial Park will host a visit to this interesting historic site owned by Douglas County. There is a “lost” cemetery at the park which the Friends have worked to identify using ground Penetrating Radar. Patrick O’Grady, who was involved in the research and is an archaeologist training in the use of GPR will share more information about remote sensing techniques in this work.

*The services, programs and activities of the Oregon Parks and Recreation Department are covered by the Americans with Disabilities Act (ADA). If you need special accommodations to participate in this meeting, please contact Mary Newcomb at (503) 986-0609 or [Mary.Newcomb@opr.d.oregon.gov](mailto:Mary.Newcomb@opr.d.oregon.gov) at least 72 hours prior to the start of the meeting.*

DRAFT



**OREGON PARKS AND RECREATION  
OREGON COMMISSION ON HISTORIC RESERVATION  
THURSDAY, JULY 18, 2024  
COOK MEMORIAL LIBRARY  
2006 4<sup>TH</sup> STREET, LA GRANDE, OR 97850**

**MINUTES**

**Thursday, July 18, 2024**

*Location: Cook Memorial Library, 2006 4<sup>th</sup> Street, La Grande, OR 97850*

*Zoom Meeting - [https://us06web.zoom.us/webinar/register/WN\\_QxadN3zmR1KS5MCoINNEqg](https://us06web.zoom.us/webinar/register/WN_QxadN3zmR1KS5MCoINNEqg)*

**BUSINESS MEETING: 1:00pm**

Members of the Commission and OPRD staff who were present for part or all of the meeting included:

• Lisa Sears, Commission Vice-Chair	• Kuri Gill, Commission Coordinator
• Peggy Drake, Commissioner	
• Milo Reed, Commissioner	
• Sarah Silbernagel, Commissioner	
• Shawn Steinmetz, Commissioner	

**1. Commission Business:**

- a) Welcome and introductions (Information)
- b) Approval of July 18, 2024 Agenda (**Action**)

**ACTION: Commissioner Silbernagel moved to approve the July 18, 2024 agenda as presented. Commissioner Reed seconded the motion. The motion passed, 5-0. (Topic starts at 7:21 and ends 8:52).**

- c) Approval of April 17, 2024 Minutes (**Action**)

**ACTION: Commissioner Steinmetz moved to approve the April 17, 2024 minutes as presented. Commissioner Silbernagel seconded the motion. The motion passed, 5-0. (Topic starts at 7:44 and ends 8:52).**

- d) Approval of May 20, 2024 Minutes (**Action**)

**ACTION: Commissioner Reed moved to approve the May 20, 2024 minutes as presented. Commissioner Drake seconded the motion. The motion passed, 5-0. (Topic starts at 8:05 and ends 8:52).**

**2. Public Comment:** (Information) *This is the time for the public to address the Commission. (Topic starts at 9:00 and ends 14:30)*

- a) Greg
- b) Cricket Soules

**3. OPRD & Heritage Update**

*(Topic starts at 15:08 and ends 26:10)*

- a) Commission Coordinator Update (Information)

**4. Cemetery Association of Oregon:** (Information)

*(Topic starts at 26:15 and ends 36:40)*

**5. Oregon Historic Cemeteries Grant Report** (Information)

*(Topic starts at 36:50 and ends 54:45)*

- a) Results of the 2023 Historic Cemeteries grants

**6. Cemetery Records Project** (Information)

*(Topic starts at 54:48 and ends 01:36:27)*

- a) Cemetery Records Position Paper Update – Sarah Silbernagel and Lisa Sears
  - i) Alterations made: Page 3 under records retention, add “(OMCE)”
  - ii) Page 4, Storing and using paper records, change word “interlay” to “separate”
  - iii) Change “Sunlight is deadly for everything” to, “Sunlight is deadly for all types of records”
  - iv) Spell out, “Ultra Violet”
  - v) Add archives link

**ACTION: Commissioner Steinmetz moved to approve the Cemetery Records Position Paper once afore mentioned changes are made. Commissioner Reed seconded the motion. The motion passed, 5-0. (Topic starts at 01:06:00 and ends 01:07:20).**

- b) Decision was made to create a blog to talk about the position paper update.
  - i) Commissioner Silbernagel volunteered to write a brief statement.
- c) Bulletin Discussion
  - i) Topics to possibly include best storage practices, Oregon Archives, local libraries, Universities, benefit, digitization considerations, presentation of information over time, approach tactics, setting expectations about historic preservation barriers, the tone of the document.

## **7. Project Updates (Information)**

*(Topic starts at 01:36:45 and ends 01:47:35)*

- a) Cemetery Stories
  - i) Volunteers (01:36:45-01:39:54) Sears volunteered an article about the cemetery cleanup days.
- b) SOLVE Historic Cemetery Cleanup Days
  - i) Low cemetery participation numbers
  - ii) Commissioner Silbernagel requested an email template to send out to various organizations.

## **8. Upcoming Cemetery Resources (Information)**

*(Topic Starts at 01:47:52 and ends 01:50:15)*

- a) Oregon Heritage MentorCorps – Applications are open now to be connected with a mentor to assist with priority setting, volunteer management planning, project planning, etc.  
<https://www.oregon.gov/oprd/OH/pages/mentorcorps.aspx>

## **9. Items for Future Meetings (Information)**

*(Topic starts at 01:50:15 and ends 01:58:50)*

- a) Chicora Foundation has a disaster and preparedness kit.
- b) Mortuary and Cemetery Board disaster preparedness.
- c) Future meeting location ideas:
  - i North Coast
  - ii Grant Recipients
  - iii Clatsop College

## **10. Reports: Commissioner Actions and Issues (Information)**

*(Topic starts at 01:58:55 and ends 02:05:06)*

- a) Vice Chair Sears attended a cemetery preservation workshop and is working on a networking within Tillamook County.
- b) Commissioner Drake dealing with tree death and litter.
- c) Commissioner Reed researching for a potential National Register Nomination
- d) Commissioner Steinmetz working archaeology.

## **11. Commission Planning Calendar (Information)**

*(Topic starts at 02:05:06 and ends 02:05:38)*

- a) October 10-11, 2024 –Roseburg area:
- b) February 7, 2025 – Online
- c) April 24-25, 2025 – TBA
- d) May TBA, online grant approval
- e) July 24-25, 2025 – Coastal

**Meeting adjourned @ 02:05:40**

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# Abandoned Cemetery Care Permit Guidelines and Application

OREGON PARKS AND RECREATION DEPARTMENT (OPRD), OREGON COMMISSION ON HISTORIC CEMETERIES

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The Abandoned Cemetery Care Permit allows an individual or organization to care for an abandoned cemetery.

Process: The permit applicant must submit a complete application to the Oregon Commission on Historic Cemeteries coordinator. The coordinator will review the application for completeness and contact the applicant if additional information is required.

Using the complete application, the coordinator will review the information to determine the application meets the two requirements of the permit.

- The cemetery is abandoned.
- The applicant has the resources to care for the cemetery under the required standards of the permit.

If the application meets the requirements, the applicant will be notified and the permit issued. The county will be notified of the permit issuance.

The information may also be submitted on a separate attachment.

## Contact Information

Person or Organization Information: [Click here to enter text.](#)

Organization or person name: [Click here to enter text.](#)

Primary contact: [Click here to enter text.](#)

Name: [Click here to enter text.](#)

Phone number: [Click here to enter text.](#)

Email address: [Click here to enter text.](#)

Mailing address: [Click here to enter text.](#)

Secondary contact (if available)

Name: [Click here to enter text.](#)

Phone number: [Click here to enter text.](#)

Email address: [Click here to enter text.](#)

Mailing address: [Click here to enter text.](#)





Check which activities you intend to do at the cemetery and provide a summary of what you plan to do for each category.

- Maintain the grounds of the cemetery. “Maintain” means to regularly manage vegetative growth, clean up debris, and make repairs.
- Preserve the grounds of the cemetery. “Preserve” means to apply measures necessary to sustain the existing form, integrity, and materials of the cemetery. This includes historic features including, but not limited to monuments, curbing, signage, and plantings.
- Restore the grounds and elements of the cemetery. “Restore” means to rebuild, reconstruct, or replace damaged elements with consideration of the historic character of the cemetery and the individual elements. This includes historic features including, but not limited to monuments, curbing, signage, and plantings.
- Take custody of documents related to the cemetery.
- Establish a fund to collect donations for the restoration, maintenance, and preservation of the abandoned cemetery.

Describe skills and resources you have and methods you will use for the following activities.

- Description of knowledge of landscape care, lawn maintenance, etc. [Click here to enter text.](#)
- Description of vegetation treatment methods to be used, including proposed tools. [Click here to enter text.](#)
- Description of monument cleaning methods to be used. [Click here to enter text.](#)
- Description of preservation treatments and methods to be used. [Click here to enter text.](#)

## Cemetery Information

Cemetery Name (include all known names): [Click here to enter text.](#)

Address: [Click here to enter text.](#)

County: [Click here to enter text.](#)

Directions to cemetery from nearest town: [Click here to enter text.](#)

GPS coordinates of cemetery: [Click here to enter text.](#)

Describe the research completed to establish abandonment. [Click here to enter text.](#)

Describe current conditions. [Click here to enter text.](#)

## Required Attachments

- Current photos of the cemetery – 1 entrance view and 2 additional views
- Map of the vicinity location of the cemetery – google map qualifies
- Documentation of efforts to contact owner of record or descendants of owner of record
- County property records
- Work plan summary

## Other Attachments



- Deeds
- Title tracking

## Agreement Details

By signing this application you agree to follow the restrictions and requirements of the permit program.

- The permit is valid for one year.
- The permittee may not transfer the permit to another entity.
- The permittee shall submit a report of work completed at the end of one year. The report will include a summary of work completed, photos, and a summary of the fund account if there was one created.
- A permittee may request to renew a permit by following renewal instructions and using forms provided by OPRD.
- Work performed under the permit shall be done in compliance with standards and procedural guidelines for restoration and preservation of historic cemeteries provided by OPRD.
- Work performed under the permit shall follow statutes and rules governing cemeteries.
- The permittee must obtain prior approval from the coordinator for restoration and preservation work performed under the permit that includes major restoration (when new materials are introduced to historic features), construction, element removal including trees, or other significant work.
- The permittee must follow all state and local planning and other laws.
- The permittee shall train and supervise volunteers, or arrange for their training. Workshops and informational materials are available through the Department.
- The permittee shall provide copies of cemetery documentation, burial lists, etc. to an entity that holds records for the benefit of the public. This may include, but is not limited to libraries, museums, and archives. If a new burial list is created, it will be submitted to the coordinator.
- The permit does not convey land ownership.
- The permit does not authorize the permittee to:
  - Sell burial plots, or
  - Inter remains in the cemetery.
- The permittee must allow access to the historic cemetery according to ORS 376.197[SS1].
- The permit issued by OPRD may authorize the following activities:
  - The permittee may complete general landscape care and clean, level and repair monuments.
  - The permittee may take custody of cemetery records, for use in restoration, maintenance and preservation of the cemetery, while a permit holder.
  - Establish a fund to collect donations for the restoration, maintenance and preservation of the cemetery. If the permittee establishes a fund authorized by ORS 226.640(2)(c), the fund must be used only for such purposes, and:
    - The fund shall be established in an FDIC insured financial institution.
    - The permittee must maintain records of donation collections and fund use for the life of the permit.

Revoking permit



Oregon Heritage, OPRD

[www.oregonheritage.org](http://www.oregonheritage.org)

- The Department may revoke a permit for reasons including, but not limited to:
- The request of the permittee.
- The permittee no longer meets eligibility requirements.
- The permittee does not submit an annual report.
- The permittee does not submit a renewal application within 60 days of notification. In this case, the OPRD may assume that the entity is dissolved or is no longer interested in holding a permit.
- The permittee organization has dissolved or ceased to exist.
- The cemetery land ownership is established.
- The permittee causes damage to the cemetery.
- The permittee in any way operates outside of the requirements and authorization of the permit or this division.
- The permittee uses the fund of collected donations for purposes other than restoration, maintenance and preservation.

A committee established by the Department that includes, but is not limited to the Coordinator and the Oregon Commission on Historic Cemeteries will determine permit revocation in the case of damage, operating outside the permit requirements, and misuse of funds.



## Appendix A

Resources for the maintenance, preservation, restoration of historic cemeteries

Oregon Heritage – Heritage Bulletins

Bulletin # 1 - [State Laws Pertaining to Historic Cemeteries](#)

Bulletin # 2 - [How to Spread the News](#)

Bulletin # 3 - [How to Clean Cemetery Markers](#)

Bulletin # 7 - [A Sampling of Oregon Gravestone Symbols](#)

Bulletin # 8 - [Choosing Consultants and Contractors](#)

Bulletin # 9 - [Ways to Protect a Historic Cemetery](#)

Bulletin #12 - [Research Tips and Sources](#)

Bulletin #13 - [How to Organize a Cemetery Clean Up Day](#)

Bulletin #14 - [Cemetery Vandalism: Tips to Avoid It and Respond to It](#)

Bulletin #25 - [Cemetery Visits with Groups](#)

Bulletin #30 - [Funerary Folk Art and the Concrete Alternative](#)

Bulletin #33 - [So You Want to Hold an Event at the Cemetery](#)

Oregon Heritage – Oregon Commission on Historic Cemeteries Position Papers

[Filming and Photography](#)

[Marker Cleaning](#)

[Marker Replacement](#)

[Paper Record Preservation](#)

[Pet Cemeteries](#)

[Development Around Historic Cemeteries](#)

[Unstable Markers](#)

[Irrigation](#)

Oregon Heritage – Archaeology Bulletins

Bulletin #1 - [Private Lands](#)

Bulletin #2 - [Permits](#)

Bulletin #3 - [Public Lands](#)

[Oregon Mortuary and Cemetery Board](#)

[Division of Finance and Corporate Securities](#)

[Cemetery Association of Oregon](#)

[National Center for Preservation Technology & Training – National Park Service](#)

[Chicora Foundation, Inc.](#)

[Association for Gravestone Studies](#)

## Appendix B

ORS 226.510 to 226.640

### ABANDONED CEMETERIES

**226.510 Certain cemeteries as menace to public; acquisition and removal of such cemeteries declared public use.** It hereby is found and declared:

(1) That there exists within municipal corporations of the state, cemeteries which have been abandoned and cemeteries which have deteriorated and become dilapidated and overgrown with weeds, trees, shrubs or other uncontrolled growth.

(2) That such cemeteries, by reason of their unsightly appearance, fire hazard, and by reason of their providing a place of concealment conducive to criminal activities and juvenile delinquency, constitute a menace to the health, safety, morals and welfare of the residents of such municipal corporations; and that these conditions necessitate the use of public funds for crime prevention, fire protection, control of juvenile delinquency, accident protection and other public services and facilities.

(3) That the clearance and removal of such cemeteries are public uses and purposes for which public money may be spent, private property acquired, and are governmental functions of municipal and state concern.

(4) That the varied nature of ownership of cemetery plots, the diverse ownership of land, the difficulty of locating interested persons, the existence of unknown graves and remains and other conditions prevent an orderly removal of such remains and clearance of such cemeteries, and because of such conditions, it is in the public interest that such cemeteries be acquired by municipal corporations by eminent domain or otherwise, for the orderly removal of such remains to other suitable place or places and the discontinuance of such cemeteries and the exercise of the power of eminent domain, and the financing of the acquisition and preparation of land by a municipal corporation for disinterment and reinterment is declared a public use and purpose. [1953 c.298 §1]

**226.520 Definitions for ORS 226.510 to 226.640.** As used in ORS 226.510 to 226.640:

(1) "Abandoned cemetery" means a cemetery in which remains have not been interred in the last five years and:

(a) That does not have a known owner;

(b) For which the last known owner is deceased and the title was not conveyed; or

(c) That was owned by an entity that no longer exists and that did not convey title.

(2) "Cemetery" means a tract of land set apart by deed, will or otherwise, for a burial ground, or for the purpose of interring remains.

(3) "Diligent search" means a search reasonably calculated to discover:

(a) Graves from the existence of monuments, contour of land and terrain, fencing, curbing and other evidences of the location of graves; and

(b) The location of remains and whether or not a given plot contains remains, for which it shall be sufficient to employ the method commonly known as probing.

(4) "Municipal corporation" means the governing body of a city incorporated under the laws of this state.

(5) "Remains" means the remains of a deceased person.

(6) "Suitable location" means a cemetery, now in existence or hereafter established, including a portion of a cemetery subject to the provisions of ORS 226.510 to 226.640, where provision is made for the perpetual care and upkeep of the graves. [1953 c.298 §2; 2005 c.22 §173; 2017 c.160 §4]

**226.530 Powers of city to acquire and remove cemeteries to another site.** Any municipal corporation, by and through its governing body, in addition to the powers and privileges heretofore conferred upon municipal corporations by the laws of this state, shall for the purposes of ORS 226.530 to 226.630 have the power to:

- (1) Acquire cemeteries and cemetery properties, by eminent domain, conveyance or otherwise.
- (2) Acquire real property for the purpose of reinterment of remains.
- (3) Disinter remains and remove all gravestones, monuments or other evidences of the location or existence of graves, and to move the same to another site.
- (4) Sell, lease or convey land acquired under the authority of ORS 226.530 to 226.630, or through voluntary transfers or otherwise. [1953 c.298 §3]

**226.540 Public hearing concerning abandoned or neglected cemetery.** (1) The governing body of a municipal corporation may hold a public hearing regarding an abandoned cemetery, or deteriorated and neglected cemetery, that is within the boundaries of the municipal corporation if:

- (a) The cemetery could, because of its location, endanger the health, welfare, comfort or safety of the public;
- (b) The municipal corporation verifies that the State Parks and Recreation Department:
  - (A) Has not issued a permit to an entity under ORS 226.640 (1) to (5); and
  - (B) No application for a permit under ORS 226.640 (1) to (5) is pending with the department;
- (c) At least 10 percent of the electors of the municipal corporation sign and file a petition for a hearing; and
- (d) The municipal corporation publishes notice of the date of the hearing once per week for two weeks prior to the hearing in a newspaper that is generally circulated in the county where the municipal corporation is located.

(2) The governing body of the municipal corporation shall hold the hearing within 60 days after the date on which a petition described in subsection (1) of this section is filed. [1953 c.298 §4; 2005 c.22 §174; 2017 c.160 §5]

**226.550 Governing body to publish resolution or ordinance upon finding that cemetery should be relocated.** Upon a finding by the governing body of a municipal corporation, after such hearing, that a cemetery located within such corporation is abandoned, or has become deteriorated or dilapidated and overgrown with weeds, trees, shrubs or other uncontrolled growth, and is so located as to endanger the health, welfare, comfort or safety of the public, and that the public welfare requires that such cemetery be discontinued, relocated and cleared, the governing body shall publish its findings by ordinance or resolution. [1953 c.298 §5]

**226.560 Expenditure of public funds for removal and reinterment of remains from discontinued cemetery.** Upon the adoption of a resolution or ordinance, as provided for by ORS 226.540 and 226.550, the governing body of said municipal corporation may provide for the expenditure of public funds necessary for the disinterment, removal and reinterment of remains and any and all other expenses incident thereto, including, but not limited to, acquisition of property, cost of court proceedings, publications, fees and other incidental expenses incurred in connection with any proceeding under the provisions of ORS 226.510 to 226.640, and may include the same in the next annual budget of such municipal corporation. [1953 c.298 §6]

**226.570 Power of city to condemn cemetery.** Upon the adoption by the governing body of a municipal corporation of an ordinance or resolution, as provided by ORS 226.540 and 226.550, such governing body shall have the authority, by an action filed in the circuit court of the State of Oregon for

the county in which such municipal corporation is located to condemn any cemetery subject to condemnation by the provisions of ORS 226.510 to 226.640. [1953 c.298 §7; 1979 c.284 §124]

**226.580 Parties defendant to condemnation suit.** The complaint in any suit brought under the provisions of ORS 226.510 to 226.640 shall include as defendants the names of all record owners of lots, or plots located in the cemetery sought to be condemned or any portion or parcel of such cemetery, and the names of the heirs of all record owners as shown by the probate records of the county in which such cemetery is located, and shall include any and all other persons having or claiming any interest of any kind or nature in such cemetery, or any lot or plot thereof, who may be joined as defendants and designated as “all other persons or parties having or claiming any right, title, estate or interest.” [1953 c.298 §8]

**226.590 Service of summons.** The summons in the action shall be served on all named defendants who, by diligent search, can be found, in a like manner as service of summons in a civil action. Service of summons on named defendants who cannot be found may be made by publication as provided in ORCP 7. Service of summons on the defendants included in the complaint as “all other persons or parties having or claiming any right, title, estate or interest” may be made by publication. The manner of making publication in the case of those defendants designated as “all other persons or parties having or claiming any right, title, estate or interest” shall be the same as provided in the order for publication of summons in the case of named defendants, except that no order shall be required. [1953 c.298 §9; 1979 c.284 §125]

**226.600 Effect of service by publication on persons or parties in interest.** All such persons or parties having or claiming any right, title, estate or interest in the real property in controversy, so served by publication as in ORS 226.590 provided, shall have the same rights as provided by law in case of all other defendants upon whom service is made by publication, and the suit shall proceed against such persons in the same manner as against defendants who are named, upon whom service is made by publication, and with like effect; and any such persons or parties who claim any right, title, estate or interest in said real property in controversy, at the time of the commencement of the suit, duly served as aforesaid, shall be found and concluded by the judgment in such suit, and if the same is in favor of the plaintiff therein, as effectually as if the suit was brought against such defendant by his or her name and constructive service obtained. [1953 c.298 §10; 2003 c.576 §401]

**226.610 Compensation for condemned property determined by jury; factors to be considered.** The matter of compensation, if any, shall be determined by a jury called for such purpose; and the court shall, in addition to other instructions, instruct that the jury shall consider the following factors as a benefit and offset:

- (1) The cost of a suitable reinterment site.
- (2) The cost of preparation of site and its perpetual care and maintenance.
- (3) The cost of removal and reinterment of remains.
- (4) The cost of such marker or monument as may be placed at the site of reinterment. [1953 c.298 §11]

**226.620 City acquiring condemned cemetery to proceed with removal and reinterment of remains.** Whenever any municipal corporation shall have proceeded under ORS 226.510 to 226.640, and a judgment of the court shall vest in said municipal corporation the title to such cemetery properties, as referred to herein, by eminent domain, such municipal corporation shall proceed with the removal of remains, stones, monuments and any and all evidences of a grave, and provide for reinterment in a

suitable location, within a reasonable time after the entry of a general judgment, and the expiration of the time for appeal therefrom, or the final disposition of any appeal which may be filed in connection with the judgment. [1953 c.298 §12; 2003 c.576 §402]

**226.630 Acts to be done by city in removing and reintering remains; compliance as complete defense in action for damages.** (1) The removal of remains, headstones and other evidence of the locations of graves, and the clearance of the cemetery property, may be done under the direct supervision of the governing body of the municipal corporation, or such commission as such governing body may appoint, and such removal, reinterment, clearance and other acts in connection with this program shall be sufficient, if the following specific acts are done:

(a) If all of the remains that can be located within said cemetery, after a reasonable search for such remains, as in ORS 226.520 defined, has been conducted, are removed in a manner reasonably providing for respectful and careful treatment of such remains, and providing for reinterment and recommitment, in a respectful manner.

(b) If the identity of remains is preserved in so far as reasonably practicable, having due regard to the conditions of the cemetery, the condition and location, or dislocation of stones and monuments, and other factors related to the particular project, and, in so far as practicable, the identity shall be shown upon the relocation of said graves in a new location, by the erection of suitable markers at the location of such graves.

(c) In the event that there are remains in such cemetery which cannot be identified, all of such remains may be interred in a section of the new cemetery site, and the same may be marked by one suitable monument, which shall contain the names of persons, known to have been interred in said cemetery, but whose remains could not be identified.

(2) It shall be a complete defense, in any action brought by any person for damages against the municipal corporation, or other persons or organization affecting such relocation and reinterment, as above described, upon any grounds whatever, to plead and prove a substantial compliance with the provisions of this section. [1953 c.298 §13]

**226.640 Issuance of permit to restore, maintain and preserve abandoned cemetery; rules.** (1) The State Parks and Recreation Department may issue a permit to an entity to restore, maintain and preserve an abandoned cemetery.

(2) An entity issued a permit under subsections (1) to (5) of this section may:

(a) Restore, maintain and preserve the grounds of the abandoned cemetery;

(b) Take custody, for the time during which the entity holds a valid permit, of documents relating to the abandoned cemetery for the purpose of restoration and preservation of those documents; and

(c) Establish a fund to collect donations for the restoration, maintenance and preservation of the abandoned cemetery.

(3) A permit issued under subsections (1) to (5) of this section does not authorize the permit holder to inter remains in the abandoned cemetery.

(4) An entity that holds a permit issued under subsections (1) to (5) of this section is not liable:

(a) For reasonable alterations made during restoration to memorials, roadways, walkways, plantings or other details or features of the abandoned cemetery.

(b) To a person who claims burial rights, ancestral ownership or an unrecorded claim to the abandoned cemetery.

(c) In contract or tort for personal injury, death or property damage that arises out of the use of the abandoned cemetery if the principal purpose for the use is for maintenance or visitation of the abandoned cemetery, or for similar activities. This paragraph does not limit the liability of an entity for intentional injury or damage.



(5) The department shall revoke a permit issued under subsections (1) to (5) of this section if the entity dissolves or otherwise ceases to exist.

(6) The department may adopt rules to carry out the provisions of subsections (1) to (5) of this section, including but not limited to:

(a) Establishment of a permit application and issuance process;

(b) Criteria to determine whether an entity is qualified to restore, maintain and preserve an abandoned cemetery;

(c) A process through which the department may communicate with a municipal corporation regarding a permit issued to restore, maintain and preserve an abandoned cemetery located within the boundaries of the municipal corporation;

(d) A method to determine whether an entity is dissolved or otherwise ceases to exist; and

(e) Other rules necessary to carry out the provisions of subsections (1) to (5) of this section. [2017 c.160 §§2,3]

## Appendix C

### Administrative Rule

736-054-0040

Permits to Restore, Maintain and Preserve an Abandoned Cemetery

#### Purpose

This division establishes the procedures, criteria and requirements that the Oregon Parks and Recreation Department (OPRD) will use in issuing a permit to restore, maintain, and preserve an abandoned cemetery.

Statutory/Other Authority: ORS 226.640(6)

Statutes/Other Implemented: ORS 226.640

History:

[PRD 7-2018, adopt filed 04/20/2018, effective 04/20/2018](#)

736-054-0050

#### Definitions

As used in this division, unless the context requires otherwise, the following definitions apply:

- (1) "Abandoned cemetery" means an abandoned cemetery as defined in ORS 226.520(1).
- (2) "Coordinator" means the Department staff person that serves as executive secretary to the Oregon Commission on Historic Cemeteries pursuant to ORS 97.784.
- (3) "Department" means the Oregon Parks and Recreation Department as defined in ORS 390.005(2).
- (4) "Entity" means an organization or one or more individuals applying for or receiving a permit under this division.
- (5) "Maintain" means to regularly manage vegetative growth, clean up debris, and make repairs.
- (6) "Permit application" means the Department form and its format as developed by OPRD that an entity uses to apply for a permit.
- (7) "Permit" means the formal document from the Department to an entity that authorizes and describes the terms and conditions under which that entity may restore, maintain, and preserve an abandoned cemetery as provided in ORS 226.640(2).
- (8) "Permittee" means the entity to which the department issues a permit.
- (9) "Preserve" means to apply measures necessary to sustain the existing form, integrity, and materials of the cemetery.

(10) "Restore" means to rebuild, reconstruct, or replace damaged elements with consideration of the historic character of the cemetery and the individual elements.

Statutory/Other Authority: ORS 226.640(6)

Statutes/Other Implemented: ORS 260.640

History:

[PRD 7-2018, adopt filed 04/20/2018, effective 04/20/2018](#)

736-054-0060

Eligibility

(1) Qualified applicants. Any entity may apply for a permit for purpose of restoring, maintaining and preserving a specific abandoned cemetery.

(2) Abandoned Cemetery. The permit application must be for a cemetery that is an abandoned cemetery as defined in ORS 226.520.

Statutory/Other Authority: ORS 226.640(6)

Statutes/Other Implemented: ORS 226.640

History:

[PRD 7-2018, adopt filed 04/20/2018, effective 04/20/2018](#)

736-054-0070

Permit Application and Issuance Process

(1) The Coordinator administers the application and permit process for the Department. The Department will:

(a) Provide an application form.

(b) Make available instructions to complete and submit the application and required documentation.

(c) Determine whether an application form is complete and provides the required documentation.

(d) Determine whether the application establishes that the cemetery is an abandoned cemetery.

(2) The Coordinator will process a complete application within 30 days.

Statutory/Other Authority: ORS 226.640(6)

Statutes/Other Implemented: ORS 226.640

History:

[PRD 7-2018, adopt filed 04/20/2018, effective 04/20/2018](#)

736-054-0080

Application

(1) The entity must submit a complete application and required supporting materials to the Coordinator, as indicated on the application instructions. At a minimum, the entity must:

(a) Name an appointed contact person.

(b) Provide evidence establishing that that cemetery is abandoned. The Department will describe all required documentation in the application instructions, which will include, but is not limited to:

(A) Copies of county land ownership records;

(B) Tracking of efforts to contact owner(s) of record, if there is one;

(C) Tracking of efforts to find descendants of deceased owner(s) of record, if there is one.

(D) Title tracking is an optional form of documentation.

(c) Provide documentation supporting the eligibility of the entity. The department will describe all required documentation in the application instructions, which will include, but is not limited to:

(A) Description of knowledge landscape care, lawn maintenance, etc.;

(B) Description of vegetation treatment methods to be used, including proposed tools;

(C) Description of monument cleaning methods to be used; and

(D) Description of preservation treatments and methods to be used.

(d) Indicate which one or more of the following activities allowed under ORS 226.640(2) that it is applying for:

(A) Restore the grounds of the cemetery;

(B) Maintain the grounds of the cemetery;

(C) Preserve the grounds of the cemetery;

(D) Take custody of documents related to the cemetery; and

(E) Establish a fund to collect donations for the restoration, maintenance, and preservation of the abandoned cemetery.

(2) At any time before the Department issues a permit, an entity may withdraw its application by providing notice to the Coordinator.

Statutory/Other Authority: ORS 226.640(6)

Statutes/Other Implemented: ORS 226.640

History:

[PRD 7-2018, adopt filed 04/20/2018, effective 04/20/2018](#)

736-054-0090

Permit Requirements and Authorizations

(1) Any permit issued by the Department under this division is subject to the following restrictions. In addition, the Department may include other restrictions that it determines necessary for compliance with applicable laws and regulations, including ORS 226.640.

(a) The permittee may not transfer the permit to another entity.

(b) The permit is valid for one year. A permittee may request to renew a permit by following renewal instructions and using forms provided by the Department. The renewal request will require a report and photos of the work completed the previous year.

(c) Work performed under the permit shall be done in compliance with standards and procedural guidelines for restoration and preservation of historic cemeteries provided by the Department.

(d) Work performed under the permit shall follow statutes and rules governing cemeteries.

(e) The permittee must obtain prior approval from the Coordinator for restoration and preservation work performed under the permit that includes major restoration, construction, tree removal, or other significant work.

(f) The permittee must follow all state and local planning and other laws.

(g) The permittee shall train and supervise volunteers, or arrange for their training. Workshops and informational materials are available through the Department.

(h) The permit does not convey land ownership.

(i) The permit does not authorize the permittee to:

(A) Sell burial plots, or

(B) Inter remains in the cemetery.

(j) The permittee must allow access to the historic cemetery according to ORS 376.197[SS1] .

(2) Any permit issued by the Department under this division may authorize the following activities:

(a) The permittee may complete general landscape care and clean, level and repair monuments.

(b) The permittee may take custody of cemetery records, for use in restoration, maintenance and preservation of the cemetery, while a permit holder.

(c) Establish a fund to collect donations for the restoration, maintenance and preservation of the cemetery. If the permittee establishes a fund authorized by ORS 226.640(2)(c), the fund must be used only for such purposes, and:

(A) The fund shall be established in an FDIC insured financial institution.

(B) The permittee must maintain records of donation collections and fund use for the life of the permit.

Statutory/Other Authority: ORS 226.640(6)

Statutes/Other Implemented: ORS 226.640

History:

[PRD 7-2018, adopt filed 04/20/2018, effective 04/20/2018](#)

736-054-0100

Permit Issuance

(1) The Department may issue a permit based on a determination that the application has established the following:

(a) The entity is eligible;

(b) Sufficient evidence that the cemetery is abandoned; and

(c) Demonstrated intent to restore, maintain, or preserve the cemetery.

(2) The Coordinator will inform either the county or municipal corporation regarding a permit issued under this division for an abandoned cemetery located within its boundaries.

(3) The Coordinator will notify the permittee and provide a copy of the permit.

Statutory/Other Authority: ORS 226.640(6)

Statutes/Other Implemented: ORS 226.640

History:

[PRD 7-2018, adopt filed 04/20/2018, effective 04/20/2018](#)

736-054-0110

Permit Revocation

(1) The Department may revoke a permit for reasons including, but not limited to:

(a) The entity no longer meets eligibility requirements.

(b) The entity does not submit annual renewal application within 60 days of notification. In this case, the Department may assume that the entity is dissolved or is no longer interested in holding a permit.

(c) The entity has dissolved or ceased to exist.

(d) The cemetery land ownership is established.

(e) The entity causes damage to the cemetery.

(f) The entity in any way operates outside of the requirements and authorization of the permit or this division.

(g) The entity uses the fund of collected donations for purposes other than restoration, maintenance and preservation.

(2) A committee established by the Department that includes, but is not limited to [SS2] the Coordinator and the Oregon Commission on Historic Cemeteries will determine permit revocation in the case of subsections (1)(e), (f) and (g).

Statutory/Other Authority: ORS 226.640(6)

Statutes/Other Implemented: ORS 226.640

History:

[PRD 7-2018, adopt filed 04/20/2018, effective 04/20/2018](#)

# Cemetery Records Management Approaches

Historic cemetery records are critical materials documenting local history. They are important for cemetery management and for research. Historic cemeteries are managed by a variety of organization type with equally varied capacity to maintain the cemetery and the records. No matter the size and resources of the organization, records can and should be preserved and accessible. This document provides a checklist of considerations to determine the most effective records management, storage, access approaches for the organization.

## Considerations

### Organization

- Goals
  - Priorities for cemetery care
  - Engagement with descendants and community
  - Long-term success of the organization
  - Disaster resilience work
  - Maintaining licensing requirements for active cemeteries
- Needs
  - Active cemetery licensing requirements
  - Requests for information
  - People
  - Training
  - Equipment acquisition and maintenance
- Resources
  - People
  - Training
  - Funding
  - Ongoing capacity
  - Storage facilities
  - Digital storage facilities

### Partnership Possibilities

- Libraries
- Museums
- Genealogical Forum of Oregon and local or regional genealogical societies
- Oregon State Archives (local governments, special districts)
- Cemetery Association of Oregon
- Colleges and Universities

### Resources

- Section 106 compliance mitigation project
- Historic Cemeteries Grant



## Decisions to make

- Do you want the information accessible to the public online?
- Do you want the records associated with mapping?
- Do you want the records preserved digitally?
- What are the benefits of digital records?

## Digital Decisions

- Storage methods
  - Cloud (internet access can be an issue)
  - Hard drives in multiple locations
  - Stored with other organizations
  - Do you have capacity to track and update storage method?
- Records collection information
  - Is it going to be searchable online
- Formats
  - What is the best file format for long term?
  - Do you have the capacity to pay attention to changing formats to update them?

## Basic Steps

- Paper records
  - Card files, ledgers, etc.
    - Store in a safe space.
    - Make multiple copies and store in different places.
  - Maps
    - Make multiple copies and store in different places.
- Digital Records
  - Search for existing records.
    - Online search – Find-A-Grave, Million Graves, etc.
  - Scanned copies of records saved digitally.
  - Maps
    - Take really good photos.

## 2<sup>nd</sup> level steps

- Paper records
  - Card files, ledgers, etc.
    - Archival Storage
  - Maps
    - Archival Storage
- Digital Records
  - Scanned copies – Searchable PDFs
  - Spreadsheets
    - Google is free, others work
    - Information is entered so that it is searchable.

- Maps
  - High quality scan for digital record.

### 3<sup>rd</sup> level steps

- Digital Records
  - Scanned copies – Searchable PDFs
    - Database
  - Maps
    - Geographic Information System (GIS) based maps – This are searchable and based on the locations of the burials. These can be linked to the record database.

### Possible tools to add

- Spreadsheet template
- Condition record example



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