

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE HISTORIC PRESERVATION OFFICER

CASE NO.: Class 1 Extension to Historic Design Review Case No. HIS20-27EXT1
AMANDA NO.: 22-122767-PLN
DATE OF DECISION: November 23, 2022
LOCATION: 900 Court Street NE
APPLICANT: Mike Abbate on behalf of the Vietnam War Memorial Fund

REQUEST

A Class 1 Extension to extend the approval for a Historic Design Review granting approval to construct a Vietnam War Memorial on the Oregon State Capitol grounds.

The Oregon State Capitol grounds is individually listed on the National Register, located at 900 Court Street NE (Marion County tax lots 073W27AA00200 & 300).

BACKGROUND

On November 20, 2020, the Historic Landmarks Commission approved HIS20-27, with one condition. The original application is set to expire on December 8, 2022.

On November 15, 2022, the applicant submitted a request to extend the approval of the Historic Design Review for a period of two years (**Attachment B**).

FINDINGS

1. Approval for the original application was granted on November 20, 2020, with an effective date of December 8, 2020. Pursuant to SRC Chapter 300, all approvals of land use actions shall expire automatically unless development has commenced, or a time extension has been granted.

The applicant is requesting a two-year time extension which would extend the expiration date for the Historic Design Review approval to **December 8, 2024**.

2. Class 1 Time Extension Approval Criteria

A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application, because there have not been changes to the standards and criteria used to approve the original application, this extension request is classified as a Class 1 Extension. SRC 300.850(b)(4)(A) establishes the following approval criterion which must be met in order for a Class 1 Time Extension to be approved:

SRC 300.850(b)(4)(A): A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.

Finding: The application for a Historic Design Review was submitted on October 1, 2020 and reviewed for compliance with the approval criteria set forth in SRC Chapter 230.065 with an effective Decision adopted on December 8, 2022. While Salem Revised Code Chapter 230 was updated as part of a larger code update, this was effective November 25, 2020. Further, no changes have been made to the criteria in SRC 230.065 which were used to evaluate the proposal.

Because HIS20-27 was approved in 2020 after the effective date of the ordinance for the 2020 Historic Chapter 230 update; no changes to the standards and criteria used to approve the original application have been made; the decision has not expired; and because this is the first extension request for the Historic Design Review application where, pursuant to SRC 300.850(b) - Table 300-3, up to a maximum total of 2 two-year extensions are allowed. The applicant is requesting one two-year extension which would extend the expiration date to **December 8, 2024**. This approval criterion is met.

IT IS HEREBY ORDERED

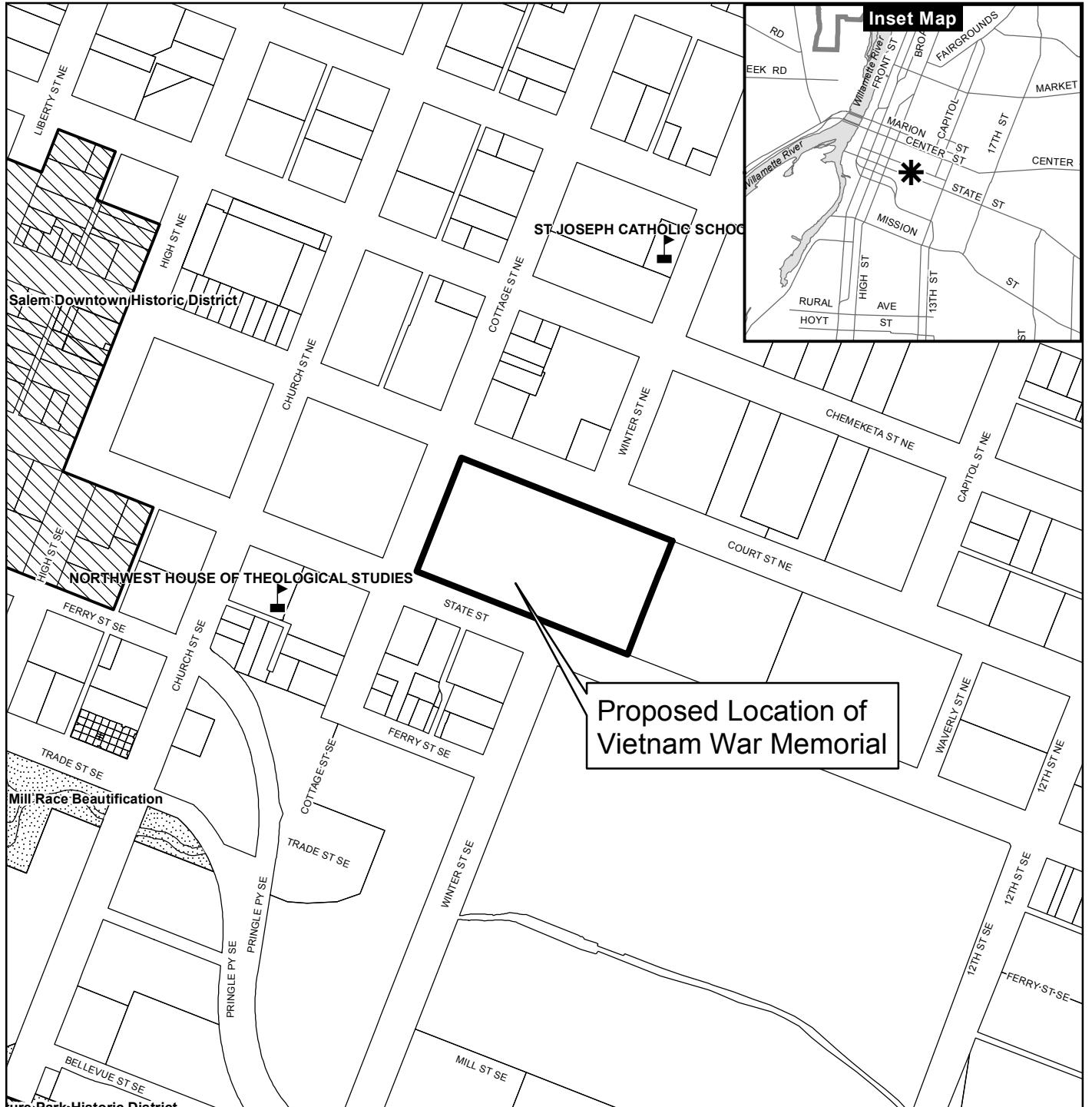
Based on the requirements of SRC 300.850(b)(4)(A), the proposed Class 1 Extension complies with the requirements for an affirmative decision. The Class 1 Extension to extend the approval for Historic Design Review Case No. HIS20-27 is hereby **APPROVED**.










Kimberli Fitzgerald, AICP
Historic Preservation Officer
Planning Administrator Designee

Attachments: A. Vicinity Map
B. Applicant's Extension Request
C. Land Use Decision for HIS20-27

Vicinity Map Wilson Park 900 Court Street NE (073W27AA00300)



Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



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Land Use Approval Extension Application

22-122767-DR

Planning/Permit Application Center

City Hall / 555 Liberty St. SE / Room 320 / Salem, OR 97301-3513

503-588-6173 * planning@cityofsalem.net

If you need the following translated in Spanish, please call 503-588-6256.

Si usted necesita lo siguiente traducido en español, por favor llame 503-588-6256.

Land use approval that extension is requested for

| | |
|------------------|--|
| Application type | |
| Case No | |
| Expiration date | |

Work site location and information

| | |
|--|--|
| Street address or location of subject property | |
| Total size of subject property | |
| Assessor tax lot numbers | |
| Zoning | |
| Comprehensive Plan Designation | |
| Project description | |

People information

| | Name | Full Mailing Address | Phone Number and Email address |
|-----------|------|----------------------|--------------------------------|
| Applicant | | | |
| Agent | | | |
| Paid by | | | |

Authorization by property owner(s)/applicant

Copyright release for government entities: I hereby grant permission to the City of Salem to copy, in whole or part, drawings and all other materials submitted by me, my agents, or representatives. This grant of permission extends to all copies needed for administration of the City's regulatory, administrative, and legal functions, including sharing of information with other governmental entities.

Authorizations: Property owners and contract purchasers are required to authorize the filing of this application and must sign below.

§ All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.

§ I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.

§ I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property:

Electronic signature certification: By attaching an electronic signature (whether typed, graphical or free form) I certify herein that I have read, understood and confirm all the statements listed above and throughout the application form.

Authorized Signature: _____


Print Name: _____ Date: _____

Address (include ZIP): _____

Authorized Signature: _____

Print Name: _____ Date: _____

Address (include ZIP): _____

| (For office use only) | | |
|---|--------------------|-----------------|
| Received by  | Date: 11/3/2022 | Receipt Number: |

Not using Internet Explorer?
Save the file to your computer and email to planning@cityofsalem.net.

Kimberli Fitzgerald

From: HAVEL Chris * OPRD <Chris.HAVEL@opr.oregon.gov>
Sent: Monday, November 21, 2022 12:36 PM
To: Mike Abbaté; Kimberli Fitzgerald
Cc: Steve Bates
Subject: RE: HIS20-27 Receipt
Attachments: landuseapprovalextensionre 110322.pdf

With this email, I am authorizing you to sign the City of Salem Historic Review Extension application as an agent working within the State Capitol State Park managed by the Oregon Parks and Recreation Department.

--

Chris Havel, Associate Director
Oregon Parks and Recreation Department
Chris.havel@opr.oregon.gov
503-986-0722

From: Mike Abbaté <mike@abbatedesigns.com>
Sent: Monday, November 21, 2022 12:23 PM
To: HAVEL Chris * OPRD <Chris.HAVEL@opr.oregon.gov>
Cc: Steve Bates <vietnamwarmem@aol.com>
Subject: Fwd: HIS20-27 Receipt

Chris -

Here is the Historic Review Extension Application we submitted at the beginning of November. Could you please send me an email (and also copy Kimberli Fitzgerald: (KFitzgerald@cityofsalem.net) authorizing me to sign and submit this on behalf of the Property Owner?

Thanks -
.....Mike

Mike Abbaté, FASLA, LEED AP
Principal
www.AbbateDesigns.com
971.404.8670
Registered Landscape Architect



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503-588-6173*

DECISION OF THE HISTORIC LANDMARKS COMMISSION

MAJOR HISTORIC DESIGN REVIEW CASE NO.: HIS20-27

APPLICATION NO.: 20-115809-DR

NOTICE OF DECISION DATE: November 20, 2020

SUMMARY: A proposal to construct a Vietnam War Memorial on the Oregon State Capitol grounds.

REQUEST: Major Historic Design Review of a proposal to construct a Vietnam War Memorial on the Oregon State Capitol grounds, individually listed on the National Register, located at 900 Court Street NE (Marion County tax lot 073W27AA00200).

APPLICANT: Mike Abbate on behalf of Stephen Bates, Vietnam War Memorial Fund, and Chris Havel, Oregon Parks and Recreation Department

LOCATION: 900 Court St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapter(s) 230.057 – Oregon State Capitol; 230.065 – General Guidelines for Historic Contributing Resources

FINDINGS: The findings are in the attached Decision dated November 19, 2020

DECISION: The **Historic Landmarks Commission APPROVED** Historic Design Review HIS20-27 based upon the application materials deemed complete on January 28, 2019 and the findings as presented in this report subject to the following conditions of approval:

Condition 1: Should the applicant proceed with siting the Gold Star Family Memorial within the location of the existing Parade of Animals sculptures, the applicant shall ensure that the Parade of Animals sculptures are relocated to another location on the Capitol Grounds. The applicant shall submit a site plan showing the proposed new location of the sculptures for historic design review approval prior to issuance of building permits for the Vietnam War Memorial.

VOTE:

Yes 7 No 2 Absent 0



Jamie French, Chair
Historic Landmarks Commission

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005

CITY OF Salem
AT YOUR SERVICE

This Decision becomes effective on December 8, 2020. No work associated with this Decision shall start prior to this date unless expressly authorized by a separate permit, land use decision, or provision of the Salem Revised Code (SRC).

The rights granted by the attached decision must be exercised, or an extension granted, by December 8, 2022 or this approval shall be null and void.

| | |
|----------------------------------|--------------------------|
| Application Deemed Complete: | <u>October 30, 2020</u> |
| Public Hearing Date: | <u>November 3, 2020</u> |
| Notice of Decision Mailing Date: | <u>November 20, 2020</u> |
| Decision Effective Date: | <u>December 8, 2020</u> |
| State Mandate Date: | <u>February 27, 2021</u> |

Case Manager: Kimberli Fitzgerald, kfitzgerald@cityofsalem.net, 503-540-2397

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Monday, December 7, 2020. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 230. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

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DECISION OF THE SALEM HISTORIC LANDMARKS COMMISSION

CASE NO.: Historic Design Review Case No. HIS20-27

FINDINGS: Based upon the application materials, the facts and findings in the Staff Report incorporated herein by reference, and testimony provided at the Public Hearing of November 19, 2020 the Historic Landmarks Commission (HLC) finds that the applicant adequately demonstrated that their proposal complies with the applicable provisions of the Salem Revised Code (SRC) 230.065 as follows:

FINDINGS

Criteria 230.065 General Guidelines for Historic Contributing Resources

(a) Except as otherwise provided in this Chapter, the property shall be used for its historic purpose, or for a similar purpose that will not alter street access, landscape design, entrance(s), height, footprint, fenestration, or massing.

Finding: The HLC finds that the applicant is proposing to retain the original use of this property as a public park. While the proposal will result in an alteration of the landscape features surrounding the Oregon State Capitol Building, the street access, height, footprint and massing of the primary resource on the site will not be altered as a result of this proposal. The HLC find that this guideline has been met.

(b) Historic materials, finishes and distinctive features shall, when possible, be preserved and repaired according to historic preservation methods, rather than restored.

Finding: The HLC finds that there are no historic materials or distinctive features original to the Oregon State Capitol or site proposed for removal, reconstruction, or repair and that Guideline 230.065 (b) is not applicable to the evaluation of this proposal.

(c) Distinctive stylistic features or examples of skilled craftsmanship significance shall be treated with sensitivity.

Finding: The HLC finds that there are no distinctive stylistic features proposed for removal, reconstruction, or repair and Guideline 230.065 (c) does not apply to the evaluation of this proposal.

(d) Historic features shall be restored or reconstructed only when supported by physical or photographic evidence.

Finding: The HLC finds that the applicant is not proposing to restore or reconstruct any features based upon physical or photographic evidence and that Guideline 230.065 (d) is not applicable to the evaluation of this proposal.

(e) Changes that have taken place to a historic resource over the course of time are evidence of the history and development of a historic resource and its environment, and should be recognized and respected. These changes may have acquired significance in their own right, and this significance should be recognized and respected.

Finding: The HLC finds that the second alternative proposed location for the Gold Star Families Memorial (10B), along the north-south path that links the WWI Memorial and the proposed Vietnam War Memorial, will not adversely impact any significant or character defining features within Willson Park and therefore SRC 230.065(e) has been met if the applicant chooses this location for the installation of this component of the Vietnam War Memorial. The HLC finds that the first alternative (10A) of the applicant's proposal includes installation of the Gold Star Families Memorial (GSFM) at the current location of the Parade of Animals. While not a historic feature of Willson Park, this outdoor bronze sculpture, designed by Peter Helzer, was installed in 1991 and is comprised of three groups of animals playing musical instruments. Their preferred installation alternative for the GSFM component (10A) would result in the removal of these sculptures that are evidence of the history and development of Willson Park over time and their integrity should be respected. Therefore the the HLC adopts the following CONDITION in order to ensure that SRC 230.065 (e) has been met should the applicant determine to install the GSFM in location their preferred location:

Condition 1: Should the applicant proceed with siting the Gold Star Family Memorial within the location of the existing Parade of Animals sculptures, the applicant shall ensure that the Parade of Animals sculptures are relocated to another location on the Capitol Grounds. The applicant shall submit a site plan showing the proposed new location of the sculptures for historic design review approval prior to issuance of building permits for the Vietnam War Memorial.

(f) Additions and alterations to a historic resource shall be designed and constructed to minimize changes to the historic resource.

Finding: The HLC finds that the applicant is proposing to remove trees, existing concrete paving and several existing benches in order to construct the new Vietnam War Memorial. However, a majority of the existing trees will be retained, along with open lawns and associated landscaping. The HLC finds that no significant historic features within Willson Park have been proposed for removal or alteration and finds that the proposal has been designed to minimize changes to significant historic features within Willson Park, thereby meeting SRC 230.065(f).

(g) Additions and alterations shall be constructed with the least possible loss of historic materials and so that significant features are not obscured, damaged, or destroyed.

Finding: The HLC finds that the applicant's proposed design is intended to complement the WWII Memorial on the northwestern corner of Willson Park. The HLC finds that the proposed multi-component Vietnam War Memorial utilize materials already existing within the park, including black granite, bronze and basalt stone and that the scale of the Memorial is compatible with the existing significant features within Willson Park, with the height of the

primary Memorial Monument columns and sculptures not exceeding eight feet in height. The HLC finds that no significant historic features of the Willson Park or the Capitol Building will be obscured, damaged or destroyed by the proposal and that SRC 230.065(g) has been met.

(h) Structural deficiencies in a historic resource shall be corrected without visually changing the composition, design, texture or other visual qualities.

Finding: The HLC finds that the applicant's proposal is not intended to correct the structural deficiencies. The HLC finds that Guideline 230.065 (h) is not applicable to the evaluation of this proposal.

(i) Excavation or re-grading shall not be allowed adjacent to or within the site of a historic resource which could cause the foundation to settle, shift, or fail, or have a similar effect on adjacent historic resources.

Finding: The HLC finds that while the proposal will include a minimal amount of excavation and grading as part of the demolition of the existing concrete walkways and preparation for the installation of the new plaza and walkways, this work is a significant distance away from the Capitol Building's foundation and therefore does not have the potential to adversely affect the integrity of its foundation. The HLC finds that Guideline 230.065 (i) has been met.

The Historic Landmarks Commission **APPROVES** the proposal with the following CONDITION of APPROVAL:

Condition 1: Should the applicant proceed with siting the Gold Star Family Memorial within the location of the existing Parade of Animals sculptures, the applicant shall ensure that the Parade of Animals sculptures are relocated to another location on the Capitol Grounds. The applicant shall submit a site plan showing the proposed new location of the sculptures for historic design review approval prior to issuance of building permits for the Vietnam War Memorial.

VOTE: Yes 7 No 2 Absent 0 Abstain 0

Attachments: A. Vicinity Map
B. Excerpt from Applicant's Submittal Materials

Prepared by Kimberli Fitzgerald, Historic Preservation Officer

Memorial Plan:

