

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

CLASS 2 MINOR HISTORIC DESIGN REVIEW CASE NO.: HIS24-05

APPLICATION NO.: 24-105732-PLN

NOTICE OF DECISION DATE: June 6, 2024

SUMMARY: A proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917).

REQUEST: Class 2 Minor Historic Design Review of a proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917), a historic contributing resource within the Downtown Salem National Register Historic District on property zoned CB (Central Business District) and located at 249 Liberty Street NE (aka 241-249 Liberty Street NE-Marion County Assessors Map and Tax Lot number: 073W22DC07301).

APPLICANT: Innovative Contractor Solutions LLC (Nicole Milton)

LOCATION: 249 Liberty St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 230.065 – Guidelines for Contributing Historic Buildings

FINDINGS: The findings are in the attached Decision dated June 6, 2024.

DECISION: The **Historic Preservation Officer (a Planning Administrator designee)** **APPROVED** Class 2 Minor Historic Design Review - Commercial Case No. HIS24-05 subject to the following conditions of approval:

- Condition 1:** The entirety of the gate assembly and any associated work shall occur solely on the applicant's property, and shall not encroach on any adjoining property.
- Condition 2:** The applicant must obtain required building permits to ensure the proposed gate assembly is compliant with egress, Fire access, and all other code requirements.
- Condition 3:** The gate assembly must comply with the exit requirements of the OSSC (Oregon Structural Specialty Code).

The rights granted by the attached decision must be exercised, or an extension granted, by June 22, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>April 4, 2024</u>
Notice of Decision Mailing Date:	<u>June 6, 2024</u>
Decision Effective Date:	<u>June 22, 2024</u>
State Mandate Date:	<u>August 2, 2024</u>

Case Manager: Jake Morris, jjmorris@cityofsalem.net, 503-540-2417

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. Friday, June 21, 2024. 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 Historic Landmarks Commission will review the appeal at a public hearing. After the hearing, the Historic Landmarks Commission 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>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) MINOR HISTORIC DESIGN REVIEW
HISTORIC DESIGN REVIEW)
CASE NO. HIS24-05)
249 LIBERTY STREET NE) JUNE 6, 2024

In the matter of the application for a Minor Historic Design Review submitted by Nicole Milton (Innovative Contractor Solutions LLC) on Behalf of Kerley Commercial LLC, the Historic Preservation Officer (a Planning Administrator Designee), having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

SUMMARY: A proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917).

REQUEST: Class 2 Minor Historic Design Review of a proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917), a historic contributing resource within the Downtown Salem National Register Historic District on property zoned CB (Central Business District) and located at 249 Liberty Street NE (aka 241-249 Liberty Street NE-Marion County Assessors Map and Tax Lot number: 073W22DC07301).

A vicinity map illustrating the location of the property is attached hereto, and made a part of this decision (**Attachment A**).

FINDINGS

1. Minor Historic Design Review Applicability

SRC230.020(f) requires Historic Design Review approval for any alterations to historic resources as those terms and procedures are defined in SRC 230. The Planning Administrator shall render a decision supported by findings that explain conformance or lack thereof with relevant design standards, state the facts relied upon in rendering the decision, and explain justification for the decision.

BACKGROUND & PROPOSAL

The applicant is proposing to install a fence with gate on south end of building and west side of alley of the Electric Building (1917). The new fence assembly will be black metal extending approximately 12' across the alleyway and 96" in height. The fence will be composed of black metal. End posts will terminate near each building, but not be affixed to either. Each end post will be 4"X6" rectangular metal connected by upper and lower horizontal supports of 1 3/4" square metal. This frame assembly will be filled with vertical 3/4" square tube pickets and black expanded metal mesh. The gate will have a standard keypad lock from the outside, and non-locking handle from the inside (**Attachment B**). Staff determined that the following standards from SRC 230.040(f) *Standards for Contributing Resources in Commercial Historic Districts, Alterations and Additions* are applicable to this project.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 105732.

APPLICANT'S STATEMENT

A request for historic design review must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicants submitted a written statement, which is included in its entirety as **Attachment B** in this staff report.

Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report. Salem Revised Code (SRC) 230.040(f) *Standards for Contributing Resources in Commercial Historic Districts, Alterations and Additions* are the applicable criteria for evaluation of this proposal.

FACTS & FINDINGS

1. Historic Designation

Under Salem Revised Code (SRC) Chapter 230, no exterior portion of a local historic resource, contributing, non-contributing building or new construction in a historic district shall be erected, altered, restored, moved or demolished until historic design review approval has been granted on the basis of the project's conformity with the applicable criteria in SRC 230. Conditions of approval, if any, shall be limited to project modifications required to meet the applicable criteria.

According to SRC 230.020(f), historic design review approval shall be granted if the application satisfies the applicable standards set forth in Chapter 230. For Class 1 and Class 2 Minor Historic Design Review decisions HLC staff, the Historic Preservation Officer (a designee of the Planning Administrator), shall render their decision supported by findings that explain conformance or lack thereof with relevant design standards, state the facts relied upon in rendering the decision, and explain justification for the decision.

2. Historic Significance

The Electric Building (aka. PGE/Yeater buildings) were originally evaluated as 'historic non-contributing' to the Downtown Historic District. At the time of the establishment of the Salem Downtown Historic District in 2001, the building was occupied by Anderson's Sporting Goods and the upper portion of the original historic façade of both buildings was covered with a blue rectangular synthetic material added in the 1950s to make it appear as one building. The owner completed a restoration of the front façade in 2007-2008 and the status of the buildings

was changed to 'historic contributing' by the Oregon Historic Preservation Office on January 14, 2013.

3. Neighborhood and Citizen Comments

- A. The subject property is located within the Central Area Neighborhood Development Organization (CANDO). A Request for Comments was sent to the neighborhood association pursuant to Salem Revised Code (SRC) requirements on April 4, 2024, and a revised Request for Comments was issued on May, 15, 2024 with corrected ownership information.

Comments were received from Michael Livingston, CANDO Vice Chair indicating that CANDO does not oppose the proposal. He indicated that the historic characteristics would not be diminished by this proposal (**Attachment C**).

- B. A Request for Comments was sent to the neighborhood association, and surrounding property owners and tenants within 250 feet of the property pursuant to Salem Revised Code (SRC) requirements on April 4, 2024, and a revised Request for Comments was issued on May, 15, 2024 with corrected ownership information. Letters of support were received from three surrounding property owners, and letters of objection were received from two surrounding property owners. **Attachment D** consists of comments received within the required Request for Comment deadlines. Staff responses to comments appear below:

1. Eric Kittleston; Carole Smith

These parties noted that the initial Request for Comments contained obsolete owner information.

Staff Response: A corrected notice was issued in response to this concern.

2. Eric Kittleston; Carole Smith

These parties stated that a private use easement exists for property owners adjoining the alley.

Staff Response: Under SRC Sec. 110.060 the UDC is applied independently of any private easement or covenant:

Sec. 110.060. - Relationship to private regulations and restrictions.

(a)The UDC shall be applied independently of, and without regard to, any private easement, covenant, condition, restriction, or other legally enforceable interest in, or obligation imposed on, the use or development of land.

(b)The City does not enforce any easement, covenant, condition, restriction, or other agreement between private parties, nor is the UDC generally intended to abrogate, annul, or impair such easements, covenants, conditions, restrictions, or agreements. In those instances where the UDC imposes a greater restriction or higher standards

than required by an easement, covenant, condition, restriction, or other agreement between private parties, or where the UDC otherwise conflicts with those private party agreements, the UDC shall control.

3. Eric Kittleston; Carole Smith

These parties proposed an alternative location for the project that is located farther inside the alley.

Staff Response: Either location would be consistent with the historic design review criteria.

4. Carole Smith

This party stated that the proposed gate assembly will obscure the historic skybridge.

Staff Response: As the gate assembly is see-through, no features of either resource will be obscured, damaged or destroyed by the proposal.

5. Carole Smith

This party stated that the applicant does not own the southern 1 foot of the alleyway.

Staff response: In response to this concern, staff contacted the applicant, and the applicant provided a survey that supported their assertion that they own all but the southernmost 3 inches of the alleyway (**Attachment E**). In response to the initial objection, staff is issuing the condition that the proposed project not encroach on any adjoining property.

4. City Department and Public Agency Comments

The Building and Safety Division indicates that the applicant must obtain required building permits as egress and Fire access may be affected by the proposed gate assembly.

The Fire Department has stated that gate assembly must comply with the exit requirements of the OSSC (Oregon Structural Specialty Code).

Historic Preservation issued the following statements: The entirety of the gate assembly must be located solely on the applicant's property, and shall not encroach on any adjoining property.

5. Historic Design Review

SRC Chapter SRC 230.040(f) *Standards for Contributing Resources in Commercial Historic Districts, Alterations and Additions* are applicable to this project. Table 230-1 defines this activity as a Class 2 Minor Historic Design Review. Historic Preservation staff reviewed the project proposal and has the following findings for the applicable criterion:

FINDINGS:

Criteria: 230.040(f) Alterations and Additions.

(1) Materials.

(A) Building materials shall be of traditional dimensions.

Finding: The proposed new metal gate is of traditional dimensions. Staff finds that this standard has been met.

(B) Material shall be of the same type, quality and finish as original material in the building.

Finding: The proposed new gate will be of metal, a material found throughout the Downtown Historic District. Staff finds that this standard has been met.

(C) New masonry added to a building shall, to the greatest degree possible, match the color, texture and bonding pattern of the original masonry.

Finding: The applicant is not proposing to install new masonry as a part of this proposal. Staff finds that this standard is not applicable to the evaluation of this proposal.

(D) For those areas where original material must be disturbed, original material shall be retained to the maximum extent possible.

Finding: The applicant is not proposing to disturb any original material as a result of the installation of the new security gate. Staff finds that this standard has been met.

(2) Design.

(A) Additions shall be located at the rear, or on an inconspicuous side, of the building.

Finding: The proposed new security gate will be installed near the rear of the building, spanning the alley behind this resource and the building to the south. Staff finds that this standard has been met.

(B) Be designed and constructed to minimize changes to the building.

Finding: The applicant is proposing to install the new security gate by attaching it between two freestanding metal columns which will not be attached to either adjacent buildings. This method of installation ensures that there will be no alterations to the buildings resulting from this proposal. Staff finds that this standard has been met.

(C) Be limited in size and scale such that a harmonious relationship is created in relationship to the original building.

Finding: The proposed security gate is the minimum size necessary to ensure that the area behind the buildings is secure. The gate will be freestanding between these two resources and its scale is compatible with the resource and the surrounding district. Staff finds that this standard has been met.

(D) Be designed and constructed in a manner that significant historical, architectural or cultural features of the building are not obscured, damaged, or destroyed.

Finding: The proposed security gate will be freestanding and will not be attached to either the building to the north or south. As the gate is see-through, no features of either resource will be obscured, damaged or destroyed by the proposal. Staff finds that this standard has been met.

(E) Be designed to be compatible with the size, scale, material, and character of the building, and the district generally.

Finding: The proposed security gate is overall 86” in height and spans most of the extent of the alley to the south. The gate is compatible in design and scale with the resource and the surrounding historic district. Staff finds that this standard has been met.

(F) Not destroy or adversely impact existing distinctive materials, features, finishes and construction techniques or examples of craftsmanship that are part of the building.

Finding: The applicant has not proposed to attach the security gate to any building, therefore no distinctive materials, features, or significant examples of craftsmanship will be adversely affected by the proposal. Staff finds that this standard has been met.

(G) Be constructed with the least possible loss of historic materials.

Finding: The proposed new security gate will not be attached to the resource, therefore no historic materials will be lost. Staff finds that this standard has been met.

(H) Not create a false sense of historical development by including features that would appear to have been part of the building during the period of significance but whose existence is not supported by historical evidence.

Finding: The applicant’s proposed new security gate is freestanding and not attached to the building, therefore it cannot appear to have been part of the original structure historically. Staff finds that this standard has been met.

(I) Be designed in a manner that makes it clear what is original to the building and what is new.

Finding: The applicant’s proposed security gate is of modern metal materials which are clearly new. Since the security gate is not attached to the building, but freestanding at the rear, across the alley, it is clear that it was not constructed as part of the building. Staff finds that this standard has been met.

(J) Be designed to reflect, but not replicate, the architectural styles of the period of significance.

Finding: The applicant is proposing to install a metal security gate comprised of a metal frame with metal pickets . This design is compatible with the commercial style buildings within the Downtown Historic District. Staff finds that this standard has been met.

(K) Preserve features of the building that has occurred over time and has attained significance in its own right.

Finding: The applicant is not proposing to alter any features that have acquired significance over time. Staff finds that this standard has been met.

(L) Preserve distinguishing original qualities of the building and its site.

Finding: The applicant is not proposing to alter the resource through the installation of the gate at the rear of the building. The gate will be attached on freestanding posts adjacent to the rear of the building, but will not be attached to the structure, or the building to the south. Staff finds that this standard has been met.

DECISION

Based upon the application materials deemed complete on April 4, 2024 and the findings as presented in this report, the application for HIS24-05 is **APPROVED** with the following **Conditions of Approval**.

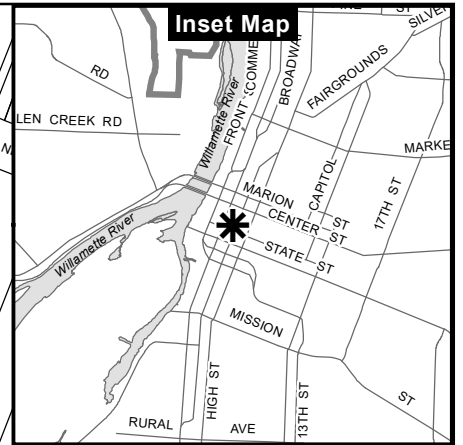
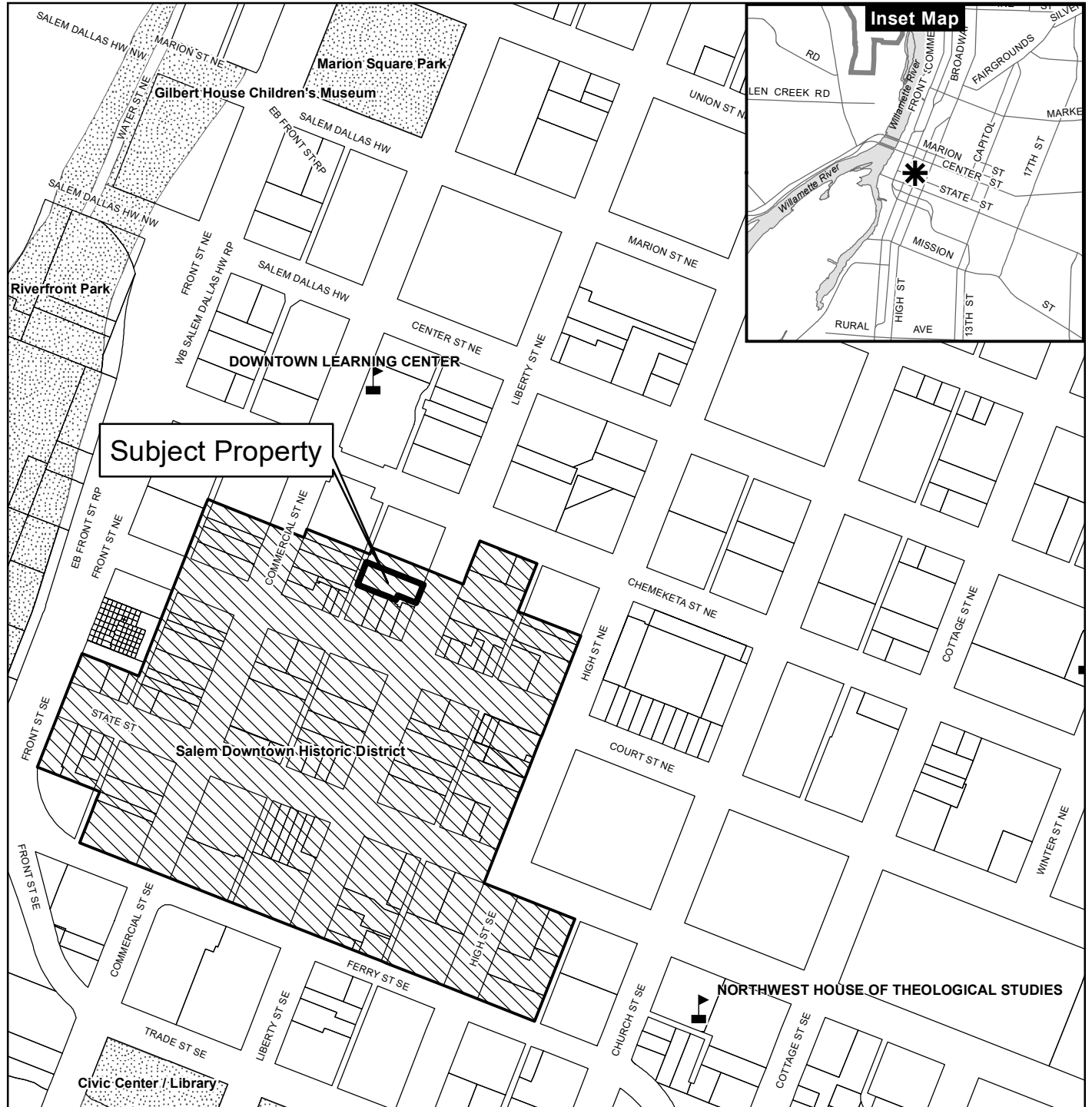
- Condition 1:** The entirety of the gate assembly and any associated work shall occur solely on the applicant's property, and shall not encroach on any adjoining property.
- Condition 2:** The applicant must obtain required building permits to ensure the proposed gate assembly is compliant with egress, Fire access, and all other code requirements.
- Condition 3:** The gate assembly must comply with the exit requirements of the OSSC (Oregon Structural Specialty Code).










Jacob Morris, PhD
Historic Preservation Planner
Planning Administrator Designee

- Attachments: A. Vicinity Map
B. Applicant's Submittal Materials
C. Neighborhood Association Comments: CANDO
D. Citizen Comments
E. Documentation Regarding Property Boundary

Vicinity Map 249 Liberty Street NE



Legend

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



0 100 200 400 Feet



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249 Liberty St NE- fence/gate location



Legend

- Taxlots
- City Limit

Notes

Enter notes here...

1: 798

0.03 Miles

0.01

0

0.03



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

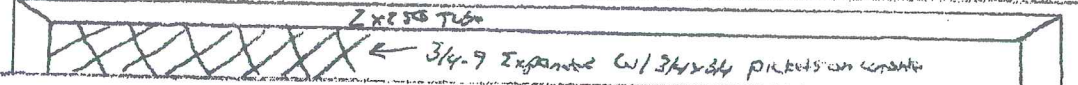
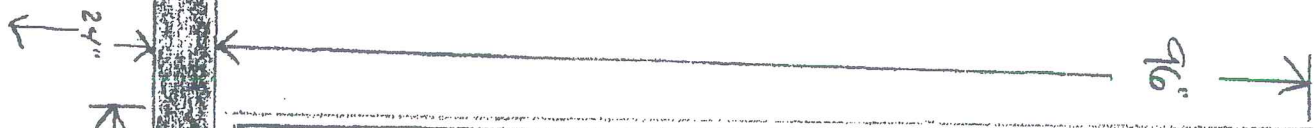
WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Salem, Oregon

Summary of work to be done

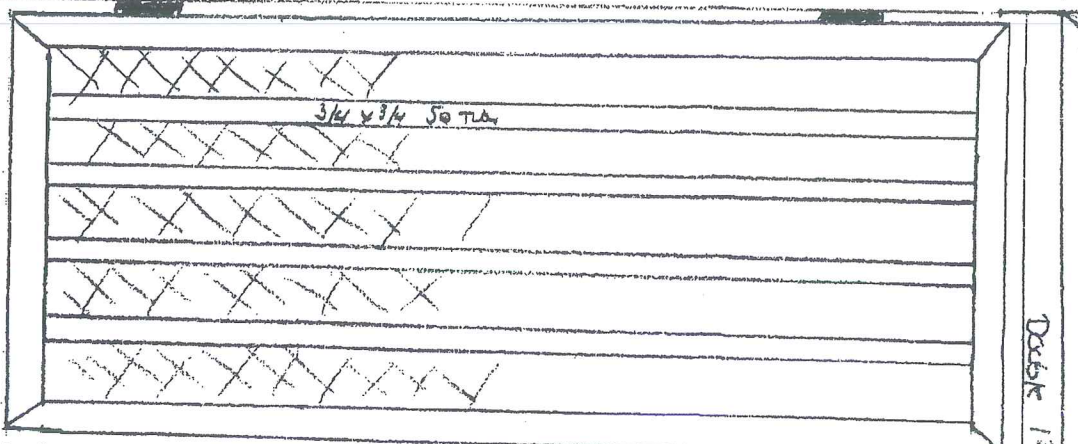
Job Location: 249 Liberty St Ne in the alley (electric alley) due west behind the building

Job Description: Installation of a steel security gate in the alcove between bldg. 249 and bldg. 363 as seen in attachment "A". The gate will be constructed from steel tubing both rectangular and square with expanded metal backer to prevent climbing. The height of the gate will be within the city ordinance of 8ft or 96" tall overall height and will swing inward away from the alley. The gate will have a standard keypad lock to enter from the outside (alley side) and handle only on the inside to exit. Gate will powder coated textured black (BK109) to match surrounding materials in the alley. As noted in attachment "B" it may go from a double gate as drawn to one single gate if the posts have to be placed so close together that a double gate wouldn't be practical. Post locations are dependent upon the underground electrical and natural gas lines and will be placed according to clear those utilities. As you can see in attachment "A" the gate structure is COMPLETELY self-supporting via two posts in the ground and is NOT and will NOT be attached to either building for any reason.

Building 249 North



4x6 Rec Tube



Both Flange Joints

* GATES + FRAME WILL NOT BE CONCRETE IN ANY WAY TO EITHER BUILDING. ONLY (2) HOLES IN THE FRAME

Deck 1 3/4 x 1 3/4 50 Mesh

12.5"

EXISTING 3/4" DI REBAR

Locking East into the Alley from Ethern alley

NOTE:
PASS LOCATIONS
MAY VARY
DEPENDENT ON EXISTING
UNDERGROUND UTILITY
LOC.
SIZES MAY BE REDUCED TO
FIT LARGE SINGLE GATE

NOTE: (GATES)
EXISTING STAIRS INTERFERE
TO ALLEY FROM
RIGHT OF WAY

THIS GATE
SHOULD BE
LEFT SIDE
←

Building 303

South

Attachment B

Vicinity Map For

Attachment A

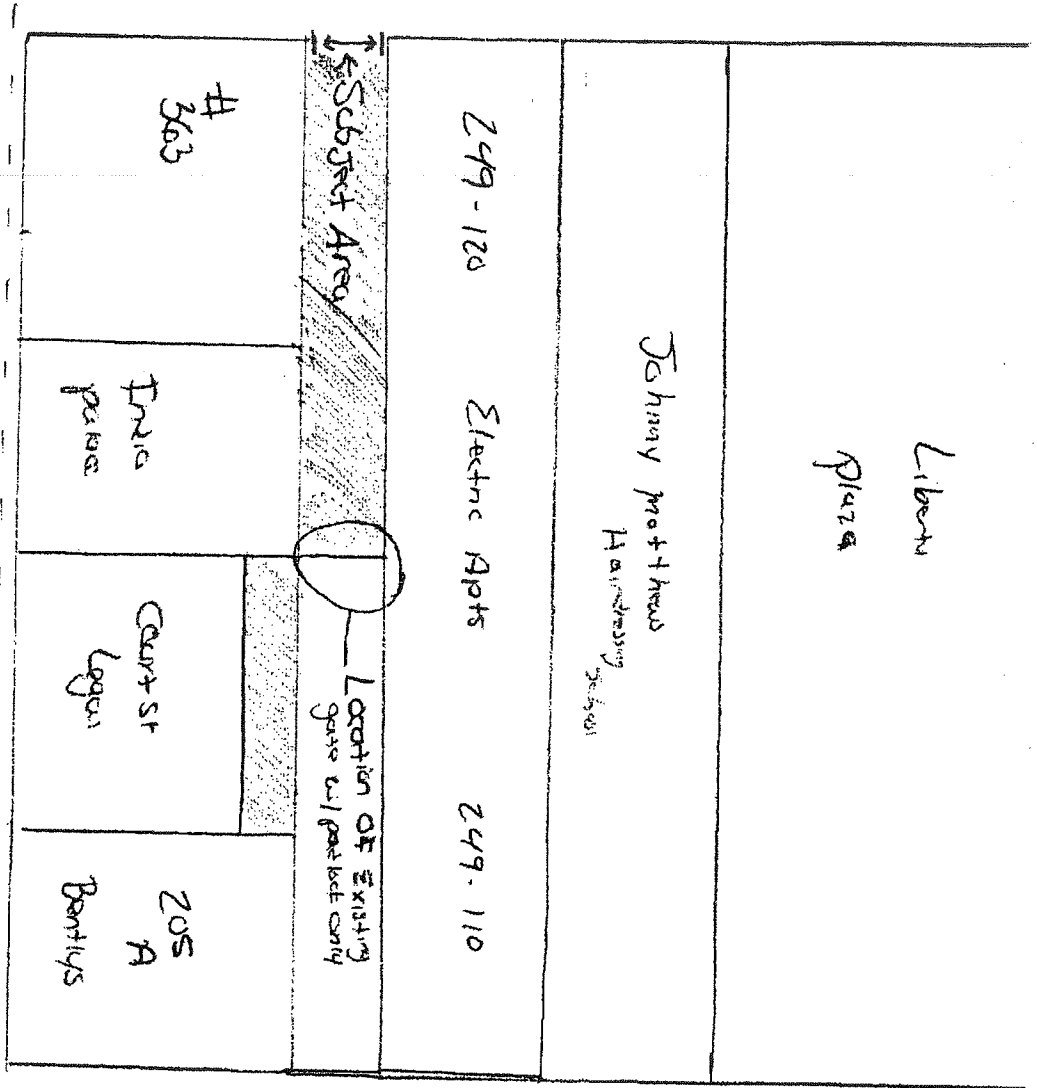
249 Liberty St
Electric Alley Gate Location

Electric Alley

← West

Count St NE

East →



Subject Area



Location of Existing gate w/ post but only

Johnny Matthews Home Addressing 249-120

249-120

Electric Apts

249-110

Plaza

Liberty

363

Inria parka

Count St Logan

Bentleys 205 A

← South

Liberty St NE

North →

249

Existing Building

Material GCS Meters

Dumpsters

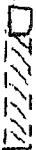
Existing

Alley

SEE USE Electric Alley

See Attached Photo (C)

Electric Alley



Power Bank

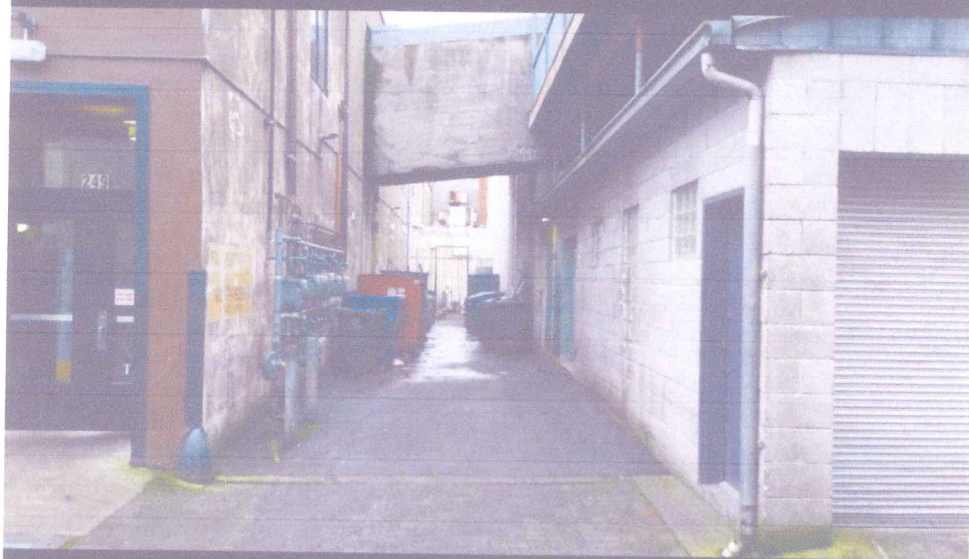
363

Existing Building



249

NOTICE
NO PARKING
IN THIS ZONE
EXCEPT AS
INDICATED BY
SIGN



From: MICHAEL LIVINGSTON <michaellivingston1@msn.com>
Sent: Thursday, April 4, 2024 4:27 PM
To: Zachery Cardoso
Cc: Jake Morris; Kimberli Fitzgerald; Owens, Sarah; Irma Coleman; M Baird
Subject: Re: Notice of Filing / Request for Comments - Case No. HIS24-05 for 249 Liberty St NE

ZACHERY,

On behalf of CANDO, I am submitting this comment in response to your request below in Historic Design Review Case No. HIS24-05 for 249 Liberty St NE:

CANDO supports the proposal to install a fence with gate on the south end of the building and the west side of alley of the Electric Building (1917). The proposed fence and gate will preserve, rather than detract from, the historic qualities of the building.

Michael Livingston
CANDO Chair

From: Zachery Cardoso <ZCardoso@cityofsalem.net>
Sent: Thursday, April 4, 2024 2:42 PM
To: Zachery Cardoso <ZCardoso@cityofsalem.net>
Cc: Jake Morris <jjmorris@cityofsalem.net>; Kimberli Fitzgerald <KFitzgerald@cityofsalem.net>
Subject: Notice of Filing / Request for Comments - Case No. HIS24-05 for 249 Liberty St NE

Hello,

The Notice of Filing / Request for Comments for Historic Design Review Case No. HIS24-05 for 249 Liberty St NE is attached for your information. Comments are due **April 18, 2024 by 5:00 p.m.** Hard copies go out in the mail today for those of you who are to receive one.

Application Summary: A proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917).

Please direct questions or comments to the **CASE MANAGER:**

Jake Morris

jjmorris@cityofsalem.net

503-540-2417

Thank you,

Zachery Cardoso

[he/they](#)

Admin Analyst I

City of Salem | Community Planning and Development Department | Planning

555 Liberty St SE, Suite 305

Salem OR 97301

zcardoso@cityofsalem.net | 503-540-2304

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REQUEST FOR COMMENTS

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

REGARDING: Class 2 Minor Historic Design Review Case No. HIS24-05

PROJECT ADDRESS: 249 Liberty St NE, Salem OR 97301

AMANDA Application No.: 24-105732-PLN

COMMENT PERIOD ENDS: April 18, 2024 at 5:00 p.m.

SUMMARY: A proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917).

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The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m. Thursday, April 18, 2024, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Jake Morris, Historic Preservation Planner, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2417; E-Mail: jjmorris@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- 1. I have reviewed the proposal and have no objections to it.
- 2. I have reviewed the proposal and have the following comments: _____

Name/Agency: Ralph C Jackson Rep of RJ Liberty LLC
 Address: 225 Liberty St NE, Salem OR 97301
 Phone: 503 931-0678
 Email: jjrj54513@ComCast.net
 Date: 4-7-2024

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

REVISED REQUEST FOR COMMENTS

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

REGARDING: Class 2 Minor Historic Design Review Case No. HIS24-05

PROJECT ADDRESS: 249 Liberty St NE, Salem OR 97301

AMANDA Application No.: 24-105732-PLN

COMMENT PERIOD ENDS: ~~April 18~~ May 29, 2024 at 5:00 p.m.

SUMMARY: A proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917).

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Comments received by 5:00 p.m. Thursday Wednesday, April 18 May 29, 2024, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Jake Morris, Historic Preservation Planner, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2417; E-Mail: jjmorris@cityofsalem.net.

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- 2. I have reviewed the proposal and have the following comments: _____

Name/Agency: RJ Liberty LLC, Ralph Jackson
 Address: 225 Liberty St N
 Phone: 503-931-0678
 Email: jjrj54513@ComCast.net
 Date: 5-22-2024

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

JAKE! This is A great Gate and Fence to install in Location as planned, It's been a Long time coming, Glad it's In The Works RAIPH

REVISED REQUEST FOR COMMENTS

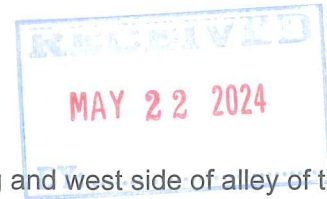
Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

REGARDING: Class 2 Minor Historic Design Review Case No. HIS24-05

PROJECT ADDRESS: 249 Liberty St NE, Salem OR 97301

AMANDA Application No.: 24-105732-PLN

COMMENT PERIOD ENDS: ~~April 18~~ May 29, 2024 at 5:00 p.m.



SUMMARY: A proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917).

REQUEST: Class 2 Minor Historic Design Review of a proposal to install a fence with gate on south end of building and west side of alley of the Electric Building (1917), a historic contributing resource within the Downtown Salem National Register Historic District on property zoned CB (Central Business District) and located at 249 Liberty Street NE (aka 241-249 Liberty Street NE-Marion County Assessors Map and Tax Lot number: 073W22DC07301).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m. Thursday Wednesday, April 18 May 29, 2024, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Jake Morris, Historic Preservation Planner, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2417; E-Mail: jjmorris@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- 1. I have reviewed the proposal and have no objections to it.
- 2. I have reviewed the proposal and have the following comments: _____

Name/Agency: Rod Jones - Court Street Legal
 Address: 387 Court St NE Salem, OR 97301
 Phone: 503-365-2855
 Email: Rod Rod@Courtstreetlegal.com
 Date: 5/17/24

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Jake Morris

From: Eric Kittleson <1954ejk@gmail.com>
Sent: Thursday, April 18, 2024 4:49 PM
To: Jake Morris
Subject: Case No. HIS24-05

Jake Morris, Historic Preservation Planner
City of Salem, Oregon

Dear Mr. Morris,

Regarding the above case number, I have reviewed the proposal and object for the following reasons:

1. The listed property owner is false. Newberry LLC (Roy Carmen) has not owned that property since January, 2023. The property is owned by Kerley Commercial LLC.
2. The applicant, Mr Carmen, knows we (Eric Kittleson and Carole Smith, 363 Court St NE, Salem) have an easement in the alley of concern, which requires our permission for the installation of the requested fence/gate. Neither Mr. Carmen nor Mr. Kerley has spoken to us about their plans, therefore they don't have our permission.
3. If the owner of the alley will simply contact us, we will allow placement of the fence/gate is a specific location in said alley.

Kindest Regards,
Eric Kittleson
363 Court St NE
Salem, OR. 97301

503-884-4763

Jake Morris

From: Carole Smith <carole@smithkittleon.com>
Sent: Thursday, April 18, 2024 4:36 PM
To: Jake Morris
Subject: Re: Historic Design Review case #HIS24-05

On Apr 7, 2024, at 3:51 PM, Carole Smith <carole@smithkittleon.com> wrote:

I am writing to formally object to the placement of a fence/gate in the private alley behind 249 Liberty Street NE. We own a portion of this alley and do not agree to placement of a gate or fence on our property. If our property is not included, there will be a 1 foot gap where people can just slip through the gate, providing no security and this will not provide protection against homeless folks from pawing through the dumpsters. In addition, we have an easement for "any legal purpose" on the whole alley. Placing a fence/gate in this alley will impede our easement and is not allowed.

Our garbage can, and those of our tenants, are placed in the alley only on Monday night and are taken inside on Tuesday morning. We are not contributing to the trash problem in the private alley.

We have always agreed to a gate/fence under the skybridge connecting our building to the neighboring property. This would allow all dumpsters, recycling bins and grease buckets to remain in the easterly portion of the private alley-and on property that our neighbor owns. If they agree to place the fence/gate under the skybridge, we will approve it partially on our property only in that area.

I contacted Mr Kurley when he purchased the neighboring building but he never returned my email to discuss this. I also contacted his property manager, who also failed to return my call. If they had returned my call/email they would have been aware of this situation and not wasted his, and your time, on this illegal installation. Or they could have asked Roy Carmen why this was halted the last time he tried. I do not believe you can get a historic review approval on property you do not fully own. Also, I suggest the owner check the easements on his portion of the alley- here are many. We will fight to protect our easement in court.

Also, I thought Roy Carmen sold the building to Mr Kurley. How can Roy Carmen be the applicant if he is no longer the owner? I believe Mr Carman had a legal obligation to disclose this situation to the buyer at the time of sale.

Please let me know if you have questions.

Sincerely,

Carole Smith

Jake Morris

From: Carole Smith <carole@smithkittleson.com>
Sent: Thursday, April 18, 2024 4:36 PM
To: Jake Morris
Subject: Re: Further testimony

> On Apr 18, 2024, at 12:33 PM, Carole Smith <carole@smithkittleson.com> wrote:

>

> I assume you received my previous testimony regarding Minor Historic Review Case No JIS24-05. This is in addition:

>

> The height of the gate/fence will detract from the historic view of the alley buildings. It will obscure the skybridge connecting our building to Mr Kurley's building. The back entrances will be obscured and make deliveries more difficult.

>

> If Mr Kurley wants to solve his garbage problem there are several way he could do that without impinging the pulbic's historic view by:

>

> 1. Requiring all dumpsters/recycling bins be LOCKED at all times.

>

> 2. Start combining dumpsters (so there are fewer of them) and order pickups more frequently

>

> 3. Assign clean up duties on a rotating schedule for all garbage user in the private alley.

>

> Thank you,

>

> Carole Smith

>

>

They have attached the correct one and it shows Carole owns 3.6 inches of the alley. We will leave 3.6 inches between the post her wall.

From: Corbey Boatwright <corbey@boatwrightengr.com>

Sent: Thursday, May 9, 2024 6:11 PM

To: Paul <Paul@cproregon.com>

Cc: Jeanne Boatwright <jeanne@boatwrightengr.com>

Subject: 249 Liberty St NE

Paul,

The copy of the Marion County Surveyor's Office record, MCSR 2105 is at the north end of your property and not the south end. Your north property line falls at about the center of the red ellipse.

Your entire property is shown on MCSR 12964. In this survey your building is over the north edge of the E-W alley on the west end by 0.45' or 5.4". The building to the south appears to be south of the south edge of the E-W alley by 0.3' or 3.6". This would indicate that the distance between the buildings, in 1951, measured 11.25' or 11'-3". In this survey, the south building was not picked up other than the north line on the west end.

This would describe where the property lines would be, but it does not address any easement that might exist in this area.

Corbey Boatwright, PE, LS, CWRE

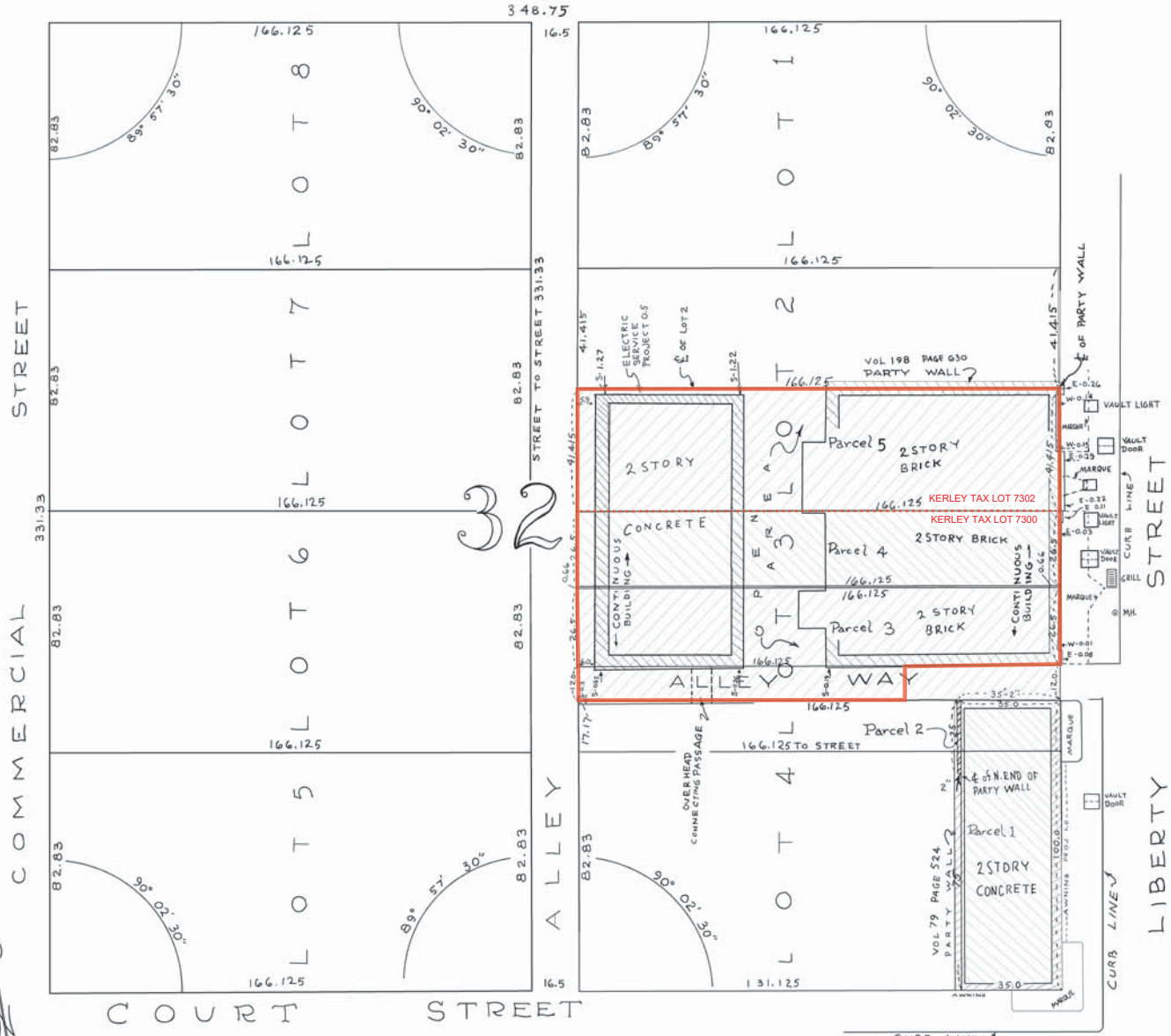
Boatwright Engineering, Inc.

2613 12th Street SE

Salem, Oregon 97302

Ph: 503.363.9225

CHEMEKETA STREET



SURVEYOR'S CERTIFICATE

I, Melvin G. Propp, of Salem, Oregon, do hereby certify that I surveyed the following described property on February 9, 1951 and that I find the improvements situated thereon to be on the premises in question and that they do not overlap or encroach on the property lying adjacent thereto, except as indicated by the attached drawing. This certificate is made at the request and for the exclusive use of The Equitable Life Assurance Society of the United States.

PROPERTY DESCRIPTION

Parcel 1
Commencing at the Southeast corner of Lot Four (4), in Block 32 in the City of Salem, Oregon, as shown by the recorded plat thereof; thence Northerly along the West line of Liberty Street, 100.00 feet; thence Westerly and parallel with Court Street, 35.00 feet; thence Southerly and parallel with the West line of Liberty Street, 100.00 feet to the North line of Court Street; thence Easterly along the North line of Court Street, 35.00 feet to the place of beginning.

Parcel 2
Beginning at a point in the West line of the property heretofore sold and conveyed by D. F. Wagner and wife to Fred W. Steunhoff on May 22, 1902 by Deed which is recorded at page 531, volume 79 of the Records of Deeds for Marion County, Oregon, said point being distant 75.00 feet Northerly from the Southwest corner of said property, being part of Lot Three (3), and Four (4), of Block 32 in the City of Salem, Marion County, Oregon, said point also being the center of the North end of the party wall (now standing) upon the dividing line between said property so conveyed and the premises still owned by D. F. Wagner on the West thereof; thence running Westerly 2 inches, parallel with the North line of Court Street in said City; thence Northerly 25.00 feet, parallel with the West line of Liberty Street in said City; thence Easterly 2 inches, parallel with said Court Street; thence Southerly 25.00 feet, parallel with said Liberty Street to the place of beginning.

Parcel 3
Beginning at a point in the West line of Liberty Street, 100.00 feet Northerly from the North line of Court Street and from the Southeast corner of Lot Four (4), in Block 32 in the City of Salem, Marion County, Oregon; thence Westerly parallel with Court Street, 165.00 feet, more or less to the alley through said Block 32; thence furtherly along the West line of Lot Three (3) in Block 32 a distance of 36.5 feet; thence Easterly parallel with Court Street, 165.00 feet, more or less to Liberty Street; thence Southerly along the West line of Liberty Street, 36.5 feet to the place of beginning.

Parcel 4
Beginning at the Northeast corner of Lot Three (3), Block 32 in the City of Salem, Marion County, Oregon; thence Southerly along the West line of Liberty Street, 24.5 feet; thence Westerly parallel with Court Street, 165.00 feet, more or less to the alley; thence Northerly along the East line of the alley, 26.5 feet to the Northeast corner of said Lot Three (3); thence Easterly along the division line between Lot Two (2) and Three (3) in said Block 32, a distance of 165.00 feet, more or less, to the place of beginning.

Parcel 5
The South one half (1/2) of Lot Two (2) in Block 32 in the City of Salem, Marion County, Oregon.

REGISTERED
OREGON
LAND SURVEYOR
Melvin G. Propp
JULY 7, 1944
MELVIN G. PROPP
34

REGISTERED
OREGON
LAND SURVEYOR
Melvin G. Propp
JULY 7, 1944
MELVIN G. PROPP
34

SURVEY FOR
SOL SCHLESINGER and LEE SCHLESINGER and
SAUL BLOOMBERG and RAE C. BLOOMBERG and
SIDNEY SCHLESINGER and RALPH SCHLESINGER
FRACTIONS OF LOTS 2, 3, and 4, BLOCK 32, CITY OF SALEM
MARION COUNTY, OREGON

● Points Found
○ Points Set
Surveyed & Tied 3/1951
Scale = 1/2" = 20'
Instrument E. Althoff

SCALE 20 feet per inch



