

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 informacion, por favor llame
503-588-6173*

DECISION OF THE HISTORIC PRESERVATION OFFICER

MINOR HISTORIC DESIGN REVIEW CASE NO.: HIS21-25

APPLICATION NO.: 21-120112-DR

NOTICE OF DECISION DATE: December 21, 2021

SUMMARY: A proposal to construct phase two of the Inventors Yard within the Gilbert House Childrens Museum.

REQUEST: Class 2 Minor Historic Design Review of a proposal to construct phase two of the Inventors Yard within the Gilbert House Children’s Museum campus, which includes the A.C. Gilbert House (1887), individually listed on the National Register, the Rockenfeld-Bean House (1883), and Parrish House (1860), all designated Salem Local Landmarks, located at 116 Marion St. NE, 97301 (Marion County Assessor Map and Tax Lot number: 073W22DB 07400).

APPLICANT: Alicia Bay

LOCATION: 116 Marion St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 230.060(h) – Alterations and Additions

FINDINGS: The findings are in the attached Decision dated December 21, 2021.

DECISION: The **Historic Preservation Officer (a Planning Administrator designee) APPROVED** Minor Historic Design Review Case No. HIS21-25 based upon the application materials deemed complete on November 10, 2021 and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by January 6, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>November 10, 2021</u>
Notice of Decision Mailing Date:	<u>December 21, 2021</u>
Decision Effective Date:	<u>January 6, 2022</u>
State Mandate Date:	<u>March 10, 2022</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. Wednesday, January 5, 2022. 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>

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503-588-6173***

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

**HISTORIC DESIGN REVIEW CASE NO. HIS21-25
DECISION**

**IN THE MATTER OF APPROVAL OF) MINOR HISTORIC DESIGN REVIEW
HISTORIC DESIGN REVIEW)
CASE NO. HIS21-25)
116 MARION STREET NE) DECEMBER 21, 2021**

In the matter of the application for a Minor Historic Design Review submitted by David Holton on behalf of the Gilbert House Children's Museum, 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 construct phase two of the Inventors Yard within the Gilbert House Children's Museum.

REQUEST: Class 2 Minor Historic Design Review of a proposal to construct phase two of the Inventors Yard within the Gilbert House Children's Museum campus, which includes the A.C. Gilbert House (1887), individually listed on the National Register, the Rockenfeld-Bean House (1883), and Parrish House (1860), all designated Salem Local Landmarks, located at 116 Marion St. NE, 97301 (Marion County Assessor Map and Tax Lot number: 073W22DB 07400). A vicinity map illustrating the location of the property is attached hereto, and made a part of this decision (**Attachment A**).

DECISION

APPROVED based upon the application materials deemed complete on November 10, 2021 and the findings as presented in this report.

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.

PROPOSAL

The applicant is proposing to construct phase two of the Inventors Yard within the Gilbert House Children's Museum with associated sitework and playground equipment improvements located on the interior of the site. (**Attachment B**). The applicant is proposing to remove portions of the existing 1998 Outdoor Discovery Area playground and install a new adventure play area that focuses on hands-on STEM exploration, sensory stimulation and physical play.

The new design will offer a more inclusive play experience to all visitors by balancing sensory and imaginative play with physical play. The main areas of the new space include a sand play area, water play area; contoured climb area; loose parts play and fort platforms, gravity tubes and a new 'rain and rainbow' sensory exploration area. The areas proposed for removal are all of wood and include: the small playhouses, play globe, play train, ship and platform. The depth and amount of footings removed will be similar or less than the amount of new excavation and footings. Staff determined that the following standards from Salem Revised Code: **230.060(h) Alterations and Additions** are applicable to this project.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

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 a portion of is included as **Attachment C** 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: *230.060(h) Alterations and Additions* are applicable to this project.

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

This site was originally established by Salem City Council as "Heritage Village" in the *1986 Salem Riverfront Master Plan*. The plan included a provision to provide six building sites to form a complete block of relocated historic structures enclosing a large outdoor area which

would be landscaped in a manner similar to the residential gardens of the late 1800s. The children's museum opened in 1989, initially in the A.T. Gilbert House, which was already on the site along with the National Register listed Wilson-Durbin House (1861), fronting Water Street. The Wilson-Durbin House burned in 1990.

A.T. Gilbert was the uncle of the famous toymaker A.C. Gilbert – a Salem native credited as the “man who saved Christmas.” Gilbert was most famous for his “Erector Set,” a metal toy construction kit that contained a motor. During World War I, Gilbert led an appeal to stop a proposal banning toy production in favor of wartime materials, thus his title.

Between 1990 and 1998, the City of Salem moved three more buildings to the site. Two were purchased from the State of Oregon and needed to be relocated due to the Capitol Mall expansion: the J. L. Parrish House (c1860), originally located at 745 Capitol Street, was moved in 1990; and the Rockenfield-Bean House (1883), originally located at 755 Capitol St, was moved in 1991. Both buildings were added to Salem's Local Historic Landmark Inventory. In 1996, the City moved the Little Gem Grocery (1925) to the site. This building was originally on the northwest corner of Chemeketa and 17th. The City purchased the building after an effort by the Court-Chemeketa Historic Renewal Inc. to rescue it from demolition.

In 1999, the Wilson-Durbin House was reconstructed, and while initially listed on the National Register, is no longer eligible due to the loss of original historic materials. The Gilbert House Children's Museum campus currently includes the following designated structures: A.T. Gilbert House (1887), individually listed on the National Register, the Rockenfield-Bean House (1883), and Parrish House (1860), all designated Salem Local Landmarks. In 2012, the Bubble Room was removed from the A.T. Gilbert House's front parlor due to a flood which caused significant damage. In 2019 approval was received for Phase I of the Inventors Yard improvements. These improvements included construction of two new accessory structures, replace existing ramps and fencing, install security camera at the gilbert House Children's Museum campus (HIS19-40).

3. Neighborhood and Citizen Comments

The subject property is located within the Central Area Neighborhood Development Association (CANDO). 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 November 10, 2021. Comments were received from Michael Livingston, CANDO (**Attachment D**), who stated that they do not object to the proposal.

4. City Department and Public Agency Comments

The Building and Safety Division indicates that the applicant must obtain required permits. Building permits will be required for ADA ramp, decks and platforms over 30” in height per Oregon Structural Specialty Code (OSSC) section 105.1. The Oregon Structural Specialty Code (OSSC) requires building permits for commercial playground equipment, ramps, decks, platforms over 30”, per OSSC section 105.1 Any ramps, walkways and routes to the playground equipment will be required to meet ADA standards, OSSC Chapter #11 and ANSI standards A-117.

The Planning Division has reviewed the proposal and has stated that the proposal would require a Class 2 Site Plan review if the proposal meets all requirements including pedestrian access (SRC 800.065). If these standards cannot be met, a Class 3 Site Plan review would be required with Adjustments. Facilities requests review of the “means and methods” specs/drawings prior to construction in order to monitor any utility connections to the historic houses maintained by Facilities (Gilbert, Rockenfield, Parrish) and to better understand the means for water supply to any water fed additions within the playground. Additionally, they want to ensure that backflows are installed. The Fire Department stated that they have no concerns. The Public Works Department indicates that an erosion control plan will be required if the play area resurfacing involves 1,000 square feet or more of “activity that exposes earth material through the use of mechanical equipment.”

5. Historic Design Review

Salem Revised Code Chapter 230.060(h) *Standards for Contributing Resources in Public 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 Landmarks Commission staff reviewed the project proposal and has the following findings for the applicable criterion.

FINDINGS:

Criteria: 230.060(h) Alterations and Additions. *Additions to, or alterations of, the historic contributing building, site or district may be made to accommodate uses other than the originally intended purpose*

(1) Materials. *Materials for alterations or additions:*

(A) *Building materials shall be of traditional dimensions.*

Finding: The applicant is proposing to install multiple new play areas on the site of the Gilbert Discovery Village. All materials are of traditional dimensions. Staff finds that SRC 230.060(h)(1)(A) has been met.

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

Finding: The applicant is proposing to utilize predominantly traditional materials within the play areas such as wood, metal, concrete. Some modern materials such as rubber surfacing and plastic tubing and plastic in some of the sensory art pieces will be utilized as well. These materials overall compatible with the historic resources on the site, additionally these materials are removable and will not be attached to any of the existing historic structures. Staff finds that SRC 230.060(h)(1)(B) has been met.

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

Finding: The applicant is not proposing to add any masonry to any of the historic resources on the site therefore 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: While the non-original 1998 wooden outdoor play areas will be removed and these areas redeveloped, the applicant is not proposing to disturb any original historic material as part of this proposal. Staff finds that SRC 230.060(h)(1)(D) has been met.

(2) Design. *Alterations or additions shall:*

(A) *Be located at the rear, or on an inconspicuous side, of the building.*

Finding: The proposed site alterations which are part of phase two of the Inventors Yard within the Gilbert House Children's Museum campus are located within the interior of the site, located along secondary façades or at the rear of the A.C. Gilbert House (1887), the Rockenfeld-Bean House (1883), and Parrish House (1860). Staff finds that SRC 230.060(h)(2)(A) has been met.

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

Finding: The applicant's proposed alterations are located within the interior of the Gilbert House Children's Museum campus, and will not alter the A.C. Gilbert House (1887), the Rockenfeld-Bean House (1883), or the Parrish House (1860). Staff finds that SRC 230.060(h)(2)(B) 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 applicant is proposing to remove portions of the existing 1998 Outdoor Discovery Area playground and install a new adventure play area which include a sand play area, water play area; contoured climb area; loose parts play and fort platforms, gravity tubes and a new 'rain and rainbow' sensory exploration area. The areas proposed for removal are all of wood and include: the small playhouses, play globe, play train, ship and platform. The proposed new play features will not exceed the existing play equipment in size and scale, and the depth and amount of footings removed will be similar or less than the amount of new excavation and footings. Additionally, the applicant is proposing to significantly reduce the size and scale of the playground structures located at the interior of the site improving the compatibility of this interior play area with the existing historic resources on the site. Staff finds that SRC 230.060(h)(2)(C) 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: No original historic materials will be obscured, damaged or destroyed by the proposed second phase of the Inventors Yard. All work will be limited to the interior of the site, and no play features will be attached to the existing historic resources on the Gilbert House Children's Museum campus. Staff finds that SRC 230.025(e)(3)(g)(2)(D) 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 applicant's proposed work on phase two of the Inventors Yard includes new play features that will not exceed the existing play equipment in size and scale, and the depth and amount of footings removed will be similar or less than the amount of new excavation and footings. None of the features will exceed the height of the existing historic resources on the site and none of these new play areas will adversely impact these historic resources. Overall the new play equipment and play areas are compatible in size, scale and material with the A.C. Gilbert House (1887), the Rockenfeld-Bean House (1883), and Parrish House (1860). Staff finds that 230.060(h)(2)(E) 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 is not proposing to alter any original character defining features that convey distinctive construction techniques or examples of craftsmanship that are part of the A.C. Gilbert House (1887), the Rockenfeld-Bean House (1883), and Parrish House (1860). Staff finds that 230.060(h)(2)(F) has been met.

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

Finding: The applicant is not proposing to alter or remove any original historic material as part of the proposal to remove portions of the existing 1998 Outdoor Discovery Area playground and install a new adventure play area which include a sand play area, water play area; contoured climb area; loose parts play and fort platforms, gravity tubes and a new 'rain and rainbow' sensory exploration area. Staff finds that SRC 230.060(h)(2)(G) 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 shall not be added to the building.*

Finding: The applicant's proposed phase 2 of the Inventors Yard are not attached to any of the designated historic resources on the site, and due to their design and proposed use there can be no concerns that these alterations could have been part of the A.C. Gilbert House (1887), the Rockenfeld-Bean House (1883), and Parrish House (1860) architectural design. Staff finds that SRC 230.060(h)(2)(H) 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 new adventure play area which include a sand play area, water play area; contoured climb area; loose parts play and fort platforms, gravity tubes and a new 'rain and rainbow' sensory exploration area, while of compatible material and design, are clearly new and not from the historic period. Staff finds that SRC 230.060(h)(2)(I) has been met.

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

Finding: The applicant's proposal does not include any proposed alterations to the historic

resources on the site, and therefore do not have an architectural style. Staff finds that SRC 230.060(h)(2)(J) is not applicable to the evaluation of this proposal.

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

Finding: The proposed alterations will impact portions of the existing 1998 Outdoor Discovery Area playground which will be removed and replaced with new play areas. However, the existing Outdoor Discovery Area playground is less than 25 years old, not easily visible and located at the rear of the resources. No significant character defining features will be altered on the A.C. Gilbert House (1887), the Rockenfeld-Bean House (1883), or the Parrish House (1860) that have attained significance in their own right. Therefore, staff finds that SRC 230.060(h)(2)(K) has been met.

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

Finding: The applicant is proposing to retain the original features of the A.C. Gilbert House (1887), the Rockenfeld-Bean House (1883), or the Parrish House (1860), and no alterations are proposed to any character defining features of the site. Staff finds that SRC 230.060(h)(2)(L) has been met.

(M) *Not increase the height of a building to more than four stories and ensure that no proposed alterations are taller than the existing buildings on the site or within the district.*

Finding: The applicant is not proposing to alter the height of the A.C. Gilbert House (1887), the Rockenfeld-Bean House (1883), or the Parrish House (1860). Additionally, the applicant is proposing to significantly reduce the size and scale of the playground structures located at the interior of the site. Staff finds that SRC 230.060(h)(2)(M) has been met.

DECISION

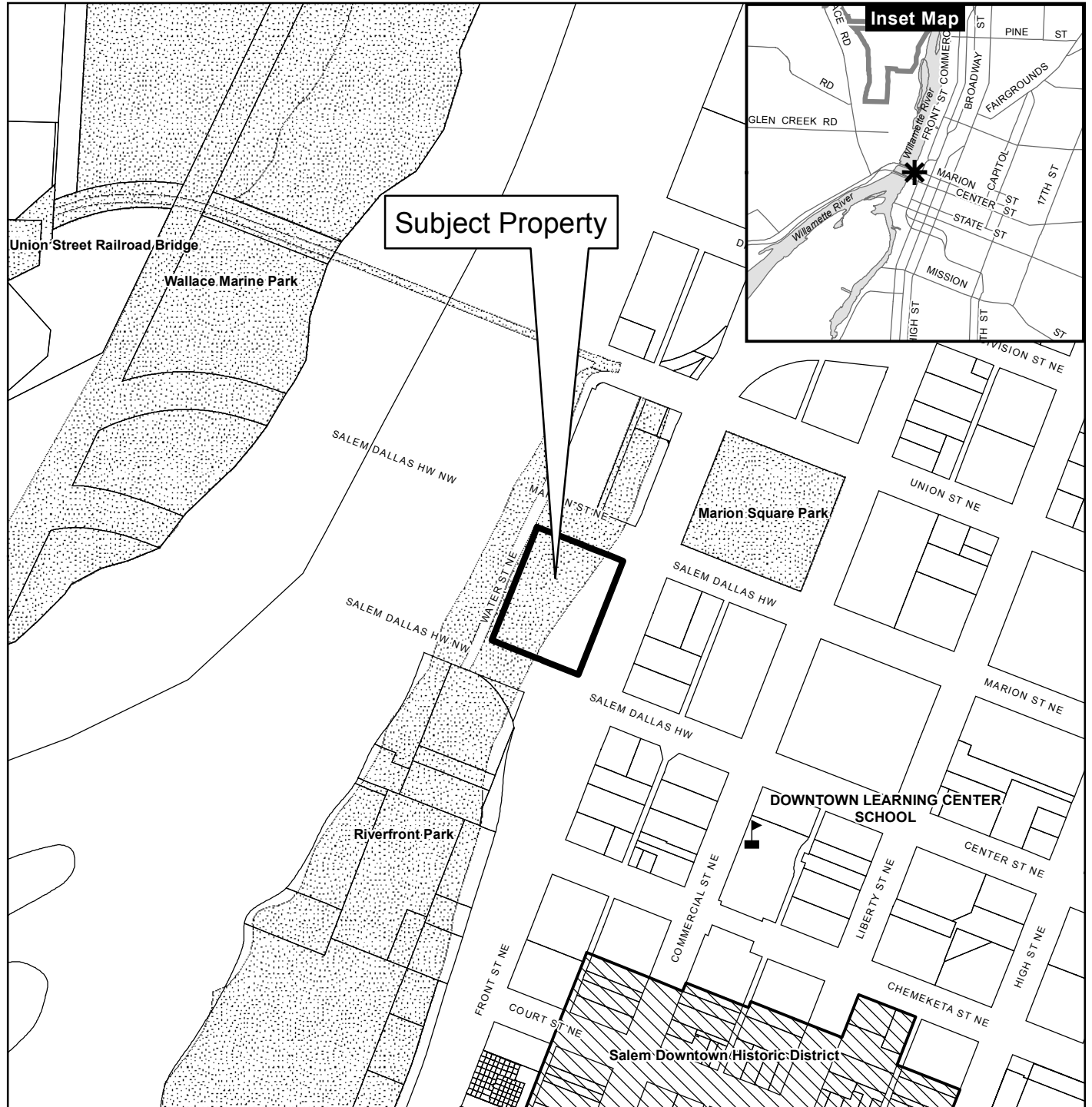
Based upon the application materials deemed complete on November 10, 2021 and the findings as presented in this report, the application for HIS21-25 is **APPROVED**.








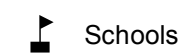

Kimberli Fitzgerald, AICP
Historic Preservation Officer
Planning Administrator Designee

Attachments: A. Vicinity Map
B. Site Plan
C. Portion of Applicant's Submittal Materials
D. Email from CANDO

Vicinity Map 116 Marion St 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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Wheels & Water - City Building Area

- 1 Concrete Water Channel
- 2 Hand Water Pump
- 3 Extended Downspout with Dumping Bucket
- 4 Extended Downspout with dripping shower basin above and truck wash below
- 5 Painted Road
- 6 Moveable Wood Bridge
- 7 Truck Ramp and Storage Cubbies
- 8 Shoe Cubbies
- 9 Loose Parts Storage Cubbies
- 10 Benches (x2)

Dig & Discover - Sand Area

- 11 Existing Fossil Structure
- 12 Play Sand
- 13 Turning Sand Crane and Wood Deck
- 14 Elevated Sand Table for ADA access
- 15 Sand Building Structure with Pulley and Track
- 16 Excavator
- 17 Elevated Platform with sand funnels and shoots

Rain & Rainbows - Sensory Garden

- 18 Willow Dome with Colorful Window Panels
- 19 Vertical Prism
- 20 Rain Maker Instrument
- 21 Pendulum
- 22 Rain Drums (x3)
- 23 Cafe Tables (x3)
- 24 Crushed Rock Surfacing
- 25 Stepping Stone Path

Sticks & Fabric - Fort Building Area

- 27 Wood Platforms and Building Posts
- 28 Moveable Fabrics
- 29 Loose Parts Building Materials: Sticks, Planks, and Crates
- 30 Storage Bins
- 31 Low Wood Fence
- 32 ADA Accessible Building Platform
- 33 Engineered Wood Fiber Surfacing
- 34 Boulder Edge

Climbing & Contours - Play Area

- 35 Poured-in-Place Rubber Surfacing with Topographic Design
- 36 Climbing Poles (x3)
- 37 6' Use Zone Around Climbing Elements
- 38 Ball Run Tubes. Tubes zigzag through open space, beginning of channels are placed at difference elevations along the existing climbing structure walls.
- 39 Pour-in-Place Rubber Surfacing
- 40 ADA Accessible Ramp with Built-in Storage Unit

Chutes & Channels - Ball Run Area

Lunch & Lounge - Relax Area

- 41 Picnic Tables (x5)
- 42 Hammocks
- 43 Planting Area, typ
- 44 Accent Tree (x4)
- 45 Concrete Seat Wall, typ
- 46 Surface Grate (x3)
- 47 Existing Tree
- 48 Existing Walkway Overhead Structure
- 49 Existing Structure
- 50 Raised Planting Area between Existing Boulder Scramble and Wall
- 51 Concrete Pathway

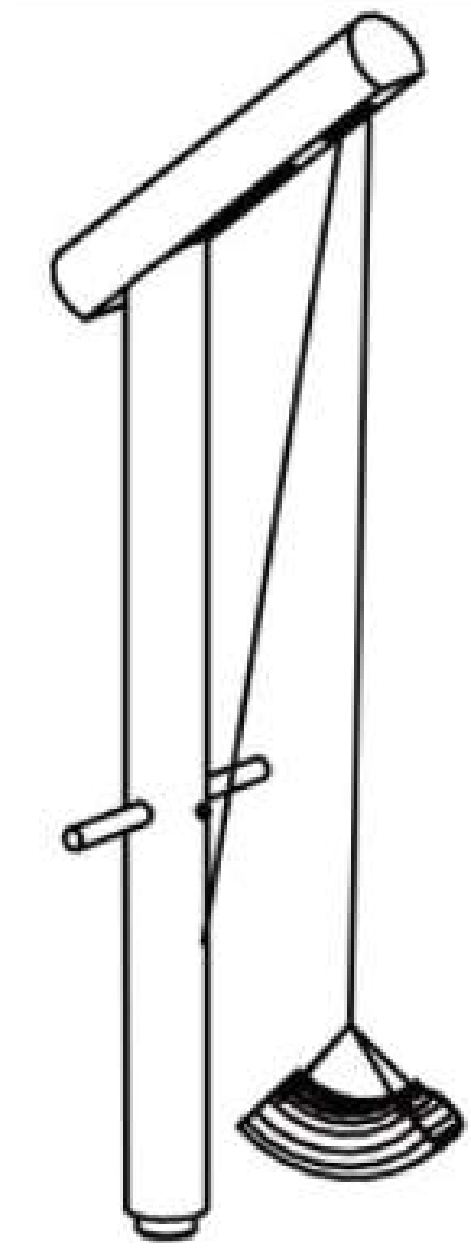
General Site



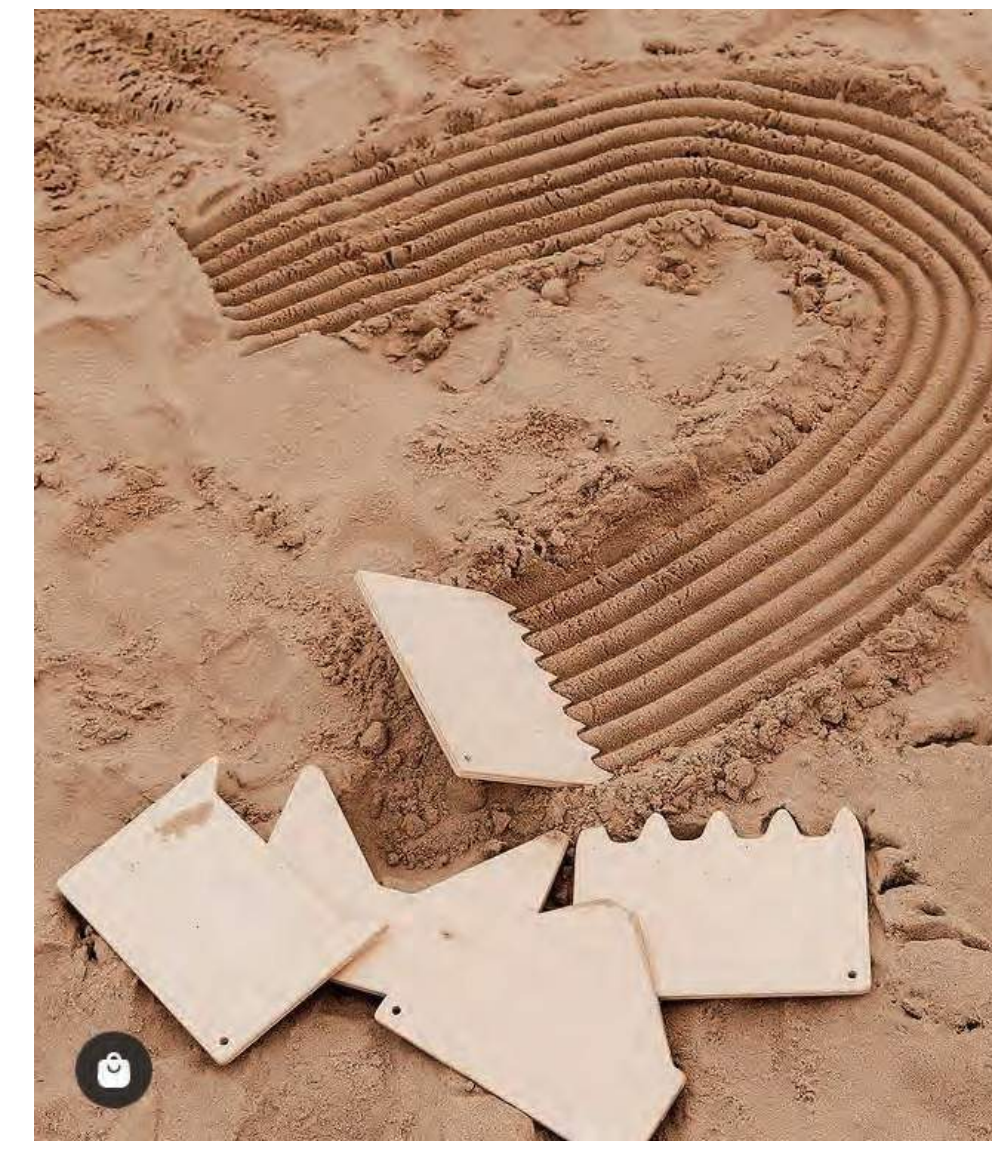
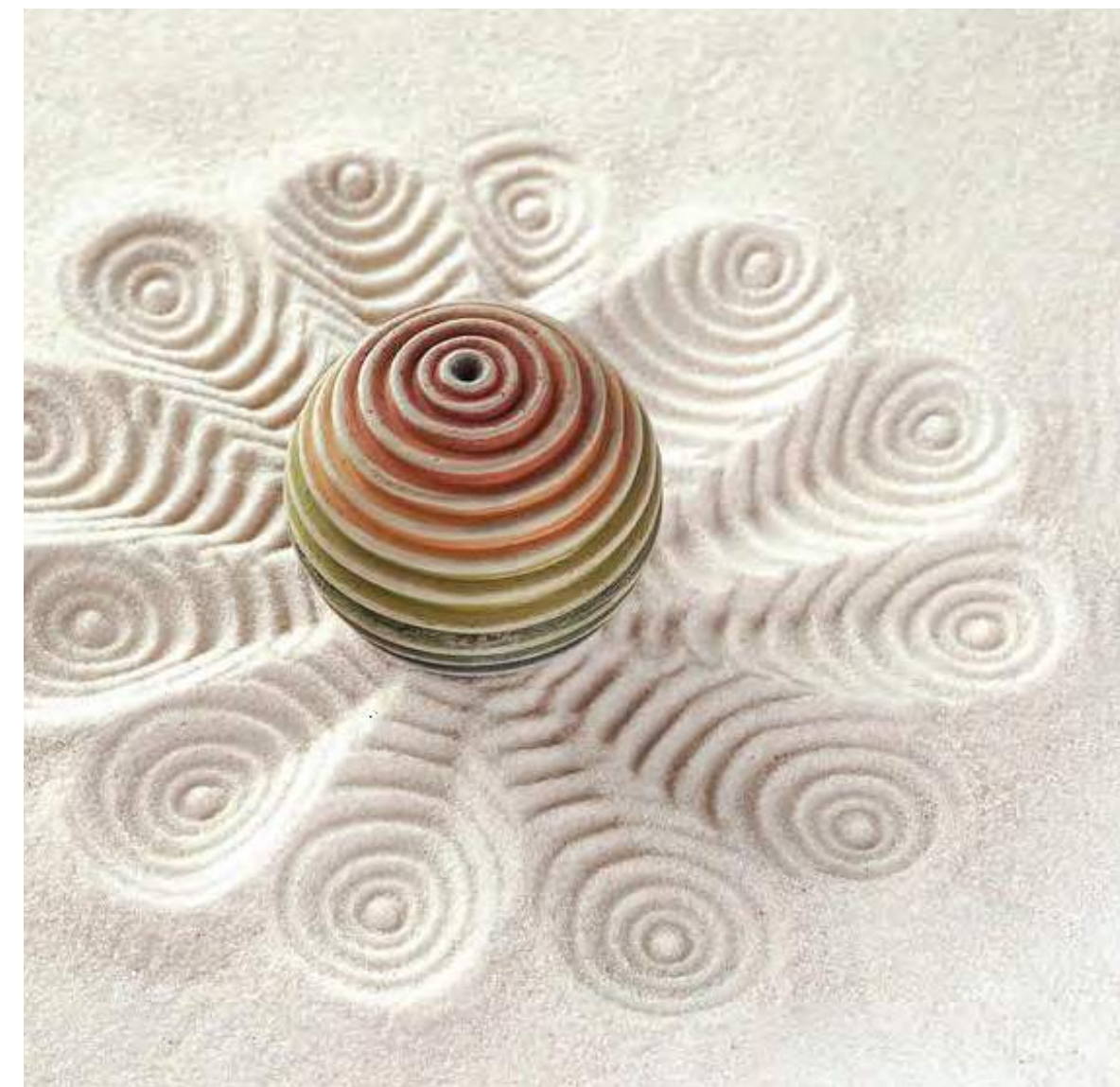


Gilbert House Children's Museum - Playscape Concept Images

June 30, 2021



Environmental Pr
Customer Service



Rainbow Light



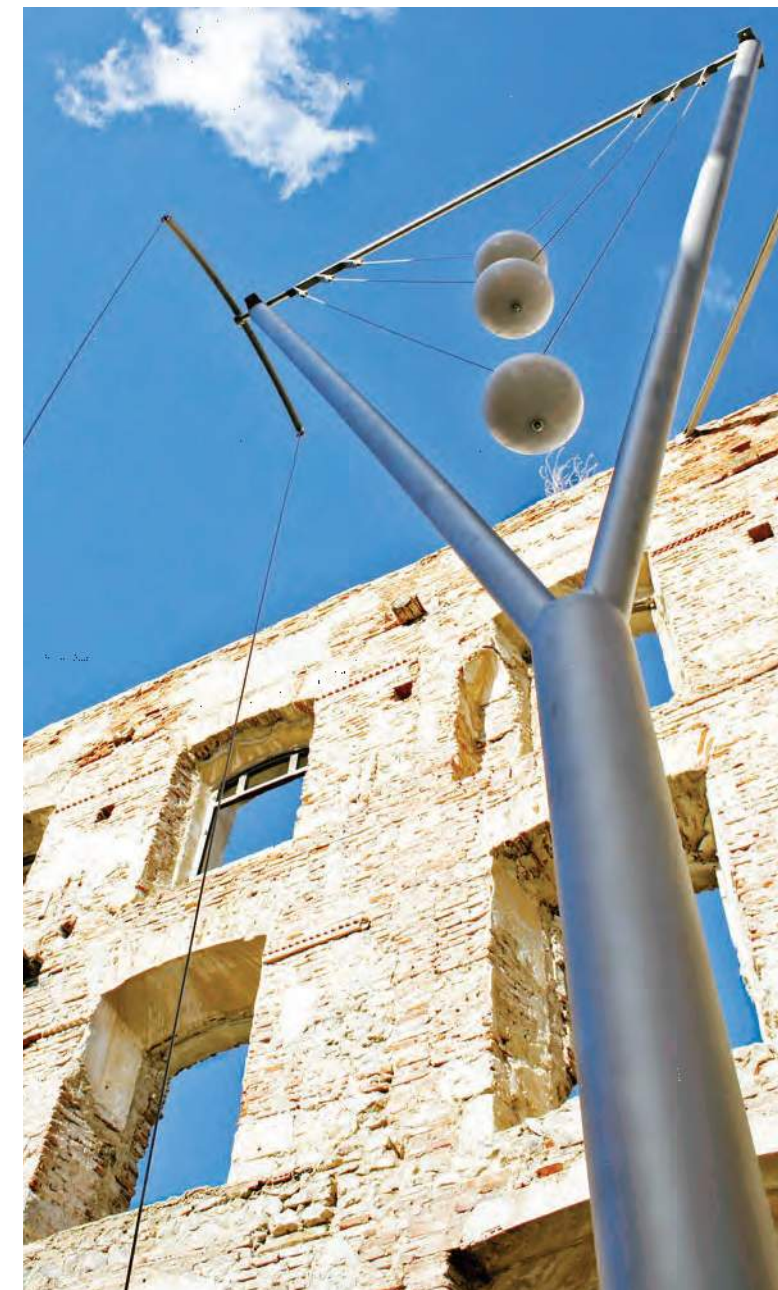
Sounds



Movement



Willow Structure









Gilbert House Children's Museum - Playscape Concept Images

Salem, OR

June 30, 2021

Kimberli Fitzgerald

From: MICHAEL LIVINGSTON <michaellivingston1@comcast.net>
Sent: Tuesday, November 16, 2021 2:46 PM
To: Zachery Cardoso
Cc: Kimberli Fitzgerald; Irma Dowd; Owens, Sarah
Subject: Re: Notice of Filing / Request for Comments - Case No. HIS21-25 for 116 Marion St NE

ZACHERY,

Having now reviewed the additional information concerning this proposal provided by Kimberli Fitzgerald, I am submitting this comment on behalf of CANDO in response to your request below in Case No. HIS21-25 for 116 Marion St NE:

CANDO does not oppose the proposal to proposal to construct phase two of the Inventors Yard within the Gilbert House Children's Museum.

Michael Livingston
CANDO Vice Chair

On 11/10/2021 1:58 PM Zachery Cardoso <zcardoso@cityofsalem.net> wrote:

Hello,

The Notice of Filing / Request for Comments for Minor Historic Design Review Case No. HIS21-25 for 116 Marion St NE is attached for your information. Comments are due **November 24, 2021 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 construct phase two of the Inventors Yard within the Gilbert House Children's Museum.

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

Kimberli Fitzgerald

kfitzgerald@cityofsalem.net

503-540-2397

Thank you,

Zachery Cardoso

Admin Analyst I

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

zcardoso@cityofsalem.net | 503-540-2304

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