

# NOTICE OF DECISION

PLANNING DIVISION  
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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

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](mailto: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](mailto: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:

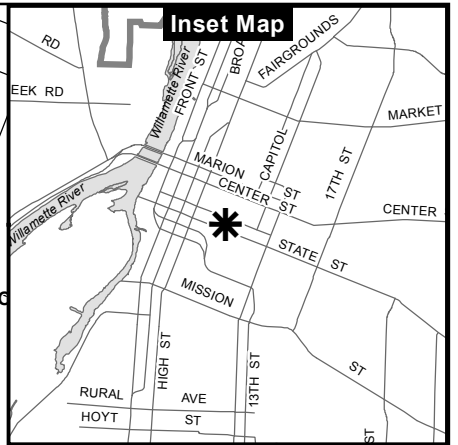
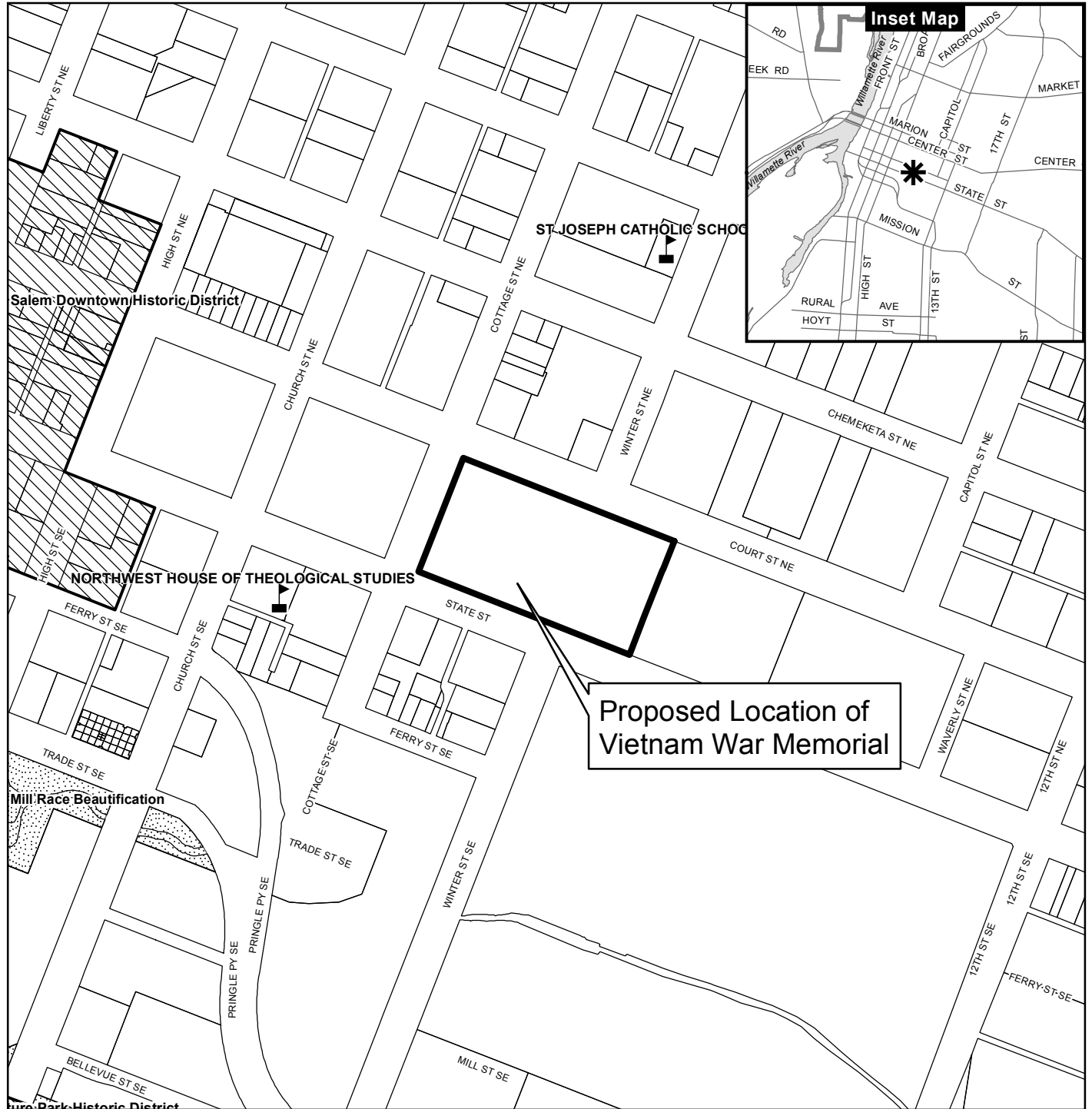
**Condition 1:** Should the applicant proceed with siting the Gold Star Family Memorial within the location of the existing Parade of Animals sculptures, the applicant shall ensure that the Parade of Animals sculptures are relocated to another location on the Capitol Grounds. The applicant shall submit 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

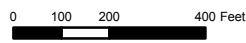
Prepared by Kimberli Fitzgerald, Historic Preservation Officer

# 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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# Memorial Plan:

