

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE HISTORIC LANDMARKS COMMISSION

MAJOR HISTORIC DESIGN REVIEW CASE NO. HIS16-16

APPLICATION NO. : 16-111056-DR

NOTICE OF DECISION DATE: JULY 22, 2016

REQUEST: Major historic design review of a proposal to modify an existing wireless communication facility, removing 6 antennae and replacing 6 wireless antennae and associated equipment with 6 antennae and associated equipment on an existing water tank (1925) within the Willamette Heritage Center/ Thomas Kay Historic Park, individually listed on the National Register of Historic Places, on property zoned CR (Retail Commercial), and located at 1313 Mill Street SE, 97301; Marion County Assessor Map and Tax Lot number: 073W26BC04100.

APPLICANT: Natalie Erlund, FDH Velocitel for AT & T

LOCATION: 1313 Mill St SE

CRITERIA: Salem Revised Code Chapter 230.065

DECISION: The Historic Landmarks Commission **GRANTED** Major Historic Design Review Case No. HIS16-16 subject to the following condition of approval:

Condition 1: Any new or replacement communication device(s), including but not limited to dishes, antennae and associated equipment shall not exceed the total number and cumulative size of the dishes, antennae and associated equipment currently approved for installation.

Andrew Hendrie, Chair, Historic Landmarks Commission

This Decision becomes effective on **August 9, 2016**. 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).

Application Deemed Complete:	<u>June 28, 2016</u>
Public Hearing Date:	<u>July 21, 2016</u>
Notice of Decision Mailing Date:	<u>July 22, 2016</u>
Decision Effective Date:	<u>August 9, 2016</u>
State Mandate Date:	<u>October 26, 2016</u>

The rights granted by this decision must be exercised by **August 8, 2018**, or this approval shall be null and void. A copy of the decision is attached.

^{KF}
Case Manager: Kimberli Fitzgerald, AICP, Historic Preservation Officer
kfitzgerald@cityofsalem.net, 503.540.2397

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., August 8, 2016.**

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 230. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 at the Planning Division office, 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 Review Case No. HIS16-16 / AMANDA No. 16-111056-DR

FINDINGS: Based upon the application materials, the facts and findings in the Staff Report dated July 21, 2016 incorporated herein by reference, and testimony provided at the Public Hearing of July 21, 2016, 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:

Criteria: 230.065. General Guidelines for Historic Contributing Resources.

FINDINGS

(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 while it is clear that the water tower was not constructed for this use, the impact of the removal of six antennas and replacement of the six antennas will improve the overall visual integrity of the water tower. By locating the proposed replacement antennas below the tower and placing them flush along the catwalk, adjacent to the legs painted to match, the proposed replacement antennas do not significantly alter the appearance of the water tower. The removal of all six Cricket antennas from the tank area, restores the visual integrity of this portion of the resource. The HLC find that this use is compatible and that 230.065(a) has been met for this proposal.

(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 features 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 there are no historic materials or features proposed for removal,

reconstruction, or repair 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: HLC finds that while the existing water tower is not the original tower, it was constructed in 1925, within the period of significance for the Thomas Kay Woolen Mill, and that the water tower is evidence of the history and development of the Thomas Kay Woolen Mill. The HLC further finds that the applicant will be decreasing the total number of antennas on the tower, and that the replacement antennas will be located below the main tower adjacent to the legs, minimizing the visual impact to the tower and the adjacent Mill building and surrounding site thereby meeting Guideline 230.065(e).

(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 antennas proposed for installation on the water tower will not have a significant adverse visual impact to the resource. The proposed location of the antennas minimizes the visual impact on the resource; therefore, the HLC finds that 230.065(f) has been met.

(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 water tank currently has eighteen antennas. Should the current proposal be approved by the HLC, the water tower would have a total of twelve antennas meeting the applicable condition of approval adopted under HIS13-16. While the current proposal does not exceed a total of twelve antennas, the HLC has made it clear that their intent is to limit the cumulative adverse impact of too much wireless equipment attached to this historic resource which would obscure the significant features of this resource. Therefore, in order to limit the cumulative adverse effect and for this proposal to better meet SRC 230.065(g), the HLC adopts the following CONDITION of APPROVAL:

Condition 1: Any new or replacement communication device(s), including but not limited to dishes, antennas and associated equipment shall not exceed the total number and cumulative size of the dishes, antennas and associated equipment currently approved for installation.

(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 has not proposed any plans to correct structural deficiencies as part of this proposal and therefore SRC 230.065(h) does not apply 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.

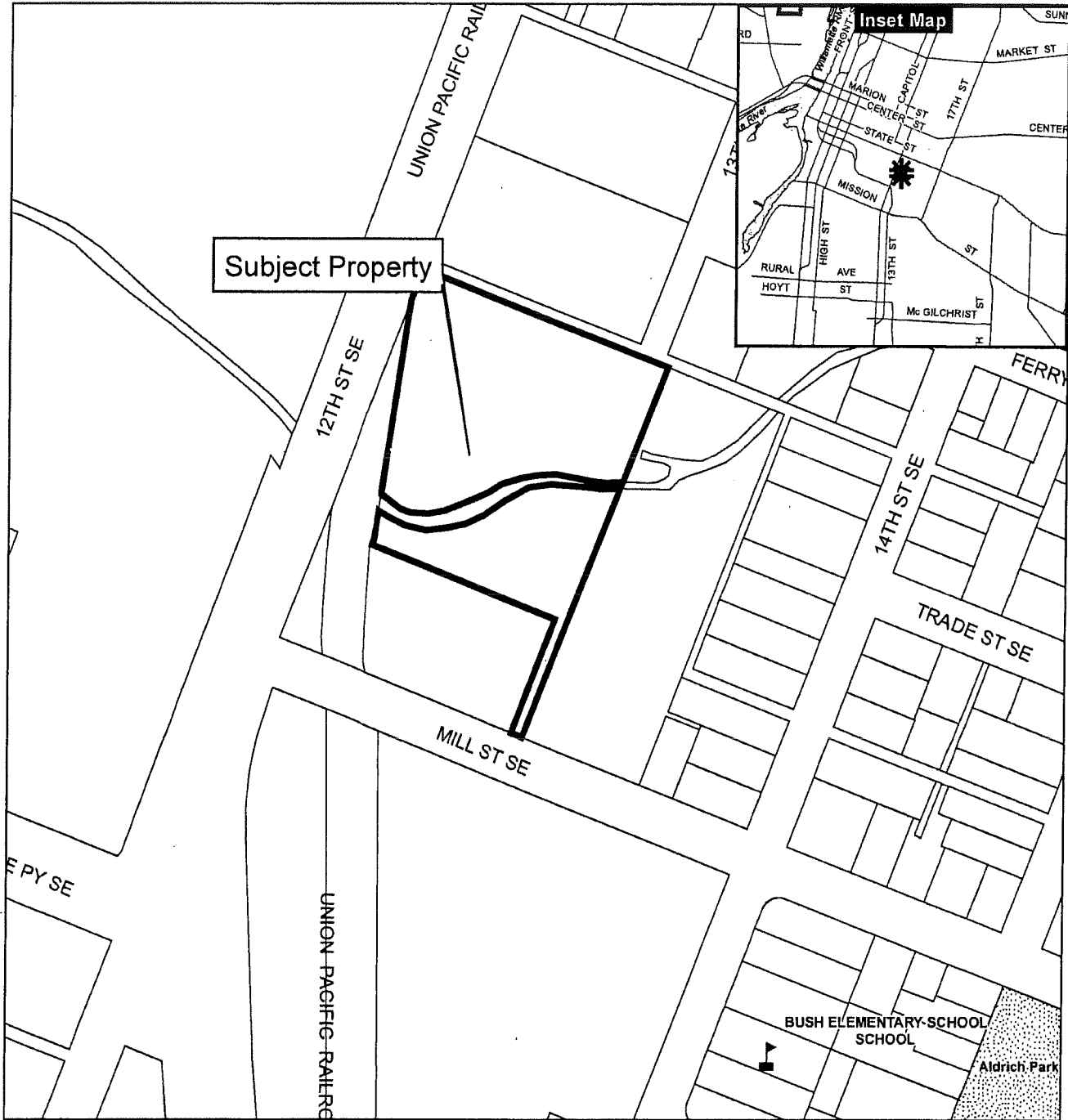
Finding: The HLC finds that the applicant has not proposed an excavation or regrading as part of this proposal and therefore SRC 230.065 (i) does not apply to the evaluation of this proposal.

DECISION: The Historic Landmarks Commission APPROVES the HIS16-16 proposal with the following CONDITION:

Condition 1: **Any new or replacement communication device(s), including but not limited to dishes, antennas and associated equipment shall not exceed the total number and cumulative size of the dishes, antennas and associated equipment currently approved for installation.**

VOTE: YES 5 NO 0 ABST 0 ABSENT 3 (Carmichael, Sund, Timbrook)

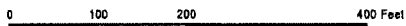
Vicinity Map 1313 Mill Street SE



Legend

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

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View of SA06 looking North - Existing



View of SA06 looking North - Proposed



View of SA06 looking East - Existing



View of SA05 looking East - Proposed