

SENT VIA EMAIL

March 18, 2023, 2023

HD McMinnville LLC
c/o David Sacamano, OTAK
808 SW Third Avenue, Ste 800
Portland, OR 97204
David.Sacamano@otak.com;

RE: Dockets AP 1-23, AP 2-23, AP 3-23, AP 4-23, appeals of the Historic Landmarks Committee denial of HL 6-22, HL 7-22, HL 8-22 and DDR 2-22; Certificates of Approval for Demolition of Historic Resources at 609, 611 and 619 NE Third Street, and compliance with Downtown Design Standards and Guidelines for the Gwendolyn Hotel.

Dear Mr. Sacamano:

This letter is to advise you that, at a meeting of the McMinnville Planning Commission on Thursday, March 16, 2023, your applications to appeal the Historic Landmarks Committee's denial of your requests for approval of a Certificate of Approval for Demolition of the historic resources at 609, 611 and 619 NE Third Street (HL 6-22, HL 7-22, and HL 8-22) and for the compliance of the Gwendolyn Hotel project with the City's Downtown Design Standards and Guidelines (DDR 2-22) were considered by the McMinnville Planning Commission.

Based on the material submitted by the applicant, the testimony received, and the public record, the McMinnville Planning Commission voted 5 to 3 to **APPROVE WITH CONDITIONS** dockets AP 1-23, AP 2-23, and AP 3-23 (HL 6-22, HL 7-22, and HL 8-22), and voted 5 to 3 to **APPROVE WITH CONDITIONS** docket AP 4-23 (DDR 2-22).

The decisions of the McMinnville Planning Commission shall be final unless an appeal is filed.

Per Section 17.72.180 of the McMinnville Municipal Code, "An action or ruling of the Planning Commission pursuant to this title may be appealed to the City Council within 15 (fifteen) calendar days of the date the written notice of the decision is mailed.." The appeal shall be filed with the Planning Department and shall identify the decision sought to be reviewed, including the date of the decision and a statement of interest from the person

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seeking review specifying that they were party to the proceedings. If the appeal is filed, the City Council shall receive a report and the decision of the Planning Commission and then shall hold a public hearing on the appeal consistent with the procedures in Section 17.72.120 of the McMinnville Zoning Ordinance.

If no appeal is filed with the Planning Department on or before 5:00 PM, April 3, 2023, the McMinnville Planning Commission's decision is final.

The conditions of approval are enumerated below:

AP 1-23, AP 2-23, AP 3-23, AP 4-23 (Appeal of HL 6-22, 7-22, 8-22) Demolitions:

1. The Certificate of Approval for Demolition of 609, 611, and 619 NE Third Street is contingent upon a replacement project that meets all of the city's local regulations, state regulations, and federal regulations, including DEQ requirements, directions and guidance related to any DEQ LUST case contained in a Contaminated Media Management Plan (CMMP) or instrument such as an Easement and Equitable Servitudes and is ready to proceed. Readiness to proceed is defined as issuance of building permits for the replacement project. A demolition permit will not be issued until that has been established. The penalty for demolition without a permit or an approved redevelopment project that is not constructed with a final occupancy permit within three years of the issuance of the building permit will be equal to the real market value of the most recent assessor's statement for both the structure and the land paid to the City's Historic Preservation Fund. This will be assessed annually until the property is successfully redeveloped. If the successful completion of the replacement project is stalled due to unforeseen conditions the Applicant can appeal this condition of approval in writing to the Planning Commission for review. (OAR 660-023-0200(8)(a)).
2. 609, 611 and 619 NE Third Street, McMinnville Historic Resource Inventory B865, B872, D876 will be automatically removed from the McMinnville Historic Resource Inventory when the extant structure on the subject property is demolished. (OAR 660-023-0200(9))
3. The Applicant must demonstrate how construction activities regarding known pollutants residing under the structures onsite will not negatively affect development onsite, and not negatively affect the adjoining properties, including the city's right of ways. (Comprehensive Plan Policy 2.00)
4. The Applicant must demonstrate that its onsite excavation and building demolition activities do not degrade water quality in the area of the site, adjoining properties, the LUST site, the City's Right of Way and downstream users and properties. (Comprehensive Plan Policy 8.00)
5. The Applicant must demonstrate compliance with the Department of Environmental Quality and other appropriate agencies that its onsite excavation and building

demolition activities do not degrade water quality in the area of the site, adjoining properties, the LUST site, the City's Right of Way and downstream users and properties. (Comprehensive Plan Policy 10.00)

6. The Applicant shall evaluate the existing sanitary sewer system onsite for defects that allow inflow and infiltration (I&I) of rainwater into the sanitary sewer system. The city has an aggressive I&I program that specifically targets aging sewer laterals. Prior to the issuance of a building permit, the Applicant shall revise the plans to show that the existing sewer laterals that serve the buildings, will be video inspected and any defects found in the lateral, will be repaired or replaced. Contact the City Engineering Department for further information and assistance. (Comprehensive Plan Policy #25.00)
7. Prior to submittal for a building demolition permit provide Engineering with detailed demolition plans for review and approval. (Comprehensive Plan Policy #25.00)
8. The Applicant shall demonstrate its design and construction methods will avoid, and then minimize negative impacts related to water and air quality given the onsite and off-site hazards caused by the known hazardous spills associated with the site. (Comprehensive Plan Policy #132.46.00)
9. The Applicant shall demonstrate that storm water collection, detention, and drainage is constructed and maintained to restrict negative consequences and minimize adverse effects from the known underground pollution onsite and off-site areas caused by the owner of the site. (Comprehensive Plan Policy #142.00)
10. The Applicant shall demonstrate how it will comply with all federal, state and local water and wastewater quality standards, given the DEQ LUST case regarding a hazardous gasoline spill on the site and the deficiencies noted in the Record. (Comprehensive Plan Policy 151.00)
11. Prior to the issuance of a building permit, the Applicant will need to meet with the McMinnville Downtown Association to develop a program that will educate local citizens on the benefits associated with an active historic preservation program, that will then be approved by the Planning Director.
12. Prior to the approval of a demolition permit, the Applicant will commission a study on what needs to happen in McMinnville relative to market costs to achieve the community value of historic property rehabilitation/restoration with low lease rates to support local businesses. (McMinnville Municipal Code, 17.65.010(B))
13. The demolition of the historic resource will be delayed for one hundred twenty (120) days in the interest of exploring reasonable alternatives that include preservation of

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the buildings and a fair market sale for the property owner. The property will be posted with the pending demolition during the delay period to seek community engagement about reasonable alternatives. (McMinnville Municipal Code 17.65.050(B)(7))

14. Prior to demolition the Applicant will allow the Yamhill County Historical Society to photo document the building and scavenge any historical artifact associated with the building for preservation as part of their collection. (McMinnville Municipal Code 17.65.050(B)(8))

15. Prior to demolition the Applicant will provide the City with an archaeological plan describing how the Applicant will undertake demolition and excavation with a sensitivity to the potentiality of archaeological resources and if any archaeological resources are discovered how they will be documented and preserved. (McMinnville Municipal Code 17.65.050(B)(8))

AP 4 – 23 (Appeal of DDR 2-22) Gwendolyn Hotel – New Construction:

1. The Applicant must demonstrate how construction activities regarding known pollutants residing under the structures onsite will not negatively affect development onsite, and not negatively affect the adjoining properties, including the city's right of ways. (Comprehensive Plan Policy 2.00)
2. The Applicant must demonstrate that its onsite excavation and building demolition activities do not degrade water quality in the area of the site, adjoining properties, the LUST site, the City's Right of Way and downstream users and properties. . (Comprehensive Plan Policy 8.00)
3. The Applicant must demonstrate compliance with the Department of Environmental Quality and other appropriate agencies that its onsite excavation and building demolition activities do not degrade water quality in the area of the site, adjoining properties, the LUST site, the City's Right of Way and downstream users and properties. (Comprehensive Plan Policy 10.00)
4. The Applicant shall evaluate the existing sanitary sewer system onsite for defects that allow inflow and infiltration (I&I) of rainwater into the sanitary sewer system. The city has an aggressive I&I program that specifically targets aging sewer laterals. Prior to the issuance of a building permit, the Applicant shall revise the plans to show that the existing sewer laterals that serve the buildings, will be video inspected and any defects found in the lateral, will be repaired or replaced. Contact the City Engineering Department for further information and assistance. (Comprehensive Plan Policy #25.00)

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5. The Applicant shall enter into an agreement with the City to perform a sewer capacity analysis. The cost of this analysis shall be borne by the developer. The developer will be responsible for any necessary improvements identified by the capacity analysis. (Comprehensive Plan Policy #25.00)
6. Provide detailed plans for the parking structure, email correspondence has been provided by the developers engineer mentioning a possible encroachment into the city right-of-way for the structure of the underground parking. This needs to be reviewed prior to permit issuance. (Comprehensive Plan Policy #33.00)
7. Provide details for valet parking so the City can review the location and the size of the parking for approval prior to building permit issuance. (Comprehensive Plan Policy #33.00)
8. The Applicant shall demonstrate its design and construction methods will avoid, and then minimize negative impacts related to water and air quality given the onsite and off-site hazards caused by the known hazardous spills associated with the site. (Comprehensive Plan Policy #132.46.00)
9. The Applicant shall demonstrate that storm water collection, detention, and drainage is constructed and maintained to restrict negative consequences and minimize adverse effects from the known underground pollution onsite and off-site areas caused by the owner of the site. (Comprehensive Plan Policy #142.00)
10. The Applicant shall demonstrate how it will comply with all federal, state and local water and wastewater quality standards, given the DEQ LUST case regarding a hazardous gasoline spill on the site and the deficiencies noted in the Record. (Comprehensive Plan Policy #151.00)
11. That the Applicant shall include window details in the construction plans submitted for building permit review that depict how all of the windows on the building will be recessed. (McMinnville Municipal Code, 17.59.050(B)(6))
12. That the Applicant shall provide samples or examples of the exterior building colors to the Planning Department for review and approval by the Planning Director prior to application on the building. (McMinnville Municipal Code, 17.59.050(C)(3))
13. The Applicant will need to submit a sign permit for review and approval prior to the application of any signs to the project. (McMinnville Municipal Code, 17.59.080)
14. Per the Applicant's narrative, all three properties will need to be consolidated into one property prior to building permit issuance.

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15. Per the Applicant's testimony at the March 16, 2023, Planning Commission public hearing, the Applicant will need to memorialize the automobile heritage of this site with appropriate public art, murals, rooms named for historic McMinnville families and businesses as appropriate, and salvaging of the historic brick and interior materials as much as possible to be incorporated into the new project design.

If you have any questions or comments, you may reach me at (503) 434-7311.

Sincerely,



Heather Richards, PCED
Community Development Director

HR

Attachments:

- AP 1-23 (Appeal of HL 6-22) Decision Document
- AP 2-23 (Appeal of HL 7-22) Decision Document
- AP 3-23 (Appeal of HL 8-22) Decision Document
- AP 4-23 (Appeal of DDR 2-22) Decision Document

- c:
- Kira Barsotti (sent via email)
 - Shanna Dixon (sent via email)
 - Marianne Mills (sent via email)
 - Megan McCrossin (sent via email)
 - Courtney Cunningham (sent via email)
 - Jordan Robinson (sent via email)
 - Phyllice Bradner (sent via email)
 - Victoria Anderson (sent via email)
 - Patti Webb (sent via email)
 - Sylla McClellan (sent via email)
 - Meg and Zach Hixson (sent via email)
 - Sharon Julin (sent via email)
 - Daniel Kiser (sent via email)
 - Carol Dinger (sent via email)
 - Katherine Huit (sent via email)
 - Practice Hospitality (sent via email)
 - Kellie Peterson (sent via email)
 - JP and Ames Bierly
 - Elizabeth Goings (sent via email)
 - Abigail Neilan (sent via email)
 - Ilsa Perse (sent via email)
 - The Scott Family (sent via email)
 - Mandee Tatum (sent via email)

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Crystal55dreams (sent via email)
Peter and Linda Enticknap (sent via email)
Karen Saxberg (sent via email)
Jeb Bladine (sent via email)
Nathan Coopriider (sent via email)
Ernie Munch (sent via email)
Marilyn Kosel (sent via email)
Carol Paddock (sent via email)
Michael Kofford (sent via email)
Beth Caster (sent via email)
Rachel Flores (sent via email)
Margaret Cross (sent via email)
Oregon Restaurant and Lodging Association (sent via email)
Jenny Wilson (sent via email)
Alex Sokol Blosser (sent via email)
Janice Weiser (sent via email)
Peter Kircher (sent via email)
Karen Milton (sent via email)
Marie Fruga (sent via email)
Restore Oregon (sent via email)
Susan Marrant (sent via email)
Mike Colvin (sent via email)
Brian Libby (sent via email)
Mike Goins(sent via email)
Loretta Johnson (sent via email)
Carole Ray (sent via email)
Frank Lisciandro (sent via email)
Linda Leavitt (sent via email)
Phil Frischmuth (sent via email)
John Lindner (sent via email)