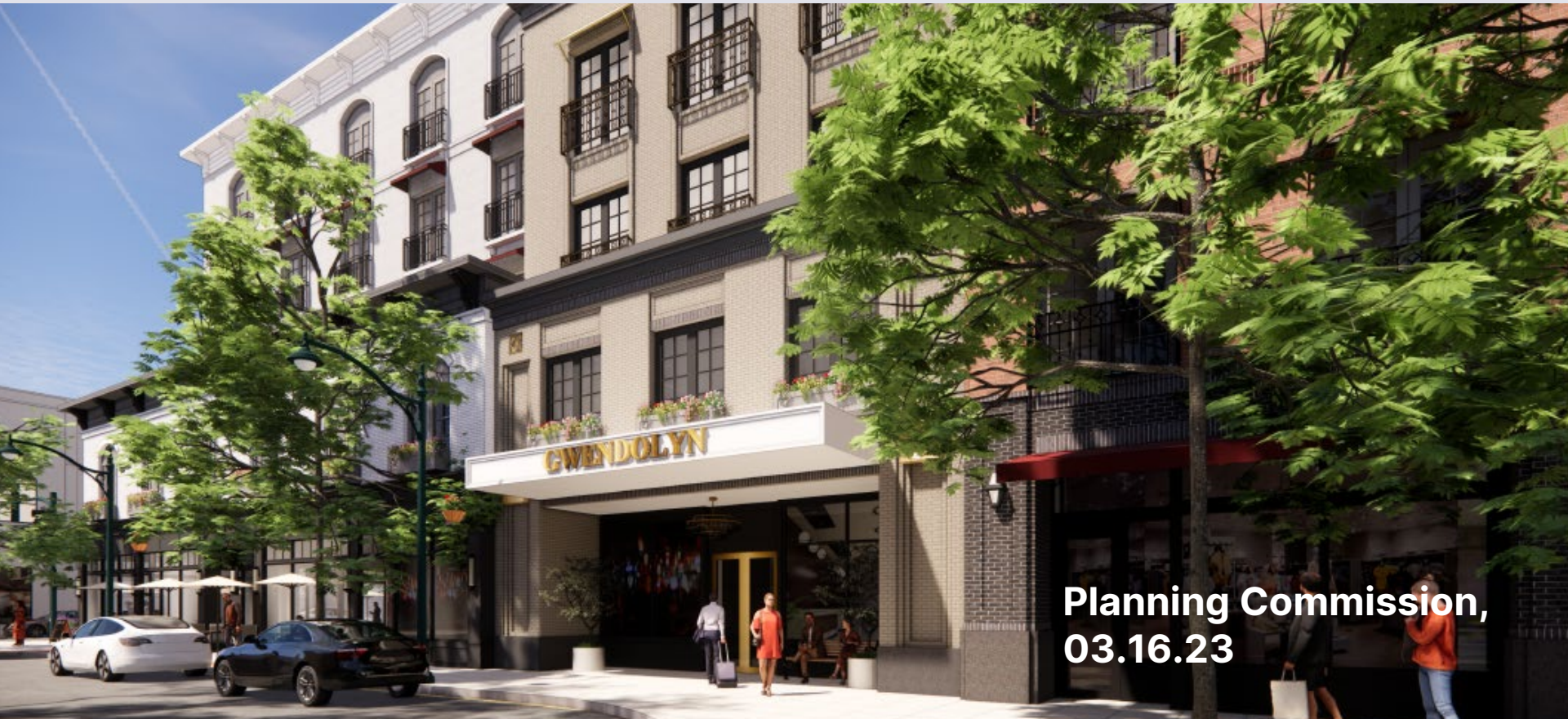




# GWENDOLYN HOTEL PUBLIC HEARING





609

611

619

# GWENDOLYN HOTEL PUBLIC HEARING

Consideration of Certificates of Approval for Demolition for:

**Historic Landmarks Committee denied all three land-use applications and the applicant has appealed their decision to the Planning Commission.**

609 NE Third Street  
(Property Owner, Bladine Family Limited Partnership, represented by Jonathan Bladine)

611 NE Third Street, HL 7-22  
(Property Owner, Bladine Family Limited Partnership, represented by Jonathan Bladine)

619 NE Third Street, HL 8-22  
(Property Owner, Wild Haven LLC, represented by Phillip Frischmuth)

Applicant: HD McMinnville LLC



609

611

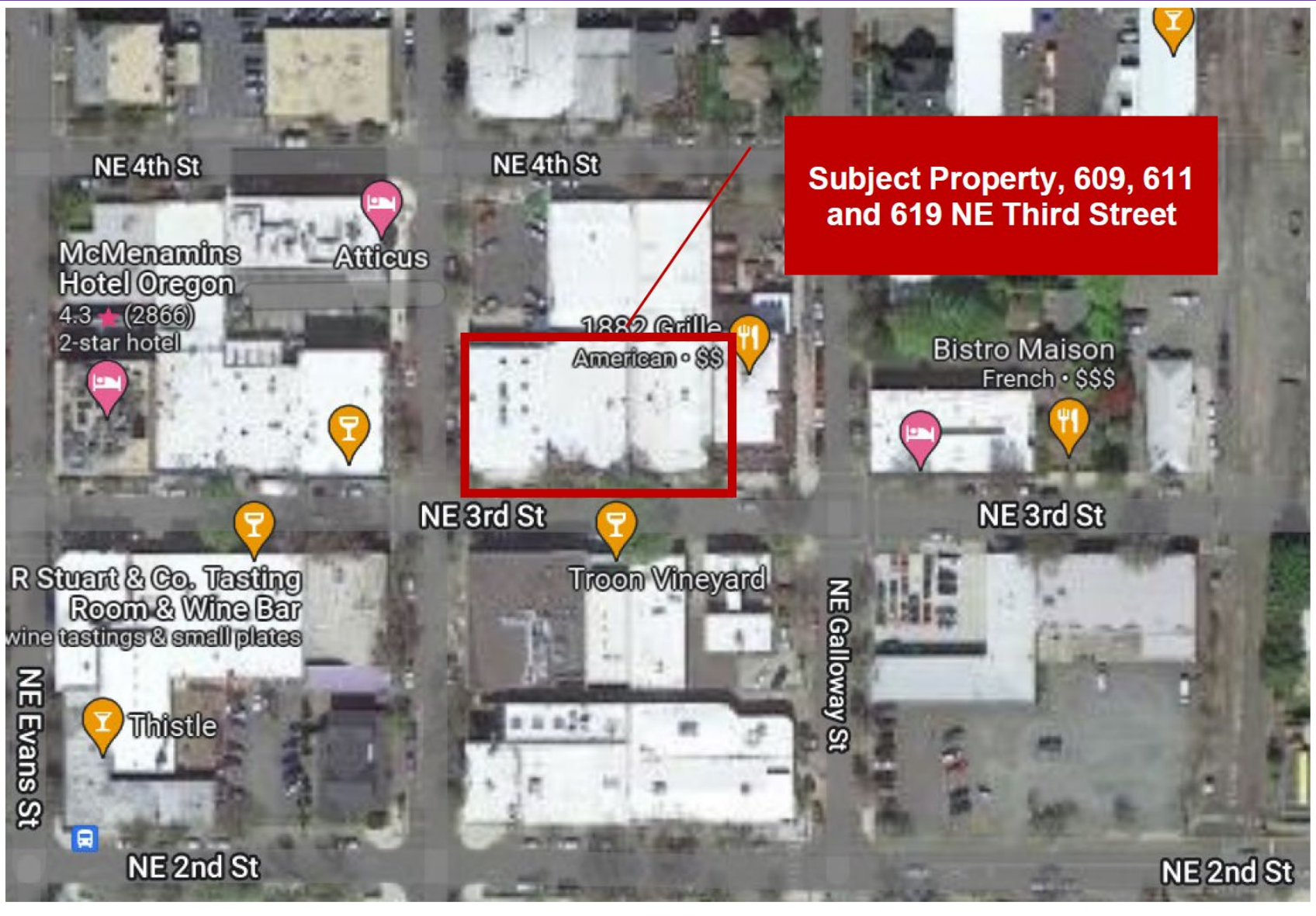
619

# GWENDOLYN HOTEL PUBLIC HEARING

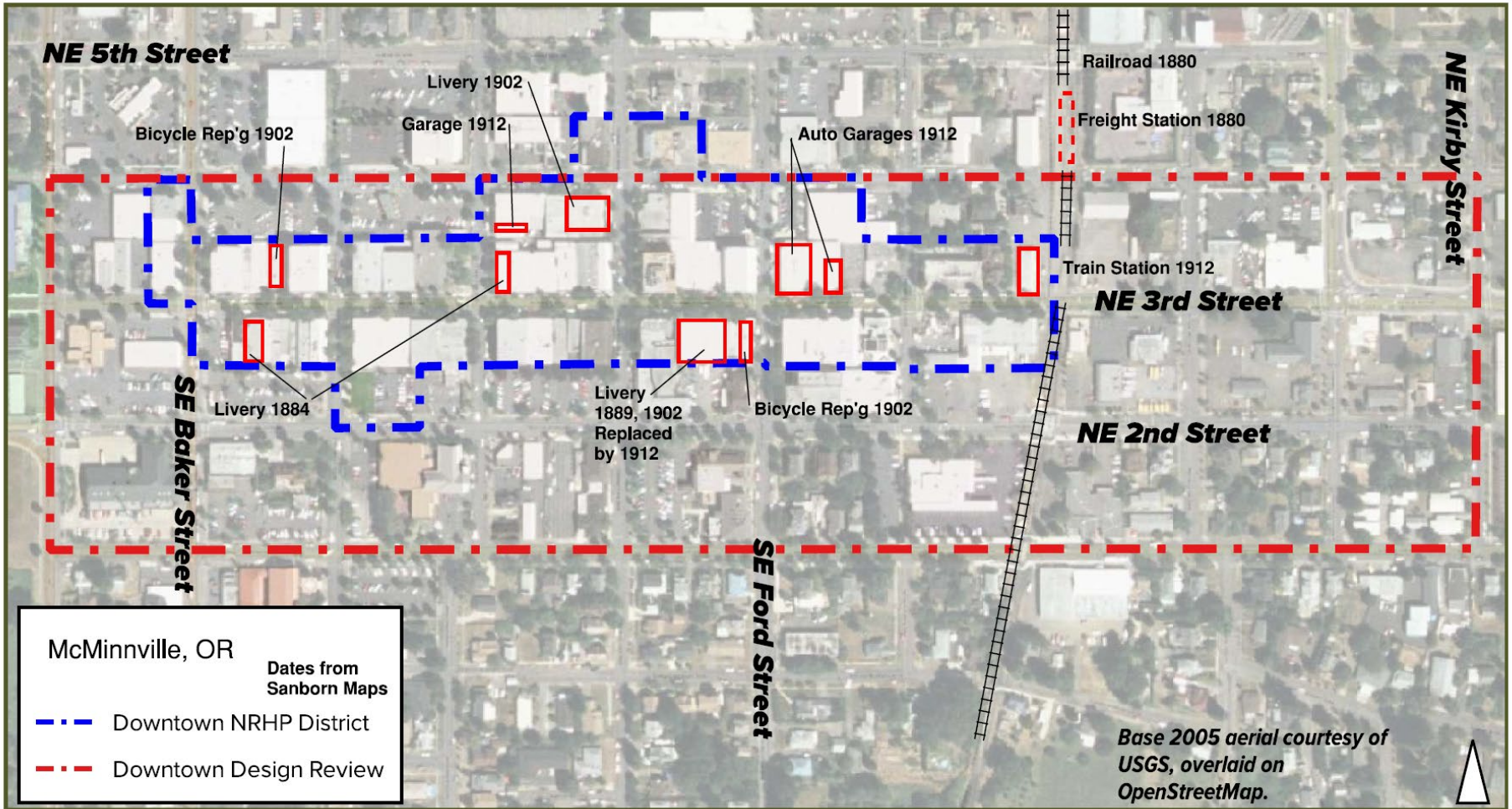
Consideration of Certificate of Approval for New Construction,  
Downtown Historic Review with a Waiver (DDR 2-22)

**Historic Landmarks Committee denied this land-use application and the applicant has appealed their decision to the Planning Commission.**





**Subject Property, 609, 611  
and 619 NE Third Street**



# QUASI-JUDICIAL LAND-USE DECISIONS – APPEALS

# QUASI-JUDICIAL DECISION-MAKING

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*LAND-USE DECISIONS MUST BE MADE BASED ON STATE AND LOCAL REGULATIONS (Approve, Approve with Conditions, Deny)*

## Certificates of Approval for Demolition (HL 6-22, L 7-22, HL 8-22):

- Oregon Land Use Goal 5 – Cultural Resources
- Oregon Administrative Rule (OAR 660-023-0200)
- McMinnville Comprehensive Plan Policies
- Chapter 17.65, Historic Preservation of the McMinnville Municipal Code

## New Construction (DDR 2-22):

- McMinnville Comprehensive Plan Policies
- Chapter 17.33, C3 General Commercial Zone
- Chapter 17.57, Landscaping
- Chapter 17.59, Downtown Design Guidelines
- Chapter 17.60, Off-Street Parking

# QUASI-JUDICIAL DECISION-MAKING

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## *QUASI-JUDICIAL PROCESS:*

*LAND-USE DECISIONS MUST BE MADE BASED ON STATE AND LOCAL REGULATIONS (Approve, Approve with Conditions, Deny)*

## Certificates of Approval for Demolition (HL 6-22, L 7-22, HL 8-22):

- Oregon Land Use Goal 5 – Cultural Resources
- Oregon Administrative Rule (OAR 660.005)
- McMinnville Comprehensive Plan Part 17
- Chapter 17.65, Historic Preservation

## New Construction (DDR 2-22):

- McMinnville Comprehensive Plan Part 17
- Chapter 17.33, C3 General Commercial
- Chapter 17.57, Landscaping
- Chapter 17.59, Downtown Design Guidelines
- Chapter 17.60, Off-Street Parking

We must have legal findings that provide the basis for why the PC feels that the application does or does not meet these regulations. And these findings need to hold up under a legal challenge.

**THIS IS THE EVIDENCE**



# QUASI-JUDICIAL DECISION-MAKING

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## *QUASI-JUDICIAL PROCESS:*

*LAND-USE DECISIONS MUST BE MADE BASED ON STATE AND LOCAL REGULATIONS (Approve, Approve with Conditions, Deny)*

## Certificates of Approval for Demolition (HL 6-22, L 7-22, HL 8-22):

- Oregon Land Use Goal 5 – Cultural Resources
- Oregon Administrative Rule (OAR 660-005)
- McMinnville Comprehensive Plan Policies
- Chapter 17.65, Historic Preservation Ordinance

## New Construction (DDR 2-22):

- McMinnville Comprehensive Plan Policies
- Chapter 17.33, C3 General Commercial
- Chapter 17.57, Landscaping
- Chapter 17.59, Downtown Design Guidelines
- Chapter 17.60, Off-Street Parking

**When you are asking questions, please ask yourself what type of evidence you need to make an informed finding to guide your decision based on the criteria associated with this particular land-use application.**

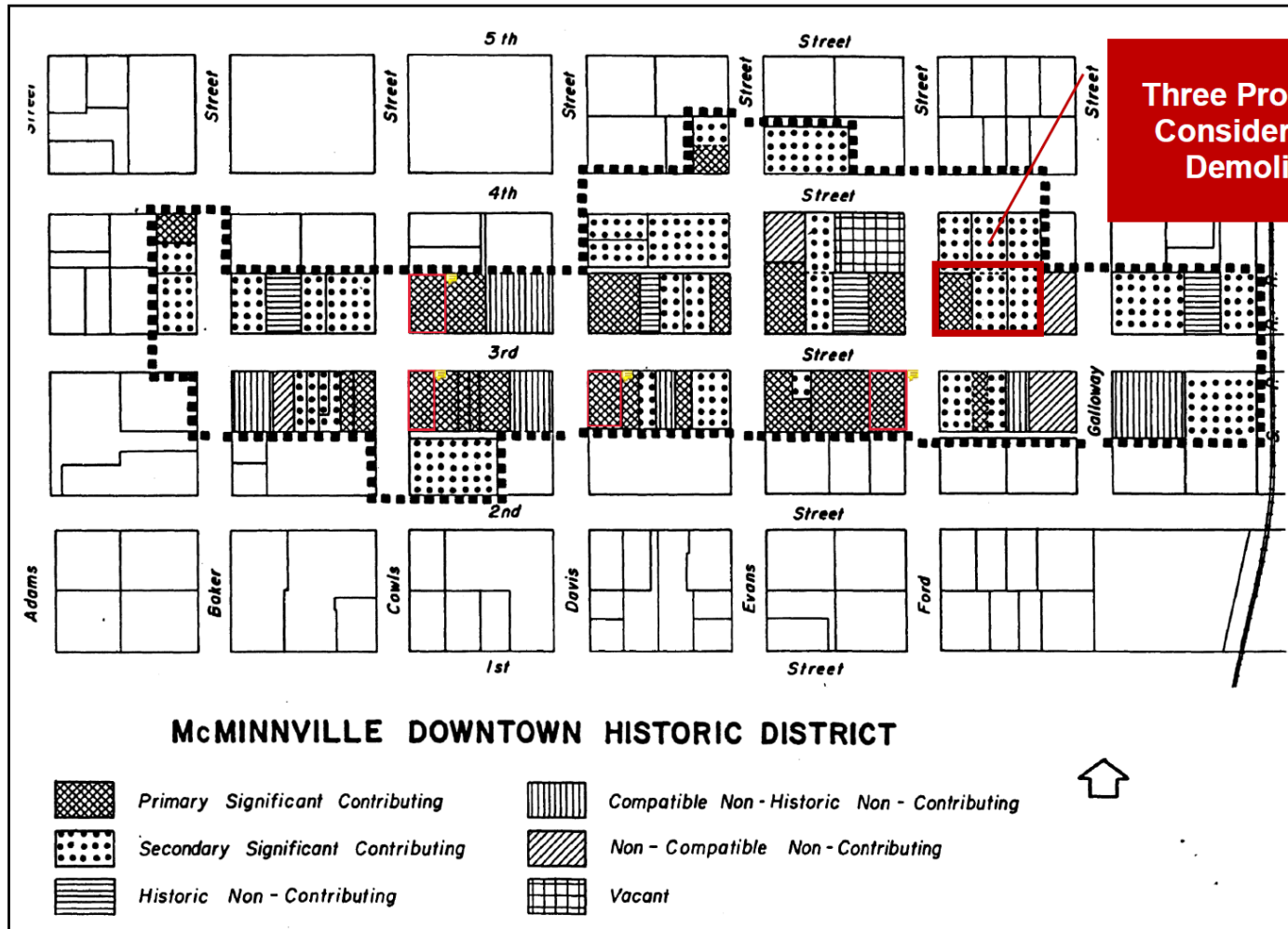
**DEMOLITION DECISIONS:**  
**Historic Landmarks Committee voted**  
**3 – 2 to deny all three applications**

# Structures Requested to Be Demolished

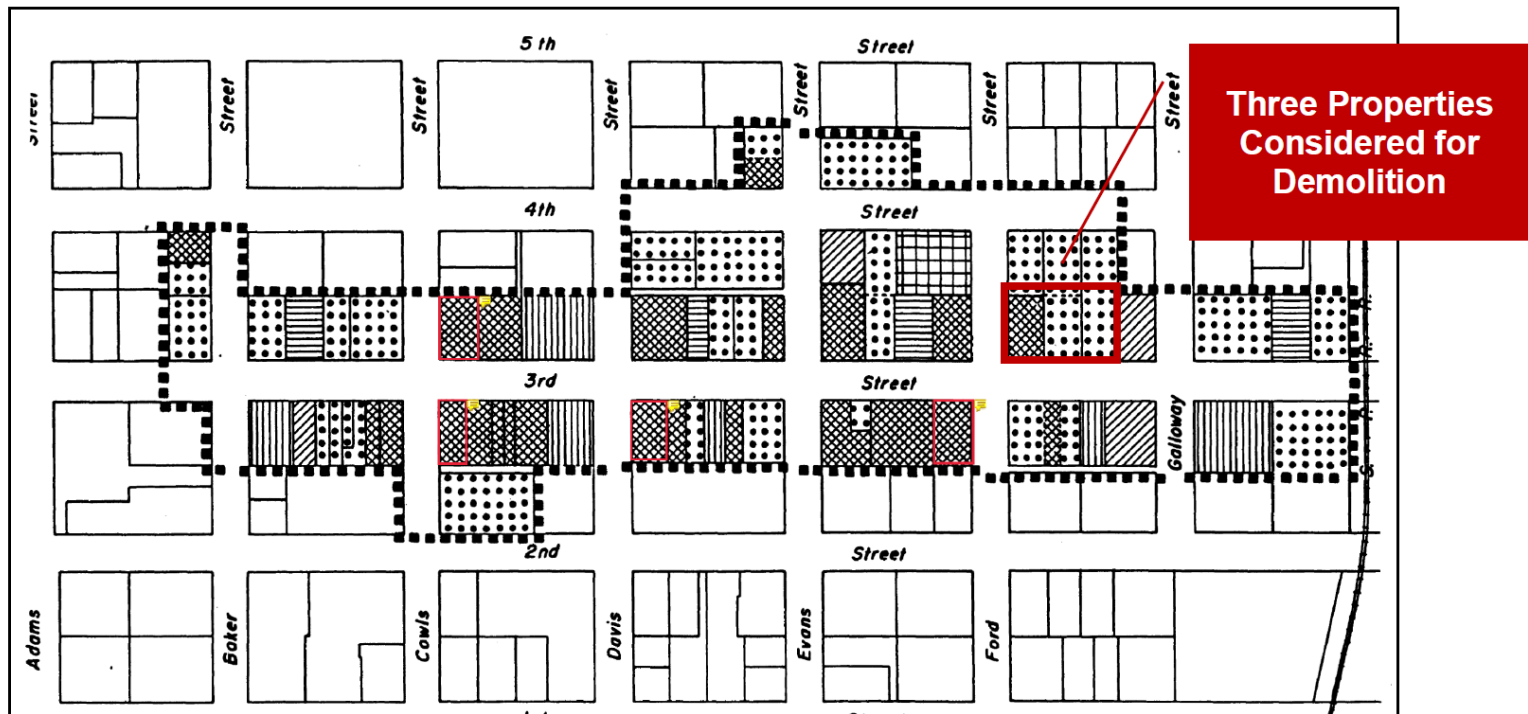
Historic Resource	Type of Designation in the McMinnville Downtown Historic District (NRHP)	Type of local designation on the McMinnville Historic Resources Inventory
609 NE Third Street (ca. 1904)	Primary Significant Contributing	B = Significant (B865)
611 NE Third Street (ca. 1912 – 1928)	Secondary Significant Contributing	B = Significant (B872)
619 NE Third Street (ca. 1923)	Secondary Significant Contributing	D = Environmental (D876)



# MCMINNVILLE DOWNTOWN HISTORIC DISTRICT



# MCMINNVILLE DOWNTOWN HISTORIC DISTRICT



Three Properties  
Considered for  
Demolition

**Primary Significant Contributing:** Structures are classified as Primary Significant if they were built on or before 1912, or reflect the building styles, traditions, or patterns of structures typically constructed before this date. These buildings represent the primary period of construction and development in downtown McMinnville from initial settlement in 1881 to 1912, when city improvements and use of the Oregon Electric and Southern Pacific Railroad service prompted new construction in the downtown area.

**Secondary Significant Contributing:** Structures are classified as Secondary Significant if they were built in or between 1913 and 1937. These buildings represent the secondary period of construction and development from the increase of city improvements and auto traffic.

# MCMINNVILLE HISTORIC RESOURCES INVENTORY

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- **Distinctive (A):** Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
- **Significant (B):** Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
- **Contributory (C):** Resources not in themselves of major significance, but which enhance the overall historic character of the neighborhood or City. Removal or alteration would have a deleterious effect on the quality of historic continuity experienced in the community; or
- **Environmental (D):** This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise a historic context within the community.

# NOTICE OF APPEAL

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The committee denied HL 6-22, HL 7-22 and HL 8-22 based on the following criteria:

- OAR 660-203-0200(8)(a)
- 17.65.010(D)
- 17.65.050(B) (1 – 4, 6 – 8)
- Comprehensive Plan, Vol. II, Goal III (2)

The committee:

- Unreasonably or incorrectly interpreted and applied the code
- Failed to issue adequate findings
- Failed to reasonably weigh the evidence in the record such that its decision is not substantially supported by the evidence in the record.

# DEMOLITION CRITERIA:

OAR 660-023-0200 and  
Chapter 17.65.050 of the  
McMinnville Municipal Code



# Demolition: CODE CRITERIA

<b>State OAR 660 -023-0200</b>	<b>McMinnville Municipal Code, 17.65.050</b>
Condition	Comprehensive Plan Policies
Historic Integrity	Economic Use of the Historic Resource
Age	Value and Significance of the Historic Resource
Historic Significance	Physical Condition of the Historic Resource
Value to the Community	Whether the Historic Resource is a Public Hazard
Economic Consequences	Whether the Historic Resource is a Deterrent to an Improvement Program Whose Benefit Substantially Overrides the Public Interest in Preservation
Design or Construction Rarity	Whether the Retention of the Historic Resource would Cause Financial Hardship to the Owner not Outweighed by the Public Interest in Preservation
Comprehensive Plan Policies	Whether Retention of the Historic Resource would be in the Best Interest of the Majority of the Citizens of the City and the Resource Could be Documented and Preserved in Another Way

# Demolition: CODE CRITERIA

<b>State OAR 660 -023-0200</b>	<b>McMinnville Municipal Code, 17.65.050</b>
Condition	Comprehensive Plan Policies
Historic Integrity	Economic Use of the Historic Resource
Age	Value and Significance of the Historic Resource
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Value to the Community	Whether the Historic Resource is a Public Hazard
Economic Consequences	Whether the Historic Resource is a Deterrent to an Improvement Program Whose Benefit Substantially Overrides the Public Interest in Preservation
Design or Construction Rarity	Whether the Retention of the Historic Resource would Cause Financial Hardship to the Owner not Outweighed by the Public Interest in Preservation
Comprehensive Plan Policies	Whether Retention of the Historic Resource would be in the Best Interest of the Majority of the Citizens

**These are factors for you to consider when making your decision, and are particular to the land-use applications in front of you.**

**And although discretionary, your decision still needs to have findings relevant to these factors supported by evidence in the record.**

**NEW DESIGN – (AP 4-23, DDR 2-22):**  
**Historic Landmarks Committee voted**  
**4 – 1 to deny this application**



# NOTICE OF APPEAL

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The committee denied DDR 2-22 based on the following criteria:

- ❑ 17.59.040(A)(3):
- ❑ 17.59.030(D):
- ❑ 17.59.050(B)(1) – (2):

The committee:

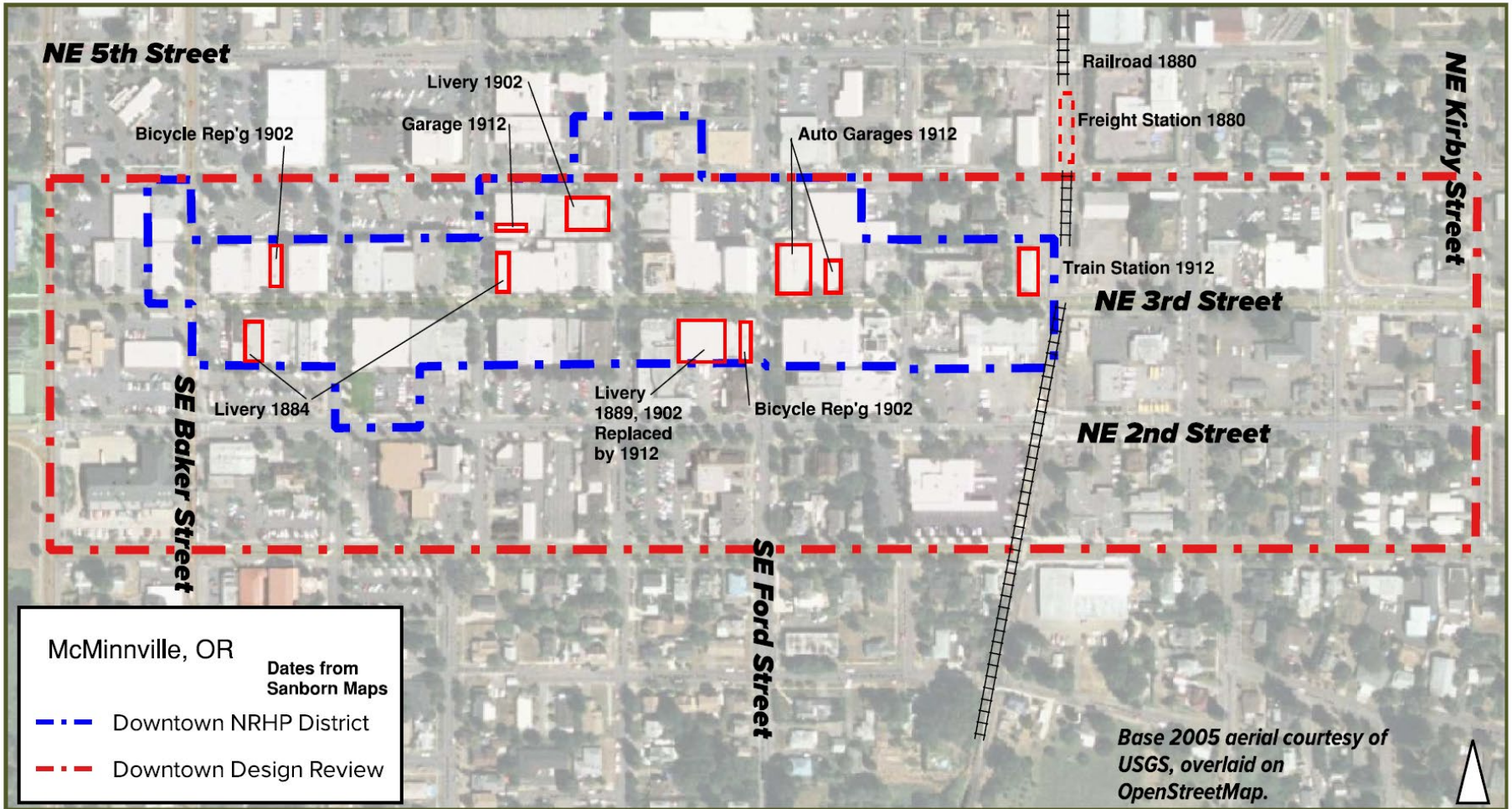
- Unreasonably or incorrectly interpreted and applied the code
- Failed to issue adequate findings
- Failed to reasonably weigh the evidence in the record such that its decision is not substantially supported by the evidence in the record.

# NEW DESIGN – CODE CRITERIA:

Chapter 17.33, C3 General Commercial Zone

Chapter 17.59, Downtown Design  
Standards and Guidelines

Chapter 17.60, Off Street Parking



# 17.59 Downtown Design

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## *17.59, Downtown Design Standards and Guidelines*

These are for the most part clear and objective standards with “shall” language, but there are also guidelines with “should” language.



# 17.59 Downtown Design

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## *17.59, Downtown Design Standards and Guidelines*

These are for the most part clear and objective standards with “shall” language, but there are also guidelines with “should” language.

17.59.030(D) – Waiver Process, “A **guideline or standard** contained in this ordinance may be waived as part of the design review process when it can be demonstrated that the proposed design satisfies or exceeds the downtown design goals and objectives of this ordinance. If a waiver is requested, the applicant must explain in their application how the proposed design satisfies or exceeds these goals and objectives. **A request for a waiver to the standards of this ordinance shall be reviewed by the McMinnville Historic Landmarks Committee, as described in Section 17.59.030(C)(2).**”

# CLARIFICATIONS

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- 1) **Parking** – the parking garage is not full. We have had discussions with businesses in the past about leasing spaces.
- 2) **Gwendolyn Hotel, Construction Details** – There is some public testimony about ADA compliance associated with the new construction, location of HVAC equipment on the roof deck, specificity of the interior design of the project, ROW design concerns. This is a review of the exterior of the building from a design perspective. Construction documents will be reviewed for compliance with ADA regulations, building codes, DEQ regulations, PROWAG and any other local, state and federal regulations associated with the actual construction of the project when applying for a building permit.
- 3) **New Construction in a Historic District** – “New construction should be distinct from the old and must not attempt to replicate historic buildings elsewhere on site and to avoid creating a false sense of historic development.” (*National Park Service*)

# CLARIFICATIONS

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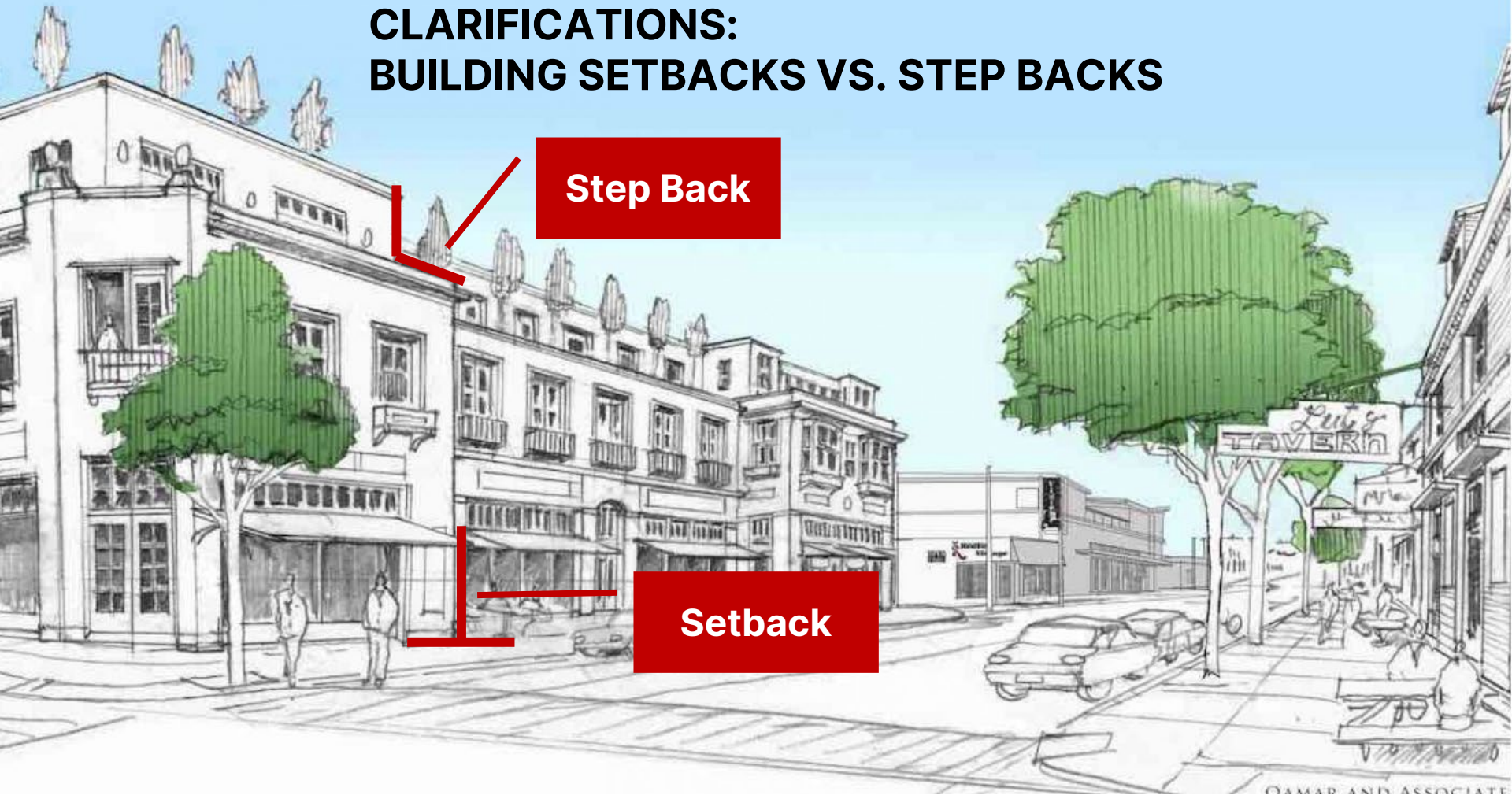
1) **Waiver, 17.59 Standards and Guidelines** – the applicant did originally apply for a waiver for 17.59.050(B)(1) to allow the building to appear as three stories rather than two stories at the corner.

**September 29, 2022:** Staff reviewed the application and identified issues with 17.59.050(B)(1) – similar massing and configuration to adjacent or nearby historic buildings on the same block - and 17.59.050(B)(2) – bays similar in scale to other adjacent historic buildings as appropriate to reflect the underlying historic property lines.

**November 4, 2022:** Applicant responded that the chapter was entitled Downtown Design Standards and Guidelines and the criteria in question were should statements that were permissive but not mandates. Staff concurred in a draft decision document on January 5, 2023 based on the permissive language and the historical record for how the city has applied the criteria in the past.

**January 26, 2023:** The HLC created a finding that the should criterion were mandates.

# CLARIFICATIONS: BUILDING SETBACKS VS. STEP BACKS



**Section 17.06 Setback** – The minimum required distance measured perpendicularly from a property line to the nearest vertical portion (including wall, support pillar, porch) of a building or structure.

# HLC PUBLIC TESTIMONY

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**Victoria Anderson**  
**Kira Barsotti**  
**JP and Ames Bierly**  
**Jeb Bladine**  
**Phyllice Bradner**  
**Beth Caster**  
**Nathan Coopriider (x3)**  
**Courtney Cunningham**  
**Carol Dinger**  
**Shanna Dixon**  
**Peter and Linda**  
**Enticknap**  
**Elizabeth Goings**  
**Sharon Julin**  
**Meg and Zach Hixson**  
**Practice Hospitality**  
**Katherine Huit**

**Daniel Kiser (x2)**  
**Marilyn Kosel (x2)**  
**Michael Kofford**  
**Sylla McClellan**  
**Marianne Mills**  
**Megan McCrossin**  
**Ernie Munch (x3)**  
**Abigail Neilan**  
**Carol Paddock (x2)**  
**Ilsa Perse**  
**Kellie Peterson**  
**Jordan Robinson**  
**Karen Saxberg**  
**Scott Family**  
**Mandee Tatum**  
**Patti Webb**

# PC PUBLIC TESTIMONY

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**Oregon Restaurant/Lodging Assoc.**

**Phyllice Bradner**

**Ernie Munch, MAP Architecture**

**Nathan Coopriider**

**Marilyn Kosel**

**Daniel Kiser**

**Alex Sokol Blosser**

**Janice Weiser**

**Katherine Huit**

**Beth Caster**

**Karen Milton**

**Marie Fruga**

**Carol Paddock**

**Margaret Cross**

**Restore Oregon**

**Peter Kircher**

# PC PUBLIC TESTIMONY

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**Jeb Bladine**  
**Doug Hurl**  
**John Linder**  
**Casey Kulla**

**Ernie Munch**  
**Daniel Kiser**  
**Linda Leavitt**  
**Marilyn Kosel**  
**Nathan Coopriider**  
**Katherine Huit**

# PC PUBLIC TESTIMONY

---

**Oregon Restaurant/Lodging Assoc.**

**Phyllice Bradner**

**Ernie Munch, MAP Architecture (x2)**

**Nathan Coopriider (x2)**

**Marilyn Kosel (x2)**

**Daniel Kiser (x2)**

**Alex Sokol Blosser**

**Janice Weiser**

**Katherine Huit (x2)**

**Beth Caster**

**Karen Milton**

**Marie Fruga (x2)**

**Carol Paddock (x3)**

**Margaret Cross**

**Restore Oregon**

**Peter Kircher**

**Jeb Bladine**

**Mike Colvin**

**Carole Ray**

**Frank Lisciandro**

**Judith Bernards**

**Loretta Johnson**

**Mike Goins**

**Susan Marrant**

**Ilsa Perse**



# YOUR DECISION

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**Basically, it is the same as any other time that you are making a quasi-judicial decision. Does the evidence in the record support an approval or denial of the land-use applications per the applicable criteria used to review them?**

- Vote to Deny and agree with the HLC Findings**
- Vote to Deny and develop your own findings**
- Vote to Approve and recommend staff findings per January 5, 2023 draft documents (with amended conditions of approval)**
- Vote to Approve and develop your own findings**

**If you need more time, we can postpone until March 30 and reconvene.**



# GWENDOLYN HOTEL PUBLIC HEARING

