



MEMORANDUM

DATE: March 2, 2023
TO: Planning Commission Members
FROM: Heather Richards, Community Development Director
SUBJECT: Public Testimony for AP 1-23 (HL 6-22), AP 2-23 (HL 7-22), AP 3-23 (HL 8-22), and AP 4-23 (DDR 2-22), Appeal of the Gwendolyn Hotel Land-Use Applications (Received after February 22, 2023)

Planning Commission Members,

Following is the public testimony that has been received for the appeal of the Historic Landmarks Committee's denial of the three Certificates of Approval for Demolition for the historic resources at 609, 611, and 619 NE Third Street, and the Certificate of Approval for New Construction for the Gwendolyn Hotel project since February 21, 2023.

Public Testimony:

- Marilyn Kosel, 02.22.23
- Daniel Kiser, 02.25.23
- Jenny Wilson, 02.26.23
- Alex Sokol Blosser, 02.27.23
- Janice Weiser, 02.27.23
- Katherine Huit, 02.27.23
- Beth Caster, 02.28.23
- Karen Milton, 02.28.23
- Marie Fruga, 02.28.23
- Carol Paddock, 03.01.23
- Margaret Cross, 03.01.23
- Restore Oregon, 03.01.23
- Peter Kircher, 03.02.23

To: McMinnville Planning Commission

Re: Gwendolyn Hotel – Appeal of HLC decision, applications HL-6-22, HL-7-22, HL-8-22, DDR-2-22

Date: Tuesday, February 21, 2023

From: Marilyn Kosel, downtown property owner and resident

Dear McMinnville Planning Commission,

The McMinnville Historic Landmark Committee members were performing their mandated duties when they opposed the demolition of three historic or contributing buildings within the historic district. They understand the job they are tasked with, their mandate, and the rules and ordinances to be followed.

Overturing the HLC decision sets a dangerous precedent. Opening the door to further re-development until our Historic District is not historic at all. It would also beg the question, why do we have ordinances to protect our historic structures if they are going to be ignored or not uniformly enforced? Our ordinances do leave some gray area open to interpretation, but the intent and precedent is clear.

The Historic Landmarks Committee was also listening to the overwhelming public opposition to the demolition. Opposition from our community members outnumber supporters by a considerable margin. Citizens from all political corners, including experts, architects, downtown property owners, and others who care about preserving what we all love about McMinnville.

Such public involvement in Historic Landmark Committee hearings is rare and shows how much the majority in this community wishes to preserve our historic buildings and historic downtown. Their voices were heard and respected by the committee. The denial of the application was not based on opinion, but on our own codes and ordinances and supported by the voice of our community.

Our McMinnville downtown is designated a National Historic District|. McMinnville is also a participant in the Oregon Historic Preservation Office as a Certified Local Government Program. In McMinnville's own MacTown 2023 project goals, keeping historic downtown intact meets at least 6 of those goals, while the Gwendolyn Hotel project meets only a few. Here is a quote from the MacTown 2023 Mission: *“Our strong downtown serves residents and visitors alike, featuring unique shops and world-class restaurants that offer locally produced food products and globally-renowned wine. As we evolve, we prize our small-town roots and we maintain McMinnville's character.”*

Restoration of historic buildings is possible as evidenced by the recent Taylor Dale Hardware restoration, the upcoming Hotel Yamhill/Mack Theater historic restoration, and other projects. Yes, restoration is expensive but so is demolition and building an entirely new building. Our downtown is economically viable. The buildings in question have been economically viable and could be restored to even greater economic use. Various viable uses are allowed without triggering seismic upgrades. Our historic district should be preserved and is part of what makes downtown unique.

The majority of project opponents are not opposed to the hotel itself and understand the potential economic benefits. The hotel could be built a few blocks away, just outside the Historic District. Or

they could replace a newer non-contributing building within the Historic District.

The applicants say there are no suitable sites available. There probably are willing sellers within a reasonable distance from the site they are considering. Potential sellers simply may not be aware of the opportunity. Building further East on 3rd St, where the majority of buildings are non-contributing, would likely generate more vitality and economic growth towards that end of the street. This could generate more economic growth for McMinnville in the long term than the site currently being considered.

Sincerely,
Marilyn Kosel

From: [Daniel Kiser](#)
To: [Heather Richards](#)
Subject: Gwendolyn Hotel Comments
Date: Saturday, February 25, 2023 3:56:31 PM

This message originated outside of the City of McMinnville.

Dear Heather,

Reviewing the applicant's appeals, many, if not all, of their issues are that the HLC misapplied, misconstrued, or incorrectly weighed the OAR guidelines and local codes in reviewing their applications. However, the city's staff presentation on 9/29/22 stated "there are no clear and objective directions in the OAR that states how to use the factors to make a decision (how many, etc.)" and "there are no clear and objective directions in the local codes that states how to use the criteria to make a decision (how many, etc.)."

In the court of public opinion, the applicant also made several claims in a News-Register article on Friday, Feb 17, 2023 that I would like to address:

1. "HLC (members) who voted against ignored concrete evidence provided to them by many consultants who stated there is no historic significance left of these buildings other than its location within the broader designated historic area."

This is false. Information provided by the applicant's own paid consultants support the historic designation of these buildings. Despite claims by the applicant to the contrary, there is substantial evidence in the public record that these buildings have historic value because of their age, because they are the only historic buildings in the district that tell the story of the automobile age coming to McMinnville, and have small massing that contribute to the quaint, small-town scale of Third Street. I submit that the applicant's consultants did not provide concrete evidence that these buildings cannot be restored for uses other than a hotel.

2. "(THE HLC) seemed to think that they can make decisions for landowners and not take into account their financial situations, age, ability and desire to restore a property they own. This seems to be dangerously close to infringing on property owners' rights."

This claim is humorous considering the applicant does not legally own the properties in question. The current property owners did not demonstrate to the HLC that “retention of [the] historic resource would cause financial hardship for the owner”, but the HLC’s oversight of these properties is not a property rights issue. Every property owner in the United States is subject to state building codes and municipal zoning ordinances that determine what can and cannot be built. These codes are meant to protect life safety and the rights of other property owners. The HLC’s oversight of properties in the Downtown Historic District is to help protect the rights of property owners in the district who enjoy increased real estate values and business because of Third Street’s intact historic buildings.

The HLC was fulfilling its duty in denying the demolition of these historic buildings and denying the design of the Gwendolyn Hotel. Please uphold their decisions.

Thank you,

Daniel Kiser

10771 NW Brentano Lane, McMinnville, OR 97128

From: [Jenny Wilson](#)
To: [Heather Richards](#)
Subject: Gwendolyn project
Date: Sunday, February 26, 2023 6:28:20 AM

This message originated outside of the City of McMinnville.

As a person who's lived in Yamhill County for eight years and frequents downtown, I am very much opposed to this giant building. First off the number of rooms has gone up. Second of all once they start digging underground I'm sure they're going to realize that they will not be able to put parking underground and we all know that street parking is already limited in downtown McMinnville for locals, tourists, and those who like to shop there. It's interesting that the people across the street renovated that building and turned it to a hotel. The investors who bought the theater are also going to remodel and take the time to restore the historic value of that building and make it beautiful. It's sad to think that some hoity-toity people from Portland think they're giving us "a gift to the community" when our community is doing just fine. I love Mac because there is historical value. I love Mac because the buildings are extremely rich and their stories. And this LLC wants to tear down all the existing buildings, which would displace all those small businesses. Are they guaranteed to be able to stay in the retail space below their hotel? I think not. Don't displace small businesses and tear down a building that doesn't need to be torn down just because you want some fancy large hotel that we don't need. They should be building a brick and mortar beautiful building that replicates a lot of the buildings in downtown. If other companies can do it, so can yours.

Also, think about the absolute disruption of downtown will have of the surrounding businesses and pedestrian traffic if that building is torn down and how long it will take them to actually build and reopen. Dine outside, it's one of the times that I get to eat at restaurants since COVID... Please don't disrupt that amazing time of the year when I can enjoy eating with friends.

Listen to the people who live here, listen to the people who spend money here. We do not want this hotel. We do not want the disruption of our downtown area for an extended period of time. We do not want these businesses who are reputable to be discarded and have nowhere else to relocate. Please listen to the people of this town and county and go build your giant hotel somewhere else off highway 18.

Sincerely,
Jenny Wilson
Lives in Carlton
Works in McMinnville

[Sent from Yahoo Mail on Android](#)

From: [Alex Sokol Blosser](#)
To: [Heather Richards](#)
Cc: [Remy Drabkin](#)
Subject: Public Testimony for both Planning Commission and City Council- Gwendolyn Hotel
Date: Monday, February 27, 2023 7:30:26 PM

This message originated outside of the City of McMinnville.

Dear Ms. Heather Richards;

While not a resident of McMinnville (I live in Dayton) I feel very connected to the town since I was born there (1974), had my first job there (1988 at Tommy's Bike Shop on 3rd Street), and have multiple family and friends who live and work there. I read in the "News-Register," that the Gwendolyn Hotel's application was voted down by the McMinnville Historic Landmark Committee and that a public hearing is scheduled on the hotel's application in front of the McMinnville City Planning Committee this coming Wednesday night.

I want to write in favor of the proposed Hotel Gwendolyn and hope that the McMinnville City Planning Committee and the City Council approve the hotel project to move forward. This proposed hotel development on 3rd street is not only a great opportunity for McMinnville and 3rd street, but is stands to better the greater Yamhill County community with another top quality lodging option that our area needs. The fact that the developer hired the Architect, Gary Reddick, says a lot about the quality of this project as Gary is someone whom my family has worked with in the past.

I am hopeful that any concerns to the project can be worked out between the Planning Committee and the Developer and that the project can move forward. Do not let this opportunity move to another community. It would seem that all parties here can work out a "win-win," situation.

Thank you,

Alex

**Alex Sokol Blosser, He/Him | President
Sokol Blosser Winery | Evolution Wines
In the Family since 1971**

5000 NE Sokol Blosser Lane | Dayton, OR 97114
main: 503.864.2282 ext. 1024
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From: [Janice Weiser](#)
To: [Heather Richards](#)
Subject: Gwendolyn Hotel
Date: Monday, February 27, 2023 8:46:08 PM

This message originated outside of the City of McMinnville.

McMinnville has a thriving and charming downtown in the heart of a burgeoning wine country. To me a new hotel replacing ugly buildings makes sense and embodies moving into McMinnville's robust future smartly. The KAOS building fits into the town charmingly. This building will be imposing with its height, but not overly. I am in favor of going forward with the plan to build subject hotel.

Respectfully,
Janice Weiser
1782 NW Emerson Way
McMinnville, OR 97128
Sent from my iPhone



MEMORANDUM

Date: February 27, 2023

To: McMinnville Planning Commission

From: Katherine Huit, Historian, CRM

Subject: Public Testimony on the Gwendolyn Hotel - Appeal of HLC decision, applications HL- 6-22, HL-7-22, HL 8-22, and DDR 2-22

Thank you for taking the time to read my testimony and for your service as visionaries for McMinnville's future. McMinnville became the home we love largely because civic stewards, like those serving on the Planning Commission and City Council, saw, studied and sought solutions to issues before they became problems, thus setting a precedent of forward-thinking that allowed the city to provide the services necessary for a growing and thriving community. The book I authored about our city and its utility, *At Your Service: The Story of McMinnville Water and Light, One of the Oldest Municipal Utilities in the West*, clearly illustrates this point.

Without proactive and forward-looking stewardship, we would not enjoy clean drinking water and dependable electrical power provided to us by McMinnville Water and Light. Visionary leaders brought the railroad to McMinnville for both freight and passenger service. We would not have light industries like the trailer manufacturing plants or heavy industry like Cascade Steel if not for McMinnville Industrial Promotions, created by a group of future planners who, in the early 1950s, foresaw a reduction in timber industry related jobs that fueled our local economy. Nearly four decades later, McMinnville's downtown no longer served as the 'hub' of the city; the business corridor moved north along Highway 99W and out Three Mile Lane and the Highway 18 bypass to the east of downtown. Seeking a solution to empty stores along its traditional main street, McMinnville's visionary leaders wrote a successful nomination for the preservation of the McMinnville Downtown Historic District (MDHD). Motivated by preservation of local history, this enterprising group of individuals also leveraged the newly minted 15.2-acre historic district as a tourist destination, thus creating a fabulous place that locals and visitors alike love today. Understanding where we've come from is a basic requirement in planning future spaces for upcoming generations to love, nurture and mark as their own "past", eventually. The MDHD is a great example - even a template - for creating attractive tourist destinations.

I applaud McMinnville's Historic Landmarks Committee (MHLC) for reviewing all the applicable codes and relevant testimony to deliver its decision denying demolition of the O'Dell, News Register and Bennette buildings to make way for new construction as outlined in the Gwendolyn Hotel proposal. Testimony presented during MHLC hearings in response to the proposed demolition and new hotel construction demonstrates the passion of many folks - old timers and new comers - about their historic downtown - and their love for the MDHD is a direct result of steps taken during the late 20th century to preserve a portion of our community's past. Other testimony emphasizes the need to move forward and accommodate more tourists to benefit our local economy.

There are many hurdles and viewpoints that come with historic preservation. What is a historic district anyway, and is it worth saving 19th and 20th century buildings - after all we're living in the 21st Century, right? Historic districts consist of a designated group of buildings that together form a historically or architecturally significant area. Intended to preserve *the character of the significant area*, the designation does not involve freezing it in time. With recent experience involving the placement of a significant historic structure on the National Register, I understand the technical process of preparing a successful nomination, which evaluates and addresses specific criteria through written historic context statements and supporting documentation for consideration by local governments and listing authorities at the state (State Historic Preservation Office (SHPO) and federal (National Park Service (NPS) / Department of the Interior) levels. The government authorities base their ultimate listing decisions on nationally recognized standards for preservation activities. Architect Ernie Munch submitted a National Register Bulletin and other reference materials, which outline the criteria used by SHPO and the NPS when evaluating National Register nominations, as part of the record and public testimony to the Historic Landmarks Committee on January 3, 2023. The basic emphasis here is this: the three buildings in question are a part of the 15.2-acre MDHD and the listing authorities would not have allowed the Historic District's creation without seriously considering the criteria as presented in 1987.

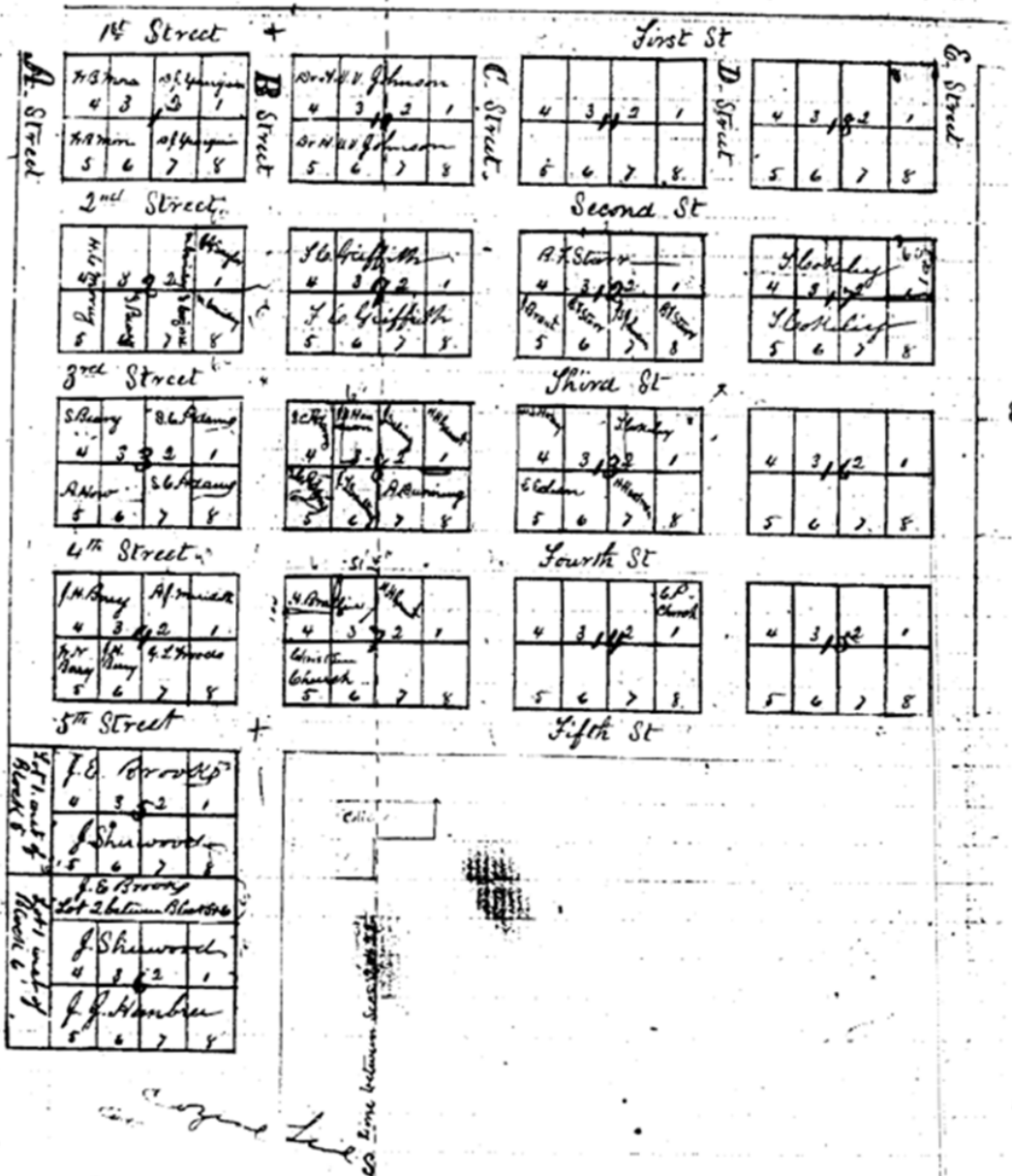
From this moment in time - nearly 25 years past the turn of the 21st century and nearly 40 years since the creation of the MDHD, I ask you to weigh two points when considering the Gwendolyn Hotel appeal:

First, the MDHD encompasses a very small portion of this city. The boundary that defines the MDHD (shown in Figure 2, below) is smaller than the original town defined with the plat created by WT Newby in 1856 (shown in Figure 1, below). The MDHD encompasses only 15.2 acres of McMinnville's 10.58 square miles, as shown in Figure 3, below. Think about it: .00399 percent of the entire city! Keep in mind that the MDHD as it stands today exists as a snapshot from 1987, at a time after early wood structures gave way to brick and mortar structures, and 'urban renewal' saw older brick buildings give way to mid-century modern structures such as that which houses today's US Bank. Looking back, this defined historic district had the purpose of preserving a very small portion of our community's history, which was very close to completely disappearing in the late 1980s. The MDHD also served as an integral part for the growth of tourism in McMinnville after the change in the economy stemming from the ebbing timber industry and a surge of diversified growth in industrial, agriculture and service business during the 1980s, including an emerging wine industry. Today, the MDHD encompasses what many call "the heart of McMinnville" and represents the people who created the core values of our city (including historic preservation). That said, McMinnville has grown quite a bit since 1987 and in my opinion, the MDHD today represents the heart of "old Mac", which used to house not only the early government for the City of McMinnville, but also emerging business enterprises and industries which spanned the late 19th and early 20th centuries. As such, the MDHD is a finite resource.

334 G

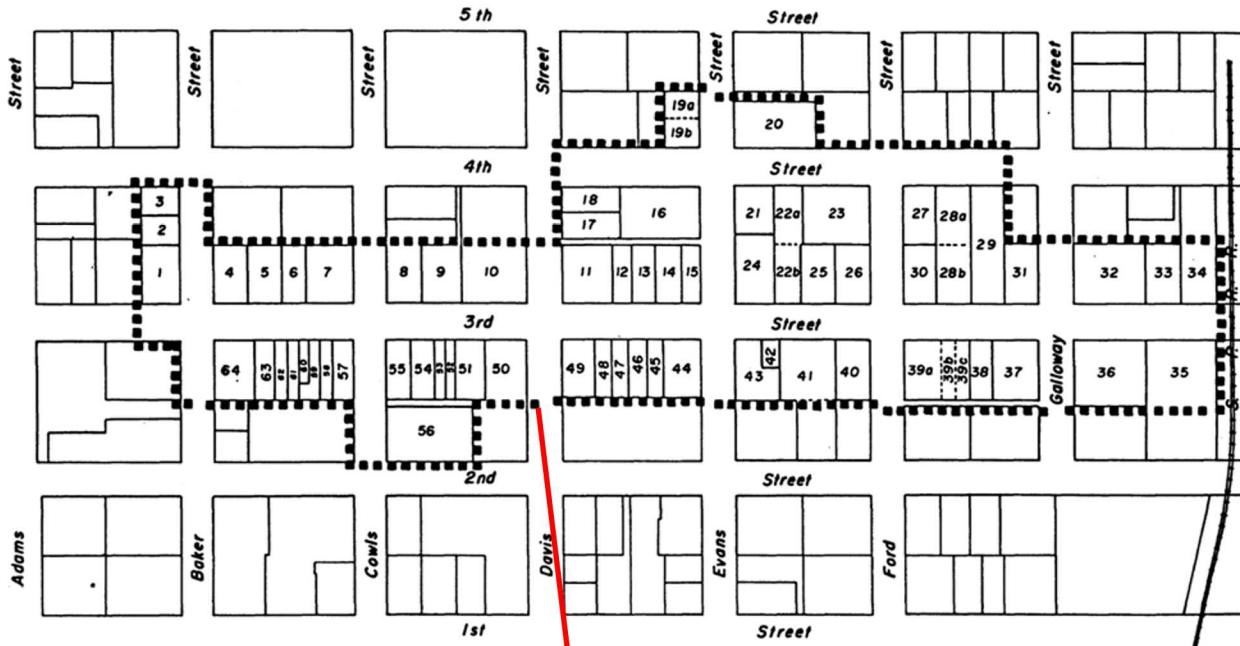
Town of McMinville

ORIGINAL PLAT OF MCMINNVILLE



McMinville Town Plat
 Streets 60 ft in width - Lots 60. by 100 feet
 Eight lots in a Block
 Laid out by W. I. Newby, May 5th A.D. 1856

Figure 1



McMINNVILLE DOWNTOWN HISTORIC DISTRICT

Figure 2



Figure 3

The blue line in the illustration above shows McMinnville's city limits, the boundary of which encompasses more than 10 square miles, while the red line outlines the 15.2-acre MDHD.

Second, in 2023 we should be seeking new venues for tourism – beyond but inclusive of “old Mac” and the MDHD. The MDHD served as a launch point for tourism in our area. It is time to expand those horizons. There are other districts in McMinnville that deserve a chance for recognition as viable attractions to this city, such as the Alpine District. If we want our city to grow as a tourism destination, we must diversify beyond downtown into other areas: Lafayette Avenue, the Highway 99W corridor, Three Mile Lane and the Highway 18 bypass (near McMinnville’s Municipal Airport) – and to the west toward the coast. For example, a partnership with the right developer could realize a forward-looking vision of a luxury hotel and related services located in an attractive new “Alpine District” or perhaps a future “airport district”, and would extend the city’s tourism footprint plus potentially serve as the gateway in to McMinnville’s Downtown Historic District. The demolition of three structures to make way for a new hotel does nothing to “develop” or “support” tourism in McMinnville. It is a narrowly sighted proposal that capitalizes on our successes at the expense of the MDHD.

There are amazing opportunities in other parts of McMinnville, which need improvements and would benefit from the proposed Gwendolyn Hotel. Located in a newly developed district, the hotel could serve as a jump off point for tourists visiting the McMinnville area’s various attractions, including the MDHD, restaurants city-wide, museums and wine tasting. Plus, the hotel could participate in a regional tourist experience that involves educational visits to actual vineyards not just the wine tasting rooms located downtown.

In conclusion, I urge the McMinnville Planning Commission to deny the appeal of the Gwendolyn Hotel proposal as it stands. Demolishing three properties associated with the MDHD and construction of a new structure on the site *does nothing to increase tourism or attract tourists* to McMinnville. The MDHD already attracts tourists to visit featured restaurants, wine tasting venues and eclectic shops. Further, the area’s wineries and the Evergreen Aviation and Space Museum also attract tourists to McMinnville. That said, if a developer truly wishes to place a footprint in the MDHD they will work toward ensuring a continuity of place for “old Mac”, building trust along the way. Tearing down the O’Dell, News Register and Bennette buildings, in essence, diminishes the Historic District from a tourism perspective by eroding the established historic character of the MDHD. An alternative scenario sees a developer working with the city to expand its vision beyond downtown into a new or improved district (like the Alpine District already in the planning stages), which includes luxurious hotel accommodations and event spaces that attracts visitors and fulfills the city’s goal of increased tourism.

February 28, 2023

To the McMinnville Planning Commission regarding the proposed Gwendolyn Hotel :

My name is Beth Caster. I own a commercial property located at 220 NE 7th St, McMinnville Or 97128. I maintain my offices there as a REALTOR affiliated with Keller Williams Portland Premiere Realty. I have been licensed in the State of Oregon since 2001.

I am opposed to approval of this project.

My biggest concern comes from the scale of this proposal. Not just the physical scale but also the potential negative impact socially, financially and for surrounding businesses:

1. Developers have repeatedly asserted that this development will bring 2500 high paying jobs to our community. Yet repeatedly when asked what kind of jobs, what kind of wages and other details they have provided no information. It is my understanding that most of the jobs will be service related and I do not believe those will be consistently high paying jobs.
2. Further when asked about work force — where will the workers come from? We have long established businesses in our community and specifically on Third St that have been forced to restrict operating hours because they can not be fully and adequately staffed. The developers have provided no specifics. If indeed some of the positions will be inside sales, will these workers be local, remote or independent contractors. If they are remote or third party operators, they will not be technically be bringing jobs to our community . They will, in fact, be taking money out of our community for these wages.
3. Where will these workers live ? As a long time REALTOR in McMinnville, I will testify that there are no or very limited affordable rents for service workers in our community. If, indeed, the intention is to bring in workers from outside our community, they will most likely need to commute to some other community. Again, no economic gain for McMinnville.

4. This community does not have the infra-structure to absorb the kind of projected loads to our streets, surrounding roads or communities. Other than wine , other alcohol or food related attractions, what kind of attractions will attract these guests?
5. My biggest scope of concern is for what this development means for the small retailer in our community. We have lost so much reasonable retail space to tasting rooms over the last two years that it is almost impossible for a locally owned small business to survive. As a business community we can not solely survive on tasting rooms. Having a thriving , varied and attractive retail environment not only provides shopping for out of town guests, it provides jobs and shopping opportunities for locals.

As an aside to these stop of project concerns, I will relay that one of my most favorite local yarn shops in Seaside was just forced to close. Like McMinnville, most of the core retail area is very concentrated. This store had been in this location for over 20 years in an older building. The building they were in as well as most of the block has been sold to an out of the area developer for a luxury hotel. The building this store has rented for almost 20 years will become the elevator shaft for the luxury hotel.

As a REALTOR, I have seen the inflation of prices in the downtown core area either for commercial or for the conversion of family homes into short term vacation rentals, push the dream of home ownership for first time homebuyers or locally employed folks out of reach. Respectfully, I believe that this kind of development is out of touch environmentally, socially and logistically for our community.

I respectfully support a decision of rejection of the application.

Thank you,

Beth Caster, REALTOR
beth@bethcaster.com
971-241-2509 cell or text

From: [Planning](#)
To: [Heather Richards](#)
Subject: FW: Gwendolyn hotel
Date: Wednesday, March 1, 2023 9:18:25 AM

From: Karen Milton <kmilton8142@gmail.com>
Sent: Tuesday, February 28, 2023 2:00 PM
To: Planning <Planning@mcminnvilleoregon.gov>
Subject: Gwendolyn hotel

This message originated outside of the City of McMinnville.

I oppose the hotel. Leave something for locals to enjoy of 3rd street instead of catering to well healed tourists. Thank you, Karen Milton

From: [Planning](#)
To: [Heather Richards](#)
Subject: FW: Hello
Date: Wednesday, March 1, 2023 9:18:15 AM

-----Original Message-----

From: Marie Frugia <mccnana@comcast.net>
Sent: Tuesday, February 28, 2023 1:37 PM
To: Planning <Planning@mcminnvilleoregon.gov>
Subject: Hello

This message originated outside of the City of McMinnville.

I am opposed to the Gwendolyn Hotel

Just wanted to make this point, before the next appeal.

Thank you
Marie Frugia
310 W Lincoln
Carlton Oregon 97111
503-407-2254

Sent from my iPhone

1 **BEFORE THE CITY OF MCMINNVILLE PLANNING COMMISSION**

2 HD McMinnville LLC,
3 *Appellant*

NOTICE OF APPEAL
HL 6-22, HL 7-22, HL 8-22, AND DDR 2-
22 (GWENDOLYN HOTEL PROJECT -
609, 611 AND 619 NE THIRD STREET,
MCMINNVILLE OREGON)

5 HD McMinnville LLC (“Appellant”) hereby appeals the City of McMinnville
6 Historic Landmarks Committee’s (“Committee”) denial of four land use
7 applications HL 6-22, HL 7-22, HL 8-22, and DDR 2-22 (“Applications”)
8 requesting demolition of the existing historic buildings and design review of the
9 proposed Gwendolyn Hotel on the combined sites of 609, 611 and 619 NE Third
10 Street.

11 The first evidentiary hearing on the Applications was held on September 29,
12 2022, and continued to December 8, 2022, and further continued to January 5, 2023,
13 and further continued to January 26, 2023. The Applications were denied by the
14 Committee on January 26, 2023, and written notice of the Committee’s denial was
15 mailed to the Appellant on January 27, 2023.

16 **I. COMPLIANCE WITH APPEAL REQUIREMENTS**

17 The Appellant meets the appeal requirements of the McMinnville Zoning
18 Ordinance (“MZO”) for each appeal. The MZO requirements are shown below in
19 italics with responses following.

20 **A. Design Review Appeal (DDR 2-22)**

21 *MZO 17.59.030(E) – Appeal. An appeal of a decision by the Planning
22 Director or Historic Landmarks Committee, including an appeal of conditions
23 placed on the permit by the committee, may be made to the Planning Commission as
24 outlined in Section 17.72.170.*

25 ///
26

1 **RESPONSE:** The Appellant appeals the Committee’s decision to the
2 Planning Commission. Satisfaction of MZO 17.72.170 is addressed below.

3 *MZO 17.72.170 - Appeal from Ruling of Planning Director. The applicant,
4 property owner, or other parties that participated, may appeal a decision of the
5 Director to the Planning Commission within 15 (fifteen) calendar days of the date
6 the written notice of the decision is mailed. Written notice of the appeal shall be filed
7 with the Planning Department and shall set forth in detail the basis for and issues
8 raised in the appeal. If the appeal is not taken within the 15 (fifteen) day period, the
9 decision of the Planning Director shall be final. If an appeal is filed, the Planning
10 Commission shall receive a report and recommendation thereon from the Planning
11 Director and shall hold a public hearing on the appeal subject to the procedure
12 stated in Section 17.72.130. Notice of a Planning Commission hearing on an appeal
13 of a decision of the Planning Director shall take the form of that provided for in
14 Section 17.72.110(A).*

15 **RESPONSE:** The Appellant was the applicant in the underlying Committee
16 decision and files this Notice of Appeal on February 10, 2023, within 15 days of the
17 date the written notice of the decision was mailed on January 27, 2023. **Exhibit 1.**
18 The Appellant sets forth in detail the basis for and issues raised in the appeal in
19 Section II, below. The Appellant reserves the right and intends to add additional
20 argument and, if the Planning Commission allows it, evidence, addressing the appeal
21 issues below. The appeal application form is included at **Exhibit 2** and the Appellant
22 has paid the fee for each individual appeal.

23 ///

24 ///

25 ///

26

1 **B. Historic Landmarks Demolition Appeal (HL 6-22, HL 7-22,
2 HL 8-22)**

3 *MZO 17.65.080(A) - Appeals. Any appeal of a decision by the Historic
4 Landmarks Committee, including an appeal of conditions placed on the approval of
5 a Certificate of Approval by the committee, may be made to the City Planning
6 Commission within fifteen (15) days of the date the written notice of the decision is
7 mailed.*

8 *MZO 17.65.080(B) - If the appeal is filed, the Planning Commission shall
9 receive a report and a recommendation from the Historic Landmarks Committee
10 and shall hold a public hearing on the appeal consistent with the procedures in
11 Section 17.72.120 of the McMinnville Zoning Ordinance.*

12 **RESPONSE:** The Appellant was the applicant in the underlying Committee
13 decisions and appeals each decision to the Planning Commission. The Appellant
14 files this Notice of Appeal on February 10, 2023, within 15 days of the date the
15 written decision was mailed on January 27, 2023. **Exhibit 1.** The Appellant sets forth
16 the issues raised in the appeal in Section II, below. The Appellant reserves the right
17 and intends to add additional argument and, if the Planning Commission allows it,
18 evidence, addressing the appeal issues below. The application form for each appeal
19 is included at **Exhibit 2** and the Appellant has paid the fee for each appeal in the
20 amount of \$1,095.00.

21 **II. BASIS FOR AND ISSUES RAISED IN APPEAL**

22 As required by MZO 17.72.170, the Appellant identifies issues raised in these
23 appeals, but does not concede that the Planning Commission may limit its review to
24 only these issues. As explained above, the Appellant reserves the right to further
25 supplement the information provided in this Notice of Appeal prior to the Planning
26

1 Commission’s hearing on the appeals. Please also note that the following list is not
2 an exclusive recitation of particular arguments and that these arguments likely apply
3 to all of the decisions at issue to some degree.

4 **A. DDR 2-22 – 609, 611, and 619 NE Third Street**

5 The Committee denied application DDR 2-22 alleging failure to satisfy the
6 following criteria: MZO 17.59.040(A)(3); MZO 17.59.030(D); and MZO
7 17.59.050(B)(1)-(2). With respect to each of the foregoing criteria the Committee (i)
8 unreasonably or incorrectly interpreted and applied the MZO; (ii) failed to issue
9 adequate findings; and (iii) failed to reasonably weigh the evidence in the record
10 such that its decision is not substantially supported by the evidence in the record.

11 In particular, the Committee’s observation that the building’s mass is
12 inappropriate failed to account for changes made during the review process. In
13 committing this error, the Committee incorrectly equated “height” to “building
14 mass,” which is not supported by the text or context of the McMinnville Zoning
15 Ordinance. The Committee also misapplied the word “similar” in this regard. The
16 Committee erroneously rejected evidence offered by the Appellant showing the
17 building step-back at NE 3rd and Ford. Finally, the Committee erred in taking the
18 position that MZO 17.59.040 is not met because the Applicant did not request a
19 waiver of MZO 17.59.050(B)(1) and (2); City staff was clear during the proceedings
20 below that the language of the MZO does not require a waiver in this instance and
21 the Appellant believes that staff was correct in this regard.

22 The findings in the Committee’s decision with regard to massing are also
23 fairly conclusory and do not identify evidence upon which they rely. This is
24 particularly so with regard to its findings on the “proportional bays” required under
25 MZO 17.59.050.
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B. HL 6-22 – 609 NE Third Street

The Committee denied application HL 6-22 alleging failure to satisfy the following applicable criteria: OAR 660-203-0200(8)(a), Comprehensive Plan Vol. II, Goal III.2, MZO 17.65.010(A), MZO 17.65.010(D), MZO 17.65.050(B)(1)-(4), MZO 17.65.050(B)(6)-(8). With respect to each of the foregoing criteria the Committee (i) unreasonably or incorrectly interpreted and applied the MZO; (ii) failed to issue adequate findings; and (iii) failed to reasonably weigh the evidence in the record such that its decision is not substantially supported by the evidence in the record.

In addition to the reasons articulated with respect to HL 7-22 and HL 8-22, the Committee's erroneous findings include (but are not limited to) the following particular findings.

- The Committee incorrectly weighed the factors set forth in OAR 660-203-0200(8)(a), and incorrectly interpreted and applied the purpose statement in MZO 17.03.020 and criteria at 17.65.050(B), and its findings for denial were not adequately supported by evidence.
- The Committee misapplied and misconstrued OAR 660-203-0200(8)(a) by impliedly interpreting the "condition of the property" factor to being met only if "remediating existing conditions is unreasonable or otherwise infeasible" or if the building "poses a significant or imminent public safety hazard," or if the building "is so deteriorated as to require demolition." Moreover, the Committee ignored the substantial weight in the record when making this determination.

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The Committee's finding that the building's structural issues "should be alleviated through routine maintenance" is not based on evidence nor is it consistent with OAR 660-203-0200(8)(a).

The Committee's finding that "installation of stucco over the masonry façade did not impact the appearance of the building so as to undermine its integrity at the time of designation" misconstrued and misapplies OAR 660-203-0200(8)(a) by ignoring the evidence in the record and inappropriately setting the building's historical significance at the time of designation, rather than the historical periods in the City's Historic District Nominating Form. The Committee misconstrued and misapplied MZO 17.65.050(B)(3) for similar reasons, and its finding that the buildings convey a connection to the historic automotive industry are not supported by evidence in the record.

The Committee's finding that "[d]emolishing this primary contributing building, along with the two Secondary Contributing buildings to the east, would have the effect of eliminating all of the significant historic buildings on the north side of 3rd Street between Ford and Galloway" is not related to nor responsive to the "age of the property" factor in OAR 660-203-0200(8)(a).

The Committee failed to characterize or balance the historic significance of this building against the other factors in OAR 660-203-0200(8)(a).

The Committee inappropriately characterized the "value of the community" as indicated by opposition testimony.

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The Committee's findings regarding economic consequences of preservation and the costs of rehabilitation are not supported by evidence in the record, and the Committee's interpretation of related policies, factors, and criteria include evidentiary requirements concerning past building maintenance that are not supported by those standards.

The Committee wrongly interpreted certain Comprehensive Plan Goals as approval criteria rather than policies to be weighed.

The Committee incorrectly interpreted and applied MZO 17.65.010(D) as equivalent to protection of historic resources rather than protection and enhancement of the City's attractions for tourists and visitors.

The Committee incorrectly interpreted consistency with Historic Preservation Plan Goal III Sub. 2 to require that a project be a "preservation/rehabilitation/restoration project."

The Committee incorrectly interpreted and applied MZO 17.65.050(B)(2) as effectively requiring no future economic use case in order to be met, and its findings on this criterion are not supported by substantial evidence.

The Committee's finding that the building can still generate a reasonable economic return and its assumption that the buildings will grow in value by virtue of their preservation is not supported by evidence in the record.

On MZO 17.65.050(B)(4), the Committee incorrectly found that the Applicant was required to bring evidence demonstrating that the owner

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has taken steps to protect the building and "avoid demolition by neglect."

The Committee's findings regarding MZO 17.65.050(B)(6) that other sites that would be amenable for a hotel are not supported by evidence in the record and appear to be based on the personal views and knowledge of the Committee members themselves, which knowledge is not admissible as record evidence.

The Committee's finding under MZO 17.65.050(B)(7) regarding "the public interest in the resource's preservation" misconstrues that balancing test as requiring a demonstration that the public interest is not served by preserving the buildings.

The Committee erroneously equated the views of "the best interests of the majority of citizens" with the views of the individuals who testified in opposition. It is worth noting too, that under the Committee's interpretation, MZO 17.65.050(B)(8) becomes little more than a call for a project popularity contest.

C. HL 7-22 – 611 NE Third Street

The Committee denied application HL 7-22 alleging failure to satisfy the following applicable criteria: OAR 660-203-0200(8)(a), Comprehensive Plan Vol. II, Goal III.2, MZO 17.65.010(A), MZO 17.65.010(D), MZO 17.65.050(B)(1)-(4), MZO 17.65.050(B)(6)-(8). With respect to each of the foregoing criteria the Committee (i) unreasonably or incorrectly interpreted and applied the MZO; (ii) failed to issue adequate findings; and (iii) failed to reasonably weigh the evidence in the record such that its decision is not substantially supported by the evidence in the record.

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1 In addition to the reasons articulated with respect to HL 6-22 and HL 8-22,
2 the Committee's erroneous findings include (but are not limited to) the following
3 particular findings.

- 4 • The Committee incorrectly weighed the factors set forth in OAR 660-
5 203-0200(8)(a), and incorrectly interpreted and applied the purpose
6 statement in MZO 17.03.020 and criteria at 17.65.050(B), and its
7 findings for denial were not adequately supported by evidence.
- 8 • The Committee misapplied and misconstrued OAR 660-203-
9 0200(8)(a) by impliedly interpreting the "condition of the property"
10 factor to being met only if "remediating existing conditions is
11 unreasonable or otherwise infeasible" or if the building "presents a
12 significant or imminent public safety hazard," or if the building "is so
13 deteriorated as to require demolition." Moreover, the Committee
14 ignored the substantial weight in the record when making this
15 determination.
- 16 • The Committee's finding that the building's structural issues "should
17 be alleviated through routine maintenance" is not based on evidence
18 nor is it consistent with OAR 660-203-0200(8)(a).
- 19 • The Committee's finding that the building's "historic integrity remains
20 intact" and that "modifications were not so significant to warrant
21 exclusion of [611 NE Third Street]" misconstrued and misapplies OAR
22 660-203-0200(8)(a) by ignoring the evidence in the record and
23 inappropriately setting the building's historical significance at the time
24 of Third Street's historical district designation, rather than the
25 historical periods in the City's Historic District Nominating Form.
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1 Both this and the Committee's observation that "the building has been
2 significantly modified since its original construction" undermine its
3 findings under OAR 660-203-0200(8)(a).

- 4 • The Committee misconstrued and misapplied MZO 17.65.050(B)(3)
5 by basing its finding that the 611 NE Third Street building had value
6 and significance as a historical resource due to its contribution to
7 preserving the Third Street's historical register designation rather than
8 on the building's individual merits. Similarly, the Committee's finding
9 that "[d]emolishing this primary contributing building, along with the
10 two Secondary Contributing buildings to the east, would have the
11 effect of eliminating all of the significant historic buildings on the north
12 side of 3rd Street between Ford and Galloway" is not related to nor
13 responsive to the "age of the property" factor in OAR 660-203-
14 0200(8)(a).
- 15 • The Committee failed to characterize or balance the historic
16 significance of this building against the other factors in OAR 660-203-
17 0200(8)(a).
- 18 • The Committee inappropriately characterized the "value of the
19 community" as indicated by opposition testimony.
- 20 • The Committee's findings regarding economic consequences of
21 preservation and the costs of rehabilitation are not supported by
22 evidence in the record, and the Committee's interpretation of related
23 policies, factors, and criteria include evidentiary requirements
24 concerning past building maintenance that are not supported by those
25 standards.
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- 1 • The Committee wrongly interpreted certain Comprehensive Plan
2 Goals as approval criteria rather than policies to be weighed.
- 3 • The Committee incorrectly interpreted and applied MZO 17.65.010(D)
4 as equivalent to protection of historic resources rather than protection
5 and enhancement of the City's attractions for tourists and visitors.
- 6 • The Committee incorrectly interpreted consistency with Historic
7 Preservation Plan Goal III Sub. 2 to require that a project be a
8 "preservation/rehabilitation/restoration project."
- 9 • The Committee incorrectly interpreted and applied MZO
10 17.65.050(B)(2) as effectively requiring no future economic use case
11 in order to be met, and its findings on this criterion are not supported
12 by substantial evidence.
- 13 • The Committee's finding that the building can still generate a
14 reasonable economic return and its assumption that the buildings will
15 grow in value by virtue of their preservation is not supported by
16 evidence in the record.
- 17 • On MZO 17.65.050(B)(4), the Committee incorrectly found that the
18 Applicant was required to bring evidence demonstrating that the owner
19 has taken steps to protect the building and "avoid demolition by
20 neglect."
- 21 • The Committee's findings regarding MZO 17.65.050(B)(6) that other
22 sites that would be amenable for a hotel are not supported by evidence
23 in the record and appear to be based on the personal views and
24 knowledge of the Committee members themselves, which knowledge
25 is not admissible as record evidence.
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- 1 • The Committee's finding under MZO 17.65.050(B)(7) regarding "the
2 public interest in the resource's preservation" misconstrues that
3 balancing test as requiring a demonstration that the public interest is
4 not served by preserving the buildings.
- 5 • The Committee erroneously equated the views of "the best interests of
6 the majority of citizens" with the views of the individuals who testified
7 in opposition. It is worth noting too, that under the Committee's
8 interpretation, MZO 17.65.050(B)(8) becomes little more than a call
9 for a popularity contest.

D. HL 8-22 – 619 NE Third Street

10 The Committee denied application HL 8-22 alleging failure to satisfy the
11 following applicable criteria: OAR 660-203-0200(8)(a), Comprehensive Plan Vol.
12 II, Goal III.2, MZO 17.65.010(A), MZO 17.65.010(D), MZO 17.65.050(B)(1)-(4),
13 MZO 17.65.050(B)(6)-(8). With respect to each of the foregoing criteria the
14 Committee (i) unreasonably or incorrectly interpreted and applied the MZO; (ii)
15 failed to issue adequate findings; and (iii) failed to reasonably weigh the evidence in
16 the record such that its decision is not substantially supported by the evidence in the
17 record.

18 In addition to the reasons articulated with respect to HL 6-22 and HL 7-22,
19 Committee's erroneous findings include (but are not limited to) the following
20 particular findings.

- 21 • The Committee incorrectly weighed the factors set forth in OAR 660-
22 203-0200(8)(a), and incorrectly interpreted and applied the purpose
23 statement in MZO 17.03.020 and criteria at 17.65.050(B), and its
24 findings for denial were not adequately supported by evidence.
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- 1 • The Committee misapplied and misconstrued OAR 660-203-0200(8)(a) by impliedly interpreting the “condition of the property” factor to being met only if “remediating existing conditions is unreasonable or otherwise infeasible” or if the building “poses a significant or imminent public safety hazard,” or if the building “is so deteriorated as to require demolition.” Moreover, the Committee ignored the substantial weight in the record when making this determination. **10**
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- 9 • The Committee’s finding that the building’s structural issues “should be alleviated through routine maintenance” is not based on evidence nor is it consistent with OAR 660-203-0200(8)(a). **11**
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- 12 • The Committee’s incorrectly weighed the seven qualities contributing to historic integrity by giving too much weight to the location and setting factors in deciding the even though “the [619 building] lacks the historic integrity on its own,” its proximity to the historic district and adjacent buildings under demolition request embeds it with historic integrity.
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- 18 • The Committee’s finding that “[d]emolishing three contributing, would have the effect of eliminating all of the significant historic buildings on the north side of 3rd Street between Ford and Galloway, creating the only block along 3rd where there are no contributing structures” is not related to nor responsive to the “age of the property” factor in OAR 660-203-0200(8)(a). **14**
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- 1 • The Committee failed to characterize or balance the historic significance of this building against the other factors in OAR 660-203-0200(8)(a). **15**
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- 4 • The Committee incorrectly weighed the value to the community factor at OAR 660-203-0200(8)(a) by exaggerating “dozens” expressing concern as representative of the community and the Committee failed to account for the testimony it received in favor of Appellant’s proposal and the how the underutilized building is an economic inhibition. The Committee also incorrectly analyzed the value to the community factor in weighing the financial elements involved, incorrectly concluding that applicant need to prove that there were no other economically viable options that also retain the building’s historic value.
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- 13 • The Committee’s findings regarding economic consequences of preservation and the costs of rehabilitation are not supported by evidence in the record, and the Committee’s interpretation of related policies, factors, and criteria include evidentiary requirements concerning past building maintenance that are not supported by those standards. **17**
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- 19 • The Committee wrongly interpreted certain Comprehensive Plan Goals as approval criteria rather than policies to be weighed. **18**
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- 22 • The Committee incorrectly interpreted and applied MZO 17.65.010(D) as equivalent to protection of historic resources rather than protection and enhancement of the City’s attractions for tourists and visitors. **19**
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- 1 • The Committee incorrectly interpreted consistency with Historic Preservation Plan Goal III Sub. 2 to require that a project be a “preservation/rehabilitation/restoration project.” **21**
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- 4 • The Committee incorrectly interpreted and applied MZO 17.65.050(B)(2) as effectively requiring no future economic use case in order to be met, and its findings on this criterion are not supported by substantial evidence. **22**
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- 8 • The Committee’s finding that the building can still generate a reasonable economic return and its assumption that the buildings will grow in value by virtue of their preservation is not supported by evidence in the record. **23**
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- 12 • On MZO 17.65.050(B)(4), the Committee incorrectly found that the Applicant was required to bring evidence demonstrating that the owner has taken steps to protect the building and “avoid demolition by neglect.” **24**
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- 16 • The Committee’s findings regarding MZO 17.65.050(B)(6) that other sites that would be amenable for a hotel are not supported by evidence in the record and appear to be based on the personal views and knowledge of the Committee members themselves, which knowledge is not admissible as record evidence. **25**
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- 21 • The Committee’s finding under MZO 17.65.050(B)(7) regarding “the public interest in the resource’s preservation” misconstrues that balancing test as requiring a demonstration that the public interest is not served by preserving the buildings and is not supported by evidence in the record. **27**
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- 1 • The Committee erroneously equated the views of “the best interests of the majority of citizens” with the views of the individuals who testified in opposition. It is worth noting too, that under the Committee’s interpretation, MZO 17.65.050(B)(8) becomes little more than a call for a popularity contest. **28**
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III. CONCLUSION

For the reasons stated above, the Appellant satisfies the criteria in the MZO for filing an appeal. The Appellant respectfully requests that the Planning Commission hold a public hearing on these appeals and reverse the Historic Landmarks Committee’s denials for the reasons set forth above.

Dated this 10th day of February, 2023.

SCHWABE, WILLIAMSON & WYATT, P.C.



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In all cases, highlights and other emphases are added and not part of the original text. Many of these respond to three points in the Notice of Appeal, applying to the three buildings. The pages numbered # of 292, Exhibit 2 refer to the March 2 PC meeting packet, lower R corner.

1. If new arguments or evidence are submitted by the applicants, it's important that the public has the opportunity to respond. It seems reasonable that these are given ahead of time so that they are available for review. MZO17.72.170 is clear in that the appeal will contain the reasons in detail. This does not leave room for ambiguity, vagueness, or the ability to bring in more arguments and evidence at a later time.

MZO17.72.170: ...*Written notice of the appeal shall be filed with the Planning Department and shall set forth in detail the basis for and issues raised in the appeal...* [emphasis added].

2. *"...the Committee's observation that the building's mass is inappropriate failed to account for changes made during the review process."* In fact, the HLC did acknowledge massing changes in the 2nd paragraph of the findings on page 281 of 292 of Exhibit 2:

The applicant has attempted to respond to this obligation by breaking the Third Street façade into three expressions and by setting back the upper stories along Third Ave. The Committee finds that although an improvement, the language is specific about requiring that the mass be "similar" to adjacent and nearby buildings on the same block.

The findings then go into some detail to define the terms "similar" and "adjacent," and unfavorably compare the height and massing to adjacent buildings.

3. *"In committing this error, the Committee incorrectly equated "height" to "building mass," which is not supported by the text or context of the McMinnville Zoning Ordinance."* Ordinary words and terms. Many terms are commonly understood and need no additional definition by the city. Most of us were exposed to the word "mass" in middle school science class. Mass is an essential concept of architecture—a field with which the applicants are familiar. Expert public submissions discussed the term in relation to height and were not contradicted by the applicants.
4. *"The Committee also misapplied the word "similar..."* Ordinary words and terms. The HLC defined "similar" at the end of the 2nd paragraph of the findings on page 281 of 292 of Exhibit 2 to mean "resembling, without being identical." It is their prerogative to make such definitions.
5. *"The Committee erroneously rejected evidence offered by the Appellant showing the building step-back at NE 3rd and Ford."* The HLC did reject it in detail in the 2nd paragraph on page 282 of 292 of Exhibit 2, but the appeal does not say how the determination was erroneous.
6. *"Finally, the Committee erred in taking the position that MZO 17.59.040 is not met because the Applicant did not request a waiver of MZO 17.59.050(B)(1) and (2); City staff was clear during the proceedings below that the language of the MZO does not require a waiver..."* According to the evidence in the record, it is the applicants who insist that a waiver is not necessary. This excerpt is from a Dec. 19, 2022 letter from Otak to the city:

And now to the second concern of being **too large**:

Again, back to the beginning of our design process. We established a rule that we would stay fully in what is allowed under the zoning code for this site, and for the district. We are under the building height allowed of 80 ft., and **though it has been said we will require a waiver for our building height, that is incorrect.**

7. *"The findings in the Committee's decision with regard to massing are also fairly conclusory and do not identify evidence upon which they rely."* On page 282 of 292 of Exhibit 2 the findings do identify several architectural renderings, provided by the applicants, as a basis for comparison between the proposed hotel and adjacent buildings, and views of the hotel from exterior perspectives including the corner intersection. Page 281 of 292 of mentions features of the rendered facades without mentioning the specific sheets, but it's clear that they also come from the applicant's drawings. Public submissions heavily discussed the massing shown in the drawings.
8. *"..and do not identify evidence upon which they rely. This is particularly so with regard to its findings on the "proportional bays..."* The HLC did not need to provide evidence since the applicants, on page 283 of 292, describe one of their bays at 90' on its sheet A3.01—exceeding the 60' requirement. The findings restate the criterion, acknowledge the applicants' revised efforts, but find them inadequate.
9. Please note OAR 660-~~023~~-0200 is misstated throughout as OAR 660-~~203~~-0200.
10. *"The Committee misapplied and misconstrued OAR 660-203-0200(8)(a) by impliedly interpreting the "condition of the property" factor to being met only if "remediating existing conditions is unreasonable or otherwise infeasible" or if the building "poses a significant or imminent public safety hazard," or if the building "is so deteriorated as to require demolition." Moreover, the Committee ignored the substantial weight in the record when making this determination."* The appeal is playing both sides: Either the HLC misapplied OAR 660-203-0200(8)(a) regarding the condition of the property, or the HLC was right but ignored the "substantial weight in the record" (from the applicants, presumably) regarding the condition of the property. Which is it? The appeal does not set forth in detail the basis for this issue. Is the appeal contending that the HLC wrongfully interpreted the rule or that it ignored the applicants' evidence to the contrary?

Please note on this point and the one following, that the applicants expressly said they were not applying for demolition based on structural or safety issues in their Nov. 4, 2022 letter to the HLC:

1. OAR 660-023-0200(8)(a) Factors to Consider – Condition of the Property

CITY RESPONSE: MORE INFORMATION NEEDED TO DETERMINE IF CONDITION OF THE PROPERTY IS A FACTOR TO SUPPORT DEMOLITION. *The structural analysis is very cursory and did not include any load testing sites. Without load testing on the unreinforced masonry walls, the structural analysis does not indicate any structural issues that were significant or imminent public safety hazards, the condition of the building is not a significant determining factor requiring demolition of the property.*

APPLICANT RESPONSE: The applicant is not requesting demolition of the property due to significant structural issues or imminent public safety hazards. However, additional information from the structural engineer has been provided in response to HLC requests. See Attachment 1.

So, if structural and safety issues are not reasons for requesting demolition, then what is the evidence (or substantial weight in the record) at the bottom of page 5 of the appeal that applies to OAR 660-023-0200(8)(a)? It's not clear.

11. *"The Committee's finding that the building's structural issues "should be alleviated through routine maintenance" is not based on evidence nor is it consistent with OAR 660-203-0200(8)(a)."* These things are common sense. This is similar to balking at a lack of official city definitions for the words "mass" and "similar." Regardless, see the public testimony regarding maintenance:

STRUCTURAL SYSTEMS	
NOT RECOMMENDED	
systems and feature materials that (, and masonry), s and beams, nry columns, ng masonry	<p>Altering visible features of structural systems from the restoration period.</p> <p>Failing to document structural systems from the restoration period, which may result in their loss.</p> <p>Overloading the structural system from the restoration period, or installing equipment or mechanical systems which could damage the structure.</p> <p>Replacing a load-bearing masonry wall from the restoration period that could be augmented and retained.</p> <p>Leaving known structural problems untreated, such as deflected beams, cracked and bowed walls, or racked structural members.</p>
from the restor-clear and roof-structural members	<p>Failing to protect and maintain exterior materials and features from the restoration period on a cyclical basis so that deterioration of the structural system results.</p> <p>Using treatments or products that may retain moisture, which accelerates deterioration of structural members.</p>
system from than protection atures, will be	<p>Failing to undertake adequate measures to ensure the protection of the structural system from the restoration period.</p>

- a. Nathan Coopriders letter, Sept. 28, 2022, pages 30-32 from the city’s link entitled Public Testimony, 09-21-22 – 09-28-22;
- b. Marilyn Kosel letter, Nov. 30, 2022, pages 31-32 from the city’s link entitled Public Testimony, After 9-29-22;
- c. Daniel Kiser letter, Jan. 3, 2023, pages 20-21 from the city’s link entitled Public Testimony received after 12-28-22;
- d. Ernie Munch submissions, Jan. 3, 2023, pages 27-167 from the city’s link entitled Public Testimony received after 12-28-22, especially the restoration section on pages 88-149 and the structural portion on pages 124-126: > > > > > > > > >

12. *“The Committee’s finding that “installation of stucco over the masonry façade did not impact the appearance of the building so as to undermine its integrity at the time of designation” misconstrued and misapplies OAR 660-203-0200(8)(a) by ignoring the evidence in the record and inappropriately setting the building’s historical significance at the time of designation, rather than the historical periods in the City’s Historic District Nominating Form.”* The HCL’s acknowledgement of the stucco façade at the time of historic designation in the 80s does not “reset” its historical significance to that time. How would that work? I know of no such process. Buildings go through changes, but they do not reset the date of the building. Many, many elements would have to change in order for a building to no longer be considered of its era.

13. *“The Committee misconstrued and misapplied MZO 17.65.050(B)(3) for similar reasons, and its finding that the buildings convey a connection to the historic automotive industry are not supported by evidence in the record.”* There is a lot of evidence from the applicants and in the public testimony about the connection to the automotive industry. Some of us are old enough to remember O’Dell’s (including me), some provided substantive information still represented in the structures, and some simply enjoy knowing that this was McMinnville’s “auto row.”

- a. The Gwendolyn Hotel Land Use Narrative of Aug. 2, 2022, prepared by Otak.

The three buildings, built in the early 1900s, were important to the daily life of McMinnville, initially as buildings that housed essential support to the automobile, gas, batteries, transmissions, repairs, and later sales locations for several makes and models. The buildings at 609 and 619 NE 3rd Street were especially designed for bringing cars and trucks inside with clear span, 60-ft. long trusses to support the roof and eliminate the need for interior columns. In later years, up to the present time, the buildings were easily adapted to office space. The ground floors of the buildings have accommodated a variety of offices since the 1970s or 1980s to today.

- b. Nathan Coopriders letter, Sept. 28, 2022, pages 30-32 from the city’s link entitled Public Testimony, 09-21-22 – 09-28-22 (7MB);
- c. Ernie Munch letter of Jan. 4, 2023, handled out and discussed at the Jan. 5 HLC meeting and referenced in the findings:

OAR 660-023-0200(8)(a) Factors to Consider – Value to the Community

FINDING: The HLC received testimony from dozens of city residents expressing concern over the loss of these buildings. The testimony from Ernie Munch, an architect, provided evidence suggesting that the value of this building to the community is not just in its post-railroad two-story, storefront commercial design as set forth in the National Register documentation but also its conversion to a service-station early on to serve the burgeoning auto-focused culture of the late 1920s and 1930s.

17.65.050(B)(3). *The value and significance of the historic resource;*

FINDING: 609 NE Third Street was designated on the City's HRI and the National Register of Historic Places as a primary significant resource in its contribution to the Historic District. As explained above, this was based on the time of building construction but also its two-story scale, some original components on the second story and its association with Frank W. Fenton, a prominent attorney and well-known family within McMinnville. The primary period of significance between 1881 -1912, reflects the growth of the commercial main street, made possible by the railroad, to which this building contributes, notwithstanding major modifications to the ground floor. The building still conveys these historic circumstances, making it worthy of saving. The Historic Landmarks Committee further finds that the testimony from Architect Ernie Munch compelling where he makes the case for finding an additional basis for significance under criterion (A) and (C) for the contribution that this building made to the burgeoning auto industry as both an Overland car dealership and the Odell's Garage, a gasoline service station.

14. *"The Committee's finding that "[d]emolishing this primary contributing building, along with the two Secondary Contributing buildings to the east, would have the effect of eliminating all of the significant historic buildings on the north side of 3rd Street between Ford and Galloway" is not related to nor responsive to the "age of the property" factor in OAR 660-203-0200(8)(a)." I believe the correlation in the HLC findings between OAR 660-023-0200(8)(a)—age of the property, and the effect of eliminating all significant historic buildings on the north side of the block between Ford and Galloway on pages 34, 115, and 194 of 292 of Exhibit 2, is a result of the applicants implying that the 609 building address (O'Dell's) (page 34 of 292) lacks significance, being in the latter date range for a primary contributing resource. The HLC findings point out that the date within the era has no bearing on significance, but that if it did and were applied, there would be no significant historic buildings on the north side of the block between Ford and Galloway. The findings go on to repeat this for the other two addresses on pages 115 and 194 of 292 of Exhibit 2.*
15. *"The Committee failed to characterize or balance the historic significance of this building against the other factors in OAR 660-203-0200(8)(a)." This is puzzling. OAR 660-023-0200(8)(a) requires consideration of "the following factors: condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan."*
It is not required that the factors be balanced or characterized against one another—a fact noted by the applicant's response to OAR 660-023-0200(8)(a) on pages 25, 108 & 188 of 292 of Exhibit 2: *"No particular balancing of these factors is required..."*
16. *"The Committee inappropriately characterized the "value of the community" as indicated by opposition testimony."* How is this inappropriate? Opposition testimony was not vacant; letters had substance, values, and expert opinions. On what can the HLC rely except those items which are in evidence?
17. *"The Committee's findings regarding economic consequences of preservation and the costs of rehabilitation are not supported by evidence in the record..."* Let's try to sort this out: The findings for economic consequences on pages 41, 123, and 201 of 292, Exhibit 2, conclude that our downtown's current economic success is owed to the charm of the historic district. The implication is the need to protect it. The existing buildings could be made more economically successful with 2nd-floor office space, but deferred maintenance has made that unlikely. The deferred maintenance cannot be claimed as an economic hardship. On page 70, of 292 Exhibit 2, the findings state, *"...lack of maintenance should not be justification for demolition of a historic resource."*
Several places in the findings speak to the need for 2nd-floor offices to free up the ground level for walking traffic, such as the applicant's comment on page 41 of 292 of Exhibit 2: *"Though office employees will eat at nearby restaurants and coffee shops, many downtowns prefer to have office uses located on upper floors to allow more active uses at the street level."*

18. *“...the Committee’s interpretation of related policies, factors, and criteria include evidentiary requirements concerning past building maintenance that are not supported by those standards.”* This is difficult to understand. Which policies, factors, and criteria?
19. *“The Committee wrongly interpreted certain Comprehensive Plan Goals as approval criteria rather than policies to be weighed.”* Again, vague, making it impossible to comment.
20. *“The Committee incorrectly interpreted and applied MZO 17.65.010(D) as equivalent to protection of historic resources rather than protection and enhancement of the City’s attractions for tourists and visitors.”* But the historic resources ARE the attractions for tourists and visitors, as the HLC contends elsewhere in the findings.
21. *“The Committee incorrectly interpreted consistency with Historic Preservation Plan Goal III Sub. 2 to require that a project be a “preservation/rehabilitation/restoration project.”*
Goal III 2: To preserve and protect sites, structures, areas, and objects of historical, cultural, architectural, or archeological significance to the City of McMinnville.
The findings do not say a project must be a “preservation/rehabilitation/restoration project.” That comes from the wording of the first portion of the goal. The findings correctly say this project does nothing to address the protection of significant places in McMinnville—it does the opposite. Are the applicants doing anything to protect historic downtown McMinnville? After they’ve built and gone, how will their project not contribute to the demise of our historic downtown after having provided a template for others to follow? They have never addressed this.
22. *“The Committee incorrectly interpreted and applied MZO 17.65.050(B)(2) as effectively requiring no future economic use case in order to be met, and its findings on this criterion are not supported by substantial evidence.”* I don’t understand this complaint.
Demolition criterion 17.65.050(B)(2): The economic use of the historic resource and the reasonableness of the proposed action and their relationship to the historic resource preservation or renovation.
The findings do a good job of explaining that there are more than the three alternatives put forward by the applicants: do nothing, renovate, demolish. Pages 64 & 65 of 292, Exhibit 2.
23. *“The Committee’s finding that the building can still generate a reasonable economic return and its assumption that the buildings will grow in value by virtue of their preservation is not supported by evidence in the record.”* Please ignore this response; information came in the applicant’s most recent letter of Feb. 27, 2023 which changed my comments.
24. *“On MZO 17.65.050(B)(4), the Committee incorrectly found that the Applicant was required to bring evidence demonstrating that the owner has taken steps to protect the building and “avoid demolition by neglect.””*
 - a. On pages 70 & 71, 152, and 230 of 292, Exhibit 2, the findings do say, “...the record does not reflect what steps the owner has taken to protect the building and avoid demolition by neglect...” but this is in response to many instances of neglect raised by the applicants. There are two main issues with building condition: longstanding issues that have been neglected and the potential need for seismic upgrades. The excerpt below is from the applicants in relation to the longstanding issues:
 - i. *“The July 29, 2022 HHPR report describes the general condition of the buildings as follows:*

- *Each of the three buildings has portions of brick wall that are in poor condition that would require significant work to remediate including new mortar and the replacement of bricks.*
 - *Each of the three buildings has portions of the roof structure that are rotting and are in poor condition. While it may be that the roofing has been repaired, it does not appear that in certain areas the supporting structure has been repaired. These areas also coincide with areas of the brick wall that are in poor condition.*
 - *The most southern roof truss in the 609 Building has a top chord node that is out of plane by over 6 inches. This represents a significant structural concern and should be evaluated further with possible remedial actions should the building remain. The remedial action includes installing a new girder and columns to support the truss thereby removing mezzanine and roof loading from the truss.*
 - *The removed floor beams distributing roof load in the 611 Building represent a significant structural concern and should be evaluated further with possible remedial actions should the building remain.*
 - *The rotting bearing points of the roof trusses in the 619 Building represent a significant structural concern and should be evaluated further with possible remedial actions should the building remain." (Pages 69 & 70 of 292, Exhibit 2)*
 - *There is more detail from the applicants on pages 67-70, 149-151, 227-229 of 292, Exhibit 2.*
- b. The Dec. 15, 2022 Schwabe letter to Planning also references the July 29, 2022 HHPR report:
- i. *"HHPR's initial structural review of the building, dated July 29, 2022 (Exhibit 3), identified the following issues (page 14):*
 - *"The bearing points of the trusses are deteriorated (rotten) along the west wall and supplemental support has been framed under the trusses.*
 - *This condition exists at the connection to the 611 Building and is the result of water penetration along the north south valley between the buildings.*
 - *The brick and mortar at south elevation show signs of deterioration and diagonal cracks along the mortar lines.*
 - *The east wall exterior has significant deterioration and is exposed due to the separation between the 619 Building and the recently constructed building to the east."*
 - ii. From the same Schwabe letter (page 20):
 - *"Additionally, all three buildings have sections of the roof framing that is deteriorated and requires repair."*
 - iii. And again from the same Schwabe letter (page 26):
 - *"This condition exists at the connection to the 611 Building and is the result of water penetration along the north south valley between the building."*
- c. It is common sense that the presence of water and rot require maintenance, sooner rather than later. It's also common sense that structural members which have been compromised for any reason require inspection, and, perhaps, repair.

As mentioned earlier, the findings eschew deferred maintenance as a reason for demolition. The need for maintenance information was raised as far back as the Sept. 29, 2022 staff report (page 14). Applicants were aware the city was looking for this information, if it existed, in order to make determinations about 17.65.050(B)(2) & (7).

- Section 17.65.050(B)(2) – Economics: the applicant asserts that it is too expensive to rehabilitate the existing structures but does not provide the background data to support it. The basis for the calculations in the renovation/change of use discussion was not provided. Local lease market rates were not provided. Property purchase price versus a determination of property value was not provided. The applicant could have provided the purchase price of the property, the property tax statement showing the assessed value, real market value and property taxes for the past two years, a current fair market value as determined by an appraisal in the past twelve months, a profit and loss statement for the property as is, rehabilitated and fully leased and new construction as proposed, any expenditures associated with the property's structural maintenance in the past ten years, an estimate of the cost of rehabilitation of the property from a third-party licensed contractor, a report from a real estate professional exploring the viability of alternative uses of the property if rehabilitated, and a report of available economic incentives, including any federal tax credits available for rehabilitation of the property.

Perhaps the city took the lack of repair and maintenance information as a lack of repair and maintenance.

25. *"The Committee's findings regarding MZO 17.65.050(B)(6) that other sites that would be amenable for a hotel are not supported by evidence in the record..."*

- a. This is from the finding on page 234 of 292, which appears to recount a discussion from one of the public meetings.

FINDING: The Historic Landmark Committee finds that, although the Gwendolyn Hotel would further the economic development interests identified in the Comprehensive Plan, the subject property is not the only location in which to accomplish these objectives. For example, there are non-contributing and/or non-historic structures on the corner of Galloway Street and NE Third Street that might be able to accommodate a hotel with many of the high-end luxury accommodations that the applicant seeks. Further, there are other uses that could be accomplished within the existing structures that would move the needle in attracting tourists and greater businesses downtown. The Historic Landmarks Committee notes that it received dozens of statements from residents expressing a desire to see these buildings preserved which serves as substantial evidence that there is a strong interest in seeing these buildings preserved and the significance of retaining the historic integrity of the district.

- b. There are numerous mentions in the record about finding a more appropriate location for the hotel, both generally and specifically. Here's one:
 - i. *"...there is not a scarcity of opportunity to build bigger, outside of the boundary of the District. Many of these locations are within easy walking distance to Historic Third Street. All of the benefits to the Community advertised in this proposal would be obtained if the project were built outside of the footprint of Historic Buildings."* Nathan Coopriider letter, Sept. 28, 2022, page 32 from the city's link entitled Public Testimony, 09-21-22 – 09-28-22 (7MB);
- c. And though it may not be officially in the record, applicants, staff, and the HLC are all aware of zoning which would allow and welcome the hotel without the massing constraints of the historic district. Applicants show they are knowledgeable in that they rely on this zoning in arguing for the 80' height limit.

26. *"...and appear to be based on the personal views and knowledge of the Committee members themselves, which knowledge is not admissible as record evidence."*

I could not find references to this contention in my quick Google search, but I cannot believe that decision makers must leave their brains at the door. The reason we appoint and elect decision makers is for what they bring to the table: their experience, knowledge, judgment, opinions, discernment, etc.

27. *“The Committee’s finding under MZO 17.65.050(B)(7) regarding “the public interest in the resource’s preservation” misconstrues that balancing test as requiring a demonstration that the public interest is not served by preserving the buildings.”*

The applicants dismissively equate the public interest with economics (which, they imply, their project would best provide) and aesthetics (which they claim is so low on the three building as to be unimportant). Do they think hotel patrons will come to town because of economics or aesthetics? No, it’ll be for the experiential intangibles of community, historic spirit, charm... If they’d worked these into their response, their arguments for a financial hardship win would have been more believable. (Page 235 & 236 of 292, Exhibit 2)

The public interest in the resource’s preservation is not clearly articulated in any adopted document. However, the HLC can find that the public interest in preservation of these buildings is related to their ability to reflect their historical period of significance. As explained above, these buildings do so to only a limited degree because their facades have been largely replaced. Therefore, the public interest in their preservation should be viewed as reduced as compared to buildings that have not been substantially altered, and such interest is largely a factor of their year of construction.

The public interest in their preservation must necessarily include their ability to serve an economic function to McMinnville’s historic Downtown. As explained above, the current economic viability of these buildings and their future prospects are poor. Adaptive re-use is not a realistic option because of the significant structural upgrades that would be required, and re-use of the buildings for the hotel use proposed by the Applicant is not economically feasible.

In view of both of these factors, the public’s interest in these buildings’ preservation seems limited at best, and low when compared to buildings in the District which have better future economic use prospects or better reflect their original appearance, or both.

28. *“The Committee erroneously equated the views of “the best interests of the majority of citizens” with the views of the individuals who testified in opposition. It is worth noting too, that under the Committee’s interpretation, MZO 17.65.050(B)(8) becomes little more than a call for a project popularity contest.”*

Again, how is this erroneous? The public process is the way that the HLC determines public interest. The committee cannot poll the populace; it must rely on submissions. As I said above, opposition testimony was not vacant; letters had substance, values, and expert opinions. The applicants repeatedly contend that the economic benefits of the hotel are in the public interest, but every time they do that (as they did again here), they have an opportunity to explain how their project will or will not impact the long-term future of our historic downtown’s economics and viability, and they haven’t addressed that. *That* calculation is certainly in the public’s interest.

29. *“The Committee misconstrued and misapplied MZO 17.65.050(B)(3) by basing its finding that the 611 NE Third Street building had value and significance as a historical resource due to its contribution to preserving the Third Street’s historical register designation rather than on the building’s individual merits.”* The finding *does* appear based on the building’s individual merit.

FINDING: 611 NE Third Street was designated on the City’s HRI and the National Register of Historic Places as a secondary significant resource for its contribution to the Historic District. As explained above, this was based on the time of building construction as well as the original design elements in the roof and the second floor. Although the first floor has been remodeled, the building still conveys these historic circumstances, making it worthy of saving.

Demolition of this building alone, and when coupled with the other two proposed for removal, would create the first (and only) block along Third Avenue to have no contributing historic structures. Allowing demolition of this building would erode the historic integrity of the District as a whole.

Most of these comments relate to points in the appeal regarding the 609 property. Many of them relate equally to the 611 and 619 properties (text may be slightly different). There a few individual points in the Notice of Appeal which relate specifically to the 611 and 619 properties which I did not have the time to look at.

March 1, 2023

Hello again Planning Commission members,

As I was deep diving through the Notice of Appeal in the days leading up to now, I found myself frustrated with the focus on the exterior details, or argued lack of. It's not that they aren't important—from the exterior street experience they are very important. But they do not express the grandeur and the uniqueness of the automotive era—the spacious wide spans designed for automobile movement, repair, and staging. The photos on the next page show the heavy timber trusses used to achieve that. The structure is still there for all three buildings as far as we know. It's waiting to be uncovered and displayed and experienced again.

These photos are from the Historic Resource Assessment, November 2022, by the Architectural Resources Group (ARG).

“ARG noted the following intact character-defining features of 609 NE 3rd Street while on site...

The original wood trusses span the overall volume east-west”

“ARG noted the following intact character-defining features of 619 NE 3rd Street while on site:...

Wood trusses spanning east-west over the width of the interior space”

The 611 NE 3rd Street roof structure is less straightforward, according to the structural analysis.

Thanks again for your work on this.

Carol Paddock

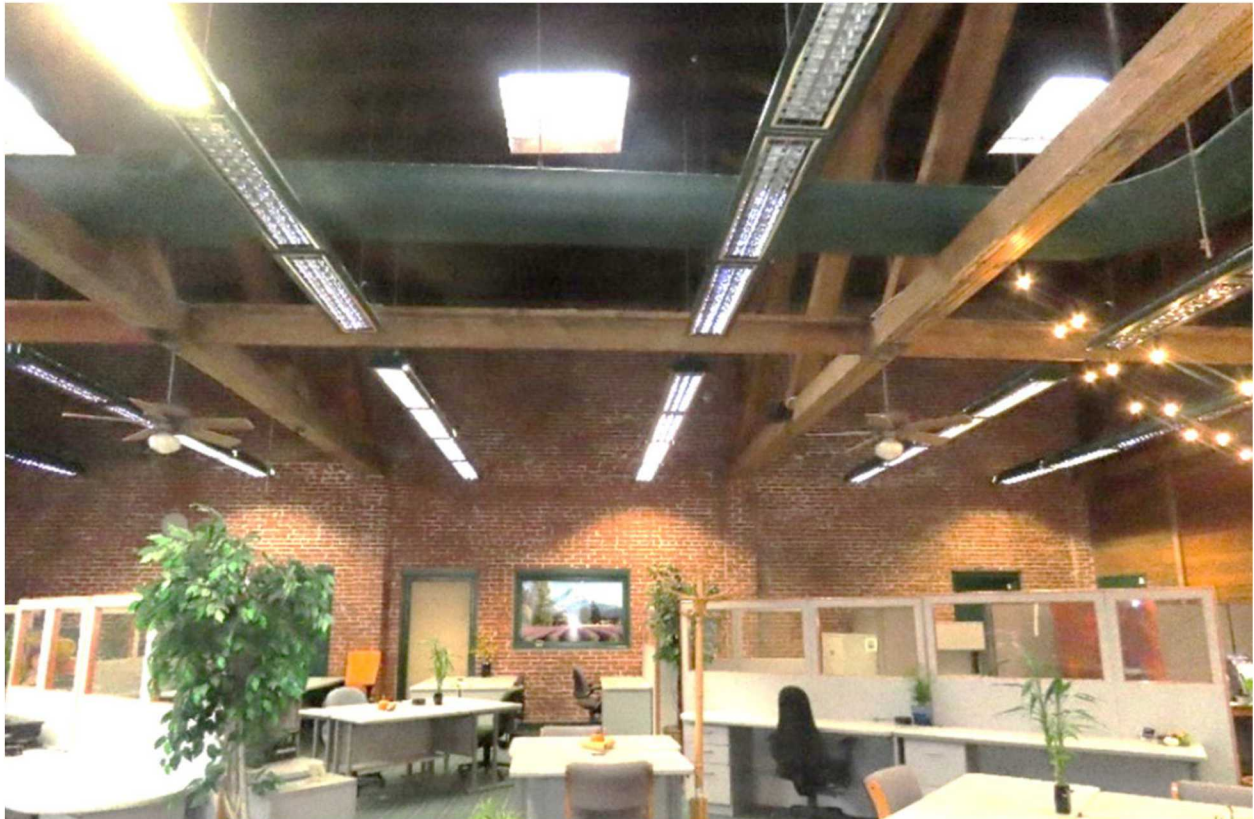


Photo 7. Wood trusses at interior (ARG, October 2022). 609 NE 3rd Street

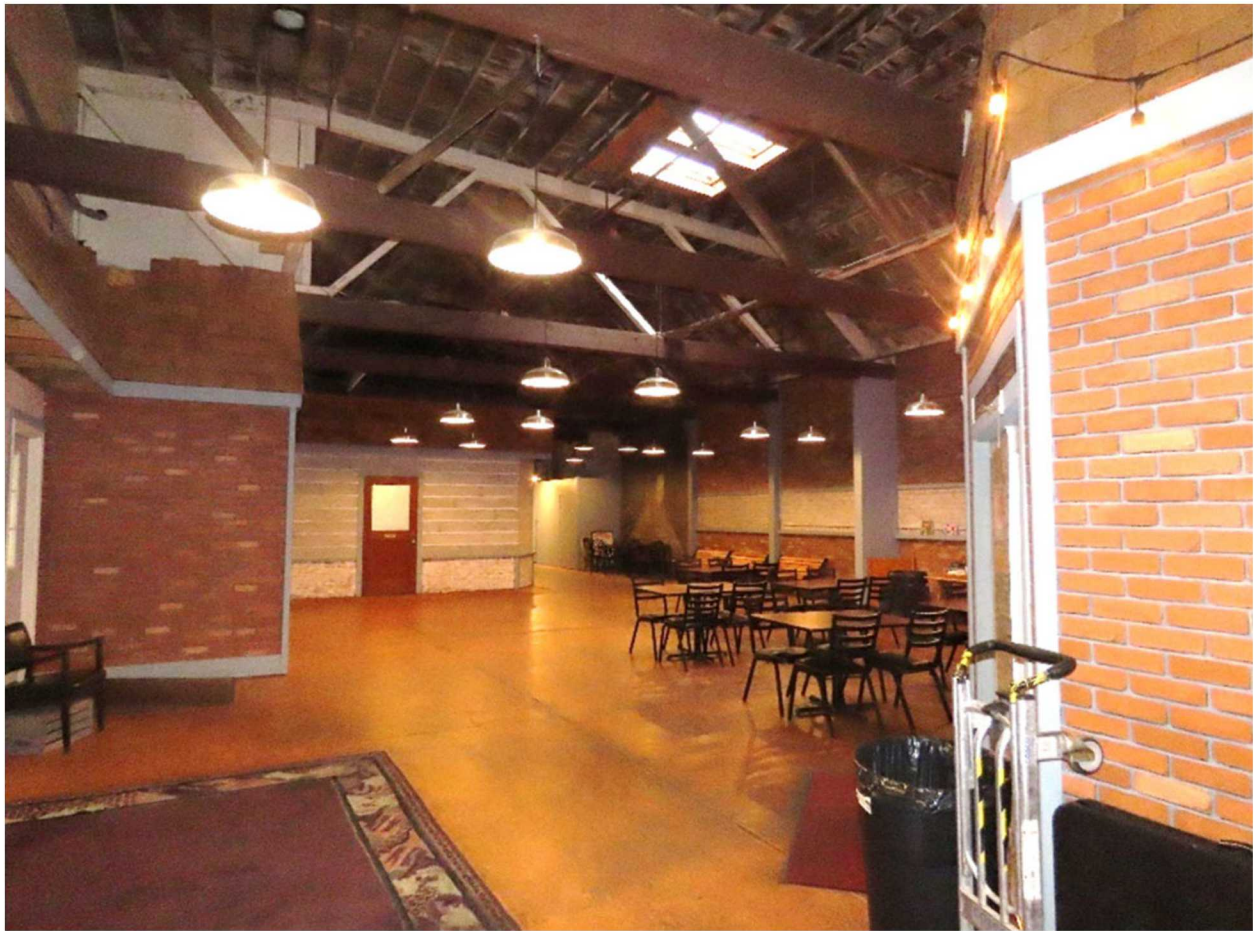


Photo 25. Interior view with wood trusses above (ARG, October 2022). 619 NE 3rd Street

March 1, 2023

Planning Commission
City of McMinnville
McMinnville, OR. 97128

Attn: Heather Richards, Planning Director

I attended the HLC hearings and was impressed by the thoroughness of the committee. The members were clearly cognizant of the goals and policies of McMinnville's Comprehensive Plan. They were well versed in the Historic Preservation laws (federal, state and local). They understood their authority as granted under Ordinance 5068. They addressed all the relevant portions of both the Comprehensive Plan and city ordinances in a clear, impartial manner, asking numerous questions for clarification. The findings provided extensive, explanations of the legal basis for their decision to deny the four applications.

I cannot say that the applicant's Notice of Appeal met the same standard. My first reading left me with the impression that the legal arguments and language were very carefully cherry-picked to bolster their position. Abundant citations of the Zoning Ordinance and the Comprehensive Plan were sprinkled throughout, along with repeated use of words like "inappropriate," "unreasonable," and "wrongly interpreted." I kept both Ordinance 5068 and a copy of the Comprehensive Plan at hand for reference and checked each citation against the appellant's statements; regrettably, many of the cites were not particularly relevant or helpful to their arguments. Then there was the language. It is a common legal tactic to discredit your opponent when the facts or law are not on your side, which may explain the frequent claim that the HLC was "unreasonable." That is an opinion, not a fact.

The applicant refers to policies and goals instead of the more legally binding ordinances. Ordinance 5068, adopted in 2019, is clear that the policies and goals adopted in the Comprehensive Plan are the legal position of the city; the McMinnville Historic Preservation Plan was adopted as an Appendix to the ordinance and incorporated by reference. In short, the city is serious about historic preservation. Our historic, liveable downtown is a primary reason why people come here. It is authentic and dearly loved; qualities which are sorely missing in many towns and cities. The city recognized the importance of preserving our history by listing seven distinct goals under Chapter III of the Comprehensive Plan (updated in 2022 by Ordinance 5113) ; not one of these goals supports the projects proposed by the applicant. Nor does Ordinance 5068.

The HLC was charged with evaluating the application using specific guidelines and found that it failed the requirements detailed in the Goal III of the Comprehensive Plan and Ordinance 5068. They rightly denied the application. In the appeal, the applicant introduced a promise of economic benefit – a matter beyond the scope of the HLC, thus opening the door to an evaluation of the project within the entire scope of the Comprehensive Plan and the other goals adopted by ordinance or resolution. The applicant also claimed to know the hearts and minds of the “majority” of the citizens. These matters are far afield from a legal review of the HLC findings and should not be considered as part of the appeal.

However, the Planning Commission is not necessarily bound by the legal constraints that guided the HLC. The PC could, if it chooses, agree to consider other arguments

made by the applicant. This is a slippery slope, but for argument's sake, let's venture out onto it.

One goal that the applicant likes is the promotion of tourism as an economic silver bullet for McMinnville. However, Resolution No. 2019-16, adopting the MacTown 2032 Economic Development Strategic Plan, lists as its top foundational goal the acceleration of growth in living wage jobs across a balanced array of industry sectors. Another foundational goal is the maintain and enhance our high quality of life, which I presume to mean for the citizens, not tourists. True, being a leader in hospitality and place-based tourism is also listed as a goal, but only it is only one goal of many and on page three of MacTown 2032 the focus is on encouraging people to move and work here through the creation of family wage jobs.

It is important to acknowledge that when the applicant argues that the Gwendolyn will result in substantial economic benefit to the city, they are not necessarily offering a balanced, dispassionate, or benevolent assessment. The applicants wants to make money; they are not necessarily concerned about collateral costs and impacts that the citizens must bear. The applicant points to jobs, but the jobs in question are low-paying service jobs; it is not a goal of the city to promote low-paying jobs. Since we already have an affordable housing problem and since service jobs do not provide living wages, the city may bear increased costs for social services and need more subsidized housing. If the city embraces high-end wine tourism as its primary goal, it does so at the expense of locally owned small businesses such as shoe stores, clothing stores, locally owned restaurants and hotels, a downtown grocery, a stationers, a drug store, etc. who will not be able to afford the subsequently high rents. People who live near to and shop in our downtown will be forced

to drive farther to stores owned by out-of-state corporations, thus impacting our transportation plan. Our parking facilities are already stressed; 70-80 employees will have to park somewhere, and it wouldn't be in the slots reserved for guests. Only thirty-percent of the lodging tax on nightly rentals comes to the city, yet it is the city that expected to provide the police and fire services, maintain and clean the streets and sidewalks, prune the trees, pay the lighting bill and replace the water and sewer lines. This hardly seems to be a net benefit for the citizens and also stands in direct conflict with other city goals and budgetary priorities and does not meet the intent or goals of our Comprehensive Plan. Also, the question of need arises. As a city, we increasingly offer very high-end lodging to the very affluent, but struggle to meet the housing needs of low and middle-income families. How would such a project affect our Affordable Housing and Urban Renewal programs? These questions are not considered by the applicant. The city, unlike a developer, has to consider collateral impacts and costs, as well as the entire body of goals and policies embodied in the Comprehensive Plan and our zoning ordinances. Unsupported claims would have to be documented, assessed and defended within the broader scope. When goals conflict, as they invariably will, it is incumbent upon the various committees and the Council to avoid the legalistic trap of cherry-picking pieces that support a single, narrow view. A slippery slope indeed.

On a purely technical issue, the applicant is aggrieved about the question of the mass of the proposed building, which would loom over the smaller, historic buildings that are the essence of our historic district. They cite section 17.59.050 (B) and claim that the HLC was confused about the difference between height and mass. Regrettably, the applicant is the one who doesn't understand the use of the word "mass" as it relates to architecture. The

definition of massing in architectural theory is simple: *Massing refers to the structure in three dimensions (form), not just its outline from a single perspective (shape). Massing influences the sense of space which the building encloses and helps to define both the interior space and the exterior shape of the building.*" (Wikipedia) The HLC used the term correctly and correctly noted that the misleading pictures from a single perspective of this building did not accurately reflect the mass of the proposed building and its disproportionate size relative to our historic district.

Another of the main arguments of the applicant is that they should be able to cherry-pick which buildings are of historic significance and which are not. The city adopted its historic preservation plan and the historical significance of the buildings was considered at length by the HLC. The buildings in question are part of our history and reflect an important era in our history; they are in use by several small businesses and could be restored. Razing historic buildings to create not very convincing fake-historic buildings defeats the purpose of historic preservation plans. It is particularly inappropriate when local owners have undertaken extensive restoration plans to protect other historic buildings.

Finally, the applicant should not denigrate the opinions of the dozens of concerned citizens who showed up to testify against this application or who wrote letters in opposition. The applicant raised the question of a "popularity contest," or at least their attorneys did, and if we are going to talk about what is "appropriate," this sort of nonsense doesn't belong in a legal document. I doubt that the applicant is qualified to tell us what the "majority" of citizens in McMinnville want and it is disingenuous for the applicant to suggest otherwise.

The appeal document clouds the issues and potentially drags the city into litigation and years of hearings. If they have to “destroy the village in order to save it,” they clearly don’t care. Their absolute refusal to consider other locations, restoration and a smaller mass, or to work within our historic preservation guidelines speaks for itself. However, the city has no legal obligation to ensure private profit; its responsibility is to the laws and the well-being of its citizens.

The appeal should be denied.

Respectfully submitted,

Margaret Cross
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McMinnville, OR 97128
503-474-0322
maggie.45.cross@gmail.com



February 28, 2023

Sidonie Winfield, Chair
McMinnville Planning Commission
C/O Heather Richards, Director
McMinnville Planning Department
230 NE Second Street McMinnville, OR 97128

RE: Appeal: HL 6-22, HL 7-22, HL 8-22, and DDR 2-22

Dear Chair Winfield and Members of the Planning Commission:

Restore Oregon strongly supports the McMinnville Historic Landmarks Committee's decision to reject the above-entitled applications for demolition and design review. We believe their decision is consistent with the goals and policies set forth in your local code of preserving historic resources and the integrity of your downtown National Historic District. We ask that you uphold their decision in this appeal.

Restore Oregon is a statewide historic preservation non-profit representing thousands of local supporters working to protect and restore the historic places that make our state like no place else. For some time, we have worked to draw attention to the rapid loss of historic fabric throughout the state. Acceleration in the growth of McMinnville's population has spurred a spike in the demolition of historic homes, commercial structures, and green space and resulted in the loss of historically significant resources and an irrevocably diminished historical record.

Every good building deserves a good use and all three buildings in the 600 block are in the advantageous position of helping maintain vital historic and economic resources for your community. McMinnville has been recognized by Oregonians and the robust travel community for its venerable historic preservation efforts for generations—we believe the 600 block deserves equal consideration in those efforts.

There are no second chances with demolition. Restore Oregon urges you in the strongest terms, not to make a decision that cannot be undone. It is your unique story and cannot be replaced with a new legacy. Historic places are critical to people's sense of who they are, to their capacity to find meaning in their lives, and to see a future. The spirit of the people—the heartbeat of the community—is in its enduring built environment.

Restore Oregon and its partners and members appreciate your consideration. By saving the 600 block from demolition and incompatible design, the City of McMinnville will be continuing its service to their community and visitors and preserving a rare resource—an intact National Historic District.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Katelyn Van Genderen". The signature is written in a cursive, flowing style.

Katelyn Van Genderen
Programs Director

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March 2, 2023

McMinnville Planning Commission
RE: Gwendolyn Hotel Project

City Commissioners and Members of the Planning Commission

As owners and founders of Golden Valley Brewery, we have made concerted long term investment both financially and personally into the economic viability and cultural vitality of the city of McMinnville particularly the downtown area since we started in 1993.

From this perspective, we feel that the city should embrace and assist a major investment that meets zoning and use requirements; that would hugely benefit the downtown, the Urban Renewal program and the local visitor economy; and that would replace old buildings with limited historic appeal and are cost-prohibitive to renovate with today's code.

Sincerely,

Peter Kircher
Owner
GVB