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1325 NE 16th Street
McMinnville, Oregon 97128

April 18, 2023

Heather Richards
McMinnville Planning Director
231 NE 3rd
McMinnville, Oregon, 97128

Re: 2003 Downtown Design Standards

Dear Heather:

You have reached out to me and requested my written input and recollections as the former Chair of the City's Downtown Steering Committee which formulated for Council consideration the Downtown Design Standards and Guidelines set out in Chapter 17.59 of the Municipal Code. These standards were adopted in 2003 after a two-year steering committee process, with public input. The Standards and Guidelines were undertaken as one of the follow-up activities to the Council's earlier approval of the 1996 Task Force 2000 visioning report on the Future of our downtown submitted in June of 1996. Task Force 2000 anticipated the City would establish a ***"Historic Area Overlay Zone with a system of voluntary incentives to encourage preservation of McMinnville's historic structures in the core area"*** (Page 20). The McMinnville Downtown Improvement Plan, adopted in October, 2000, includes a goal of city adoption of ***downtown design standards and guidelines*** to preserve and enhance the historic downtown area.

Overlay Ordinance 4797, adopted in 2003 created Municipal Code Chapter 17.59 which contains some voluntary guidelines, contains some suggested guidelines, contains many required standards and also contains some specific design prohibitions. I believe the words chosen by the advisory committee were not chosen lightly or casually but with intention. The words **"encouraged"** and **"may"** were intended to indicate areas of voluntary design elements and discretionary property owner choices. The word **"shall"** was intended to be

mandatory, required and directive as to certain primary design criteria standards. The term “**should**” was intended to designate preferred (but not a required) design guidelines and the term “**prohibited**” was utilized to indicate a required negative design standard.

For examples of both a voluntary guideline and a stated prohibition look at Section 17.59.070 which says an awning “**may** by indirectly illuminated; internal illumination of awnings is **prohibited**”.

Section 17.59.080(B) relating to signage contains a preference by use of the words “**should**” for grouped signage on a single building, but does not make grouped signage a mandatory design requirement, as is readily apparent in Downtown at the present time.

In Section 17.59.050 C. 2. the word “**prohibited**” is used in reference to a list of specified building materials for building frontage surfaces.

In Section 17.59.050 A 1. Buildings “**shall**” retain a zero setback from the public street” but indicates (in Section 2) that an exception to the zero setback “**may**” be granted to allow for certain exceptions. This was designed to maintain the pattern of building front walls being built to the sidewalk, but to also allow some flexibility for approval of site designs that encompassed sidewalk dining, plazas, courtyards and the like.

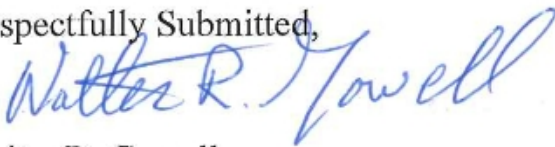
In Section 17.59.050 1. and 2. relating to building size and height indicates a building located at a corner “**should** be two stories or appear to be two-story in height”. This standard, as I recall, grew out of the Committee’s concern that a single story building at a corner would be inconsistent with the historic look of Downtown. The Steering Committee was aware of the existing 80-foot height limitation in the Downtown core area. I don’t recall any intention by the Committee to place a height limitation on building modifications, reconstructions, replacements or new construction, hence the Committee’s use of the word “**should**” instead of the word “**shall**” or words **prohibiting** construction of buildings over or under two stories in Downtown. The recent approvals of three, and four story structures at the corners of 3rd and Galloway, 4th and Ford, and 3rd and Baker, I believe accurately reflect the original intent of the design standards to contain both standards and guidelines (i.e. choices) to guide future development. If the Steering Committee had intended to propose either minimum or maximum height standards for buildings impacted by the overlay standards and guidelines I believe it would have done so expressly and unambiguously.

It was never the intent, as I understood it, for the Downtown Design Standards and Guidelines to act as a strait jacket to future development. They were intended to act as a combination of suggested guidelines and required standards (and prohibitions) to maintain and enhance the historic character of our Downtown and to encourage the voluntary preservation of historic structures. The approach taken was to foster cooperation between the city and private property owners, to include areas of flexibility in the guidelines and to minimize overly restrictive standards or requirements in order to avoid stifling private development and redevelopment.

I want to further express that these comments are my personal recollections of the intent of the Design Standards and Guidelines. I do not purport to speak for others who participated on the Steering Committee during 2001-2003, or for the members of the City Council which adopted those standards.

Also, in the interests of full disclosure, I presently serve as Chair of the McMinnville Urban Renewal Advisory Committee. I presently also serve as interim City Attorney (although not on this matter). I Co-own a property on 4th Street within sixty feet of the proposed development. And finally, another Partner at my law firm represents the underlying property owners, but not the applicant for this proposed development. Accordingly, I offer these comments and recollections solely on my own behalf and not on behalf of any other person or group.

Respectfully Submitted,



Walter R. Howell