



City of McMinnville
Planning Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7311

www.mcminnvilleoregon.gov

Historic Landmarks Committee
McMinnville Community Development Center, 231 NE 5th Street
November 14, 2019 10:00 AM

Committee Members	Agenda Items
<p>Joan Drabkin, Chair</p> <p>Mary Beth Branch, Vice-Chair</p> <p>Mark Cooley</p> <p>John Mead</p> <p>Heather Sharfeddin</p>	<ol style="list-style-type: none"> 1. Call to Order 2. Citizen Comments 3. Action Items <ol style="list-style-type: none"> A. DDR 4-19: 118 NE 3rd Street (Exhibit 1) Review of Revised Exterior Materials B. DDR 5-19: 903 NE 3rd Street (Exhibit 2) Downtown Design Review & Waiver Request 4. Discussion Items <ol style="list-style-type: none"> A. Upcoming Request for Proposals (RFP) For Survey Work (Exhibit 3) B. 2020 Work Plan Staff will lead a discussion on the Historic Landmarks Committee's desired work plan for the upcoming year of 2020. 5. Committee Member Comments 6. Staff Comments 7. Adjournment

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.



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EXHIBIT 1 - STAFF REPORT

DATE: November 14, 2019
TO: Historic Landmark Committee Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: DDR 4-19 – 118 NE 3rd Street
Review of Revised Building Materials

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Define the unique character through a community process that articulates our core principles

Report in Brief:

The Historic Landmarks Committee recently completed a quasi-judicial review of a Downtown Design Review land-use application for a new building to be constructed on the property at 118 NE 3rd Street (Tax Lots 8600, 8700 and 9200, Section 20AD, T. 4 S., R. 4 W., W.M). The Downtown Design Review application was reviewed as docket number DDR 4-19. The applicant, Kelley Wilson of SUM Design Studio, on behalf of property owner First Federal Savings & Loan, had requested the approval of the exterior design of the proposed new building, including approval of waivers from the following 5 (five) codified downtown design standards:

- 1) Reduction in the amount of glazing (i.e. windows and other glass or openings) on the ground floor facades from the required 70 percent to 40 percent on the Third Street façade and 25 percent on the Baker Street façade;
- 2) Allowance of a new parking lot to be located on Third Street (parking lots are prohibited on Third Street);
- 3) Allowance of an entrance to the new parking lot proposed to be located on Third Street (vehicular access to parking lots from Third Street is prohibited);
- 4) Reduction of the landscaping buffer strip between a new parking lot adjacent to Second Street and the sidewalk from the required width of 5 feet down to 3 feet; and
- 5) Allowance of a steel awning material.

The Historic Landmarks Committee approved the Downtown Design Review application (DDR 4-19), subject to a number of conditions of approval. One of those conditions of approval was that the applicant provide a revised example of the brick material, and the proposed grout color, for review and approval by the Historic Landmarks Committee. The applicant has prepared those materials, and is requesting that they be reviewed by the Historic Landmarks Committee.

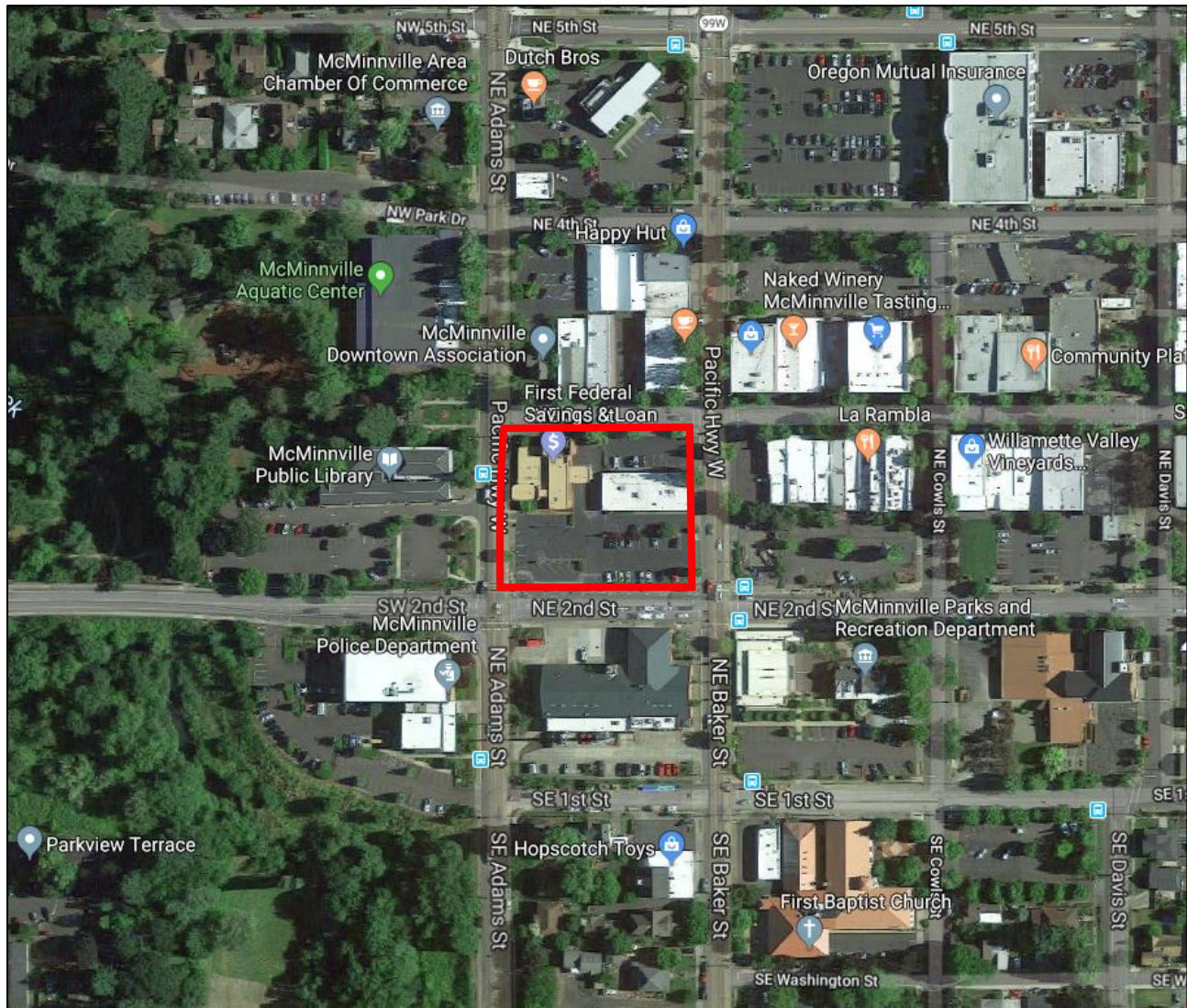
Attachments:

Attachment A: Revised Building Rendering (Received 11-4-19)

Background:

The subject property is located at 118 NE 3rd Street and encompasses a full city block. The property identified as Tax Lots 8600, 8700 and 9200, Section 20AD, T. 4 S., R. 4 W., W.M. See Vicinity Map (Figure 1) below for the approximate location of the site.

Figure 1. Vicinity Map



The Downtown Design Review application (DDR 4-19) was reviewed and approved, with conditions, by the Historic Landmarks Committee on Thursday, September 26, 2019. Notice of the decision of the Historic Landmarks Committee was provided to the applicant and those that participated in the public meeting on October 2, 2019. For reference, the conditions of approval were as follows:

Downtown Design Review (DDR 4-19) Conditions of Approval

1. That the improvements within the proposed “Historic/Art Area” be designed and installed through the collaborative process described by the applicant, which was to design and develop this area through a decision process by Applicant’s Board with input from Planning Department staff, and Steve Rupp, chair of the Downtown Public Arts Committee. The “Historic/Art Area” shall be

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located on both the west and east sides of the right-turn only egress, and on each side shall be a minimum dimension of 25 feet wide and 15 feet deep, as shown on the submitted site plan. The “Historic/Art Area” shall not simply be an increased landscape planting area, but it shall incorporate some or all of the features described by the applicant such as statues, art, decorative walls, and/or historic district gateway/monument signage that is accessible and uniquely adds value to the pedestrian experience. The “Historic/Art Area” shall also incorporate some feature with verticality to screen the parking lot from view from Third Street. The final design of the “Historic/Art Area” shall be submitted for review and final approval by the Historic Landmarks Committee.

2. That the painting and signage for the right-turn only egress onto NE Third Street from the surface parking lot on the northwest portion of the site be submitted to the City for review and approval prior to installation. The signage shall not interfere or distract from the proposed improvements within the “Historic/Art Area”, and the painting and/or markings on the ground shall enhance pedestrian safety within the sidewalk space and not detract from the pedestrian experience of Third Street. In addition, the surface of the driving area within the “Historic/Art Area” shall be differentiated from the sidewalk through the use of pavers to better define the pedestrian sidewalk space.
3. That the property owner shall enter into an agreement and license with the City to allow for the upper-story portions of the building along NE Baker Street to encroach into the public right-of-way.
4. That the applicant shall include a detail of the proposed brick soldier course along all areas of the façade that do not include a precast concrete belt course in the construction plans submitted for building permit review. The soldier course shall be at the same height as the precast concrete belt course between the first and second stories of the building.
5. That the applicant shall include window details in the construction plans submitted for building permit review that depict that all of the windows on the building will be recessed.
6. That the skim coated exposed foundation wall on the 3rd Street façade be painted a tan color to match the stone panels that will be installed above the exposed foundation wall and beneath the windows. Alternatively, the applicant may install the stone panel material over the foundation wall to encompass the entire area from the bottom of the window to the sidewalk.
7. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits for the new building. All landscaping on the site shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed. The landscape plan shall:
 - A. Be consistent with the preliminary landscaping plan submitted with the Downtown Design Review application (DDR 4-19);
 - B. Include details for the decorative trellis fence proposed within the landscape buffer space adjacent to NE 2nd Street. The decorative trellis fence shall be limited to 30 inches in height. The landscape plan shall also identify the proposed spacing, at the time of installation, of the plants that will grow into and cover the decorative trellis fence;
 - C. Include proposed street tree plantings, where possible, within the public right-of-way adjacent to the subject site. This includes the frontages onto the NE Adams Street, NE Third Street,

and NE Baker Street right-of-ways. Street trees shall meet the planting standards in Section 17.58.045 and Section 17.58.090 of the McMinnville Municipal Code (MMC).

8. That the applicant shall provide a revised example of the brick material, and the proposed grout color, for review and approval by the Historic Landmarks Committee. The color of the revised example brick material shall be a lighter color than the brick material that was originally proposed.
9. That the awnings shall be finished with the darker-colored metal material that was proposed and approved for the windows, sunshades, and exposed flashing. The entire awning shall be finished with the metal material, and shall not include the wood material on the soffits as identified in the renderings in Exhibits D3 and D5.
10. That the wood material proposed for the underside of the soffits of the recessed entry and third story balcony be finished with a darker stain or painted to be consistent with the allowable material of “painted wood” and not appear as a natural wood material.
11. That one (1) additional window be provided on the ground floor of the Baker Street (east) façade in the work room space that is identified on the Level 1 Floor Plan (Exhibit C5). This additional window shall be included in the construction plans submitted for building permit review.

Discussion:

The applicant has provided a revised rendering that includes revisions to the building design that respond to the applicable conditions of approval. That rendering is attached to this staff report, and is also provided below:



Attachments:

Attachment A: Revised Building Rendering (Received 11-4-19)

The revised rendering includes the following design revisions:

- Awnings finished in a darker color material (per Condition of Approval #9)
- A darker color paint/stain for the wood material on the underside of the soffits of the recessed entry and third story balcony, to be consistent with the allowable material of “painted wood” and not appear as a natural wood material (per Condition of Approval #10)
- Inclusion of an additional window on the ground floor of the Baker Street façade (per Condition of Approval #11)

For reference, the rendering that was submitted with the application and previously reviewed by the Historic Landmarks Committee is provided below:



In terms of the actual revised building materials and colors that are proposed, the applicant has constructed another material board with the revised materials that respond to the conditions of approval. That material board will be presented and provided for review at the Historic Landmarks Committee meeting on November 14th, 2019.

As a note, the design revisions referenced above will also need to be included in the construction plans that are eventually submitted for building permit review, in order to more clearly identify the design changes.

Commission Options:

- 1) **APPROVE** the revised building materials and colors.
- 2) **DENY** the revised building materials and colors, providing findings of fact for the denial in the motion to deny.
- 3) **CONTINUE** the application to a future Historic Landmarks Committee to allow for more information to be provided by the applicant. If continued, the continuation must be date specific.

Attachments:

Attachment A: Revised Building Rendering (Received 11-4-19)

Recommendation:

Staff has not reviewed the material board and the actual revised building materials being proposed by the applicant, as they are being presented at the Historic Landmarks Committee meeting on November 14, 2019. Therefore, staff recommends that the Committee review the revised building materials, deliberate, and make a decision on the applicant's proposal.

Suggested Motion:

If the Historic Landmarks Committee finds the revised building materials and colors to be acceptable, the following motion may be made:

THAT BASED ON THE EXAMPLES OF THE REVISED BUILDING MATERIALS PROVIDED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE FINDS THAT THE PROPOSED MATERIALS ARE CONSISTENT WITH THE APPLICABLE DOWNTOWN DESIGN STANDARDS AND THE FINDINGS OF FACT IN THE DDR 4-19 DECISION DOCUMENT.

CD



EXHIBIT D1-REVISED 11/4/2019
 REVISED MATERIAL COLORS PER HLC CONDITIONS OF APPROVAL
 FIRST FEDERAL SAVINGS AND LOAN, MCMINNVILLE, OREGON

BRICK: MUTUAL MATERIALS "MAUNA LOA"
 MORTAR: TRUE TONE GRAY #860
 STONE: NEOLITH "PIETRA DI OSSO"





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EXHIBIT 2 - STAFF REPORT

DATE: November 14, 2019
TO: Historic Landmark Committee Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: DDR 5-19 (Downtown Design Review for Alterations including a Waiver Request) – 903 NE 3rd Street

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Define the unique character through a community process that articulates our core principles

Report in Brief:

This is a quasi-judicial review of a Downtown Design Review land-use application for an addition to an existing building on the property at 903 NE 3rd Street (Tax Lot 4400, Section 21BD, T. 4 S., R. 4 W., W.M). All exterior building alterations in the Downtown Design Overlay District need to be reviewed and receive approval for how their design complies with McMinnville's downtown design review standards. Per the McMinnville Municipal Code, the McMinnville Historic Landmarks Committee serves as the decision-making body for the design review. The applicant, Ron Burcham, on behalf of property owner Mini Super Hidalgo LLC, is requesting the approval of the exterior design of the proposed expanded building, including the approval of one waiver from a downtown design standard to allow for a reduction in the amount of glazing (i.e. windows and other glass or openings) on the building facades from the required 70 percent to 61 percent on the Third Street façade and 44 percent on the new portion of the Irvine Street façade.

The Downtown Design Review request is subject to the review process described in Section 17.59.030(C)(2) and Section 17.59.030(C)(3) of the McMinnville Municipal Code (MMC). The Historic Landmarks Committee will make a final decision on the application, subject to appeal as described in Section 17.65.080 of the MMC.

Background:

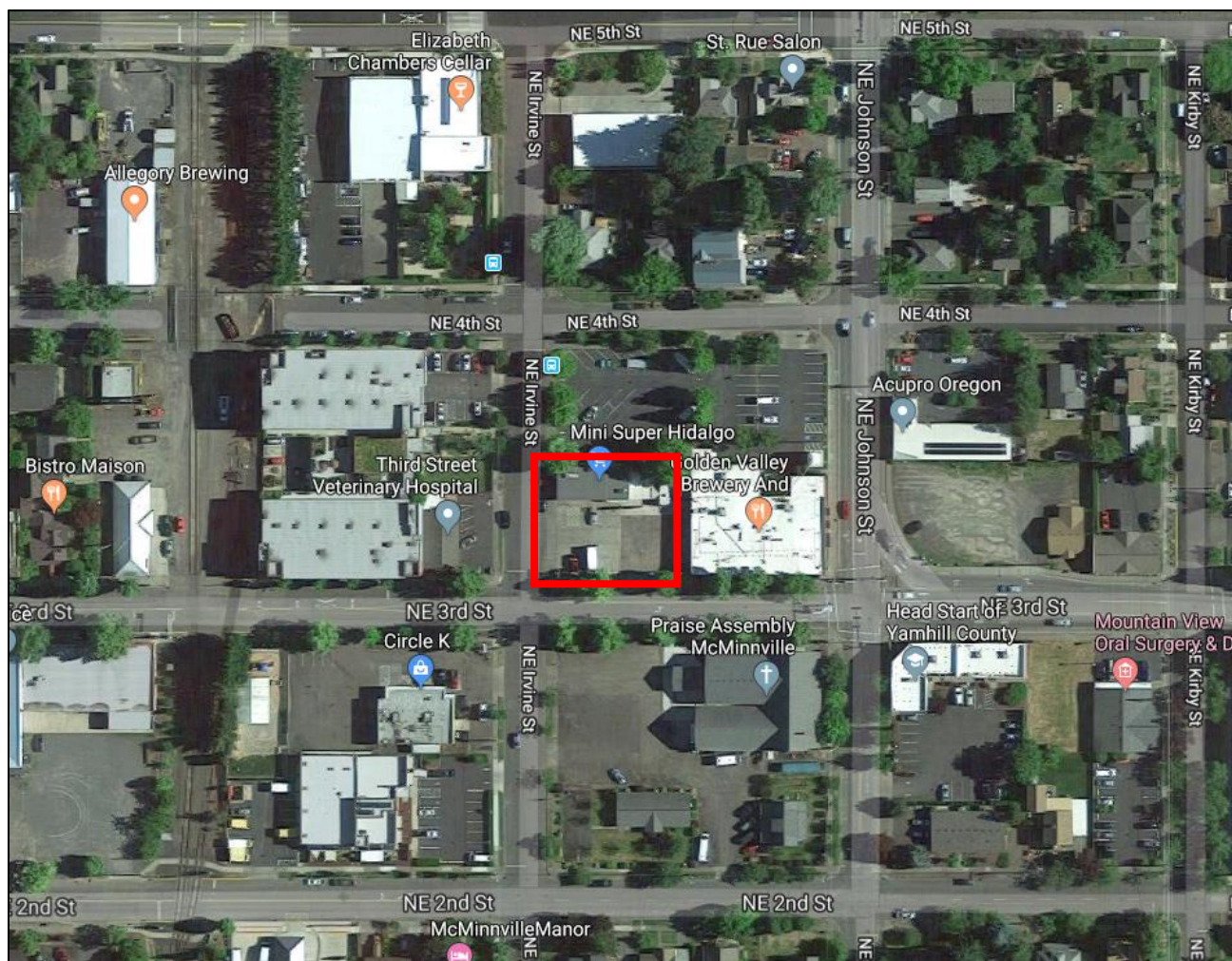
The subject property is located at 903 NE 3rd Street. The property is identified as Tax Lot 4400, Section 21BD, T. 4 S., R. 4 W., W.M. See Vicinity Map (Figure 1) below for the approximate location of the site.

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of DDR 5-19

Attachment B: DDR 5-19 Application Materials

Figure 1. Vicinity Map



The applicant provided an overview of their proposal and project in the application narrative, which is as follows:

“Phase 1 is an addition under the existing roof (250 sf), infilling the existing building perimeter walls, and applying façade improvements per design standards. The total finished gross floor area will be 2020 sf.

Phase 2 design revisions continue, so design review will be separate applications. Phase 2 will be an addition that will include a permanent restaurant replacing the food wagon and storage, and improvements to the existing parking lot and site.

Architectural features include added storefront glazing, brick base on walls facing streets, new awning wrapping the street facing building walls, and an improved fascia with a new cornice trim.

The existing painted "stucco" finish on wood panels will be improved on street faces to match existing stucco on CMU, and the new "stucco" finish on new wood construction will be a thin coat texture system on wood sheathing or fiber-cement panels between new windows and at improved fascia. Some existing glazing is remaining unchanged.”

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of DDR 5-19

Attachment B: DDR 5-19 Application Materials

Discussion:

The applicant has provided plans, elevations, and renderings identifying the improvements that would occur on the site. See Street Facing Elevations and Building Rendering (Figure 3 and Figure 4) below.

Figure 3. Street Facing Elevations

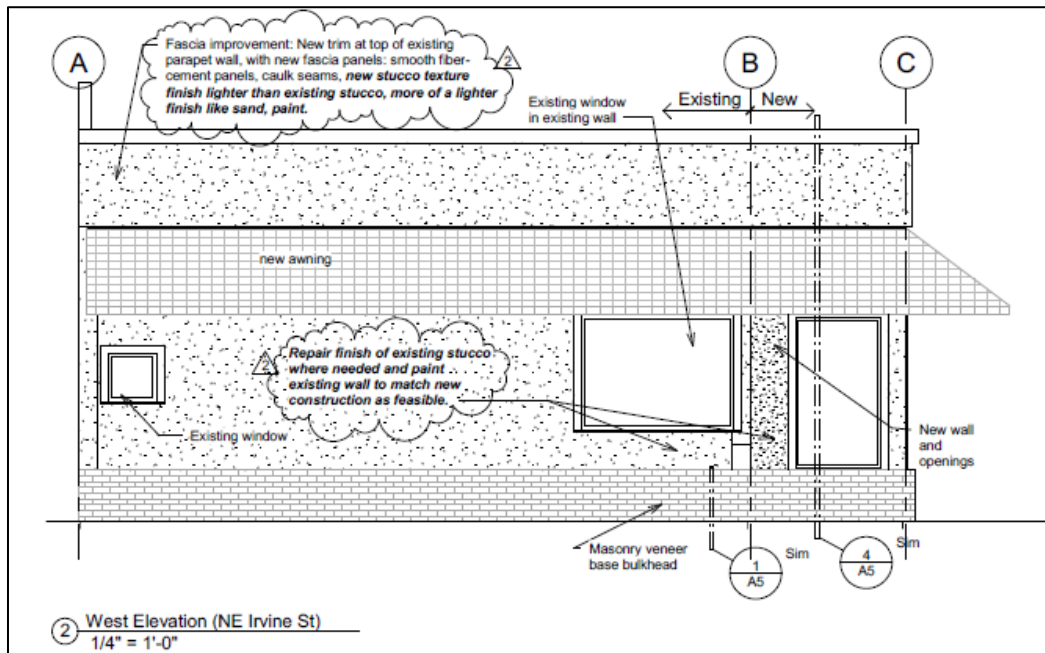
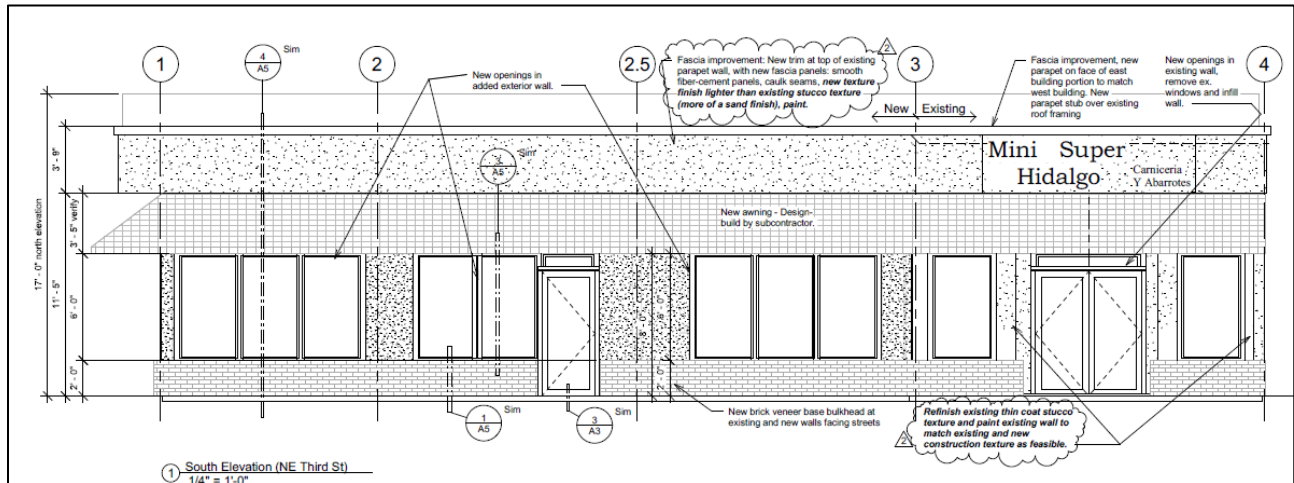


Figure 4. Building Rendering

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of DDR 5-19

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Decisions and/or recommendations for approval of the land use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

The specific review criteria for Downtown Design Review for New Construction in Section 17.59.040 of the MMC require the proposal to be consistent with the applicable Downtown Design Standards and Guidelines in Chapter 17.59 of the MMC, as well as the following review criteria:

1. The City's historic preservation policies set forth in the Comprehensive Plan;
2. If a structure is designated as a historic landmark on the City's Historic Resources Inventory or is listed on the National Register for Historic Places, the City's historic preservation regulations in Chapter 17.65, and in particular, the standards and guidelines contained in Section 17.65.060(2);

In addition, any request for a waiver from a Downtown Design Standard is subject to the specific review criteria in Section 17.59.040(A)(3) of the MMC as follows:

- a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;
- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and
- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

Current Request

The applicant has provided a written narrative and findings to support their requests. The narrative and findings are provided in the application materials, and are also reiterated and expanded upon in the Decision Documents for each land use application. The Decision Documents include the specific findings of fact for each of the applicable review criteria, but an overview of the findings in those Decision Documents is provided below.

Overall, much of the project design does meet the applicable Downtown Design Standards, given the fact that the proposal is to complete a small building expansion within the existing building lines of a

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Attachment B: DDR 5-19 Application Materials

building that is nonconforming in regards to most of the applicable Downtown Design Standards. The existing building is not constructed up to the property line with a zero setback, but the addition will be completed within existing building lines and bring the south façade closer to the Third Street property line. The massing and configuration of the building is not proposed to change, but façade improvements are proposed to make the building more compatible with architectural character on other buildings in the downtown area. The façade design features being incorporated into the building design include a brick bulkhead, new awning system, and improved fascia and cornice cap along the entire south and west building facades. While most of the building addition is on the south side of the building and only an approximately six foot length of new building wall is being added to the west façade, those façade design features are proposed to be included along the entire west façade, which will be an improvement from the design of the existing building.

The proposal also includes the construction of a new storefront window system and recessed entry with transparent door and transom window. A waiver from the minimum glazing percentage is requested, and will be discussed in more detail below. The exterior building materials are proposed to be stucco, or a material consistent in appearance with stucco, to match the existing building walls. Brick will also be used on the bulkhead, and the new awning will be matte finished fabric material, consistent with the awning material standards. Signage is proposed to be updated on the site as well. Some minor clarifications and amendments to some design components are suggested by staff as conditions of approval where necessary to achieve the Downtown Design Standards, which will also be discussed in more detail below.

Summary of Applicable Downtown Design Standards

Standard	Code Reference	Proposed Project
Zero Setback	17.59.050(A)(1)	Meets Standard based on Existing Building
Massing & Configuration	17.59.050(B)(1)	Meets Standard
Façade Articulation	17.59.050(B)(2)	Meets Standard
Belt Course	17.59.050(B)(3)(a)	N/A
Bulkhead	17.59.050(B)(3)(b)	Meets Standard
Minimum Amount of Glazing	17.59.050(B)(3)(c)	Waiver Requested
Recessed Entry	17.59.050(B)(3)(d)	Meets Standard
Decorative Cornice	17.59.050(B)(3)(e)	Meets Standard
Roofline Orientation	17.59.050(B)(4)	Meets Standard
Entrance Open to ROW	17.59.050(B)(5)	Meets Standard based on Existing Building
Recessed Windows	17.59.050(B)(6)	Meets Standard
Building Foundation	17.59.050(B)(8)	Meets Standard
Exterior Building Materials	17.59.050(C)(1) & (2)	Meets Standard with Condition of Approval
Exterior Building Colors	17.59.050(C)(3)	Meets Standard with Condition of Approval
Awning Design & Locations	17.59.070(A)-(F)	Meets Standards with Condition of Approval
Sign Design & Locations	17.59.080(A)-(E)	Meets Standards

Glazing Waiver

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of DDR 5-19

Attachment B: DDR 5-19 Application Materials

The applicant is requesting a waiver from the minimum amount of glazing required on the street facing facades of the building. The primary argument for this waiver is based on the scope of the proposed project, and that it is an addition to the existing nonconforming (in regards to the Downtown Design Standards) building. The addition is relying on the existing roof framing and extending that framing south, resulting in a need for the south wall to include support columns for the roof framing. These columns are proposed to be within solid walls between the new bays of storefront windows and recessed entrance. This results in more wall space in the building and a reduced glazing amount on the south façade of 61% instead of the required 70%, which is still a vast improvement from the existing building façade that includes only 32% glazing.

The alternative design proposed by the applicant does still achieve the overall intent of the Downtown Design Standards, as the new southern wall will include many more features required by the Downtown Design Standards including the storefront window system and recessed entrance, as well as other façade design features including a new brick bulkhead, new awning system, and improved fascia and cornice cap on the building. The solid walls in the building that will support the expanded roof framing also allow for other design standards to be achieved, in that they will add vertical columnar features on the façade that break up and provide variation in the building façade.

The applicant is also requesting a reduction in glazing on the west façade for the portion of the west façade that will be constructed as part of the addition. This portion of the addition is only approximately six feet in width as it fronts onto Irvine Street, and the applicant is proposing to carry the same window pattern proposed on the south façade around the corner onto the west façade. This results in the new portion of the west façade having 44% glazing instead of the required 70%. However, the applicant is proposing an alternative design that carries the other façade design features proposed on the south façade around to the entire west façade of the building, including the new brick bulkhead, new awning system, and improved fascia and cornice cap on the building. This will improve the entire west façade and bring that portion of the building more in conformance with the Downtown Design Standards.

Suggested Conditions of Approval

Staff is suggesting a couple conditions of approval to ensure that all of the applicable Downtown Design Standards are being achieved by the proposal. The first condition of approval is related to the proposed exterior building materials. The existing building is finished with stucco. The applicant is proposing to use textured stucco applied over fiber cement panels on the new portions of the building walls and the improved fascia above the awning system. The building elevations include notes that the walls will all be refinished and repainted to be a consistent stucco appearance and color. In order to ensure that this material is consistent with the “smooth stucco” material that is allowed in the Downtown Design Standards, a condition of approval is suggested to require that a built example of the proposed exterior building materials be submitted to the Historic Landmarks Committee for review prior to the issuance of building permits for the proposed development.

Secondly, the applicant did provide a rendering that identifies colors of the building and described in their narrative that the colors applied to the building would be subtle, neutral, or earth tone. The colors shown in the rendering consist of shades of red, brown and tan, which are generally all subtle, neutral, and earth tones. To ensure that the final colors applied to the building are subtle, neutral, and earth tone in color, a condition of approval is included to require that the applicant provide samples or examples of the exterior building colors to the Planning Department for review and approval by the Planning Director prior to application on the building.

Commission Options:

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of DDR 5-19

Attachment B: DDR 5-19 Application Materials

- 1) Close the public meeting and **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public meeting to a specific date and time.
- 3) Close the public meeting, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public meeting and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation:

Based on the information and plans provided, staff believes that most of the Downtown Design Standards are being achieved by the proposed building design, and that the suggested conditions of approval would allow for the proposed design to achieve those standards that were not explicitly satisfied in the application materials.

Staff is recommending approval of the application, subject to the following suggested conditions of approval:

1. That the applicant shall submit building permit applications prior to completing any work. The construction plans submitted with the building permit applications will be reviewed by the Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Historic Landmarks Committee, along with any revisions to respond to other conditions of approval.
2. That the applicant shall provide a built example of the final exterior panel building material to be reviewed and approved by the Historic Landmarks Committee prior to the release of building permits for the proposed development. The built example shall include an example of the treatment of any seam that is to be caulked and painted over with the sand-textured paint.
3. That the applicant shall provide samples or examples of the exterior building colors to the Planning Department for review and approval by the Planning Director prior to application on the building.

MOTION FOR DDR 5-19:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE HISTORIC LANDMARKS COMMITTEE APPROVES DDR 5-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

CD

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of DDR 5-19

Attachment B: DDR 5-19 Application Materials



CITY OF MCMINNVILLE
PLANNING DEPARTMENT
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS OF THE MCMINNVILLE HISTORIC LANDMARKS COMMITTEE FOR THE APPROVAL OF AN ALTERED BUILDING AT 903 NE THIRD STREET WITHIN THE DOWNTOWN DESIGN AREA

DOCKET: DDR 5-19 (Downtown Design Review for Alterations including Waiver Request)

REQUEST: Approval of a Downtown Design Review application to allow for an addition to the existing building at 903 NE 3rd Street that infills the existing building perimeter walls under the existing covered area on the south side of the building. The proposed work includes alterations to the existing building façade as part of the addition, including new storefront windows, new façade materials, new awnings, and an updated fascia and cornice.

The application includes a request for one waiver from a downtown design standard to allow for a reduction in the amount of glazing (i.e. windows and other glass or openings) on the building facades from the required 70 percent to 61 percent on the Third Street façade and 44 percent on the new portion of the Irvine Street façade.

LOCATION: 903 NE 3rd Street. The property is identified as Tax Lot 4400, Section 21BD, T. 4 S., R. 4 W., W.M.

ZONING: C-3 (General Commercial)

APPLICANT: Ron Burcham, on behalf of property owner Mini Super Hidalgo LLC

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: October 17, 2019

DECISION-MAKING BODY & ACTION: McMinnville Historic Landmarks Committee

MEETING DATE & LOCATION: November 14, 2019, Community Development Center, 231 NE 5th Street, McMinnville, Oregon.

PROCEDURE: An application for a Downtown Design Review is processed in accordance with the procedures in Section 17.59.030(A) of the McMinnville Municipal Code.

CRITERIA: The applicable criteria for a Downtown Design Review are specified in Section 17.59.040 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume

Attachments:

Attachment 1 – Application and Attachments

It are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: As specified in Section 17.59.030(E) of the McMinnville Municipal Code, the Historic Landmarks Committee's decision may be appealed to the Planning Commission within fifteen (15) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Oregon Department of Transportation. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Historic Landmarks Committee finds the applicable criteria are satisfied with conditions and **APPROVES** the exterior design of the proposed new building at 903 NE 3rd Street (DDR 5-19).

RECOMMENDATION: APPROVAL WITH CONDITIONS

Historic Landmarks Committee: _____
Joan Drabkin, Chair

Date:

Planning Department: _____
Heather Richards, Planning Director

Date:

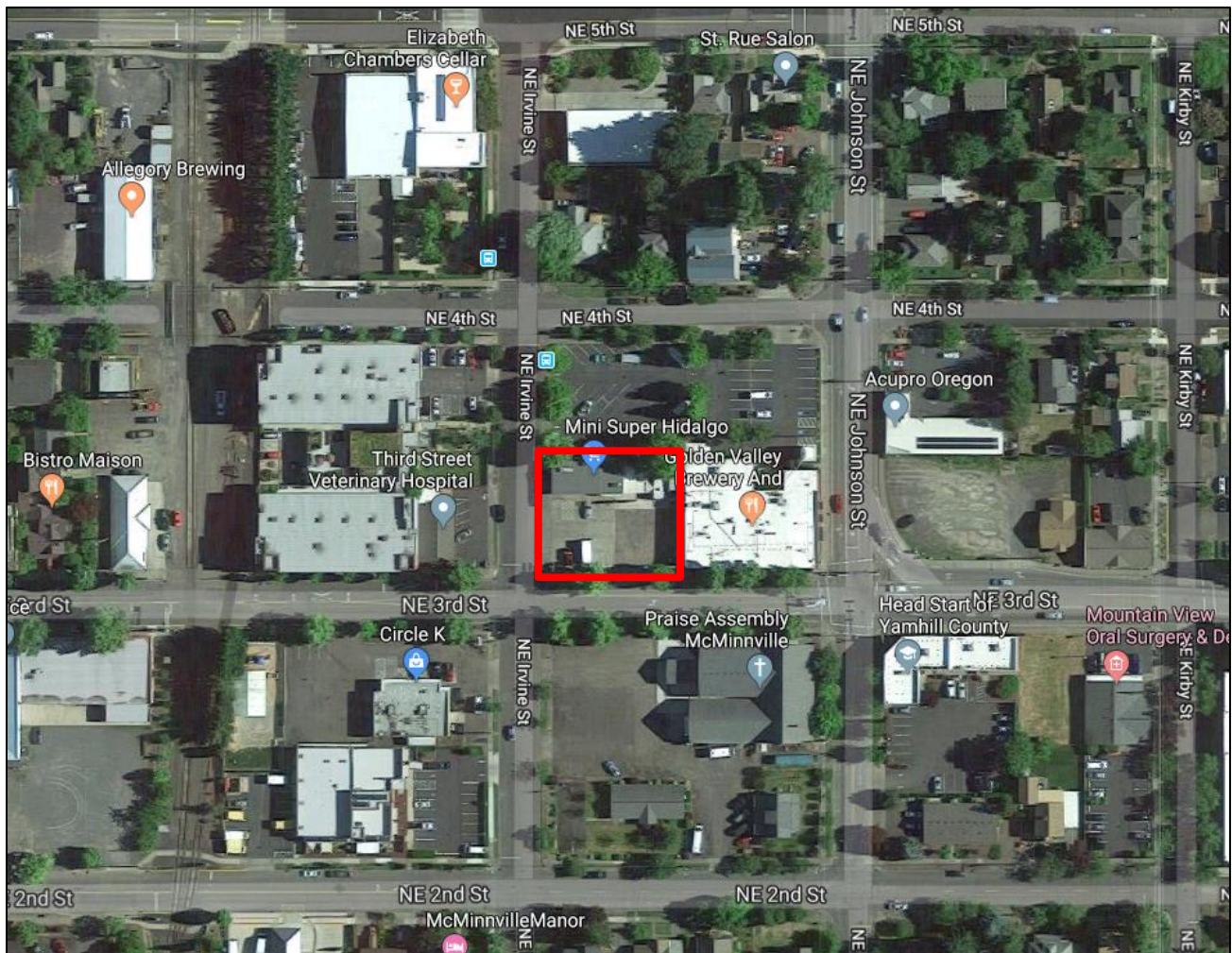
I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the request under consideration. Staff has found the information provided to accurately reflect the current land use request, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

Subject Property & Request

The subject property is located at 903 NE 3rd Street. The property is identified as Tax Lot 4400, Section 21BD, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Figure 1. Vicinity Map



The applicant provided an overview of their proposal and project in the application narrative, which is as follows:

“Phase 1 is an addition under the existing roof (250 sf), infilling the existing building perimeter walls, and applying façade improvements per design standards. The total finished gross floor area will be 2020 sf.

Phase 2 design revisions continue, so design review will be separate applications. Phase 2 will be an addition that will include a permanent restaurant replacing the food wagon and storage, and improvements to the existing parking lot and site.

Attachments :

Attachment 1 – Application and Attachments

Architectural features include added storefront glazing, brick base on walls facing streets, new awning wrapping the street facing building walls, and an improved fascia with a new cornice trim.

The existing painted "stucco" finish on wood panels will be improved on street faces to match existing stucco on CMU, and the new "stucco" finish on new wood construction will be a thin coat texture system on wood sheathing or fiber-cement panels between new windows and at improved fascia. Some existing glazing is remaining unchanged."

Elevations and renderings of the street facing facades of the proposed new building are provided below. Full elevations and additional renderings are provided in the application materials (Attachment 1). **See Street Facing Elevations (Figure 2) and Building Rendering (Figure 3) below.**

Figure 2. Street Facing Elevations

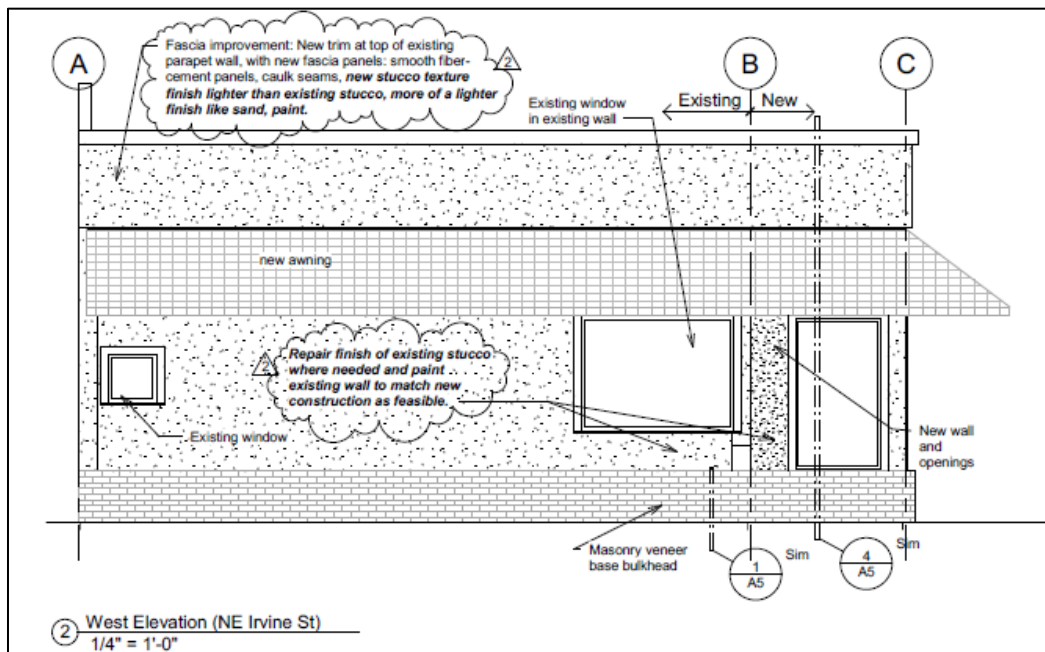
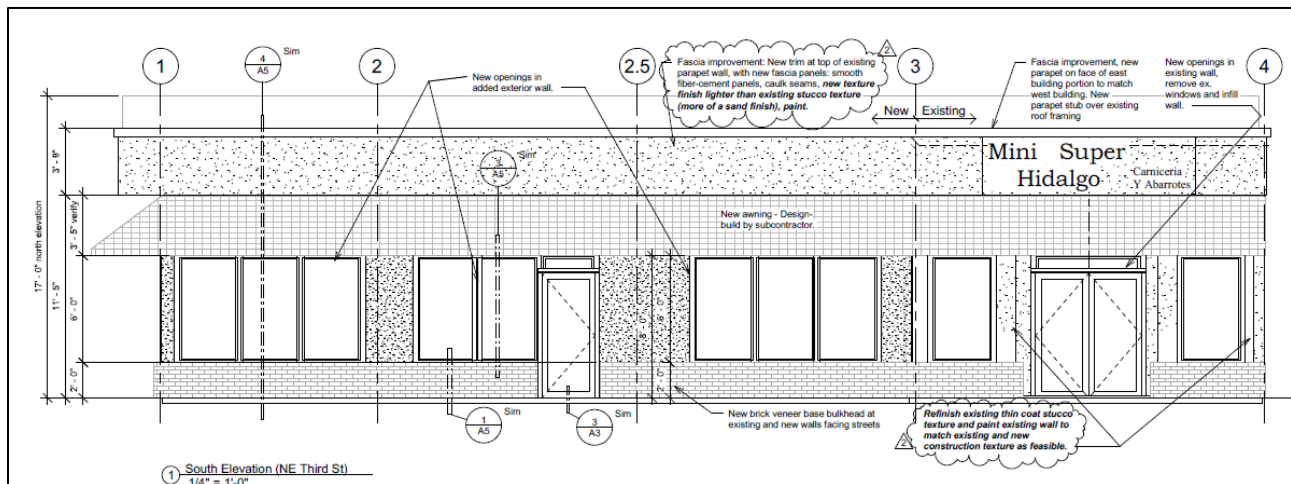
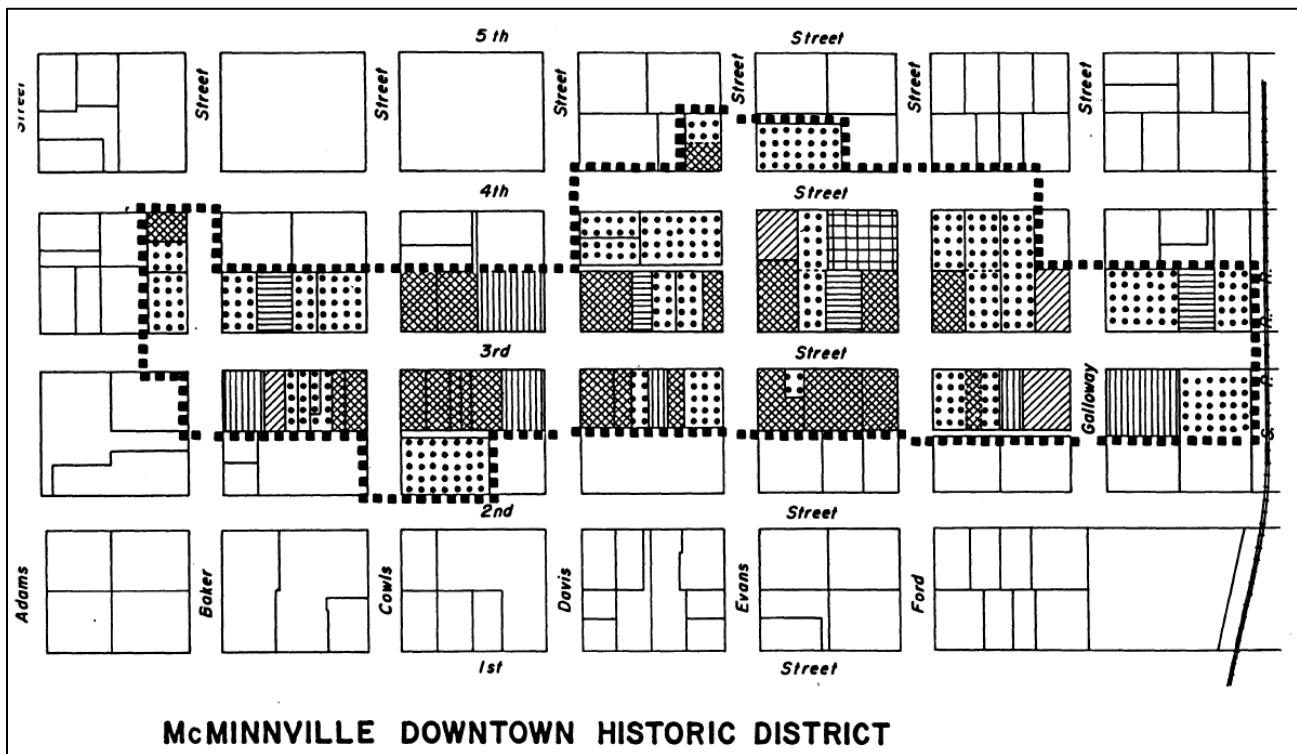


Figure 3. Building Rendering**Background**

The property is located within the Downtown Design Standards and Guidelines area described in Chapter 17.59 of the McMinnville Municipal Code. The property and the existing buildings are not listed on the local Historic Resources Inventory or the McMinnville Downtown Historic District that is listed on the National Register of Historic Places. The property is located east of the historic district boundary, as shown below:

**Attachments :**

Attachment 1 – Application and Attachments

Summary of Criteria & Issues

Decisions and/or recommendations for approval of the land use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

The specific review criteria for Downtown Design Review for New Construction in Section 17.59.040 of the MMC require the proposal to be consistent with the applicable Downtown Design Standards and Guidelines in Chapter 17.59 of the MMC, as well as the following review criteria:

1. The City's historic preservation policies set forth in the Comprehensive Plan;
2. If a structure is designated as a historic landmark on the City's Historic Resources Inventory or is listed on the National Register for Historic Places, the City's historic preservation regulations in Chapter 17.65, and in particular, the standards and guidelines contained in Section 17.65.060(2);

In addition, any request for a waiver from a Downtown Design Standard is subject to the specific review criteria in Section 17.59.040(A)(3) of the MMC as follows:

- a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;
- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and
- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

The Planning Director has determined that the proposed construction activities are a major alteration to the building located in the Downtown Design Review Overlay District. Therefore, the alterations are subject to review criteria in Section 17.59.040 of the McMinnville Municipal Code. The application for the review of the exterior design of the new building includes a request from a waiver of one downtown design standard. Waiver requests are subject to the specific review criteria in Section 17.59.040(A)(3) of the McMinnville Municipal Code.

The specific waiver being requested is to allow for a reduction in the amount of glazing (i.e. windows and other glass or openings) on the building facades from the required 70 percent to 61 percent on the Third Street façade and 44 percent on the new portion of the Irvine Street façade.

In addition to the sections of the McMinnville Municipal Code referenced above, the goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The applicant has provided findings to support the request for Downtown Design Review. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That the applicant shall submit building permit applications prior to completing any work. The construction plans submitted with the building permit applications will be reviewed by the Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Historic Landmarks Committee, along with any revisions to respond to other conditions of approval.

Attachments :

Attachment 1 – Application and Attachments

2. That the applicant shall provide a built example of the final exterior panel building material to be reviewed and approved by the Historic Landmarks Committee prior to the release of building permits for the proposed development. The built example shall include an example of the treatment of any seam that is to be caulked and painted over with the sand-textured paint.
3. That the applicant shall provide samples or examples of the exterior building colors to the Planning Department for review and approval by the Planning Director prior to application on the building.

III. ATTACHMENTS:

1. DDR 5-19 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Fire Department

We have no issues with this request.

Public Comments

Notice of this request was mailed to property owners located within 100 feet of the subject site. As of the date of the Historic Landmarks Committee public meeting on November 14, 2019, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Ron Burcham, on behalf of property owner Mini Super Hidalgo LLC, submitted the Downtown Design Review application (DDR 4519) on October 1, 2019.
2. The application was deemed complete on October 17, 2019. Based on that date, the 120 day land use decision time limit expires on February 14, 2020.
3. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.110 of the McMinnville Municipal Code: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

4. Notice of the application and the November 14, 2019 Historic Landmarks Committee public meeting was mailed to property owners within 100 feet of the subject property in accordance with Section 17.59.030(C)(3) and Section 17.72.110 of the McMinnville Municipal Code on October 29, 2019.

Attachments :

Attachment 1 – Application and Attachments

5. No public testimony was submitted to the Planning Department prior to the Historic Landmarks Committee public meeting.
6. On November 14, 2019, the Historic Landmarks Committee held a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** 903 NE 3rd Street. The property identified as Tax Lot 4400, Section 21BD, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 12,000 square feet.
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** Downtown Design Standards Area (per Section 17.59.020(A) of the McMinnville Municipal Code); Reduced Landscaping Requirements Area (per Section 17.57.080).
6. **Current Use:** Commercial – Retail and Restaurant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** There are no significant or distinguishing natural features associated with this property.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is bounded on the west by Irvine Street and on the south by 3rd Street. The McMinnville Transportation System Plan identifies 3rd Street as a major collector and Irvine Street as a local street. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for these classifications of streets, but the site is within the downtown area with historic buildings constructed up to the property line. Therefore, no right-of-way dedication is required during the course of development of the properties in this area of the downtown.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Downtown Design Review request are specified in Section 17.59.040 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of

Attachments:

Attachment 1 – Application and Attachments

Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The property and the existing buildings are not listed on the McMinnville Historic Resources Inventory or the McMinnville Downtown Historic District that is listed on the National Register of Historic Places.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE

Downtown Development Policies:

Policy 36.00 The City of McMinnville shall encourage a land use pattern that:

- 1. Integrates residential, commercial, and governmental activities in and around the core of the city;*
- 2. Provides expansion room for commercial establishments and allows dense residential development;*
- 3. Provides efficient use of land for adequate parking areas;*
- 4. Encourages vertical mixed commercial and residential uses; and,*
- 5. Provides for a safe and convenient auto-pedestrian traffic circulation pattern.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposal results in an expanded commercial establishment in the core of the city. The proposed structure is strictly commercial as a retail and restaurant uses. The existing improvements on the site include an off-street parking and internal vehicular circulation area. No changes are proposed to most areas of the site during the expansion of the existing commercial building, as the expansion will be infilling an existing covered area on the front of the building and not impacting any other portion of the site. The currently proposed building expansion does not prohibit further development or redevelopment of the site, which allows for more efficient use of land for development in the future. During the “Phase 2” improvements described by the applicant, additional site improvements may be required depending on the scale of the proposed future development of the site.

Policy 39.00 The City of McMinnville shall encourage and allow the development of pocket parks, landscaping, and other natural amenities to provide a visual contrast between streets and parking lots and buildings to enhance the general appearance of the downtown.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No changes are proposed to the parking and vehicular areas of the site during the expansion of the existing commercial building, as the expansion will be infilling an existing covered area on the front of the building and not impacting any other portion of the site. During the "Phase 2" improvements described by the applicant, additional site improvements may be required depending on the scale of the proposed future development of the site.

Policy 44.00 The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. While not required, the proposal does include the retention of the existing off-street parking spaces for the existing commercial use.

Policy 46.01 The City shall, through its Landscape Review Committee, develop a list of street trees acceptable for planting within the public rights-of-way, parks and open spaces, and downtown. In addition, the committee shall develop standards for the planting of these trees, particularly within the downtown area, such that sidewalk and tree root conflicts are minimized. This effort should be coordinated with McMinnville Water and Light in an effort to minimize conflicts with utility lines.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No changes are proposed to most of the existing areas of the site during the expansion of the existing commercial building, as the expansion will be infilling an existing covered area on the front of the building and not impacting any other portion of the site. There are two existing street trees within the public right-of-way on Third Street, and those trees will not be impacted by the proposed building expansion. During the "Phase 2" improvements described by the applicant, additional on-site and off-site improvements may be required depending on the scale of the proposed future development of the site. This may include the planting of street trees within the public right-of-way.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The process for Downtown Design Review provides an opportunity for citizen involvement throughout the process through the public notice and the public meeting process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

17.59.020 Applicability.

- A. The provisions of this Chapter shall apply to all lands located within the area bounded to the west by Adams Street, to the north by 4th Street, to the east by Kirby Street, and to the south by 1st Street. Lands immediately adjacent to the west of Adams Street, from 1st Street to 4th Street, are also subject to the provisions of this Chapter.
- B. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
 1. All new building construction;
 2. Any exterior building or site alteration; and,
 3. All new signage.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The subject site is located in the Downtown Design area. The proposal includes an addition to the existing building and complete new construction of the storefront and front building facades, so the provisions of the Downtown Design Standards and Guidelines chapter are applicable. Findings for the proposed alteration’s consistency with the applicable requirements of the Downtown Design Standards and Guidelines chapter are provided below.

17.59.030 Review Process.

- A. An application for any activity subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (E) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The application shall include the following information:

1. The applicant shall submit two (2) copies of the following information:
 - a. A site plan (for new construction or for structural modifications).
 - b. Building and construction drawings.
 - c. Building elevations of all visible sides.
 2. The site plan shall include the following information:
 - a. Existing conditions on the site including topography, streetscape, curbcuts, and building condition.
 - b. Details of proposed construction or modification to the existing structure.
 - c. Exterior building elevations for the proposed structure, and also for the adjacent structures.
 3. A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
 4. Photographs of the subject site and adjacent property.
 5. Other information deemed necessary by the Planning Director, or his/her designee, to allow review of the applicant's proposal. The Planning Director, or his/her designee, may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.
- C. Review Process
1. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The Planning Director shall review the application and determine whether the proposed activity is in compliance with the requirements of this ordinance.
 2. The Planning Director may review applications for minor alterations subject to the review criteria stated in Section 17.59.040. The Historic Landmarks Committee shall review applications for major alterations and new construction, subject to the review criteria stated in Section 17.59.040. It shall be the Planning Director's decision as to whether an alteration is minor or major.
 3. Notification shall be provided for the review of applications for major alterations and new construction, subject to the provisions of Section 17.72.110.
 - a. The Historic Landmarks Committee shall meet within 30 (thirty) days of the date the application was deemed complete by the Planning Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action on the plans. A failure by the Planning Director or Historic Landmarks Committee, as applicable, to review within 30 (thirty) days shall be considered an approval of the application.
 - b. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity to be in compliance with the provisions of this ordinance, they shall approve the application.
 - c. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity in noncompliance with the provisions of this ordinance, they may deny the application, or approve it with conditions as may be necessary to bring the activity into compliance with this ordinance.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #1. The applicant submitted an application as required, and the application was reviewed by the Historic Landmarks Committee because the Planning Director determined that the proposed construction activity consisted of major alterations to the existing building on the site. Notification was provided to property owners within 100 feet of the subject site, and the Historic Landmarks Committee met within 30 days of the date the application was deemed complete. A condition of approval is included to ensure that the eventual building construction is consistent with what was reviewed and approved by the Historic Landmarks Committee. The condition requires that the applicant submit building permit applications prior to completing any work, and that the construction plans submitted with

the building permit applications will be reviewed by the Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Historic Landmarks Committee, along with any revisions to respond to other conditions of approval.

17.59.040 Review Criteria

- A. In addition to the guidelines and standards contained in this ordinance, the review body shall base their decision to approve, approve with conditions, or deny the application, on the following criteria:
 1. The City's historic preservation policies set forth in the Comprehensive Plan;
 2. If a structure is designated as a historic landmark on the City's Historic Resources Inventory or is listed on the National Register for Historic Places, the City's historic preservation regulations in Chapter 17.65, and in particular, the standards and guidelines contained in Section 17.65.060(2); and

APPLICANT'S RESPONSE: Note – See responses and findings provided to individual Comprehensive Plan policies above.

FINDING: SATISFIED. The proposal is consistent with the City's historic preservation policies in the Comprehensive Plan, as described in more detail in the findings for those Comprehensive Plan policies above. The subject site and existing buildings on the site are not designated as historic landmarks or resources on the McMinnville Historic Resources Inventory, and the property is outside of the McMinnville Downtown Historic District that is listed on the National Register of Historic Places. Therefore, the City's historic preservation regulations are not applicable to this request.

Glazing Waiver on 3rd Street Façade – Waiver from Section 17.59.050(B)(3)(c)

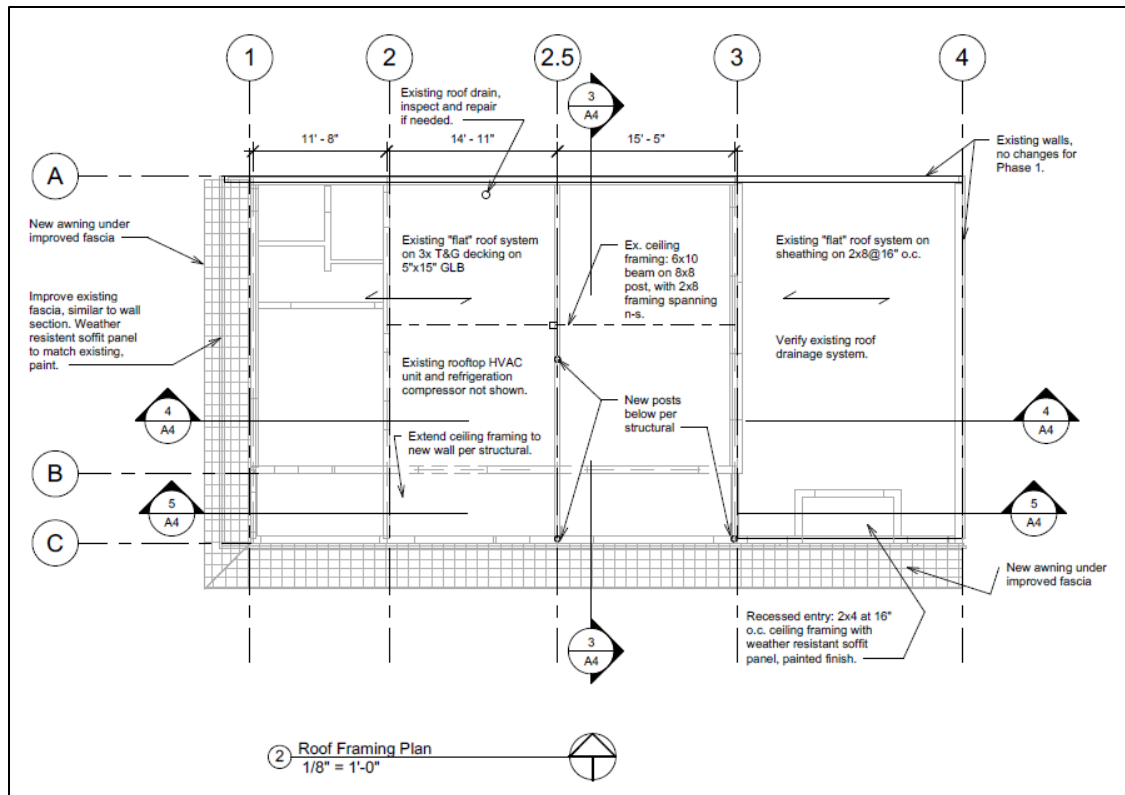
3. If applicable (waiver request), that all of the following circumstances are found to exist:
 - a. There is demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;

APPLICANT'S RESPONSE: There is a demonstrable difficulty in meeting the glazing requirements of this Chapter due to the existing structure. The existing original structure is unreinforced masonry walls (concrete block) supporting an existing wood heavy-frame roof system. The existing roof framing system divides the existing building into structural bays which affect the new window placement.

The existing east addition is a wood frame structure that will have new openings added to the Third St. façade for a new recessed entry, and new windows.

New wall construction is to be 2x6 wood frame, with three new steel columns and foundations supporting the existing roof beams. The new wall facing Third St. will have new openings, however, a new shear wall is required along this new wall, and it needs to be located with a new column under an existing roof beam. The 5'-6" wide shear wall shown is the minimal length required to improve the existing structure along gridline C. Except for the shear wall, there are small parts of solid wall separating sets of windows.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the applicant provided roof framing plans that identify the proposed construction methods of the addition. The roof of the addition is proposed to be extended off of the existing building's roof framing system, necessitating the three new columns and foundations described by the applicant in the newly constructed south building wall. The roof framing plan can be seen below:



- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and

APPLICANT'S RESPONSE: The original Third St. façade has 32% glazing below 8'. The proposed new glazing will be 61% of wall area below 8', a significant glazing improvement over the existing façade, but less than the 70% required in the design standards.

The new and existing Third St. and Irvine St facades will include a 24" brick veneer bulkhead (required by design standards). This height is common on other Third St. buildings downtown, and will help protect the new large windows from deliveries and foot traffic along the building façade.

The new window and door openings along the Third St. new construction façade are grouped in proportional bays aligned with the existing roof beams bearing on the new wall. The narrow portions of walls between the window groups will appear to vertically divide the bays.

The proposed alternate design is consistent with the design standards. [...]

This project will have significantly more glazing facing Third St. than the existing building, new masonry veneer wall base, and a continuous awning, all of which will help this retailer fit into the downtown historic district. It will also fit better with nearby buildings with extensively glazed street facades.

The new pedestal sign at the street corner, replacing an existing pole sign, will fit the historic district patterns.

The new work proposed with this project will serve to help extend the historic downtown design standards further east along Third St.

FINDING: SATISFIED. The City concurs with the applicant's findings. The City adds that the existing building does not meet a number of the Downtown Design Standards and Guidelines, and the new proposed building façade is proposed to meet all but the minimum glazing percentage, as described in the findings for each individual standard below.

- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

APPLICANT'S RESPONSE: Due to the structural requirements of the existing building, this waiver is requesting the minimum glazing change necessary to alleviate the difficulty of meeting the design standards for glazing.

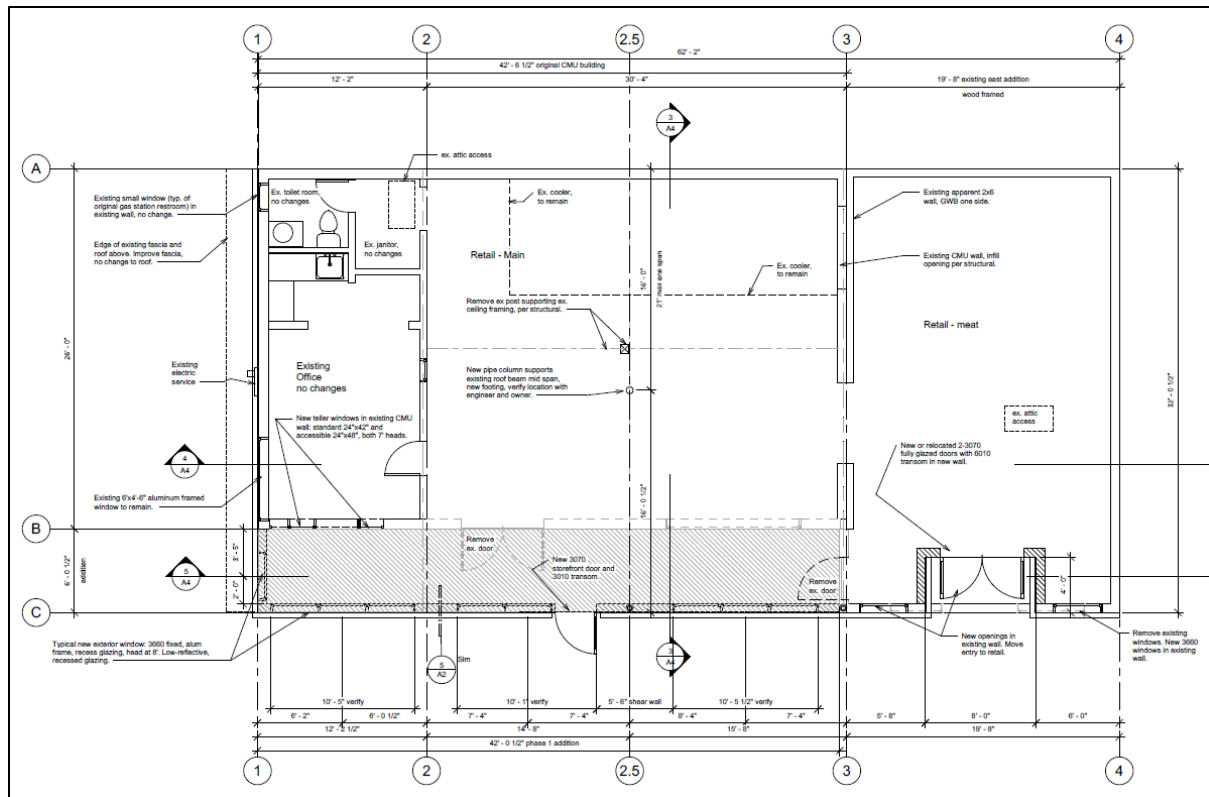
FINDING: SATISFIED. The City concurs with the applicant's findings.

Glazing Waiver on Irvine Street Façade – Waiver from Section 17.59.050(B)(3)(c)

3. If applicable (waiver request), that all of the following circumstances are found to exist:
 - a. There is demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;

APPLICANT'S RESPONSE: The existing Irvine St. façade has no proposed changes to the existing glazing (15%), and the new portion of the Irvine St. façade is only 6' long, to fit under the existing roof. There are minimal changes to the interior layout along this façade, and the interior layout of the existing and new space does not work with an exterior door along Irvine St.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the difficulty presented by the applicant is that the design of the addition is largely based on the existing, nonconforming (in terms of Downtown Design Standards) building that does not present an opportunity to effectively meet the minimum glazing requirement on the new portion of the Irvine Street façade. The interior floor plan is retaining the existing exterior building wall on the southwest portion of the building to continue to function as a secure office area with teller windows opening to the new corridor created with the building addition. The floor plan can be seen below:



The approximately six foot additional wall surface will include one window of a size consistent with the size of the windows being proposed along the entire new south building wall, which provides consistency along the new portions of the building on both the Third Street and Irvine Street façades.

- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and

APPLICANT'S RESPONSE: The proposed new construction along Irvine St. facade is 6' long (fitting under existing roof), with a new window that matches the new Third St. façade windows. Matching the new window sizes in new construction for this corner facade is good design.

There will be a 2' brick veneer bulkhead required by design standards.

There will be 44% glazing in this minimal new wall. The entire west wall will be improved from 15% to an overall 20% glazing.

The proposed alternate design is consistent with the design standards, considering existing conditions. [...]

This project will have significantly more glazing facing Third St. than the existing building, new masonry veneer wall base, and a continuous awning, all of which will help this retailer fit into the downtown historic district. It will also fit better with nearby buildings with extensively glazed street facades.

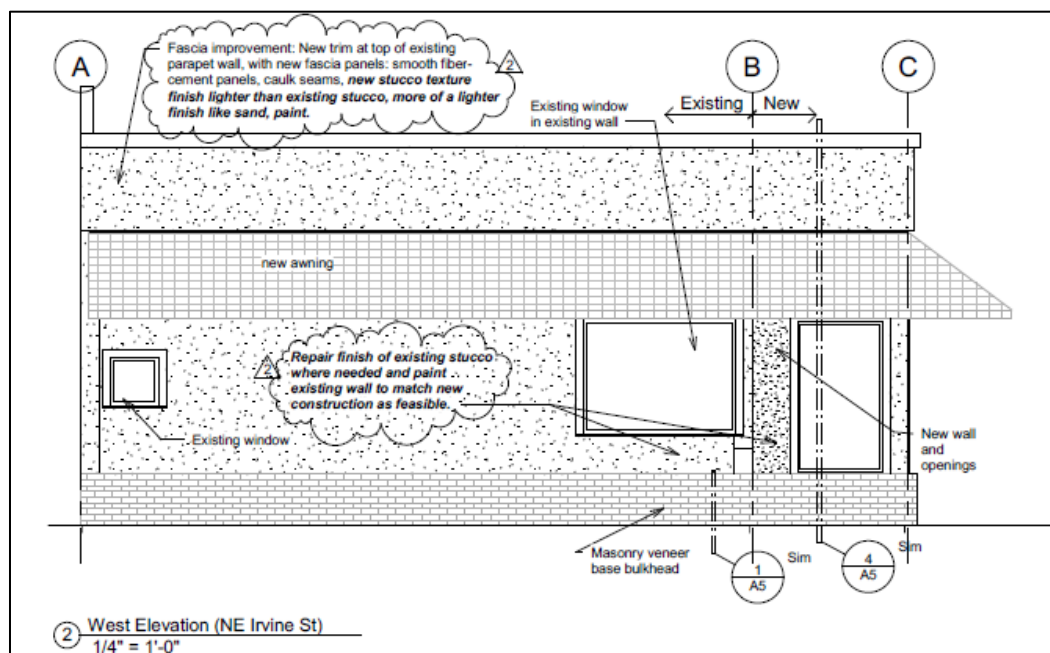
The new pedestal sign at the street corner, replacing an existing pole sign, will fit the historic district patterns.

Attachments :

Attachment 1 – Application and Attachments

The new work proposed with this project will serve to help extend the historic downtown design standards further east along Third St.

FINDING: SATISFIED. The City concurs with the applicant's findings. The City adds that the existing building does not meet a number of the Downtown Design Standards and Guidelines, and the new proposed building façade is proposed to meet all but the minimum glazing percentage, as described in the findings for each individual standard below. The City also adds that the proposed alternative design, while not adding windows or additional glazing to the existing portion of the Irvine Street façade, is incorporating new building façade elements that meet the Downtown Design Standards. This includes improved fascia and cornice, a new awning extending along the entire façade at a consistent height, and a new masonry veneer bulkhead between the sidewalk grade and the base of the new windows being included in the addition's wall. The existing and proposed Irvine Street façades, showing these proposed improvements, can be seen below:



Attachments :

Attachment 1 – Application and Attachments

- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

APPLICANT'S RESPONSE: Due to the minimal new construction along the Irvine St. facade, this waiver is requesting the minimum glazing change necessary to alleviate the difficulty of meeting the design standards for glazing.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the proposed 44 percent glazing in the new six feet of building wall is based on the design matching the proposed design along the entire south (Third Street facing) façade to maintain consistency in design and appearance along all public facing building façades.

17.59.050 Building and Site Design.

A. Building Setback.

1. Except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.

APPLICANT'S RESPONSE: Existing building setback is maintained. Proposed new construction is an infill of an existing building gap under the existing roof, and it aligns with existing building facades facing both Third and Irvine Streets. Minimal new construction will be along Irvine; the existing exterior wall is less than 2' from the Irvine property line, so new construction aligns with existing exterior wall.

The proposed new construction will reduce existing non-conformity.

FINDING: SATISFIED. The City concurs with the applicant's findings, given that the proposed addition is an infill within existing building lines and the infill of an existing covered area on the south side of the building.

17.59.050 Building and Site Design

B. Building Design.

1. Buildings should have massing and configuration similar to adjacent or nearby historic buildings on the same block. Buildings situated at street corners or intersections should be, or appear to be, two-story in height.

APPLICANT'S RESPONSE: Existing single story building massing is not going to be substantially changed by project, proposed addition is an infill of an existing building gap under the existing roof, and it aligns with existing building exterior walls.

Existing building exterior walls do not align with nearby buildings.

(Phase 2 preliminary design option considered a new building at corner of Third and Irving Streets, but location and condition are unknown of existing underground gas tanks. The gas tanks were decommissioned in 1990 by filling with concrete grout, per receipts in file, and DEQ 1989 permit. The ports were located by surveyor. A new building would require a long foundation over the existing underground tank likely locations. It is not feasible to locate a new 2-story building at the street corner property lines.)

FINDING: SATISFIED. The City concurs with the applicant's findings, given that the proposed addition is an infill within existing building lines and the infill of an existing covered area on the south side of the building.

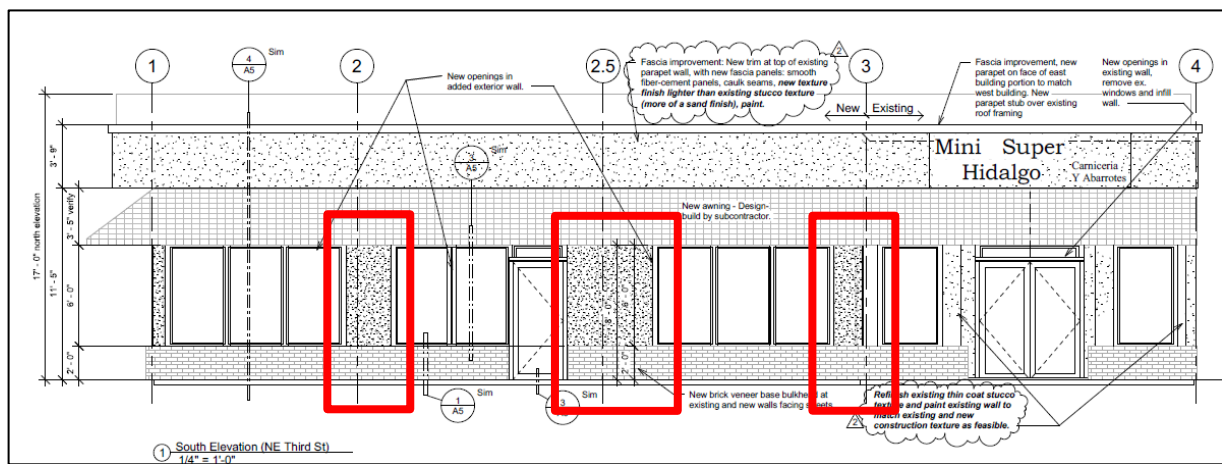
17.59.050 Building and Site Design

B. Building Design. [...]

2. Where buildings will exceed the historical sixty feet in width, the façade should be visually subdivided into proportional bays, similar in scale to other adjacent historic buildings, and as appropriate to reflect the underlying historic property lines. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the front façade.

APPLICANT'S RESPONSE: The existing building is 62' wide along Third St, and 32' along Irving St. The façade improvements (grouped windows, new recessed entry, brick base, awning, fascia along existing parapet) are along the existing building street facing perimeter. A recessed doorway provides visual subdivision. The proposed new awning is continuous. The new windows facing Third St. are grouped in proportional bays, and walls between the window groups will appear to vertically divide the bays.

FINDING: SATISFIED. Staff concurs with the applicant's findings. The proposed south (Third Street facing) façade can be seen below, with the proportional bays and vertical divisions identified. The vertical divisions appear in the form of solid building walls, which are shown in the locations required for support columns under the expanded roof framing system.



17.59.050 Building and Site Design

B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include:
 - a. A belt course separating the upper stories from the first floor;

APPLICANT'S RESPONSE: The "storefront" improvements facing a public street are single story.

FINDING: SATISFIED. The City concurs with the applicant's findings.

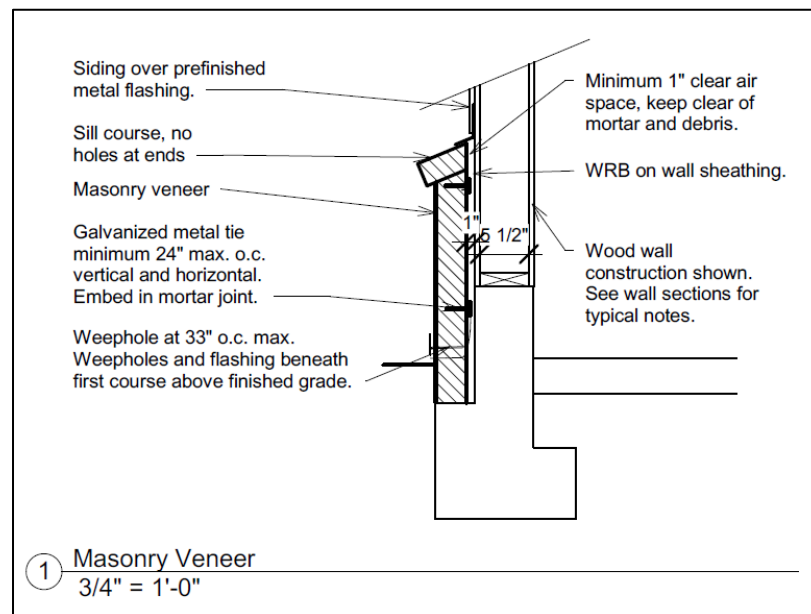
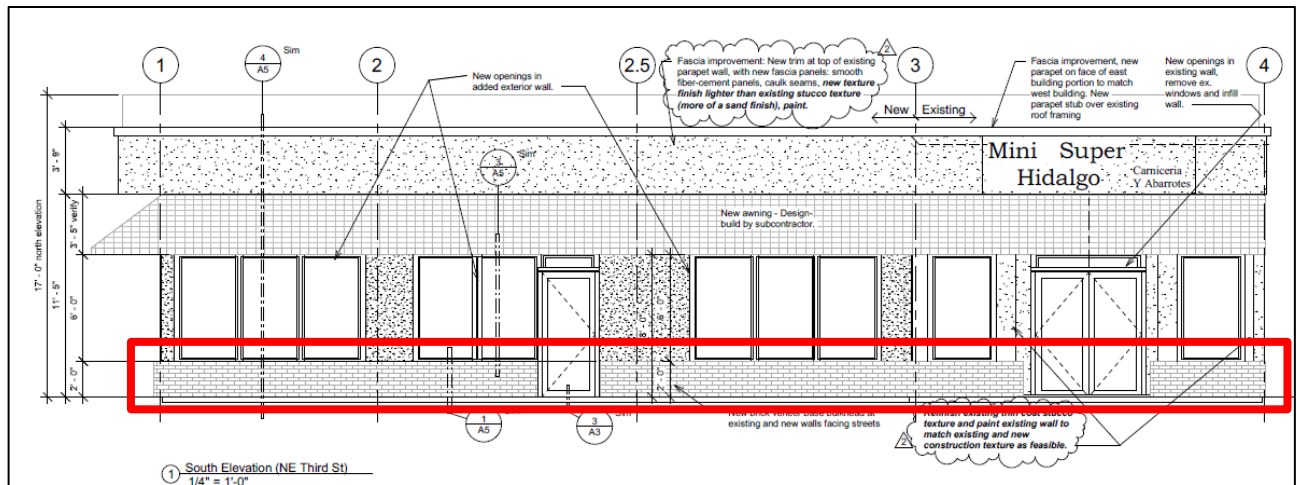
17.59.050 Building and Site Design

B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
 - b. A bulkhead at the street level;

APPLICANT'S RESPONSE: A new 24" brick veneer bulkhead is proposed at both Third and Irvine street facades at the street level.

FINDING: SATISFIED. The City concurs with the applicant's findings. The brick bulkhead proposed can be seen below:



17.59.050 Building and Site Design

B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
- c. A minimum of seventy (70) percent glazing below the transom line of at least eight feet above the sidewalk, and forty (40) percent glazing below the horizontal trim band between the first and second stories. For the purposes of this section, glazing shall include both glass and openings for doorways, staircases and gates;

APPLICANT'S RESPONSE: Glazing below the transom line of 8', applied to new construction:

- Third St. new construction and remodel:
 - wall area below 8': 497 sf
 - original wall glazing area 32%
 - new glazing area 61%.
 - Waiver requested.
- Irvine St. new wall construction - wall area 48 sf; new glazing area 44%. Waiver requested.
- Irvine St. existing wall construction - Wall area 208 sf; original glazing area 15%. No changes proposed, not applicable.

FINDING: SATISFIED. Findings for the waiver described by the applicant are provided in the findings for the waiver review criteria above.

17.59.050 Building and Site Design

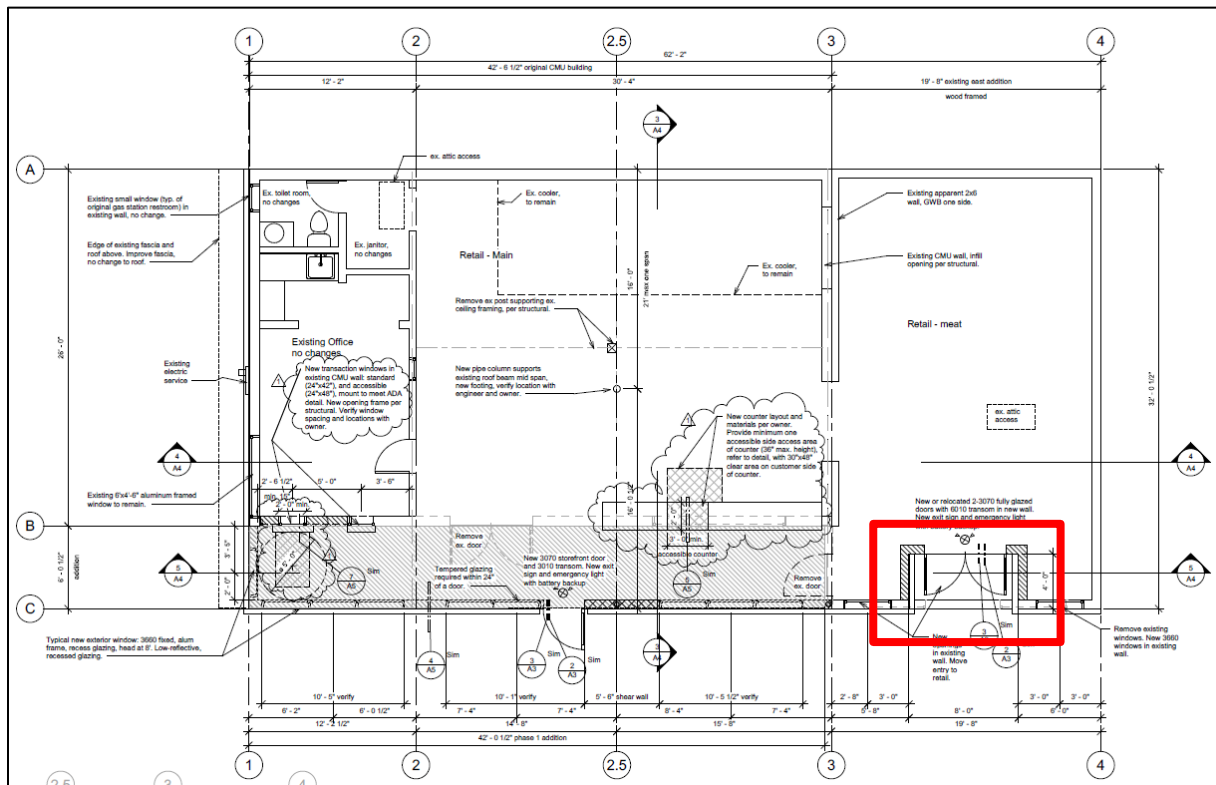
B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
- d. A recessed entry and transom with transparent door; and

APPLICANT'S RESPONSE: Third St: A new recessed entry and transom with transparent door is provided at Third St. façade.

Irvine St: The new exterior façade wall along Irvine St. is minimal (6' long) with minor interior alterations. The interior layout of the existing and new space does not work with an exterior door along Irvine St. A new recessed doorway is not applicable.

FINDING: SATISFIED. The City concurs with the applicant's findings. The floor plan and rendering provided with the application materials depict the recessed entry and transparent door proposed on the south (Third Street facing) façade, as seen below:



17.59.050 Building and Site Design

B. Building Design. [...]

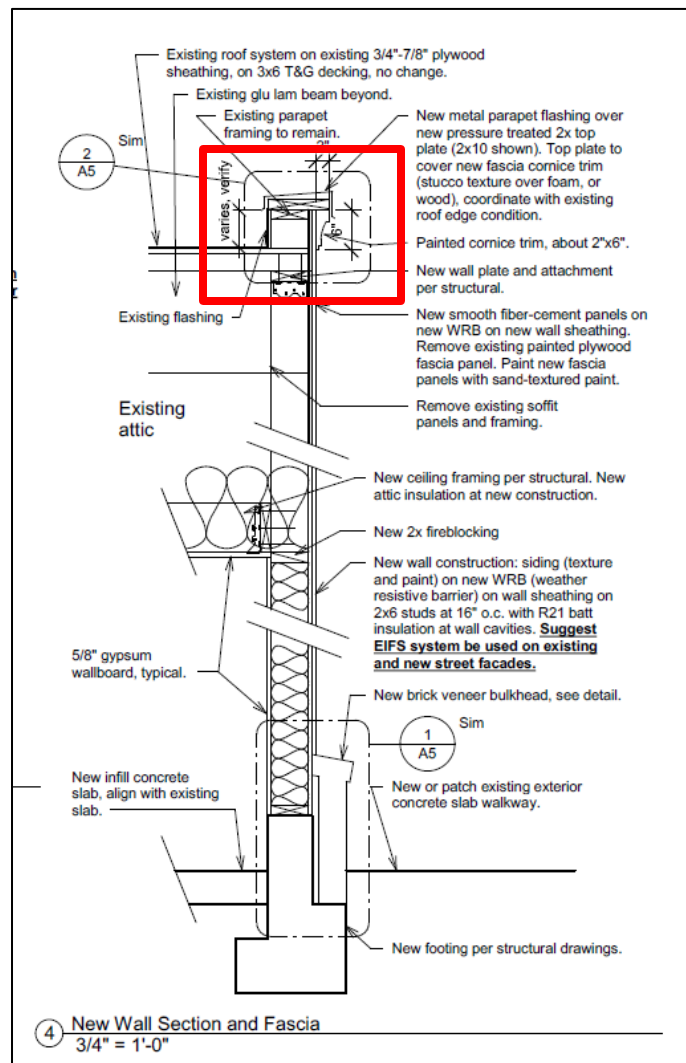
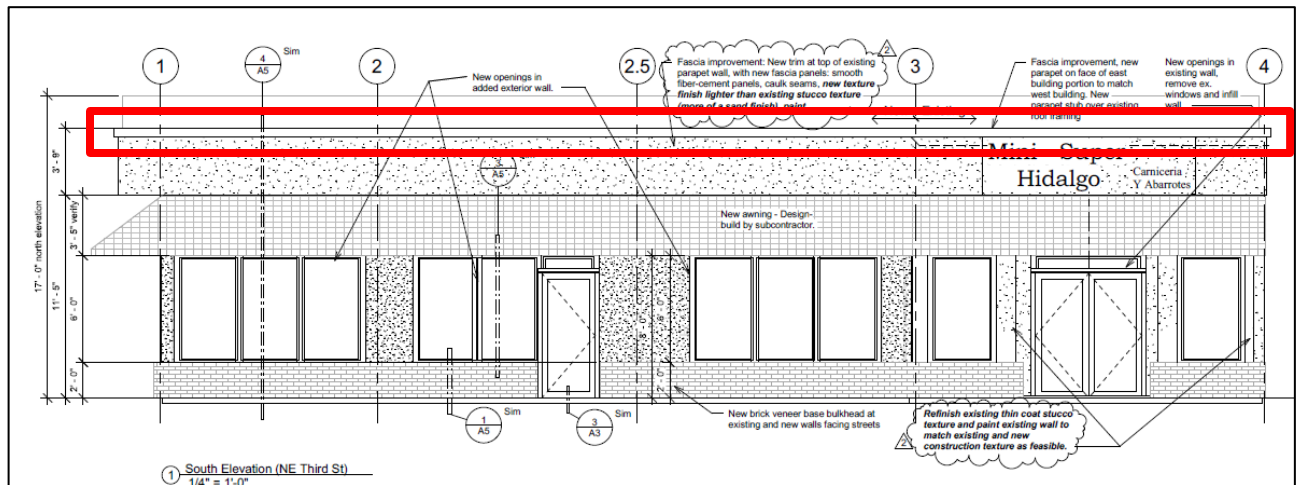
3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
- e. Decorative cornice or cap at the roofline.

APPLICANT'S RESPONSE: A new decorative cornice or cap trim will be provided at the improved parapet façade at the roofline.

Attachments :

Attachment 1 – Application and Attachments

FINDING: SATISFIED. The City concurs with the applicant's findings. The cornice/cap trim can be seen below:



Attachments :

Attachment 1 – Application and Attachments

17.59.050 Building and Site Design**B. Building Design. [...]**

4. Orientation of rooflines of new construction shall be similar to those of adjacent buildings. Gable roof shapes, or other residential roof forms, are discouraged unless visually screened from the right-of-way by a false front or parapet.

APPLICANT'S RESPONSE: No change to rooflines proposed. Existing roof is very low pitched, screened towards public streets behind improved existing parapet façade.

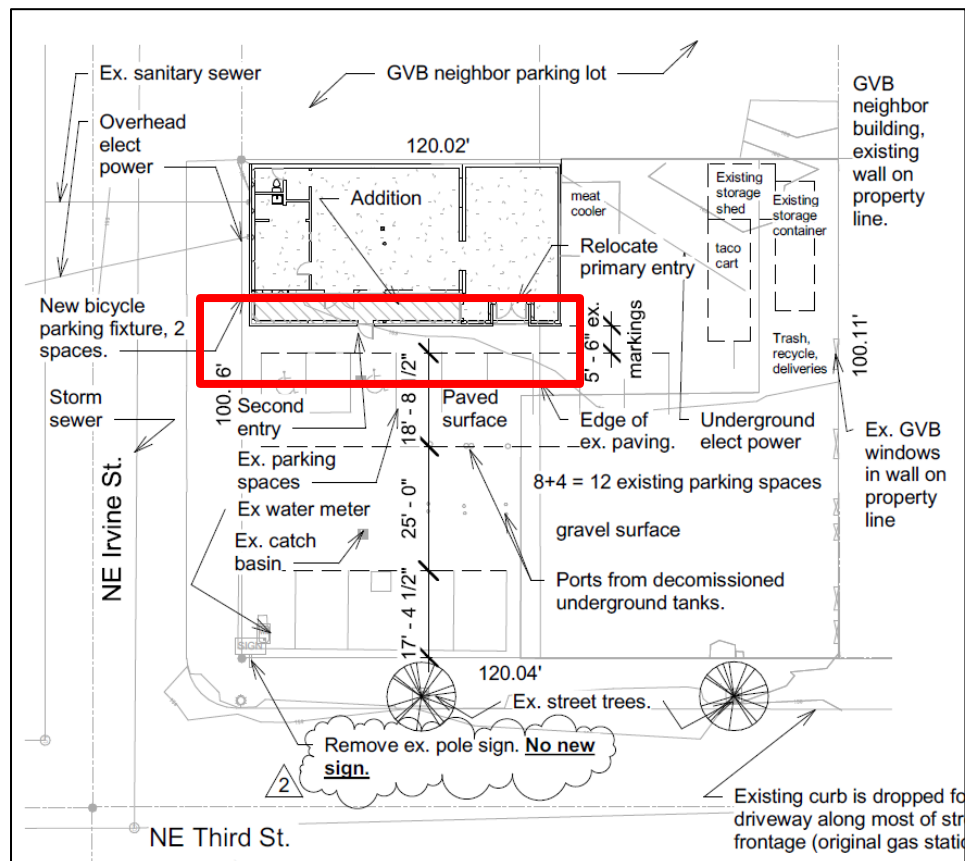
FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.050 Building and Site Design**B. Building Design. [...]**

5. The primary entrance to a building shall open on to the public right-of-way and should be recessed.

APPLICANT'S RESPONSE: The primary entrance to the building shall be a new recessed entry along the Third St. façade and will open to face the Third St public right-of-way. A second door is added flush along the Third St. façade.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that the recessed entry does not open on to the public right-of-way given that the proposed addition is an infill within existing building lines and the infill of an existing covered area on the south side of the building. The existing building lines are not adjacent to the property line, and therefore, the new recessed entry does not open on to the public right-of-way. However, the recessed entry is connected to the public right-of-way by a concrete pedestrian walkway that extends along the entire south building wall and connects to the sidewalk within the Irvine Street right-of-way. That connection can be seen below:

**Attachments :**

Attachment 1 – Application and Attachments

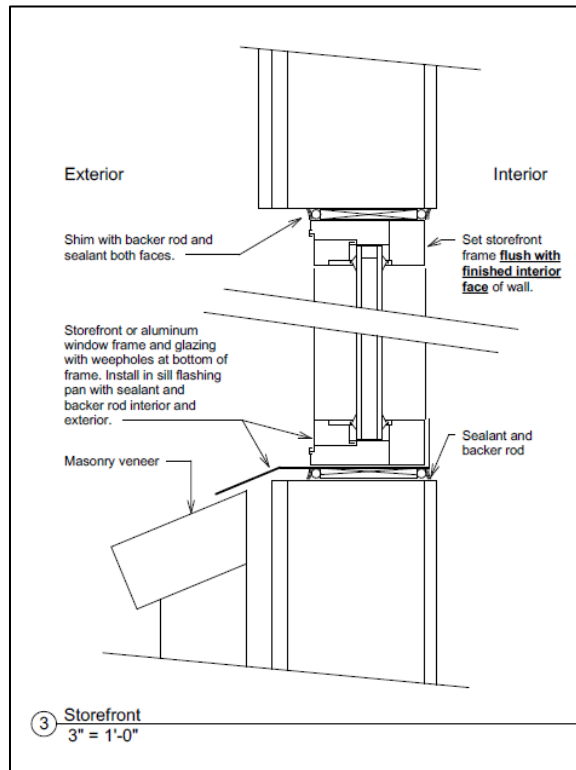
17.59.050 Building and Site Design

B. Building Design. [...]

6. Windows shall be recessed and not flush or project from the surface of the outer wall. In addition, upper floor window orientation primarily shall be vertical.

APPLICANT'S RESPONSE: New windows shall be installed so the glazing is recessed in the new wall, and not flush or project from the surface of the outer wall. New windows are oriented vertically.

FINDING: SATISFIED. The City concurs with the applicant's findings. A detail showing the windows recessed was provided by the applicant as shown below:

**17.59.050 Building and Site Design**

B. Building Design. [...]

7. The scale and proportion of altered or added building elements, such as new windows or doors, shall be visually compatible with the original architectural character of the building.

APPLICANT'S RESPONSE: The scale and proportion of altered or added building elements, such as new windows or doors, are visually compatible with the original architectural character of the building. The original architectural character of the building is very plain, appearing to be a cross between "convenience store" and "gas station".

FINDING: SATISFIED. The City concurs with the applicant's findings, and clarifies that the added building elements, including new windows, doors, awnings, fascia, and cornice, change the architectural character of the building. However, the changes result in the building more consistent with the Downtown Design Standards, as described in the findings for each individual standard, rather than maintaining the "convenience store" or "gas station" type of architectural character described by the applicant.

17.59.050 Building and Site Design**B. Building Design. [...]**

8. Buildings shall provide a foundation or base, typically from ground floor to the lower windowsills.

APPLICANT'S RESPONSE: Per item 3b, a new brick veneer base will be provided on Third and Irvine Streets from ground floor to the lower windowsills.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.050 Building and Site Design**C. Building Materials.**

1. Exterior building materials shall consist of building materials found on registered historic buildings in the downtown area including block, brick, painted wood, smooth stucco, or natural stone.

APPLICANT'S RESPONSE: Proposed exterior materials include extending the existing painted stucco finish onto new construction, with a new brick veneer base. The existing painted "stucco" finish on new wood construction will be a thin coat texture system on wood sheathing or fiber-cement panels between new windows and at improved fascia. The improved façade at the parapet will be will include decorative trim at the existing parapet top. New glazing will match existing glazing, and any coating shall be low reflective.

FINDING: SATISFIED WITH CONDITION #2. The City concurs with the applicant's findings, but adds that the new portions of building wall and the fascia wall are proposed to be either wood sheathing or fiber-cement panels with caulked seams, and then finished with sand-textured paint. Wood siding is prohibited by Section 17.59.050(C)(2)(a). Therefore, a condition of approval is included to require that the new walls and fascia be finished with the fiber-cement panels with caulked seams, and then finished with sand-textured paint. The City finds that this finish is consistent with the appearance of smooth stucco, and because the building is not designated as a historic landmark or within the McMinnville Downtown Historic District this finish is found to be compatible with the list of allowed exterior building materials.

The condition of approval also will require that the applicant provide a built example of the final exterior panel building material to be reviewed and approved by the Historic Landmarks Committee prior to the release of building permits for the proposed development. The built example shall include an example of the treatment of any seam that is to be caulked and painted over with the sand-textured paint.

17.59.050 Building and Site Design**C. Building Materials. [...]**

2. The following materials are prohibited for use on visible surfaces (not applicable to residential structure):
 - a. Wood, vinyl, or aluminum siding;
 - b. Wood, asphalt, or fiberglass shingles;
 - c. Structural ribbed metal panels;
 - d. Corrugated metal panels;
 - e. Plywood sheathing, to include wood paneling such as T-111;
 - f. Plastic sheathing; and
 - g. Reflective or moderate to high grade tinted glass.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITION #2. A condition of approval is included to ensure that wood siding is not used and that the new walls and fascia be finished with the fiber-cement panels with caulked seams, and then finished with sand-textured paint.

17.59.050 Building and Site Design

C. Building Materials. [...]

3. Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim.

APPLICANT'S RESPONSE: Exterior building colors shall be of low reflective, subtle, neutral or earth tone color.

FINDING: SATISFIED WITH CONDITION #3. The applicant provided a rendering of the building that identifies exterior colors. The colors shown in the rendering consist of shades of red, brown and tan, which are generally all subtle, neutral, and earth tones. To ensure that the final colors applied to the building are subtle, neutral, and earth tone in color, a condition of approval is included to require that the applicant provide samples or examples of the exterior building colors to the Planning Department for review and approval by the Planning Director prior to application on the building.



17.59.060 Surface Parking Lots.

- A. Surface parking lots shall be prohibited from locating on Third Street. In addition, vehicular access to parking lots from Third Street is prohibited.

APPLICANT'S RESPONSE: No parking changes required for phase 1. Current existing parking spaces 12. Building shall be entirely Retail use. Building area, existing and with improvements, is 1990 sf. Retail requires 1 off-street parking space per 250 sf building area. 8 parking spaces required for phase 1 total building, which is less than 12 spaces existing. No changes proposed to existing surface parking lot.

FINDING: SATISFIED. The City concurs with the applicant's findings, given that the proposed addition is an infill within existing building lines and the infill of an existing covered area on the south side of the building. The existing improvements on the site include an off-street parking and internal vehicular circulation area. No changes are proposed to most areas of the site during the expansion of the existing commercial building, as the expansion will be infilling an existing covered area on the front of the building and not impacting any other portion of the site. During the "Phase 2" improvements described by the applicant, additional site improvements and

parking lot improvements may be required depending on the scale of the proposed future development of the site.

17.59.070 Awnings.

- A. Awnings or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building's architectural details. If transom windows exist, awning placement shall be above or over the transom windows where feasible.

APPLICANT'S RESPONSE: New awnings are proposed on both Third and Irvine Street facades. There are no existing building features to obscure.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.070 Awnings.

- B. Awnings shall be placed between pilasters.

APPLICANT'S RESPONSE: Awnings will be continuous matt finished fabric over metal frame attached to wall.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.070 Awnings.

- C. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.

APPLICANT'S RESPONSE: There are no existing adjacent buildings to align with, although the awning will be at a similar level to the awnings on Golden Valley Brew Pub. Awnings are shown placed at 8', the head of the new windows and transom over exterior doors.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.070 Awnings.

- D. Awnings should be constructed of soft canvas, fabric, or matte finished vinyl. The use of wood, metal or plastic awnings is prohibited.

APPLICANT'S RESPONSE: Awnings will be continuous matt finished fabric over metal frame attached to wall.

FINDING: SATISFIED. Findings for the waiver described by the applicant are provided in the findings for the waiver review criteria above.

17.59.070 Awnings.

- E. Awnings may be indirectly illuminated; internal illumination of awnings is prohibited.

APPLICANT'S RESPONSE: Awnings will not be internally illuminated.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.070 Awnings.

- F. Awning colors shall be of a low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the awning are prohibited.

APPLICANT'S RESPONSE: Awnings are proposed to be of a low reflective, subtle, neutral or earth tone color.

FINDING: SATISFIED WITH CONDITION #3. The applicant provided a rendering of the building that identifies the color of the awning. The awning color shown in the rendering appears to be a tan color, which is generally subtle, neutral, and of an earth tone. To ensure that the final awning color applied to the building is subtle, neutral, and earth tone in color, a condition of approval is included to require that the applicant provide samples or examples of the exterior building colors to the Planning Department for review and approval by the Planning Director prior to application on the building.

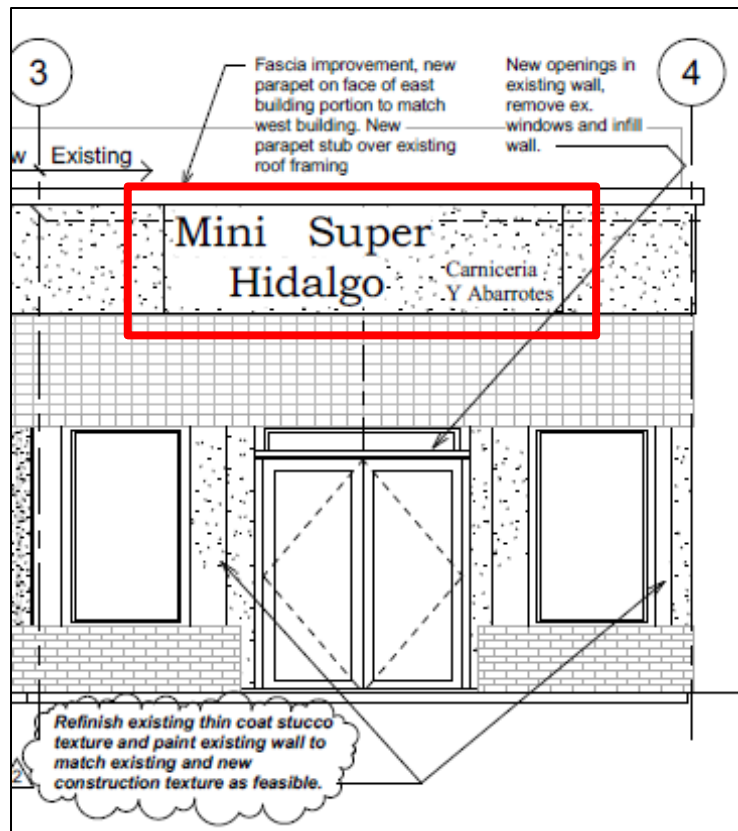
17.59.080 Signs.

- A. The use of flush-mounted signs, flag-mounted signs, window signs, and icon signs are encouraged. Sign materials shall be compatible with materials used in the building.

APPLICANT'S RESPONSE: The existing non-compliant pole sign will be removed. Signage will meet design standards:

1. There will not be a new monument sign at this time.
2. Flush wall-mounted sign similar to existing, painted wood material, located on fascia above new awning, below building cornice. Sign will be about 40 sf, one sided.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that some of the details of the proposed new signage are clarified below. The proposed wall-mounted, wood sign located on the fascia is located in an acceptable location and of a material (painted wood) that is compatible with the building. This sign can be seen in the elevation below:



17.59.080 Signs.

- B. Where two or more businesses occupy the same building, identifying signs should be grouped together to form a single panel.

APPLICANT'S RESPONSE: Single business occupies building.

FINDING: SATISFIED. The City concurs with the applicant's findings.

17.59.080 Signs.

- C. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms; on cornice fascia boards; or, below cornices. Wall signs shall not exceed the height of the building cornice.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed wall-mounted, painted wood sign located on the fascia is located in an acceptable location above the primary recessed entrance to the building. The monument sign will be located near the corner of the site adjacent to the sidewalk and will replace the existing nonconforming pole sign in that portion of the site.

17.59.080 Signs.

- D. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet.

APPLICANT'S RESPONSE: Building frontage = 62'. Site frontage = 120'.

Signage area allowed: $1.5 \text{ sf} \times 62' = 93 \text{ sf}$ (less than 200 sf).

Signage area proposed = 40 sf, less than 93 sf allowed.

FINDING: SATISFIED. The City concurs with the applicant's findings, but clarifies that the maximum amount of signage is 93 square feet based on the 62 feet of building frontage, not site frontage. The proposed total size of signage is 40 square feet, which is below the maximum amount of 93 square feet allowed.

17.59.080 Signs.

- E. The use of the following are prohibited in the downtown area:
1. Internally-lit signs;
 2. Flashing signs
 3. Pedestal signs and pole-mounted signs;
 4. Portable trailer signs;
 5. Cabinet-type plastic signs;
 6. Billboards of all types and sizes;
 7. Historically incompatible canopies, awnings, and signs;
 8. Signs that move by mechanical, electrical, kinetic or other means; and,
 9. Inflatable signs, including balloons and blimps. (Ord. 4797 §1, 2003).

APPLICANT'S RESPONSE: The existing non-compliant pole sign will be removed. There are no other prohibited types of signage on the site or existing building. Existing signage is located on the building façade, is modest in size, and will be replaced for phase 1.

FINDING: SATISFIED. The City concurs with the applicant's findings.

CD

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128
(503) 434-7311 Office • (503) 474-4955 Fax
www.mcminnvilleoregon.gov

569-19-00011-Plng

Office Use Only:

File No. DDR 5-19

Date Received 10-1-19

Fee 1200.⁰⁰

Receipt No. 201356

Received by SP

Downtown Design Standards & Guidelines Application

Applicant Information

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☒ Other Project Manager

Applicant Name RON BURCHAM Phone 971-241-0666

Contact Name _____ Phone _____
(If different than above)

Address 1170 NE 19th St.

City, State, Zip McMinnville, OR 97128

Contact Email re burcham@gmail.com

Property Owner Information

Property Owner Name Mini Super Hidalgo LLC Phone 503-
(If different than above)

Contact Name Blanca Ortiz Gonzales Phone project manager

Address 903 NE 3rd St.

City, State, Zip McMinnville OR 97128

Contact Email project manager

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 903 NE 3rd St. McMinnville, OR 97128

Assessor Map No. R4421 - BD- 4400 Total Site Area _____

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Commercial Zoning Designation C3

This request is for a:

☒ **Design Review**

☒ **Design Waiver**

1. Attach a written narrative that describes:

- A. The proposed project in detail, including descriptions of the architectural features and building materials being used;
- B. How the project meets the applicable downtown design standards and guidelines;
- C. How the project meets the historic preservation standards and guidelines (if applicable); and
- D. How the project will fit into the context of the downtown historic district.

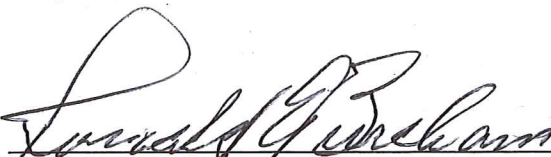
2. As part of this application, is a waiver to the standards and guidelines of Chapter 17.59 being requested? If so, explain in detail how the criteria for waiving a standard or guideline as listed in Section 17.59.040(A) have been met (*attach additional pages if necessary*).

SEE ATTACH NARRATIVE FOR WAIVER REQUEST
OF GLAZING TO FACING STREETS,

In addition to this completed application, the applicant must provide the following:

- ☒ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size). For new construction or for structural modifications show the information listed in page one of the information sheet.
- ☒ Building and construction drawings including building elevations of all visible sides.
- ☒ A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
- ☒ Photographs of the subject site and adjacent property.
- ☐ Other information deemed necessary by the Planning Director.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature

10/1/2019
Date


Property Owner's Signature

10-01-19
Date

MARCIA A. MIKESH
ARCHITECT, INC.

P: 503.474.1900
524 SE Hembree St., McMinnville, OR 97128-6051
www.goodhut.com
marcia@goodhut.com

9/30/19

Job #2019.06

Addition and Remodel for Mini Super Hidalgo, LLC

Location: 903 NE Third St, McMinnville, OR 97128

Yamhill County Tax lot R4421BD - 4400

Mailing Address: same

Primary Owner contact and decision maker: Blanca Ortiz Gonzalez Phone: verify e-mail: verify

Project Manager: Ron Burcham, 971-241-0666; reburcham@gmail.com
1170 NE 19th St, McMinnville, OR 97128

To: (via hand-delivered)
McMinnville Planning Dept.

We are sending you copies of:

Copies	Date	Description
1	9/30/19	Design Review application and \$1200 fee
1	9/27/19	Phase 1 Design Review drawings: floor plan, exterior elevations, sections (24x36 and a set 11x17); site plan, photos of existing and neighbor buildings and context, color view (8.5x11).
1	9/30/19	Application Narrative, photo of proposed new pedestal sign, Waiver Request. <i>plus copy via pdf of drawings + narrative.</i>

These are transmitted for your review and comment.

Remarks:

- Respond with comments.

Copy: Ron Burcham

MARCIA A. MIKESH

ARCHITECT, INC.

P: 503.474.1900

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Revised 10/31/19

9/30/2019

Job # 2019.06

Addition and Remodel for Mini Super Hidalgo, LLC

Location: 903 NE Third St, McMinnville, OR 97128

Yamhill County Tax lot R4421BD - 4400

Primary Owner decision maker: Blanca Ortiz Gonzalez

Project Manager and primary contact: Ron Burcham 971-241-0666 reburcham@gmail.com

1170 NE 19th St, McMinnville, OR 97128

Phase 1 Design Review Application Narrative

Phase 1 is an addition under the existing roof (250 sf), infilling the existing building perimeter walls, and applying façade improvements per design standards. The total finished gross floor area will be 2020 sf.

Phase 2 design revisions continue, so design review will be separate applications. Phase 2 will be an addition that will include a permanent restaurant replacing the food wagon and storage, and improvements to the existing parking lot and site.

A. Project description and details:

Phase 1 is an addition under the existing roof (250 sf), infilling the existing building perimeter walls, and applying façade improvements per design standards. The total finished gross floor area will be 2020 sf.

Architectural features include added storefront glazing, brick base on walls facing streets, new awning wrapping the street facing building walls, and an improved fascia with a new cornice trim.

The existing painted "stucco" finish on wood panels will be improved **on street faces to match existing stucco on CMU, and the new "stucco" finish on new wood construction will be a thin coat texture system on wood sheathing or fiber-cement panels** between new windows and at improved fascia.

Some existing glazing is remaining unchanged.

B. How the project meets the applicable downtown design standards and guidelines:

Applicable overlay Design Standards: McMinnville Downtown Design Standards AND McMinnville NE Gateway Design Standards.

Site improvements are not required for a commercial building less than 3000 sf, so no additional landscaping or parking lot improvements are proposed or required (per preapplication meeting notes 7/23/2019).

NE Gateway PD overlay - Project site is located in Zone 1.

Per Section 3.D.2, the Gateway PD overlay does not apply to an expansion of an existing structure of less than 15%. Existing building is 1740 square feet (sf), and addition for phase 1 is 250 sf, or 14.6 % of the existing building area.

Per Section 7, the Downtown Design Standards and Guidelines, Sections 17.59.050 through 17.59.080 apply to zone 1 sites.

McMinnville Downtown Design Standards - This site is within the area for downtown design standards.

Per Section 17.59.020, Applicability, the Design Standards apply to all new building construction (addition), exterior building or site alteration (remodel and improvements, excludes existing elements and maintenance), and new signage.

This property is NOT a designated historic landmark (17.59.040.A2)

The proposed addition use is an extension of the existing retail space.

Phase 1 has been determined by planning director to require regular review per 17.59.030, significant façade changes require review as a "major review" by the historic landmarks committee and neighbors will be notified.

17.59.040 Review Criteria

A.1 The City's historic preservation policies set forth in the Comprehensive Plan;

Comprehensive Plan Policy 17.01: This property is not a designated historic landmark. The existing construction does not have historic features. However, proposed new construction and remodel features will meet the design guidelines of the downtown historic district.

Comprehensive Plan Policy 17.03, Proposal 3.07: Owner intent is to create a project which contributes and supports an authentic experience for visitors while providing compatible new development. Owner intent is also to comply with intent of Urban Renewal Board so the project can qualify for possible funding.

Comprehensive Plan Policy 17.06, Proposal 3.19: Project has taken advantage of the façade grant program for Free Design Assistance. Phase 2 improvements intend to take advantage of grant programs.

A.3: Waiver requests are in separate memo, for Third St. and Irvine St. glazing requirements per 17.59.050.B.3.c.

Due to the structural requirements of the existing building, this waiver is requesting the minimum glazing change necessary to alleviate the difficulty of meeting the design standards for glazing.

Due to the minimal new construction along the Irvine St. facade, this waiver is requesting the minimum glazing change necessary to alleviate the difficulty of meeting the design standards for glazing.

17.59.050 Building and Site Design.

A. Building Setback: existing building setback is maintained. Proposed new construction is an infill of an existing building gap under the existing roof, and it aligns with existing building facades facing both Third and Irvine Streets. Minimal new construction will be along Irvine; the existing exterior wall is less than 2' from the Irvine property line, so new construction aligns with existing exterior wall.

The proposed new construction will reduce existing non-conformity.

B. Building Design.

1. Existing single story building massing is not going to be substantially changed by project, proposed addition is an infill of an existing building gap under the existing roof, and it aligns with existing building exterior walls.

Existing building exterior walls do not align with nearby buildings.

(Phase 2 preliminary design option considered a new building at corner of Third and Irving Streets, but location and condition are unknown of existing underground gas tanks. The gas tanks were decommissioned in 1990 by filling with concrete grout, per receipts in file, and DEQ 1989 permit. The ports were located by surveyor. A new building would require a long foundation over the existing underground tank likely locations. It is not feasible to locate a new 2-story building at the street corner property lines.)

2. The existing building is 62' wide along Third St, and 32' along Irving St. The façade improvements (grouped windows, new recessed entry, brick base, awning, fascia along existing parapet) are along the existing building street facing perimeter. A recessed doorway provides visual subdivision. The proposed new awning is continuous. The new windows facing Third St. are grouped in proportional bays, and walls between the window groups will appear to vertically divide the bays.

3. The "storefront" improvements facing a public street are single story.

b. A new 24" brick veneer bulkhead is proposed at both Third and Irvine street facades at the street level.

c. Glazing below the transom line of 8', applied to new construction:

- Third St. new construction and remodel:
 - wall area below 8': 497 sf
 - original wall glazing area 32%
 - new glazing area 61%.
 - Waiver requested.
- Irvine St. new wall construction - wall area 48 sf; new glazing area 44%. Waiver requested.
- Irvine St. existing wall construction - Wall area 208 sf; original glazing area 15%. No changes proposed, not applicable.

- d. Third St: A new recessed entry and transom with transparent door is provided at Third St. façade.
- d. Irvine St: The new exterior façade wall along Irvine St. is minimal (6' long) with minor interior alterations. The interior layout of the existing and new space does not work with an exterior door along Irvine St. A new recessed doorway is not applicable.
- e. A new decorative cornice or cap trim will be provided at the improved parapet façade at the roofline.

4. No change to rooflines proposed. Existing roof is very low pitched, screened towards public streets behind improved existing parapet façade.

5. The primary entrance to the building shall be a new recessed entry along the Third St. façade and will open to face the Third St public right-of-way. A second door is added flush along the Third St. facade.

6. New windows shall be installed so the glazing is recessed in the new wall, and not flush or project from the surface of the outer wall. New windows are oriented vertically.

7. The scale and proportion of altered or added building elements, such as new windows or doors, are visually compatible with the original architectural character of the building. The original architectural character of the building is very plain, appearing to be a cross between "convenience store" and "gas station".

8. Per item 3b, a new brick veneer base will be provided on Third and Irvine Streets from ground floor to the lower windowsills.

C. Building Materials.

1. Proposed exterior materials include extending the existing painted stucco finish onto new construction, with a new brick veneer base. The existing painted "stucco" finish on wood panels will be improved **on street faces to match existing stucco on CMU, and the new "stucco" finish on new wood construction will be a thin coat texture system on wood sheathing or fiber-cement panels** between new windows and at improved fascia. The improved façade at the parapet **will include** decorative trim at the existing parapet top. New glazing will match existing glazing, and any coating shall be low reflective.

3. Exterior building colors shall be of low reflective, subtle, neutral or earth tone color.

17.59.060 Surface Parking Lots: No parking changes required for phase 1. Current existing parking spaces 12. Building shall be entirely Retail use. Building area, existing and with improvements, is 1990 sf. Retail requires 1 off-street parking space per 250 sf building area. 8 parking spaces required for phase 1 total building, which is less than 12 spaces existing. No changes proposed to existing surface parking lot.

17.59.070 Awnings: New awnings are proposed on both Third and Irvine Street facades. There are no existing building features to obscure. Awnings will be continuous matt finished fabric over metal frame attached to wall. There are no existing adjacent buildings to align with, although the awning will be at a similar level to the awnings on Golden Valley Brew Pub. Awnings are shown placed at 8', the head of the new windows and transom over exterior doors. Awnings are proposed to be of a low reflective, subtle, neutral or earth tone color. Awnings will not be internally illuminated.

17.59.080 Signs - The existing non-compliant pole sign will be removed.

A. Signage will meet design standards:

1. **There will not be a new monument sign at this time.**

2. Flush wall-mounted sign similar to existing, painted wood material, located on fascia above new awning, below building cornice. Sign will be about 40 sf, one sided.

B. Single business occupies building.

D. Building frontage = 62'. Site frontage = 120'.

Signage area allowed: 1.5 sf x 62' = 93 sf (less than 200 sf).

Signage area proposed = 40 sf, less than 93 sf allowed.

E.3: The existing non-compliant pole sign will be removed. There are no other prohibited types of signage on the site or existing building. Existing signage is located on the building façade, is modest in size, and will be replaced for phase 1.

17.62.020 Signage Scope (McMinnville Zoning Ordinance): "... further, this chapter does not apply to lands within the areas described in Section 17.59.020(A) of the Downtown Design Standards and Guidelines ..." (because there are signage requirements in the downtown design standards).

17.60.070 Off-street loading: Completed building will be less than 5000 square feet, so no loading berth will be required.

17.60.140 Bicycle Parking: will provide new element for bicycle parking for at least 2 spaces.

Chapter 17.61 Solid Waste and Recycling: 17.61.020 A and B - Phase 1 project is not a change of use or a new commercial development, so this Chapter does not apply.

C. The project is not a designated historic landmark.

D. How this project will fit into the context of the downtown historic district:

This project will have significantly more glazing facing Third St. than the existing building, new masonry veneer wall base, and a continuous awning, all of which will help this retailer fit into the downtown historic district. It will also fit better with nearby buildings with extensively glazed street facades.

Removal of the existing pole sign at the street corner, will fit the historic district patterns.

The new work proposed with this project will serve to help extend the historic downtown design standards further east along Third St.

End of Memo.

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9/30/2019

Job # 2019.06

Addition and Remodel for Mini Super Hidalgo, LLC

Location: 903 NE Third St, McMinnville, OR 97128

Yamhill County Tax lot R4421BD - 4400

Primary Owner decision maker: Blanca Ortiz Gonzalez

Project Manager and primary contact: Ron Burcham 971-241-0666 reburcham@gmail.com

1170 NE 19th St, McMinnville, OR 97128

Phase 1 Design Review Application - Design Standards Waiver Request

Phase 1 is an addition under the existing roof (250 sf), infilling the existing building perimeter walls, and applying façade improvements per design standards. The total finished gross floor area will be 2020 sf.

A.3: Design Standards Waiver requests

For Third St. glazing requirements per 17.59.050.B.3.c.

a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;

There is a demonstrable difficulty in meeting the glazing requirements of this Chapter due to the existing structure. The existing original structure is unreinforced masonry walls (concrete block) supporting an existing wood heavy-frame roof system. The existing roof framing system divides the existing building into structural bays which affect the new window placement.

The existing east addition is a wood frame structure that will have new openings added to the Third St. façade for a new recessed entry, and new windows.

New wall construction is to be 2x6 wood frame, with three new steel columns and foundations supporting the existing roof beams. The new wall facing Third St. will have new openings, however, a new shear wall is required along this new wall, and it needs to be located with a new column under an existing roof beam. The 5'-6" wide shear wall shown is the minimal length required to improve the existing structure along gridline C. Except for the shear wall, there are small parts of solid wall separating sets of windows.

b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein;

The original Third St. façade has 32% glazing below 8'. The proposed new glazing will be 61% of wall area below 8', a significant glazing improvement over the existing façade, but less than the 70% required in the design standards.

The new and existing Third St. and Irvine St facades will include a 24" brick veneer bulkhead (required by design standards). This height is common on other Third St. buildings downtown, and will help protect the new large windows from deliveries and foot traffic along the building façade.

The new window and door openings along the Third St. new construction façade are grouped in proportional bays aligned with the existing roof beams bearing on the new wall. The narrow portions of walls between the window groups will appear to vertically divide the bays.

The proposed alternate design is consistent with the design standards.

c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

Due to the structural requirements of the existing building, this waiver is requesting the minimum glazing change necessary to alleviate the difficulty of meeting the design standards for glazing.

For Irvine St. glazing requirements per 17.59.050.B.3.c.

a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;

The existing Irvine St. façade has no proposed changes to the existing glazing (15%), and the new portion of the Irvine St. façade is only 6' long, to fit under the existing roof. There are minimal changes to the interior layout along this façade, and the interior layout of the existing and new space does not work with an exterior door along Irvine St.

b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein;

The proposed new construction along Irvine St. facade is 6' long (fitting under existing roof), with a new window that matches the new Third St. façade windows. Matching the new window sizes in new construction for this corner facade is good design.

There will be a 2' brick veneer bulkhead required by design standards.

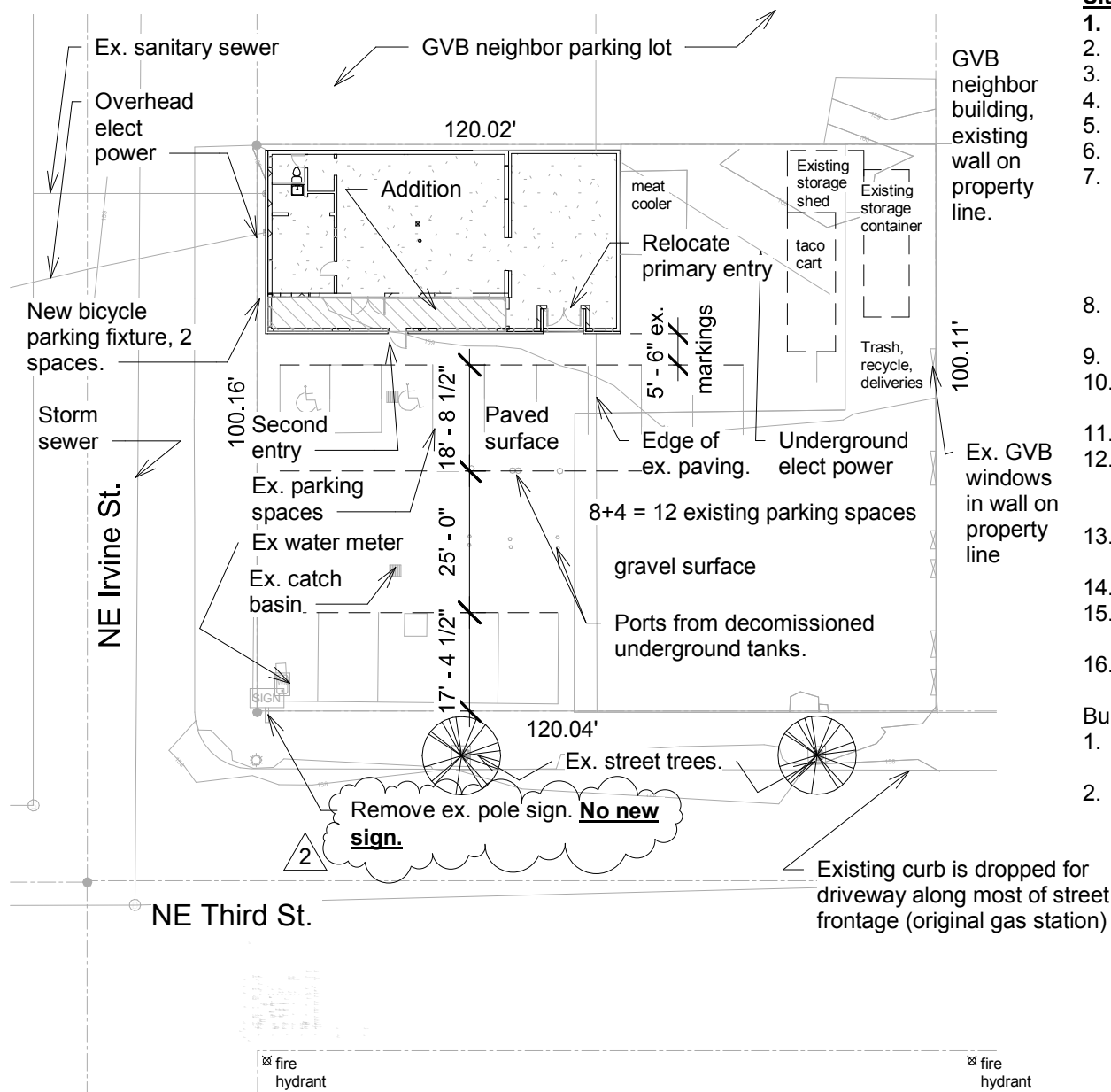
There will be 44% glazing in this minimal new wall. The entire west wall will be improved from 15% to an overall 20% glazing.

The proposed alternate design is consistent with the design standards, considering existing conditions.

c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

Due to the minimal new construction along the Irvine St. facade, this waiver is requesting the minimum glazing change necessary to alleviate the difficulty of meeting the design standards for glazing.

End of Design Standards Waiver Request Memo.



Owner contact: Ron Burcham, Project Manager
 971-241-0666 reburcham@gmail.com
 1170 NE 19th St, McMinnville, OR 97128

Site Plan Notes:

1. Project: **Mini Super Hidalgo, LLC**
2. Location: 903 NE Third Street, McMinnville, OR 97128
3. Yamhill County Tax lot R4421BD - 4400
4. Lot size: 12,033.22 sf (verify)
5. Zoning: C3
6. Setbacks: none.
7. DDR 5-19: Project has been submitted to city of McMinnville for Design Review. Design standards: Downtown McMinnville Design Standards, referenced also by Gateway District Design standards due to location along Third St.
8. Project site is outside the downtown parking exclusion zone.
9. Property is NOT designated a historic landmark.
10. Site plan based on survey 2/28/2019 by MacDonald Survey.
11. Existing building FFE = 159.16'
12. Parking required: Building shall be entirely Retail use, 1 space / 250 sf. Completed building will be 1990 sf / 250 = 8 spaces required.
13. Existing parking provided 12 spaces, 2 are accessible. Adequate existing parking.
14. Bicycle parking - 2 new spaces will be provided.
15. Off-street loading: not required for building less than 5000 sf.
16. Landscape area improvements are not required.

Building: (2014 OSSC)

1. Existing building: 1740 sf. Proposed addition: 250 sf. Total gross building area: 1990 sf.
2. Addition use is expansion of existing retail use.

① Site Plan 1/30
 1" = 30'-0"



Reference north

Phase 1

Verify all existing conditions prior to construction and notify Architect where conflicts or changes to the design are required.

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Phase 1 Remodel for Mini Super Hidalgo Market

Site Plan

Project number	2019.06
Date	10/4/2019
Revised	10/31/19

A1.1

Scale 1" = 30'-0"



Existing aerial site image from Google Maps.

Preliminary Not for Construction

Field verify all existing conditions.

903 NE 3rd St, McMinnville, OR 97128



SE building corner, existing awnings to be removed.



SW building corner, owner wants to enclose area under existing roof overhang



West wall, along Irvine St. Note overhead electrical service.

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Phase 1 Remodel for Mini Super Hidalgo Market

Existing photos

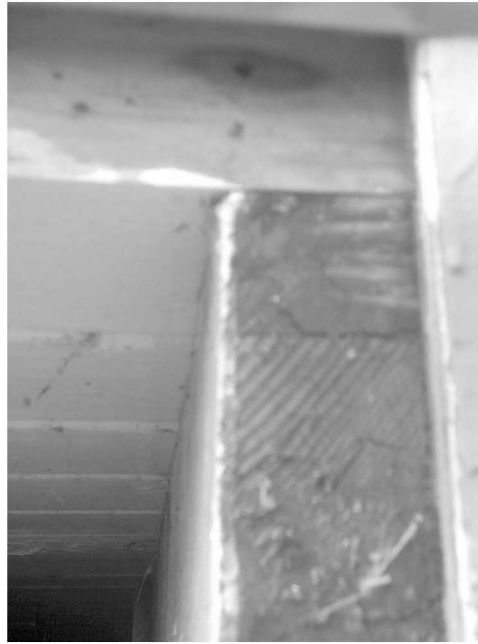
Project number	2019.06
Date	9/27/2019
Revised	

A1.2

Scale



NW corner. Existing soffit and parapet wall.



Existing GLB with 3x decking, at south fascia.



Existing SE corner, note lap siding on east wall of existing wood-framed addition.



Existing north exterior CMU wall, attic vent in CMU gap. Note CMU above has no grout. Vents are typically dirty.

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Phase 1 Remodel for Mini Super Hidalgo Market

Existing photos - Ext details

Project number	2019.06
Date	9/27/2019
Revised	

A1.3

Scale



Roof looking east towards step down to wood framed addition



Roof looking north towards ex. HVAC unit, wood shelter for compressor, and parapet wall along north property line.



Attic - south wall. Note GLB bears on CMU, between 2 original openings of overhead doors. Note roof decking above, below is ceiling framing with batt insulation and HVAC ducts.

Attic - north wall. Note GLB bears on CMU wall, roof decking above. Note containers to catch roof leaks around both roof drain and HVAC penetrations.



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Phase 1 Remodel for Mini Super Hidalgo Market

Existing Photos - Roof / Attic

Project number	2019.06
Date	9/27/2019
Revised	

A1.4

Scale



GVB west wall (on Hidalgo property line) and at Third St.



GVB wall at Third St, Hidalgo visible behind, similar windows.



GVB wall at Third St, note overhead door, bays with no windows.



Hidalgo Building

Site Plan - Context Aerial Image showing parking lots all corners facing Third and Irvine St.

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Phase 1 Remodel for Mini Super Hidalgo Market

Third St.

Project number	2019.06
Date	9/27/2019
Revised	

A1.5

Scale



Irvine St. north - GVB parking lot.
GVB building not visible.
Hidalgo building west wall visible.



Irvine St. south - church parking lot, side view of church.



Irvine St. west - Vet office and parking lot
Note Vet office is set back from both street property lines.



Irvine St. southwest - convenience store and parking lot.
Note store building is set back from both street property lines.
Hidalgo pole sign to be removed.

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Phase 1 Remodel for Mini Super Hidalgo Market

Irvine St.

Project number	2019.06
Date	9/27/2019
Revised	

A1.6

Scale



Phase 1

View from NE Third and Irvine Streets, McMinnville, OR.

Design Review

Proposed Remodel and Addition for Mini Super Hidalgo Market

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Phase 1 Remodel for Mini Super Hidalgo Market

View

Project number	2019.06
Date	9/27/2019
Revised	

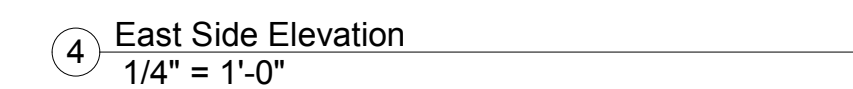
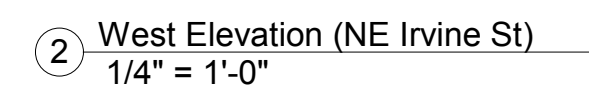
A7.1

Scale 12" = 1'-0"

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Project: **Mini Super Hidalgo, LLC**
Location: 903 NE Third Street
McMinnville, OR 97128
Yamhill County Tax lot R4421BD - 4400

Verify all existing conditions prior to construction and notify Architect where conflicts or changes to the design are required.



Phase 1 Remodel for Mini Super Hidalgo Market Elevations

Project number	2019.06
Date	10/4/2019

A2

Scale	1/4" = 1'-0"
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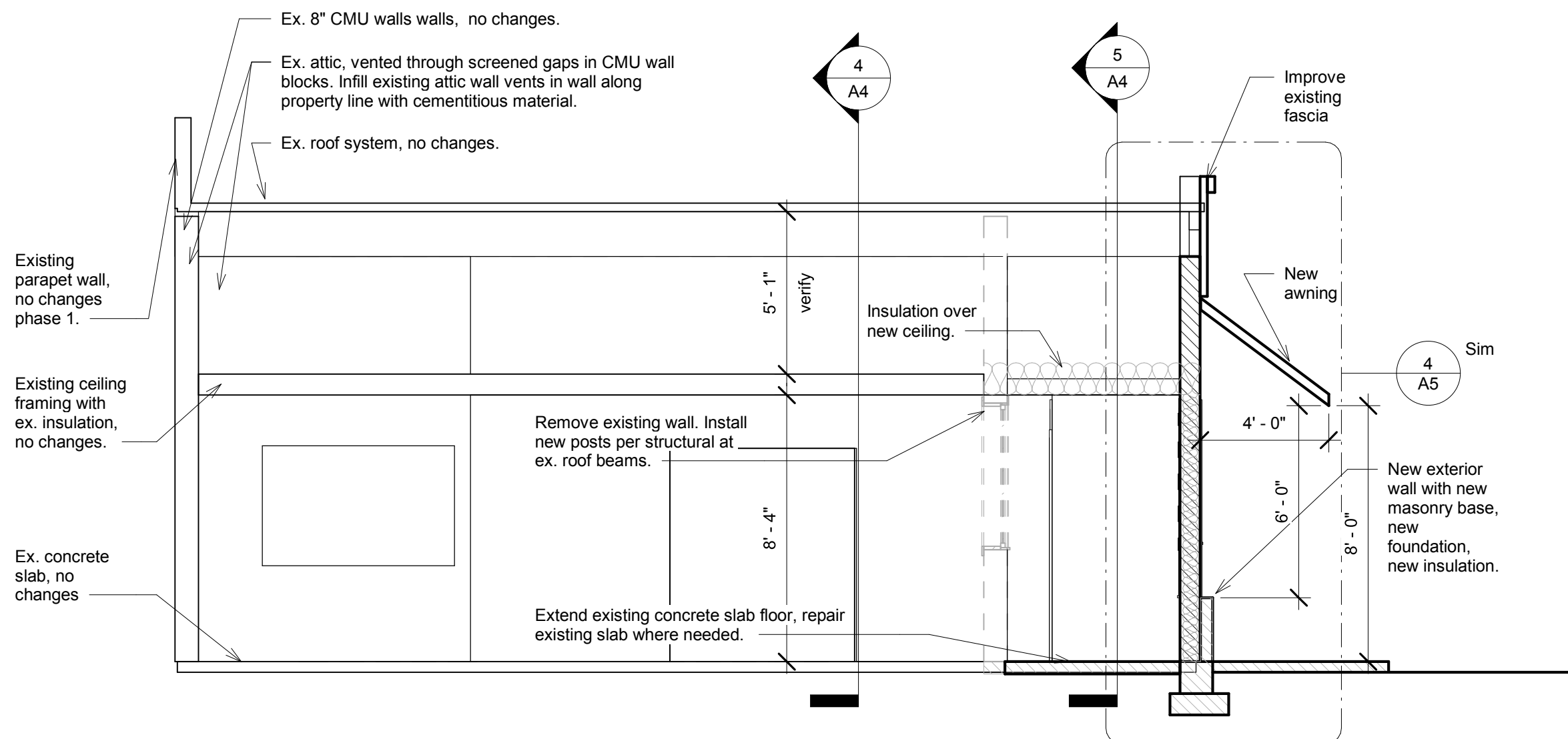
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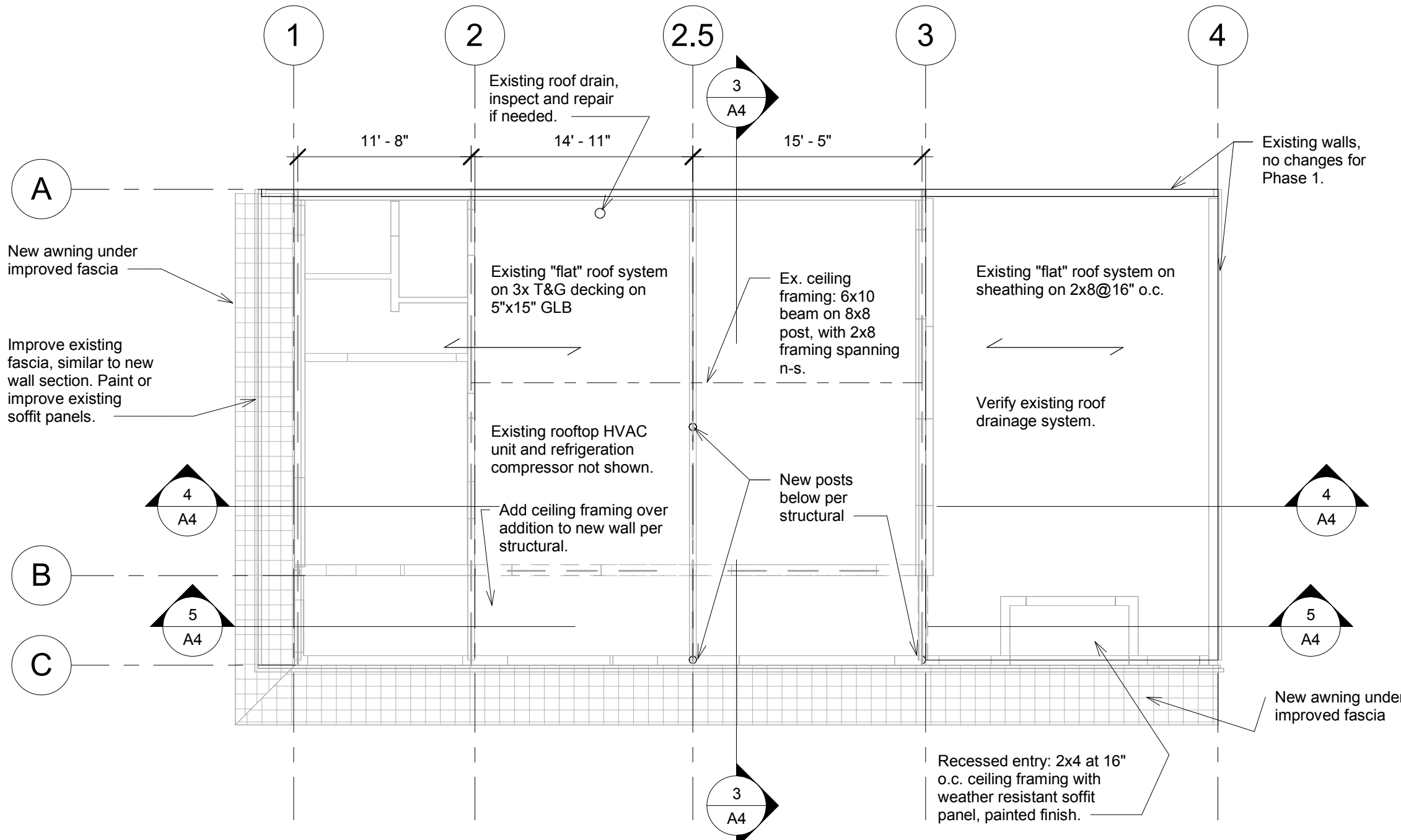
Phase 1

Project: **Mini Super Hidalgo, LLC**
Location: 903 NE Third Street
McMinnville, OR 97128
Yamhill County Tax lot R4421BD - 4400

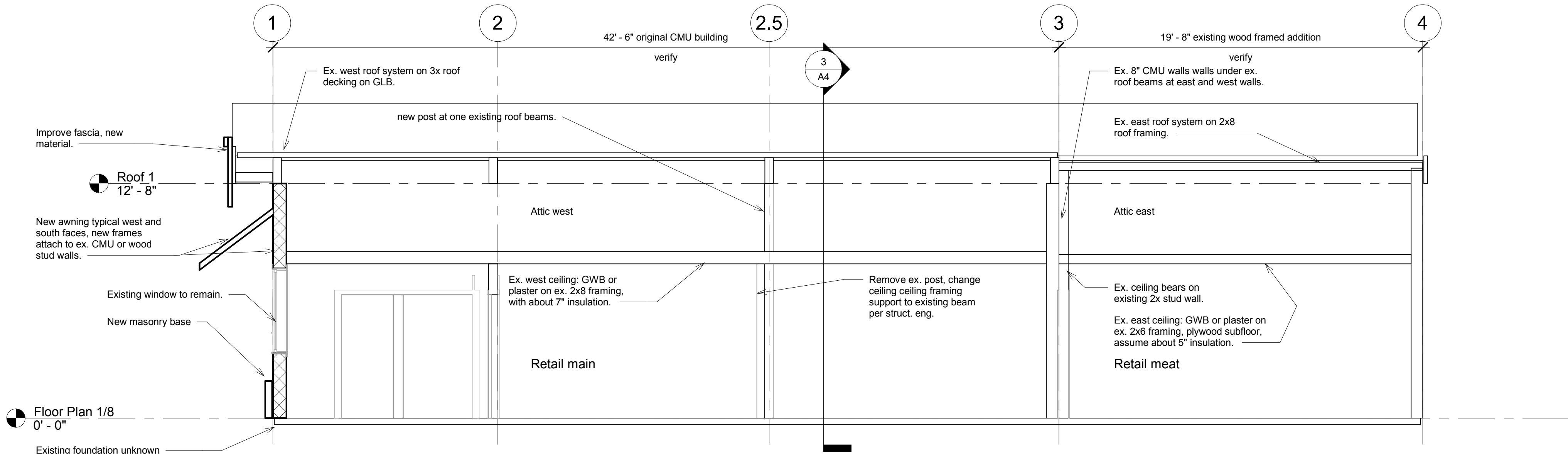
Verify all existing conditions prior to construction and notify Architect where conflicts or changes to the design are required.



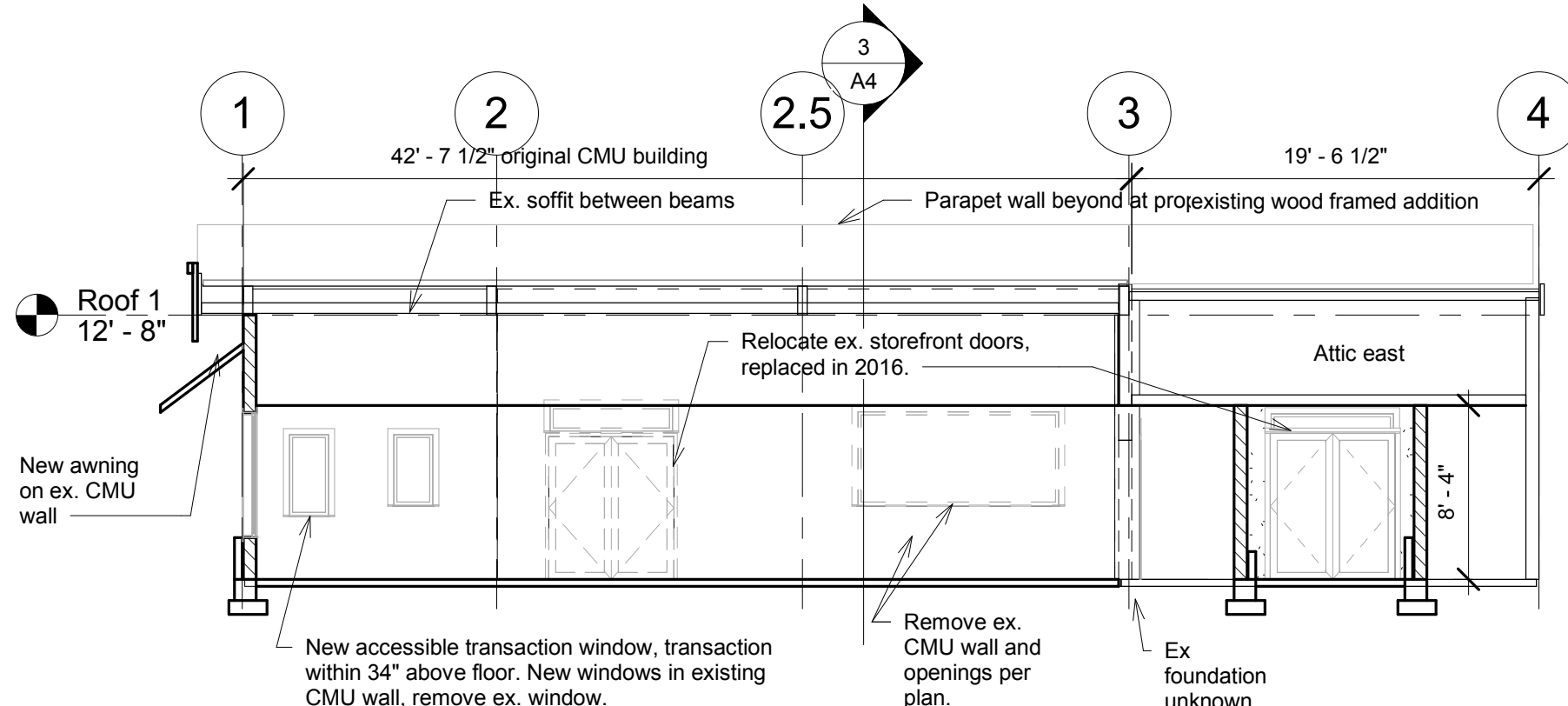
③ Section 1
1/4" = 1'-0"



② Roof Framing Plan
1/8" = 1'-0"



4 Section 2
1/4" = 1'-0"



5 Section 3
1/8" = 1'-0"

[illegible]

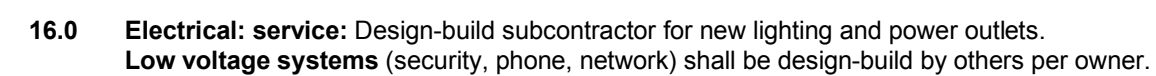
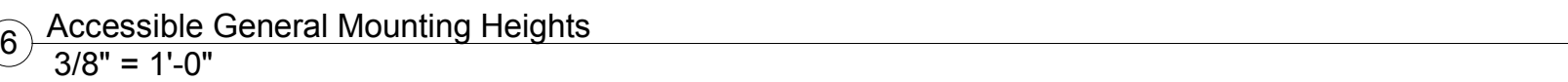
Phase 1 Remodel for

Mini Super Hidalgo Marke

Project number	2019.06
Date	10/4/2019

A4

Scale	As indicated
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Phase 1 Remodel for	
Mini Super Hidalgo Market	
Details and Specifications	
Project number	2019.06
Date	10/4/2019
A5	
Scale	As indicated



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
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www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: November 14, 2019
TO: Historic Landmark Committee Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: Upcoming Request for Proposals (RFP) for Survey Work

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Define the unique character through a community process that articulates our core principles

Report in Brief:

This is a discussion item to provide an update on upcoming survey work to be completed in part with Certified Local Government (CLG) grant funds. Specifically, the survey work that was previously planned for is a Reconnaissance Level Survey in the mainly residential areas south of downtown McMinnville.

Background:

The City of McMinnville is an active Certified Local Government (CLG), which is a historic preservation program administered by the State of Oregon's State Historic Preservation Office (SHPO). SHPO awards grants to Certified Local Governments for eligible historic preservation activities. The City applied for and received \$11,500 in CLG grant funds to complete historic preservation work and activities over the course of 2019 and 2020. The activities that the City received grant funds for include a Reconnaissance Level Survey (RLS), updates to Historic Resources Inventory materials, and notifications to owners of historic resources.

Discussion:

The City's application for the CLG grant funds included a request to complete a Reconnaissance Level Survey (RLS) in the mainly residential areas south of downtown McMinnville. This survey work was included on the Historic Landmarks Committee's 2019 work plan, and was developed from recommended activities and actions from the recently adopted McMinnville Historic Preservation Plan. The survey work will allow for the following activities from the McMinnville Historic Preservation Plan to be achieved:

- Goal 3 – Document and Protect Historic Resources
- Proposal 3.E.1 – Review findings from survey work conducted since 1984 to update the Historic Resources Inventory;

Attachments:

Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of DDR 5-19

Attachment B: DDR 5-19 Application Materials

- Proposal 3.E.3 – Conduct a reconnaissance level survey to document the residential properties around the downtown area, particularly Rowlands Addition;
- Proposal 3.E.4 – Conduct a reconnaissance level survey of Chandler's 2nd Addition to include properties built through 1969 (or 50 years prior to whatever year the survey is conducted); and
- Proposal 3.E.5 – Conduct a reconnaissance level survey along SE Baker Street.

The specific areas proposed to be included in the RLS are described below:

- A mainly residential area south of the Downtown Historic District that is bounded on the west by Adams Street, on the north by 2nd Street, on the east by Third Street/Three Mile Lane, and on the south by the Cozine Creek.
 - This area includes some subdivisions from McMinnville's early development, such as Rowland's Addition, McMinnville College Addition, McPhillip's Addition, and Newby's Second and Third Additions.
- A smaller residential neighborhood that is bounded on the west by Ford Street, on the north by Shady Street, on the east by the Yamhill River, and on the south by Storey Street.
 - This area is referred to as Chandler's 2nd Addition.

The number of properties to be included in the RLS will be dependent upon consultant rates and estimated time necessary to survey each property. The intent is that all existing properties that are designated on the Historic Resources Inventory be re-surveyed, along with any other eligible properties within the areas that may not have been identified in previous survey work

Staff has developed a Request for Proposals (RFP) to solicit for proposals from qualified consultants to complete the RLS work. A draft of that RFP is attached to this staff report. Staff is suggesting the following timeline for the issuance of the RFP, review of proposals, selection of consultant, and completion of the RLS project:

- November 21, 2019: Issue RFP
- January 3, 2020: Proposals Due
- January 31, 2020: Notify, negotiate (if necessary), and select consultant
- Early February 2020: Begin project
- May 29, 2020: Deadline for project completion

Commission Options:

Discussion item so no specific action required.

Recommendation:

Discussion item so no specific action or motion required. The Historic Landmarks Committee may provide guidance to staff in the development of the RFP for the RLS. Staff would request that the HLC discuss and select a committee member to assist and participate in the proposal review process.

CD

DRAFT

**CITY OF MCMINNVILLE
REQUEST FOR PROPOSALS (RFP)**

**PROFESSIONAL CONSULTANT SERVICES FOR
RECONNAISSANCE LEVEL SURVEY (RLS)**

PROPOSALS DUE:	January 3, 2020 by 5:00 p.m.
SUBMIT PROPOSAL TO:	City of McMinnville Planning Department 231 NE Fifth Street McMinnville, OR 97128
REFER QUESTIONS TO:	Chuck Darnell, Senior Planner (503) 434-7330 chuck.darnell@mcminnvilleoregon.gov
RFP ISSUE DATE:	November 21, 2019

Project Description and Survey History

The City of McMinnville, a Certified Local Government, is accepting proposals from interested consultants for the purpose of completing a Reconnaissance Level Survey (RLS) of historic resources within identified areas of the city.

In 1980, Phase I of a historic inventory survey was completed in an area of McMinnville surrounding the downtown core. Phase II of this survey was completed in 1984 and encompassed all properties within the Urban Growth Boundary that were at least 50 (fifty) years old (including those properties that had reached the 50 (fifty) year-old mark since the 1980 survey). These surveys led to the development and adoption of the McMinnville Historic Resources Inventory, which designated and protected over 500 sites and structures of local historical significance.

The RLS that is the subject of this RFP will be focused in two areas of the City that were identified in the recently adopted McMinnville Historic Preservation Plan as areas that are in need of further survey work and/or potential updates to the McMinnville Historic Resources Inventory survey materials, which have not been updated since the 1980s survey work described above. Following the completion of the RLS, the consultant will provide recommendations for potential updates to the McMinnville Historic Resources Inventory, based on the findings of the RLS.

It is imperative that these services are consistent and compatible with the standards and regulations of the State Historic Preservation Office (SHPO). This project is supported in part with grant funding from the SHPO and National Park Service (NPS).

Budget

Up to **\$17,500** is available for consultant services.

Survey Area

The Reconnaissance Level Survey (RLS) is proposed to include two mainly residential areas south of downtown McMinnville. Those areas are generally described as follows:

- A mainly residential area south of the Downtown Historic District that is bounded on the west by Adams Street, on the north by 2nd Street, on the east by Third Street/Three Mile Lane, and on the south by the Cozine Creek.
 - This area includes some subdivisions from McMinnville's early development, such as Rowland's Addition, McMinnville College Addition, McPhillip's Addition, and Newby's Second and Third Additions.
- A smaller residential neighborhood that is bounded on the west by Ford Street, on the north by Shady Street, on the east by the Yamhill River, and on the south by Storey Street.
 - This area is referred to as Chandler's 2nd Addition.

There are currently a total of 192 properties within the two areas described above that are designated on the McMinnville Historic Resources Inventory. It is the intent of this RLS to re-survey those properties, and any other eligible properties within the areas that may not have been identified in previous survey work. The total number of properties to be included in the RLS will be dependent upon consultant rates and estimated time necessary to survey each property. If the entirety of the two areas described above cannot be included in the RLS scope, staff and the consultant may collaborate to define the specific areas to be included in the RLS.

A map of the two areas, with the current historic resources identified, is attached to this RFP as Attachment 1.

Scope of Work – Reconnaissance Level Survey (RLS)

Specific work tasks and deliverables shall include the following:

1. The preparation of a complete project database using an extraction of SHPO's Oregon Historic Sites Database. This Reconnaissance Level Survey (RLS) shall include properties within the study areas, as identified and finalized by Planning staff and the consultant. The survey work must be conducted in accordance with SHPO's "Reconnaissance Level Survey Standard Operating Procedures" (current version). The survey work must also be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Historic Preservation and Archaeology (Federal Register, Vol. 48, No. 190, Sept. 1983).
2. A final memorandum or report following SHPO's survey guidelines to supplement the survey products and guide future preservation and planning work in McMinnville. The report should include recommendations for potential updates to the McMinnville Historic Resources Inventory, based on the findings of the RLS.
3. Updates with staff and/or the Historic Landmarks Committee throughout the survey process, as well as a final presentation on the results of the RLS at a Historic Landmarks Committee meeting.

The completed survey forms and report are due no later than **May 29, 2020**, and must be provided in both paper and digital form. The digital files will be in a format that is acceptable to the City of McMinnville and that are editable by the City of McMinnville at a later date.

City Services: Planning staff and the Historic Landmark Committee will work with the consultant throughout the RLS process as necessary. Additionally, staff can provide assistance with mapping and administrative support as necessary.

Consultant Qualifications

The consultant performing and/or overseeing the RLS must meet the National Park Service's professional requirements found in the Historic Preservation Fund manual. The Historic Preservation Fund manual can be accessed here: https://www.nps.gov/preservation-grants/manual/HPF_Manual.pdf

The RLS work must be conducted in accordance with SHPO's "Reconnaissance Level Survey Standard Operating Procedures" (current version) and the Secretary of the Interior's Standards and Guidelines for Historic Preservation and Archaeology (Federal Register, Vol. 48, No. 190, Sept. 29, 1983).

Proposal Submittal

To be considered for this project, three (3) sealed copies of the proposal must be mailed or hand delivered to the address below no later than **5:00 P.M. on Friday, January 3, 2020**. Proposals submitted after that date and time will not be accepted, nor will faxed or e-mailed submissions.

**Chuck Darnell
City of McMinnville
Planning Department
231 NE 5th Street
McMinnville, OR 97128**

The Consultant proposal will be single-sided, 8.5 inches x 11 inches format, and limited to 30 pages. The proposal will include the information listed below:

- Introductory cover letter
- A narrative or other statement relating to the consultant's background and qualifications for the project, including the names and qualifications of staff that would be assigned to this project and their roles and responsibilities
- A narrative demonstrating that the consultant understands the project
- A project proposal showing a description and budget for each task
- A general timeline for the project
- A sample of previous similar work
- A minimum of three (3) references from similar work clients

Proposal Evaluation and Selection

Following the closing date, a selection committee from the City of McMinnville consisting of city staff and members from the Historic Landmark Committee shall meet to review the submitted proposals and select a consultant. If necessary, interviews may be scheduled with consultants.

Evaluation Criteria: Each proposal shall be evaluated based on the following criteria:

Completeness of the submitted proposal	5 Points
<p>Consultants understanding of the project and required tasks</p> <p>Please describe your team's understanding of the assignment and your proposed approach. For each of the tasks, outline the major subtasks you anticipate undertaking and your team's schedule for completing these tasks. Please describe any challenges you anticipate in completing any of the tasks and your firm's proposed approach to addressing these challenges. Also describe any proposed deviations from the anticipated work plan and the reasons for these proposed deviations. <i>Please be as specific as possible in describing your proposed methodology for developing your recommendations as well as in describing the level of detail, format, and proposed illustrations proposed for each deliverable.</i></p>	30 Points
<p>Consultant's past experience with similar projects and/or experience of project staff</p> <p>For each task, please specify the names and titles, responsibilities, and estimated hours for each staff member who will be performing significant work. If sub-tasks within each task will be staffed differently, please provide information at the sub-task level. Please include summaries of the relevant experience of all staff who will be performing significant work. <i>Provide examples of past experience and products.</i></p>	50 Points
<p>Timeline necessary to complete the project</p> <p>Please provide a detailed timeframe of how you will get the two projects accomplished within the deadlines provided. Please describe the availability of the specific staff member who will perform the needed tasks, and those staff to work on the project to meet the timeline, including any significant constraints. Please describe the capacity of principal staff to oversee the project, attend necessary meetings, and work with City staff to address challenges, including any significant constraints.</p>	10 Points
References	5 Points
Total Available	100 Points

Negotiations / Award of Privilege

Following the evaluation process, the City will begin contract negotiations with the highest ranked proposer.

The matters subject to negotiation shall be limited to the following:

1. Comprehensive scope of work;
2. Proposer personnel committed to the project;
3. Project schedule;
4. Professional fees, including reimbursable expenses; and
5. Agreement to the City's contract terms (Note: A copy of the City's standard Personal Services Contract is attached to this RFP).

In the event that a contract cannot be negotiated with the highest ranked proposer, negotiations will be permanently discontinued, and the City will start contract negotiations with the next highest ranked proposer. Nothing in this RFP shall restrict or prohibit the City from cancelling the solicitation at any time.

The City reserves the right to reject any or all Proposals, accept a Proposal in full or in part, or to negotiate for the modification of any Proposal with its Proposer. The City will notify the selected proposer by **January 31, 2020**.

Contract Requirements

The successful Consultant shall enter into a Personal Services Agreement with the City. Before commencing work, the selected consultant shall provide to the City evidence of insurance. The payment schedule for contract services will be agreed upon prior to the commencement of any work tasks and upon receipt of the Consultant's billing statement and evidence that all work required of the contract has been satisfactorily completed.

The selected proposer shall have (10) business days from the date of the receipt of the final Agreement negotiated between the Proposer and the City to execute and return said agreement. All such documents must be executed and delivered by the Proposer and approved by the City before the Agreement will be executed and returned to the Proposer by the City. The City reserves the right to cancel the award without liability.

Failure upon the part of the selected Proposer to execute and deliver the Agreement and other documents required above within ten (10) business days after the date of written notice of award shall be just cause for cancellation of the award by the City. The award of the concession may be made to another Proposer or all Proposals rejected at the City's sole discretion.

Questions and Clarifications

Questions and requests for clarification regarding this RFP solicitation must be directed in writing (either email or fax is acceptable) to:

Chuck Darnell, Senior Planner

City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Phone: (503) 434-7330
Fax: (503) 474-4955
Email: chuck.darnell@mcminnvilleoregon.gov

The deadline for submitting questions or requests for clarification is seven (7) days prior to the proposal due date. If a substantive clarification is necessary, an addendum will be issued no later than 72 hours prior to the due date to all recorded holders of the RFP solicitation. Note that statements made by the City are not binding upon the City unless confirmed by written addendum.

Cancellation, Delay or Suspension of RFP Solicitation; Rejection of Proposals

Nothing in this RFP shall restrict or prohibit the City from cancelling, delaying, or suspending the RFP solicitation at any time. The City may reject any or all proposals, in whole or in part, if in the best interest of the City, as determined by the City.

Withdrawal of Proposal

No Proposal may be withdrawn after it has been submitted to the City unless the Proposer so requests in writing and such request is received by the City prior to 2 pm on the last date set for receiving Proposals. No Proposal may be withdrawn after the scheduled due date for a period of ninety (90) days.

Irregularities

The City reserves the right to waive any non-material irregularities or information contained in this RFP, or in any received proposal.

Proposal Costs

The City is not liable for any costs incurred by a proposer in the preparation and/or presentation of a proposal. Execution of a contract is subject to the availability of funds.

Availability of RFP Responses, Proprietary Information

Per the terms of ORS 279C.107, the City will open the proposals so as to avoid disclosing the contents to competing proposers during the process of negotiation. Proposals will not be available for public review until after the issuance of the Notice of Intent to Award.

The City will withhold from disclosure to the public trade secrets, as defined in ORS 192.501, and information submitted to the City in confidence, as described in ORS 192.502, that are contained in the proposal. Proposals must clearly identify such material, keep it separate, and provide separate notice in writing of the status of this material to:

Chuck Darnell, Senior Planner

City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Phone: (503) 434-7330
Fax: (503) 474-4955
Email: chuck.darnell@mcminnvilleoregon.gov

All proposals shall become part of the public file for the project. Consultants responding to this proposal do so solely at their expense, and the City of McMinnville is not responsible for any expenses associated with the preparation of the proposal.

Proposal Protest and Request for Change Procedures

Protests concerning either a request for change in the proposal or the consultant selection process shall follow the procedures set forth in the Oregon Administrative Rules (OAR), Division 48 (137-048-0240, Protest Procedures).

The City shall consider the protest or request for change, and may reject the protest or request for change, issue an addendum, or cancel the RFP.

Protests or requests for change must be submitted in writing to:

Chuck Darnell, Senior Planner

City of McMinnville
231 NE Fifth Street
McMinnville, OR 97128

Phone: (503) 434-7330
Fax: (503) 474-4955
Email: chuck.darnell@mcminnvilleoregon.gov

Questions

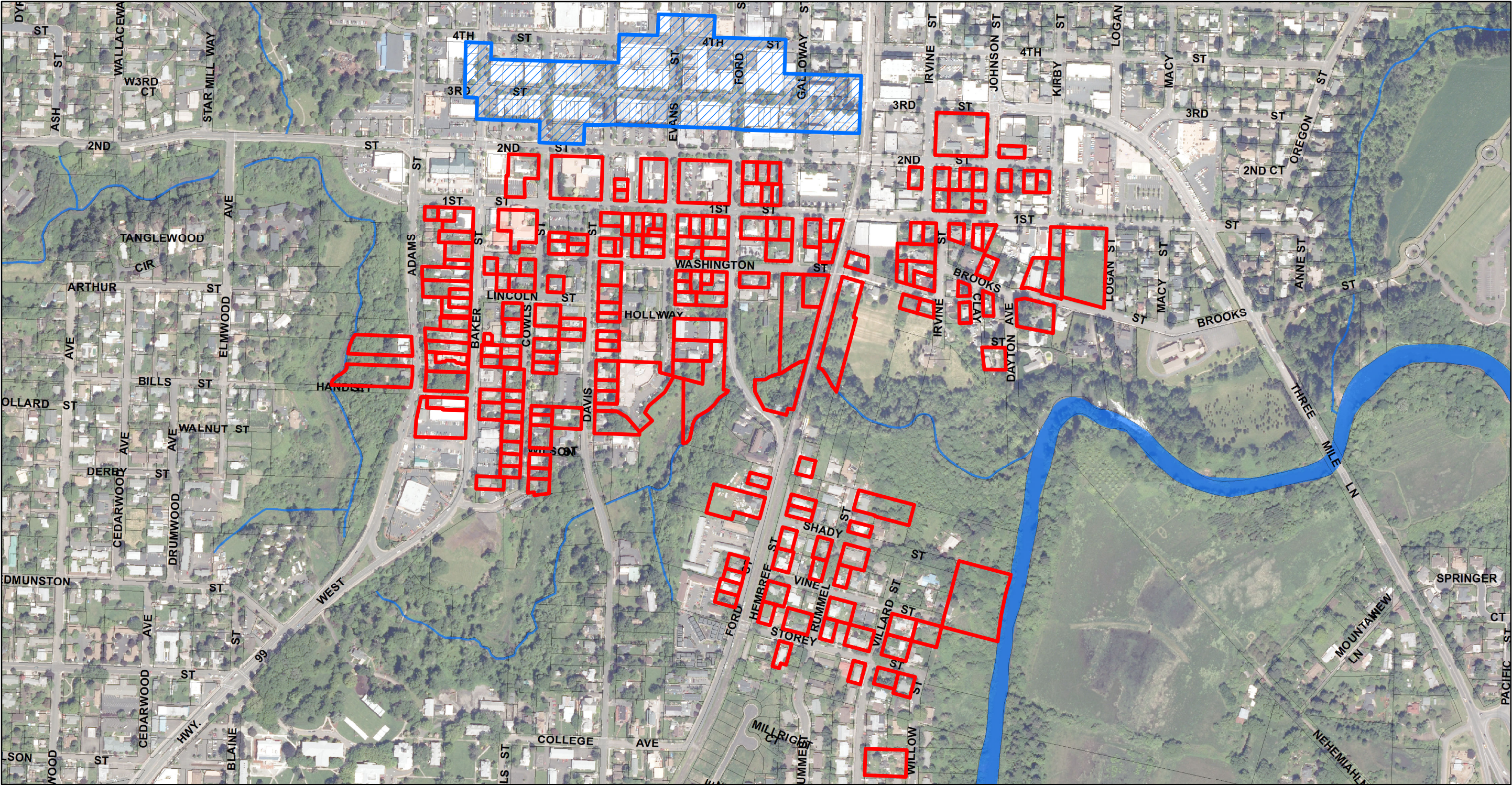
Inquiries should be directed to Chuck Darnell, Senior Planner, by phone (503) 434-7330 or e-mail: chuck.darnell@mcminnvilleoregon.gov, or by coming to the office at the Community Development Center, 231 NE 5th Street, McMinnville, Oregon, during regular business hours.

ATTACHMENT 1: MAP OF RECONNAISSANCE LEVEL SURVEY AREAS

See Map on Following Page




DRAFT

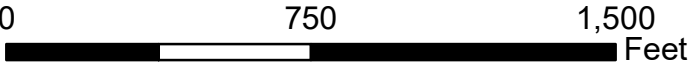
Historic Resources on McMinnville Historic Resources Inventory
Potential Properties to be Included in Reconnaissance Level Survey



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

Legend

-  National Register Downtown Historic District
-  Existing Properties on McMinnville Historic Resources Inventory to be Included in RLS
-  Tax Lots



ATTACHMENT 2: PERSONAL SERVICES CONTRACT TEMPLATE

CITY OF McMinnville, Oregon

PERSONAL SERVICES CONTRACT

for

**2017 INTENSIVE LEVEL SURVEY
AND HISTORIC PRESERVATION PLAN**

This Contract is between the CITY OF McMinnville, a municipal corporation of the State of Oregon (City) and _____. (Contractor). The City's Project Manager for this Contract is Chuck Darnell, Senior Planner.

The parties mutually covenant and agree as follows:

- 1. Effective Date and Duration.** This contract is effective on the date at which every party has signed the contract and will expire, unless otherwise terminated or extended, on September 30, 2018.
- 2. Statement of Work.** The work to be performed under this contract consists of services described in Exhibit A, attached hereto and by this reference incorporated herein. The statement of work, including the delivery schedule for the work, is contained in Exhibit A. The Statement of Work reflects both the work anticipated and the fees the Contractor will charge for each component of that work. The work provided will be guided by the Statement of the Work, but the Contractor will, with the approval and direction of the City, perform services in such a way as to ensure constant progress is being made to achieve the City's end goals in the most efficient manner possible.
- 3. Consideration.**
 - a. City agrees to pay Contractor for actual hours worked, and allowable expenses incurred for accomplishing the work required by this contract, with a total sum not to exceed \$_____.
 - b. Contractor will furnish with each invoice for services an itemized statement showing both the work performed and the number of hours devoted to the project by the Contractor and its agents. City will pay the Contractor for services within 30 days of receiving an itemized bill that has been approved by the Project Manager.
 - c. City certifies that sufficient funds are available and authorized for expenditure to finance the cost of this contract.
- 4. Additional Services.** Additional services, not covered in Exhibit A, will be provided if mutually agreed upon by the parties and authorized or confirmed in writing by the City, and will be paid for by the City as provided in this Contract in addition to the compensation authorized in subsection 3a. If authorized by the City, the additional services will be performed under a series of Task Orders defining the services to be performed, time of performance, and cost for each phase of services.

[CONTINUED ON NEXT PAGE]

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CONTRACTOR DATA, CERTIFICATION, AND SIGNATURE

Name (please print): _____

Address: _____

Social Security #: _____

Federal Tax ID #: _____

State Tax ID #: _____

Citizenship: Nonresident alien _____ Yes _____ No

Business Designation (check one): _____ Individual _____ Sole Proprietorship _____ Partnership
_____ Corporation _____ Government/Nonprofit

The above information must be provided prior to contract approval. Payment information will be reported to the Internal Revenue Service (IRS) under the name and taxpayer I.D. number provided above. (See IRS 1099 for additional instructions regarding taxpayer ID numbers.) Information not matching IRS records could subject you to 31 percent backup withholding.

I, the undersigned, understand that the Standard Terms and Conditions for Personal Services Contracts and Exhibits A, B, C, and D are an integral part of this contract and agree to perform the work described in Exhibit A in accordance with the terms and conditions of this contract; certify under penalty of perjury that I/my business am not/is not in violation of any Oregon tax laws; and certify I am an independent contractor as defined in ORS 670.600.

Signed by Contractor: _____

Signature/Title

Date

NOTICE TO CONTRACTOR: This contract does not bind the City of McMinnville unless and until it has been fully executed by the appropriate parties.

CITY OF McMINNVILLE SIGNATURE

Approved:

City Manager or Designee

Date

Reviewed:

City Attorney or Designee

Date

CITY OF McMinnville
STANDARD TERMS AND CONDITIONS FOR PERSONAL SERVICES CONTRACTS

1. Contractor is Independent Contractor.

a. Contractor will perform the work required by this contract as an independent contractor. Although the City reserves the right (i) to determine (and modify) the delivery schedule for the work to be performed and (ii) to evaluate the quality of the completed performance, the City cannot and will not control the means or manner of the Contractor's performance. The Contractor is responsible for determining the appropriate means and manner of performing the work.

b. The Contractor represents and warrants that Contractor (i) is not currently an employee of the federal government or the State of Oregon, and (ii) meets the specific independent contractor standards of ORS 670.600, as certified on the Independent Contractor Certification Statement attached as Exhibit D.

c. Contractor will be responsible for any federal or state taxes applicable to any compensation or payment paid to Contractor under this contract.

d. If Contractor is a contributing member of the Public Employees' Retirement System, City will withhold Contractor's contribution to the retirement system from Contractor's compensation or payments under this contract and make a corresponding City contribution. Contractor is not eligible for any federal Social Security, unemployment insurance, or workers' compensation benefits from compensation or payments to Contractor under this contract, except as a self-employed individual.

2. Subcontracts and Assignment. Contractor will not subcontract any of the work required by this contract, or assign or transfer any of its interest in this contract, without the prior written consent of the City. Contractor agrees that if subcontractors are employed in the performance of this contract, the Contractor and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

3. No Third Party Beneficiaries. City and Contractor are the only parties to this contract and are the only parties entitled to enforce its terms. Nothing in this contract gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this contract.

4. Successors in Interest. The provisions of this contract will be binding upon and will inure to the benefit of the parties, and their respective successors and approved assigns, if any.

5. Early Termination

a. The City and the Contractor, by mutual written agreement, may terminate this Contract at any time.

b. The City, on 30 days written notice to the Contractor, may terminate this Contract for any reason deemed appropriate in its sole discretion.

c. Either the City or the Contractor may terminate this Contract in the event of a breach of the Contract by the other party. Prior to termination, however, the party seeking the termination will give to the other party written notice of the breach and of the party's intent to terminate. If the Party has not entirely cured the breach within 15 days of the notice, then the party giving the notice may terminate the Contract at any time thereafter by giving a written notice of termination.

6. Payment on Early Termination

a. If this contract is terminated under 5(a) or 5(b), the City will pay the Contractor for work performed in accordance with the Contract prior to the termination date. Payment may be pro-rated as necessary.

b. If this contract is terminated under 5(c) by the Contractor due to a breach by the City, then the City will pay the Contractor as provided in subsection (a) of this section.

c. If this contract is terminated under 5(c) by the City due to a breach by the Contractor, then the City will pay the Contractor as provided in subsection (a) of this section, subject to set off of excess costs, as provided for in section 7, Remedies.

7. Remedies

a. In the event of termination under 5(c) by the City due to a breach by the Contractor, the City may complete the work either itself, by agreement with another contractor, or by a combination thereof. In the event the cost of completing the work exceeds the remaining unpaid balance of the total compensation provided under this contract, the Contractor will pay to the City the amount of the reasonable excess.

b. The remedies provided to the City under section 5 and section 7 for a breach by the Contractor are not exclusive. The City will also be entitled to any other equitable and legal remedies that are available.

c. In the event of breach of this Contract by the City, the Contractor's remedy will be limited to termination of the Contract and receipt of payment as provided in section 5(c) and 6(b).

8. Access to Records. Contractor will maintain, and the City and its authorized representatives will have access to, all books, documents, papers and records of Contractor which relate to this contract for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records will be made available upon request. Payment for the cost of copies is reimbursable by the City.

9. Ownership of Work. All work products of the Contractor, including background data, documentation, and staff work that is preliminary to final reports, and which result from this contract, are the property of the City. Contractor will retain no ownership interests or rights in the work product. Use of any work product of the Contractor for any purpose other than the use intended by this contract is at the risk of the City.

10. Compliance with Applicable Law. Contractor will comply with all federal, state, and local laws and ordinances applicable to the work under this contract, including, without limitation, the provisions of ORS 279B.220, 279B.230, and 279B.235, as set forth on Exhibit B. Without limiting the foregoing, Contractor expressly agrees to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 (Pub L No. 101-336), ORS 659A.142, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.

11. Indemnity and Hold Harmless

a. Except for the professional negligent acts covered by paragraph 11.b., Contractor will defend, save, hold harmless, and indemnify the City, its officers, agents, and employees from all claims,

suits, or actions of whatsoever nature resulting from or arising out of the activities of Contractor or its officers, employees, subcontractors, or agents under this contract.

b. Contractor will defend, save, hold harmless, and indemnify the City, its officers, agents, and employees from all claims, suits, or actions arising out of the professional negligent acts, errors, or omissions of Contractor or its officers, employees, subcontractors, or agents under this contract.

12. Insurance. Contractor will provide insurance in accordance with Exhibit C.

13. Waiver. The failure of the City to enforce any provision of this contract will not constitute a waiver by the City of that or any other provision.

14. Errors. The Contractor will perform such additional work as may be necessary to correct errors in the work required under this contract without undue delays and without additional cost.

15. Governing Law. The provisions of this contract will be construed in accordance with the laws of the State of Oregon and ordinances of the City of McMinnville, Oregon. Any action or suits involving any question arising under this contract must be brought in the appropriate court in Yamhill County, Oregon. Provided, however, if the claim must be brought in a federal forum, then it will be brought and conducted in the United States District Court for the District of Oregon.

16. Severability. If any term or provision of this contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the parties will be construed and enforced as if the contract did not contain the particular term or provision held invalid.

17. Merger Clause. THIS CONTRACT AND ATTACHED EXHIBITS CONSTITUTE THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION, OR CHANGE OF TERMS OF THIS CONTRACT WILL BIND EITHER PARTY UNLESS IN WRITING, SIGNED BY BOTH PARTIES. ANY WAIVER, CONSENT, MODIFICATION, OR CHANGE, IF MADE, WILL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS CONTRACT. BY ITS SIGNATURE, CONTRACTOR ACKNOWLEDGES IT HAS READ AND UNDERSTANDS THIS CONTRACT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

EXHIBIT A
STATEMENT OF THE WORK

DRAFT

ATTACHMENT
PROPOSED BUDGET – DETAIL BY TASK

DRAFT

EXHIBIT B
COMPLIANCE WITH APPLICABLE LAW

279B.220 Conditions concerning payment, contributions, liens, withholding. Every public contract shall contain a condition that the contractor shall:

(1) Make payment promptly, as due, to all persons supplying to the contractor labor or material for the performance of the work provided for in the contract.

(2) Pay all contributions or amounts due the Industrial Accident Fund from the contractor or subcontractor incurred in the performance of the contract.

(3) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

(4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167. [2003 c.794 §76a]

279B.230 Condition concerning payment for medical care and providing workers' compensation.

(1) Every public contract shall contain a condition that the contractor shall promptly, as due, make payment to any person, copartnership, association or corporation furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of the contractor, of all sums that the contractor agrees to pay for the services and all moneys and sums that the contractor collected or deducted from the wages of employees under any law, contract or agreement for the purpose of providing or paying for the services.

(2) Every public contract shall contain a clause or condition that all subject employers working under the contract are either employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126. [2003 c.794 §76c]

279B.235 Condition concerning hours of labor; compliance with pay equity provisions; employee discussions of rate of pay or benefits. (1) Except as

provided in subsections (3) to (6) of this section, every public contract subject to this chapter must provide that:

(a) A contractor may not employ an employee for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency or when the public policy absolutely requires otherwise, and in such cases, except in cases of contracts for personal services designated under ORS 279A.055, the contractor shall pay the employee at least time and a half pay for:

(A)(i) All overtime in excess of eight hours in any one day or 40 hours in any one week if the work week is five consecutive days, Monday through Friday; or

(ii) All overtime in excess of 10 hours in any one day or 40 hours in any one week if the work week is four consecutive days, Monday through Friday; and

(B) All work the employee performs on Saturday and on any legal holiday specified in ORS 279B.020.

(b) The contractor shall comply with the prohibition set forth in ORS 652.220, that compliance is a material element of the contract and that a failure to comply is a breach that entitles the contracting agency to terminate the contract for cause.

(c) The contractor may not prohibit any of the contractor's employees from discussing the employee's rate of wage, salary, benefits or other compensation with another employee or another person and may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits or other compensation with another employee or another person.

(2) A contractor shall give notice in writing to employees who work on a public contract, either at the time of hire or before work begins on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(3) A public contract for personal services, as described in ORS 279A.055, must provide that the contractor shall pay the contractor's employees who

work under the public contract at least time and a half for all overtime the employees work in excess of 40 hours in any one week, except for employees under a personal services public contract who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

(4) A public contract for services at a county fair, or for another event that a county fair board authorizes, must provide that the contractor shall pay employees who work under the public contract at least time and a half for work in excess of 10 hours in any one day or 40 hours in any one week. A contractor shall notify employees who work under the public contract, either at the time of hire or before work begins on the public contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(5)(a) Except as provided in subsection (4) of this section, a public contract for services must provide that the contractor shall pay employees at least time and a half pay for work the employees perform under the public contract on the legal holidays

specified in a collective bargaining agreement or in ORS 279B.020 (1)(b)(B) to (G) and for all time the employee works in excess of 10 hours in any one day or in excess of 40 hours in any one week, whichever is greater.

(b) A contractor shall notify in writing employees who work on a public contract for services, either at the time of hire or before work begins on the public contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

(6) This section does not apply to public contracts:

(a) With financial institutions as defined in ORS 706.008.

(b) Made pursuant to the authority of the State Forester or the State Board of Forestry under ORS 477.406 for labor performed in the prevention or suppression of fire.

(c) For goods or personal property. [2003 c.794 §77; 2005 c.103 §8f; 2015 c.454 §4]

**EXHIBIT C
INSURANCE**

(The Project Manager must answer and initial 2, 3, and 4 below).

During the term of this contract, Contractor will maintain in force at its own expense, each insurance noted below:

1. **Workers Compensation** insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers. (Required of contractors with one or more employees, unless exempt under ORS 656.027).

☒ Required by City ☐ I am exempt. Signed _____

2. **Professional Liability** insurance with a combined single limit of not less than ☒ \$1,200,000, ☐ \$2,000,000, or ☐ \$3,000,000 each claim, incident, or occurrence. This is to cover damages caused by error, omission, or negligent acts related to the professional services to be provided under this contract. The coverage must remain in effect for at least ☐ one year ☐ two years after the contract is completed.

☒ Required by City ☐ Not required by City By: _____

3. **General Liability** insurance, on an occurrence basis, with a combined single limit of not less than ☒ \$1,200,000, ☐ \$2,000,000, or ☐ \$3,000,000 each occurrence for Bodily Injury and Property Damage. It must include contractual liability coverage. This coverage will be primary and non-contributory with any other insurance and self-insurance.

☒ Required by City ☐ Not required by City By: _____

4. **Automobile Liability** insurance with a combined single limit, or the equivalent of not less than ☒ \$1,200,000, ☐ \$2,000,000, or ☐ \$3,000,000 each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles.

☒ Required by City ☐ Not required by City By: _____

5. **Notice of cancellation or change.** There will be no cancellation, material change, reduction of limits, or intent not to renew the insurance coverage(s) without prior written notice from the Contractor or its insurer(s) to the City.

6. **Certificates of insurance.** As evidence of the insurance coverages required by this contract, the Contractor will furnish acceptable insurance certificates to the City at the time the Contractor returns the signed contracts. For general liability insurance and automobile liability insurance, the certificate will provide that the City, and its agents, officers, and employees, are additional insureds, but only with respect to Contractor's services to be provided under this contract. The certificate will include the cancellation clause, and will include the deductible or retention level. Insuring companies or entities are subject to City acceptance. If requested, complete copies of insurance policies will be provided to the City. The Contractor will be financially responsible for all pertinent deductibles, self-insured retentions, and self-insurance.

EXHIBIT D
CERTIFICATION STATEMENT FOR INDEPENDENT CONTRACTOR
(Contractor complete A or B below, Project Manager complete C below.)

A. CONTRACTOR IS A CORPORATION

CORPORATION CERTIFICATION: I am authorized to act on behalf of the entity named below, and certify under penalty of perjury that it is a corporation.

Entity	Signature	Date
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B. CONTRACTOR IS INDEPENDENT.

Contractor certifies he/she meets the following standards:

1. The individual or business entity providing services is free from direction and control over the means and manner of providing the services, subject only to the right of the person for whom the services are provided to specify the desired results,
2. The individual or business entity is licensed under ORS chapters 671 or 701 if the individual or business entity provides services for which a license is required by ORS chapters 671 or 701,
3. The individual or business entity is responsible for obtaining other licenses or certificates necessary to provide the services,
4. The individual or business entity is customarily engaged in an independently established business, as any three of the following requirements are met **(please check three or more of the following):**
 - ____ A. The person maintains a business location i) that is separate from the business or work location of the person for whom the services are provided or ii) that is in a portion of the person's residence and that portion is used primarily for the business.
 - ____ B. The person bears the risk of loss related to the business or the provision of services as shown by factors such as i) the person enters into fixed-price contracts, ii) the person is required to correct defective work, iii) the person warrants the services provided, or iv) the person negotiates indemnification agreements or purchases liability insurance, performance bonds, or errors and omissions insurance.
 - ____ C. The person provides contracted services for two or more different persons within a 12 month period or the person routinely engages in business advertising, solicitation, or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.
 - ____ D. The person makes a significant investment in the business, through means such as i) purchasing tools or equipment necessary to provide the services, ii) paying for the premises or facilities where the services are provided, or iii) paying for licenses, certificates, or specialized training required to provide the services.
 - ____ E. The person has the authority to hire other persons to provide or to assist in providing the services and has the authority to fire those persons.

Contractor Signature

Date

(Project Manager complete C.)

C. CITY APPROVAL

ORS 670.600 Independent contractor standards. As used in various provisions of ORS chapters 316, 656, 657, 671, and 701, an individual or business entity that performs services for remuneration will be considered to perform the services as an “independent contractor” if the standards of this section are met. The contractor meets the following standards:

1. The Contractor is free from direction and control over the means and manner of providing the services, subject only to the right of the City to specify the desired results,
2. The Contractor is responsible for obtaining licenses under ORS chapters 671 and 701 when these licenses are required to provide the services,
3. The Contractor is responsible for obtaining other licenses or certificates necessary to provide the services,
4. The Contractor has the authority to hire and fire employees to provide or assist in providing the services, and
5. The person is customarily engaged in an independently established business as indicated in B. 4 above.

Project Manager Signature

Date