



**City Of McMinnville**  
**Planning Department**  
 231 NE Fifth Street ◦ McMinnville, OR 97128  
 (503) 434-7311 Office ◦ (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

<b>Office Use Only:</b>	
File No.	<u>DDR 1-19</u>
Date Received	<u>1/4/19</u>
Fee	<u>—</u>
Receipt No.	<u>                    </u>
Received by	<u>JAF</u>

## Downtown Design Standards & Guidelines Application

### **Applicant Information**

**Applicant is:**  Property Owner    Contract Buyer    Option Holder    Agent    Other \_\_\_\_\_

Applicant Name RJED, Corp. Phone (503) 970-4364

Contact Name Jonathan and Robin Rouse Phone (503) 970-4364  
*(If different than above)*

Address 9629 SW 42<sup>nd</sup> Avenue

City, State, Zip Portland, OR 97219

Contact Email rouseville@gmail.com robinrouse@gmail.com

### **Property Owner Information**

Property Owner Name Same as above Phone \_\_\_\_\_  
*(If different than above)*

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Contact Email \_\_\_\_\_

### **Site Location and Description**

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

Property Address 1025 NE 1<sup>st</sup> Street

Assessor Map No. R44 - 21BD - 07900 Total Site Area 24,000 square feet

Subdivision Rowland's Addition Block 21 Lots 5, 6, 7, 8

Comprehensive Plan Designation Commercial Zoning Designation C-3

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*). No waiver is requested.

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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

Date Jan. 3, 2019

  
Property Owner's Signature  
RVED Corp.

Date Jan 3, 2019



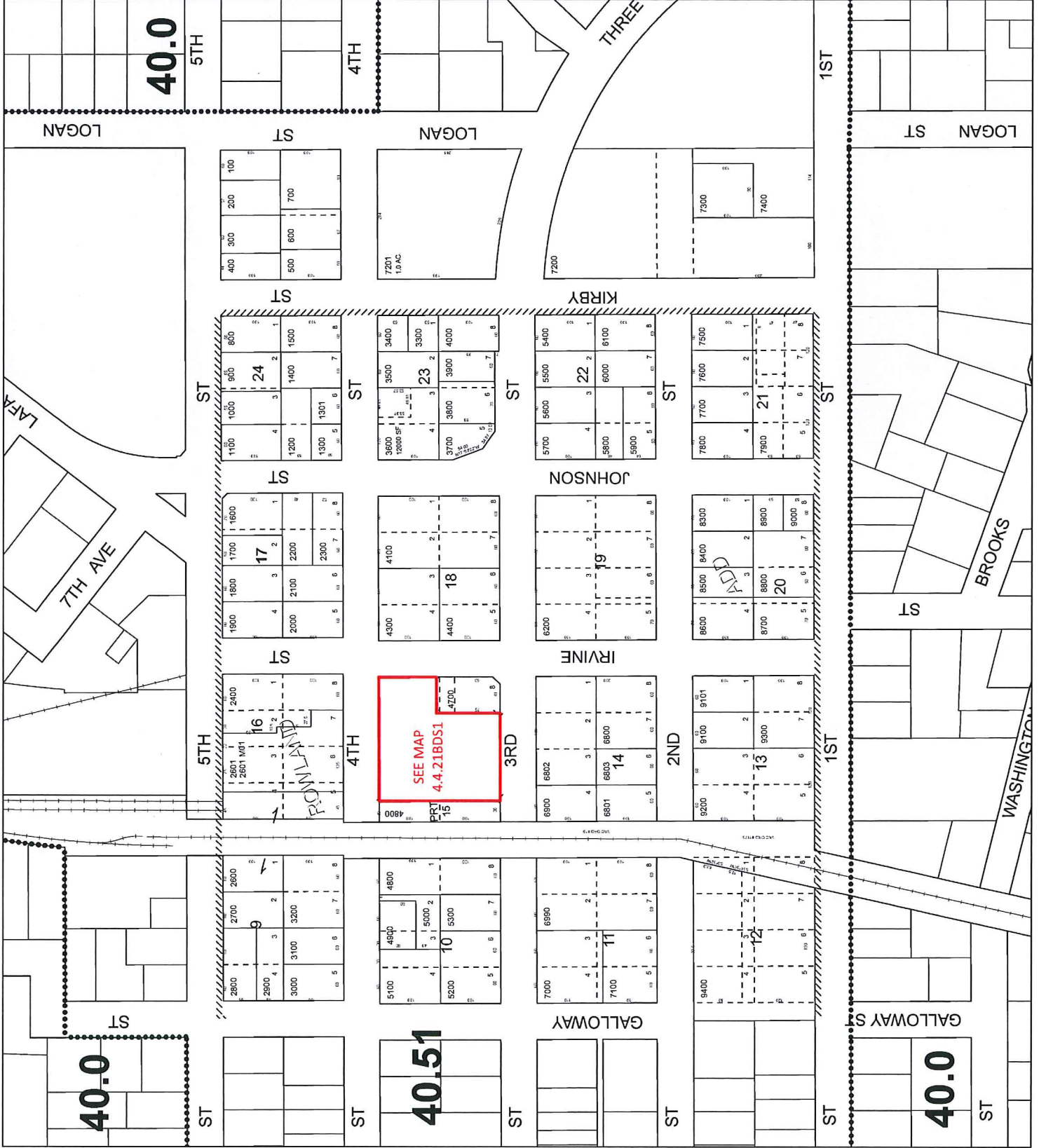


ASSESSMENT & TAX  
CARTOGRAPHY

S.E. 1/4 N.W. 1/4 SEC. 21 T. 4S. R. 4W. W.M.  
YAMHILL COUNTY OREGON  
1" = 100'

DATE PRINTED: 4/6/2017

The product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.



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SEE MAP  
4.4.21BDS1

40.0

# - Land Use Application -

- **Downtown Design Review**

Submitted to: City of McMinnville, Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128

Applicant/Owner: RJED, Corp.  
Contact: Jonathan and Robin Rouse  
9629 SW 42<sup>nd</sup> Avenue  
Portland, OR 97219

Applicant's Consultants: Navigation Land Use Consulting, LLC  
P.O. Box 1514  
McMinnville, OR 97128  
Contact: Ron Pomeroy, AICP  
Email: [ron@navigationlanduse.com](mailto:ron@navigationlanduse.com)  
Phone: 503.687.3012

Creekside Homes  
219 NE Hwy 99W  
McMinnville, OR 97128  
Contact: Andrew Burton  
Email: [aburton@creeksidehomes.net](mailto:aburton@creeksidehomes.net)  
Phone: 503.389.6890

Yamhill County Tax Map: T. 4 S., R. 4 W., W.M., 21BD, Tax Lot 07900

Site Location: 1025 NE 1<sup>st</sup> Street  
McMinnville, OR 97128

Zoning: C-3 (General Commercial)



## **I. Executive Summary**

On behalf of Jonathan and Robin Rouse representing RJED, Corp. (RJED), Navigation Land Use Consulting, LLC submits this Downtown Design Review land use application for consideration and approval. In brief, the intent of this application is identified as follows:

- Removal of the Coachman Manor mobile home development.
- Construction of a sixteen-unit apartment building.

While the subject site is located within the boundary of the area affected by McMinnville's Downtown Design Standards, the Coachman Manor mobile home development is not individually identified as a historic site or development, and is not listed in the McMinnville Historic Resources Inventory. Neither is this site located within the boundary of the McMinnville Historic Downtown District registered on the US Department of the Interior's National Register of Historic Places. The proposed sixteen-unit apartment building development complies with all applicable General Commercial, Multiple-Family and Downtown Design Standards requirements, as well as other associated requirements, as demonstrated by this proposal and attached exhibits.

## **II. Existing Conditions**

The Coachman Manor (site) is located on the southern 100 feet of the block bounded by NE 1<sup>st</sup> Street, NE Johnson Street, NE 2<sup>nd</sup> Street and NE Kirby Street. The southern edge of the site fronts SE 1<sup>st</sup> Street and extends the full distance of the block (120 feet) from NE Johnson Street to NE Kirby Street. The site is part of the Rowland's Addition subdivision (platted September 1865) and is currently improved with seven quite old single-wide mobile homes and one site built residence with associated carports, driveways and a patchwork of landscaped spaces punctuated by a somewhat arbitrary arrangement of various types of deciduous and evergreen trees (see Existing Site Plan - Exhibit 1). The site is virtually flat and is provided pedestrian access by curb-tight sidewalks. Vehicular access to the residences is currently provided by multiple driveways extending into the site from both NE 1<sup>st</sup> Street and NE Kirby Street. The north boundary of the site abuts four platted lots; each of which is developed with a single-family detached residence.

The site, and all adjacent abutting properties, is designated as Commercial on the McMinnville Comprehensive Plan Map and zoned C-3 (General Commercial) on the McMinnville Zoning Map.

## **III. Application Summary**





The site that is the subject of this application is located on the southern half of the block bounded by NE 1<sup>st</sup> Street to the south, NE Johnson Street to the west, NE 2<sup>nd</sup> Street to the north and NE Kirby Street to the east. The subject site is currently developed as the Coachman Manor mobile home development. The aim of this application and project is to replace the aged mobile home development with the proposed sixteen (16) unit multiple-family residential apartment project. The front façade of this proposed apartment building would sit adjacent to the NE 1<sup>st</sup> Street right-of-way, with the east and west building edges also being located adjacent to the NE Kirby Street and NE Johnson Street rights-of-way, respectively. This site is located within the McMinnville downtown and within the McMinnville Downtown Design District.

This building has been designed to create a structure that is completely at home within the historic fabric of McMinnville's Downtown Design District, in part, by respecting and borrowing visual elements from other notable buildings located within the District as well as meeting all applicable development and design requirements of the McMinnville Zoning Ordinance. Of particular note regarding the building's design is the continuous brick bulkhead that will present along all street sides of the building, the building's recessed windows, the design's provision of glazing at the front façade's ground floor and second floor in excess of the 70 percent and 40 percent ratios required, the pronounced belt course located on the building's exterior between the first and second floors and the decorative cornice that sits atop the building's outer edge. This building was also designed to afford second-floor balconies opening toward the building's front façade facing NE 1<sup>st</sup> Street in addition to intentionally designing front door entries to each of the ground floor's eight apartments that will open directly to porches with immediate access to NE 1<sup>st</sup> Street's public sidewalk.

As required of multiple-family residential uses located on land zoned General Commercial (C-3), such projects must be developed to satisfy the standards of the Multiple-Family Residential (R-4) zone. On this property however, the minimum R-4 zone landscaping requirement of 25-percent of the site is reduced by one-half (to 12.5 percent of the site) since the site is located in Area II of the city's central business district; this is addressed further in the Findings of Fact detailed below relative to Chapter 17.57. The minimum setbacks also required by the R-4 zone that would normally be applied to a multiple-family residential project occurring on C-3 zoned land are also adjusted as this site is located within the boundary of McMinnville's Downtown Design District; this is also articulated further in the associated Findings of Fact presented below.

This is an interesting Downtown Design Review application in that, while the proposal is for development of a use that is permitted outright by the site's zoning designation (C-3), the form of that development is regulated by standards of a different zone (the R-4 zone). On top of that are Zoning Ordinance design standards and guidelines imposed by the site being located within McMinnville's Downtown Design District. This combination creates a multitude of regulatory requirements and guidelines that, at some points, are in conflict with each other. The McMinnville Planning Department staff has been exemplary in their guidance through some of those challenges and that should be acknowledged.

However, the challenge yet remains for us, the applicant, to justify that this project is, on its own merit, a viable multiple-family residential development project that meets all of the applicable



requirements for a multiple-family development project before the Historic Landmarks Committee's time is taken to review the design of the proposed building against the Downtown Design Standards and Guidelines of Chapter 17.59 of the McMinnville Zoning Ordinance. Providing that justification to you and to City staff is part of what this application is about.

In this application, you will read Comprehensive Plan - Goals and Policies, and Zoning Ordinance Requirements, Standards and Guidelines addressing all aspects of this project, as well as our Findings of Fact demonstrating how this proposal acknowledges and satisfies all of them. This application, while detailed and lengthy, must step through this analysis to demonstrate to you, the Historic Landmarks Committee (HLC), and to City staff, that this project is viable by all measurements and that it is appropriate and timely to be reviewed by the HLC against the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines) of the McMinnville Zoning Ordinance - ORD No. 3380).

To effectively make this case, this application successfully addresses those Goals and Policies of the City's Comprehensive Plan applicable to the City's historic preservation program, public participation in land use reviews, and multiple-family locational policies. This application also successfully addresses all of the applicable criteria of the R-4 (Multiple-Family Residential) zone and the C-3 (General Commercial) zone related to building height, landscaping requirements, parking lot requirements including parking stall, maneuvering aisle and driveway width requirements, solid waste and recycling enclosure standards, street tree requirements and bicycle parking. Through our demonstration in this proposal's compliance with all of these requirements, we have provided the sound foundation needed to warrant the Historic Landmarks Committee's review of the design elements of this project against the requirements of Chapter 17.59 (Downtown Design Standards and Guidelines).

In addition, we also provide with this application a presentation video which affords both street level and "fly-over" views of the general design of this building and general proposed site layout.

Thank you for your time and consideration and, with that background, we present the following conclusionary Findings for Approval of this Downtown Design Review application.

#### **IV. Conclusionary Findings for Approval**

1. RJED is requesting approval from the McMinnville Historic Landmarks Committee of a Downtown Design Review application to allow for the construction of a proposed 16-unit residential apartment building. The site plan of this proposed residential apartment development is provided on Exhibit 2 with further building detail provided on Exhibit7.
2. The subject site is zoned C-3 (General Commercial) and designated as Commercial on the McMinnville Comprehensive Plan Map. This site is located within the McMinnville Downtown Design District governed by Chapter 17.59 (Downtown Design Standards and Guidelines) of the McMinnville Zoning Ordinance.





3. All requisite municipal services presently sufficiently serve this site and will continue to provide adequate and sufficient service after completion of the proposed apartment development.
4. The following McMinnville Comprehensive Plan Goals and Policies are applicable to the request:

**Comprehensive Plan Goals and Policies:**

Goal III 2: To preserve and protect sites, structures, areas, and objects of historical, cultural, architectural, or archeological significance to the City of McMinnville.

Policy 15.00: The City of McMinnville shall establish a program for the identification and preservation of significant sites, structures, objects and areas.

Finding: The focus of this comprehensive plan goal and policy is to preserve and protect local sites, structures, areas and objects that have special historical or architectural significance through an identification and preservation program adopted and implemented by the City. Goal III 2 and Policy 15.00 are satisfied by this proposal in that the subject site (the Coachman Manor mobile home development) is not individually identified as a historic site or development, and is not listed on the McMinnville Historic Resources Inventory. Neither is this site located within the boundary of the McMinnville historic downtown district registered on the US Department of the Interior's National Register of Historic Places. Therefore, neither this site nor its improvements are historically, culturally, architecturally, or archeologically significant to the City of McMinnville. This site, however, is located within the boundary of the area identified as the McMinnville Downtown Design District and the proposed site development plan and building design complies with all such applicable requirements as demonstrated and provided in this application, its Exhibits and these legal Findings for approval.

Policy 16.00: The City of McMinnville shall support special assessment programs as well as federal grants-in-aid programs and other similar legislation in an effort to preserve structures, sites, objects, or areas of significance to the City.

Finding: This Policy is satisfied as the City has such programs in place such as the McMinnville Urban Renewal District and the associated Urban Renewal Agency's Façade Improvement Grant program to aid property owners in preserving structures, sites, objects, and areas of significance to the City and the broader community.

Policy 17.00: The City of McMinnville shall enact interim measures for protection of historic sites and structures. Those measures are identified in the McMinnville Comprehensive Plan, Volume I, Chapter III.

Policy 17.01: The City of McMinnville will, by the time of the first plan update (1985), conduct a thorough study (consistent with the requirements of Statewide Planning Goal #5) of the 515 resources included in the 1980 Historical Survey and the properties listed on the 1976 Inventory of Historical Sites (Figure III-1, Volume I, McMinnville Comprehensive Plan) and place those



structures and sites which are found to warrant preservation on a list of historic buildings and places. The City shall also study other buildings and sites which were not included on the 1976 and 1980 inventories and place those so warranted on the list of historic buildings and places. The City shall then adopt an historic preservation ordinance which is consistent with the requirements of Statewide Planning Goal #5 and which protects the structures and sites included on the list. (Ord. 4218, November 23, 1982).

Finding: This site and its improvements are, as previously stated, not identified as a historic site or development, and the site is not listed on the McMinnville Historic Resources Inventory. Neither is this site located within the boundary of the McMinnville historic downtown district registered on the US Department of the Interior's National Register of Historic Places. So, while neither this site nor its improvements are historically, culturally, architecturally, or archeologically significant to the City of McMinnville, it is however, is located within the boundary of the area identified as the McMinnville Downtown Design District. As such, it is yet beneficial to address this policy toward thoroughness of review of this proposal and to demonstrate that the City has complied with these applicable requirements in establishing and implementing such a local historic preservation program. Therefore, as stated in Chapter III of Volume I of the McMinnville Comprehensive Plan:

“Based on the research conducted by the city and with the direction of the Community Needs Subcommittee of the Citizen’s Advisory Committee, the city has prepared proposals for establishing a preservation program, details of which are described in the findings below. Until such time as those, or other, proposals are implemented, it will be necessary to supply interim measures for preservation of historic resources. Since the initial inventory consists of over 500 resources, protection measures applied to all structures and sites will prove unwieldy. Therefore, until a preservation program is enacted by the city, an interim Historic Preservation Ordinance shall be adopted.”

“[...] an ordinance will be adopted to protect those sites identified as primary historic resources on the 1980 Historic Resources Inventory. This will be an interim protective measure until such time as the inventory is completed and significant sites are protected.”

In November of 1982, the City of McMinnville adopted Ordinance No. 4228 which created the Historic Landmarks Committee and protected sites identified as primary historic resources on the 1980 Historic Resources Inventory [interim measures]. In 1983-1984 the City conducted the second phase of its historic resources survey which included documentation of all historic structures within the Urban Growth Boundary. The Historic Landmarks Committee evaluated the resources and identified significant sites and structures in accordance with Comprehensive Plan Policy 17.01 which was adopted by Ordinance No. 4218 in 1982. Policy No. 17.01 directs the City to adopt a preservation ordinance consistent with the requirements of Statewide Planning Goal No. 5 and which protects the structures and sites identified as significant resources. This was accomplished by the adoption of Ordinance No. 4401 on April 14, 1987 which repealed Ordinance No. 4228 in its entirety.





While the City has complied with the direction of Chapter III of Volume I of the McMinnville Comprehensive Plan in this matter, this site is not subject to the requirements of the associated Chapter 17.65 (Historic Preservation) of the McMinnville Zoning Ordinance. This proposal is however subject to and complies with the Ordinance 4401 associated Chapter 17.59 - Downtown Design Standards and Guidelines of the McMinnville Zoning Ordinance as established by the Exhibits and Findings for approval provided within this application.

Policy 68.00: The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

Finding: This criteria is satisfied as this proposed multiple-family project provides for a compact form of urban development located within the city center and within the Downtown Design District and is also close to those areas where urban services are already available.

Multiple-family Development Policies:

Policy 86.00: Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.

Finding: The site of this proposed multiple-family residential development is located near the fringe of the downtown "core" and the Downtown Design District and is therefore compliant with and satisfies this criterion.

Policy 89.00: Zoning standards shall require that all multiple-family housing developments provide landscaped grounds. (Ord. 4796, October 14, 2003)

Finding: This criterion is met in that this proposal provides for landscaped grounds according to the applicable requirements of the McMinnville Zoning Ordinance.

Policy 91.00: Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)

Finding: This multiple-family housing development is provided direct access to a minor collector street (NE Johnson Street) as identified on Exhibit 2-3 of the McMinnville Transportation System Plan (TSP). Vehicles leaving the subject site will directly access NE Johnson Street through a one-way exit-only driveway along the site's western edge. As clarified within the TSP, this portion of NE Johnson Street, as well as the surrounding street network, has the vehicle carrying capacity to accommodate this proposed development. This criterion has been satisfied.





Policy 92.00: High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

Policy 92.02: High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)

Findings: Policies 92.00 and 92.02 are satisfied by this proposal in that this multiple-family residential development proposal is located within one-half block of the Blue Route public transit line that runs along 2<sup>nd</sup> Street to the north as depicted on Figure 5-6 of the McMinnville Public Transit Plan. This site is also located one and one-half (1.5) blocks east of the McMinnville Transit Center which is the transfer hub for the local public transit service. Being located within McMinnville's Downtown Design District, the subject development site is located within reasonable walking distance to shopping. The McMinnville Montessori School is located some three block away from the site of this proposed development and the Saint James Catholic School is located only one block from this site. Additionally, Joe Dancer Park is located approximately one-third (1/3) of a mile away from this site "as the crow flies" and McMinnville City Park is located approximately ten blocks to the west on the west edge of the downtown core. The McMinnville Community Center is located some nine blocks to the northwest on NE Evans Street and provides numerous recreational opportunities to the public.

GOAL X 1: To provide opportunities for citizen involvement in the land use decision making process established by the City of McMinnville.

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.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Historic Landmarks Committee review of the request and their forthcoming recommendation at an advertised public meeting. All members of the public have the opportunity to provide testimony and ask questions during the public review and meeting process. Additionally, any person or persons with legal standing in the proceeding may file an appeal of the Historic Landmarks Committee decision following the issuance of the decision according to adopted local requirements.

- 1) The subject proposal complies with the applicable requirements of the McMinnville Zoning Ordinance as follows:

**McMinnville Zoning Ordinance:**



## C-3 General Commercial Zone

17.33.10 Permitted Uses. In a C-3 zone, the following uses and their accessory uses are permitted:

- 3) Multiple-family dwelling subject to the provisions of the R-4 zone;

Finding: As previously established, the subject site is currently zoned C-3. This proposal complies with Section 17.33.10(3) in that this application is for approval to construct a 16-unit multiple-family apartment complex on the site subject to the provisions of the R-4 zone which have been complied with as established by the Exhibits and Findings for approval provided within this application.

## R-4 Multiple-Family Residential Zone

17.21.10 Permitted Uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- C. Multiple-family dwelling;

Finding: This criteria is satisfied in that the applicant proposes to construct a 16-unit multiple-family apartment complex on the subject site.

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criteria is satisfied in that the subject site is 24,000 square feet in size and is comprised of four separate platted lots, each being 6,000 square feet in size which all individually exceed the R-4 zone's minimum lot size requirement of 5,000 square feet. These platted lots (Lots 5, 6, 7 and 8 of Block 21, Rowland's Addition) are currently held together as a single unit by a Covenant Agreement entered into by RJED Corporation, represented by Jonathan Rouse and Robin Rouse, and the City of McMinnville on September 27, 2018 (Exhibit 3) and thereby also exceeds the required minimum lot size of 5,000 square feet.

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;





- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criteria is satisfied as shown on the submitted site plan (Exhibit 2) in that the rear of the proposed apartment building is located approximately 64-feet from the site's rear (north) property line. While the front and exterior side yard setbacks for the R-4 zone are each identified above as 15-foot minimums, the Planning Department has determined that buildings located within the boundary of the area identified as the Downtown Design District and governed by the Downtown Design Standards and Guidelines Chapter of the zoning ordinance shall maintain a zero setback from the sidewalk or property line. This direction was provided by the McMinnville Planning Department in an email dated September 24, 2018 provided to Jonathan Rouse of RJED and is included with this application as Exhibit 4. The most relevant portion of that email that speaks to setbacks is highlighted in yellow on Exhibit 4 and, for ease of reference, is provided here.

"In comparing the requirements of the R-4 zone to those in the C-3 zone, another determinative section of the code is Section 17.03.040, which states that "[w]here the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern." [...]

The Downtown Design Standards and Guidelines chapter establishes other building and site design requirements that Ron had pointed out as well, some of which differ from the requirements of the R-4 zone.

In regards to setbacks in the downtown design area, Section 17.59.050(A) states that "except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line." While the setback requirements of the R-4 zone could be seen as more restrictive in that they require a larger setback, staff is instead interpreting the requirement for a zero-foot setback to be more restrictive in the particular context of the downtown area, as it maintains the intent of the Downtown Design Standards and Guidelines and the zero-foot setback uniformity in the downtown area."

RJED understands and supports the Planning Department's interpretation and direction on this matter and has designed the proposed project accordingly to maintain compliance with that direction. As shown on Exhibit 2, the proposed multiple-family apartment building maintains a zero-foot setback from the property edges that abut NE Johnson Street, NE Kirby Street and NE 1<sup>st</sup> Street; the zero-foot setback of the building along the NE 1<sup>st</sup> Street frontage is measured at the outer edge of the second floor dining-room projections. These zero-foot setbacks along property lines that abut public rights-of-way maintain the intent of the Downtown Design Standards and Guidelines and the zero-foot setback uniformity in the downtown area. This criteria has been satisfied.

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height. Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).



Finding: It is useful to again reference Exhibit 4 relative to establishing the maximum allowable building height for this proposed project on this site. Toward resolving seeming differences between the maximum eighty-foot allowable building height on C-3 zoned properties and the maximum sixty-foot allowable building height on R-4 zoned properties (or, in this case, a multiple-family project proposed to be constructed on C-3 zoned property as per the requirements of the R-4 zone), Planning Department staff has clarified that the maximum building height for this project is sixty-feet. The applicable relevant portions of Exhibit 4 that speak to this matter are provided below for your convenience.

“We have completed our review of the questions posed by Ron, taking into account legal counsel provided on the various topics.

We have determined that multiple family dwellings in the C-3 zone are subject to the provisions of the R-4 zone, specifically the provisions in Section 17.21.040 through Section 17.21.060.

In comparing the requirements of the R-4 zone to those in the C-3 zone, another determinative section of the code is Section 17.03.040, which states that “[w]here the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.” Given that language, staff is interpreting that the height for multiple family dwellings in the C-3 zone is capped at 60 feet (as stated in Section 17.21.050), rather than 80 feet (as stated in Section 17.33.040).”

This provides clear direction as to the maximum allowable building height for a multiple-family residential building constructed on C-3 zoned land located within the boundary of the Downtown Design District. In conformance with the City’s determination of a maximum building height of 60 feet for this site given the proposed project, RJED proposes the construction of a two-story multiple-family residential apartment building on the subject site with a building height measuring approximately 24.5 feet from grade as is shown on Sheets A2.1, A2.2 and A3.1 that are submitted as part of Exhibit 7. Given a maximum building height of 60-feet for this site and proposed use, the proposed structure is lower in height than the sixty-foot maximum building height allowed. This criterion has been satisfied.

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: Each of the sixteen individual apartments to be constructed within the proposed building are designed to provide two bedrooms each as can be seen on Sheets A1.3 and A1.4 that are submitted as part of these Exhibits. Applying the relevant density requirement as stated





for each unit with two bedrooms or less, the lot area per family shall not be less than fifteen hundred square feet for each of this project's proposed sixteen apartments which yields a minimum lot area requirement of 24,000 square feet. This site, comprised of Lots 5, 6, 7 and 8, Block 21 of Rowland's Addition covenanted together with the City, is 24,000 square feet in size. This criterion is satisfied.

### Landscaping

17.57.030 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- D. C-3 (General Commercial zone);

17.57.070 Area Determination – Planning Factors.

- A. Landscaping shall be accomplished within the following ranges:

- 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and Subsection B of this section are met.)

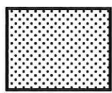
17.57.080 Central business district. The central business district shall be divided into two areas as defined in this section:

- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;
- B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in Subsection A above. One-half of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

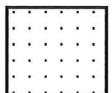
[Reduced Landscaping Requirements map provided on next page.]



## REDUCED LANDSCAPING REQUIREMENTS



Area I - No Required Landscaping



Area II - One-Half Required Landscaping

**Findings:** While a landscape plan is not required to accompany this application at this time, landscaping is required to be accommodated on this site according to applicable site percentage requirements. As can be seen on the Reduced Landscaping Requirements graphic provided at 17.57.080 of the McMinnville Zoning Ordinance and reproduced above, the subject



site is located within Area II which allows for the provision of “one-half required landscaping.” As this C-3 zoned site is required to meet R-4 zone standards for development of multiple-family residences, the requirements of the R-4 zone specify that a minimum of 25 percent of the site be utilized for landscaping. However, Section 17.57.080(B) of the McMinnville Zoning Ordinance reduces this landscaping requirement by one-half to a minimum landscaping requirement of minimum of 12.5 percent of the site. As shown on the proposed site plan (Exhibit 2), 14.5 percent of this site is designated for, and proposed to be utilized as, landscaping. The total landscape area of 3,481.62 square feet (14.5 percent of the site) is comprised entirely of on-site landscape areas only. RJED has not availed themselves of the allowance provided by Section 17.57.090 for landscaping area credit for project related landscaping provided within the public right-of-way. Had this code section been employed, the proposed landscape calculation would exceed the required 12.5 percent by an even greater margin than currently achieved.

### Trees

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

17.58.080 Street Tree Planting – When Required. All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

Findings: Chapter 17.58 is applicable to this proposed development in that this application proposes new multi-family development. Additionally, some of the existing trees that are anticipated for future removal to accommodate the proposed development have trunks that are located completely or partially within the public right-of-way (17.58.020 (B)). Also, as this site is currently fully developed, it is possible that there could be trees with trunks located completely within the site that directly affect public infrastructure as noted in Subsection C. Subsection A of this Section does not apply to this proposal or site as there are no significant or historic trees located on this site; “significant trees” are those selected trees placed on an inventory based on age, species, and location according to Section 17.06 of the McMinnville Zoning Ordinance.





Tree removal requests and a street tree planting plan (requirements of which are provided by this Chapter) are not proposed to be reviewed as part of, or in concert with, the Historic Landmarks Committee's (HLC) review of this current Downtown Design Review application but rather will follow, should this application request be approved by the HLC, as part of the additional Planning Department, Landscape Review Committee, Building Department and Engineering Department review processes necessary for this project to move forward to completion; at that time, the applicable requirements of Section 17.58.090 shall be fully addressed. That said, it is yet instructive to provide additional relevant observations on this chapter's requirements at this time.

This Section states that the provisions of this ordinance shall apply to the subsections that follow. Subsection D of this Section clarifies that this chapter applies to all trees on *developable* land and subject to or undergoing development review. By the filing of this Downtown Design Review application the subject site is undergoing a development review process and Subsection D would seem to apply. However, as to the first portion of Subsection D the McMinnville Zoning Ordinance does not provide a definition for "developable" or "developed" land to clarify what can, and what cannot, be defined as either "developed" or "developable" land. Given the eight existing residences, driveways, carports and other site improvements that currently exist on this site, in addition to tax assessment records, it is easily demonstrable that in any common use of that terminology this site is currently developed. Therefore, Subsection D does not apply to this proposed project and the future removal of trees not under the purview of Subsections B or C of this Section are not be subject to the provisions of this Chapter.

This Chapter, at various points, makes reference to McMinnville's Downtown Tree Zone. Chapter 17.06 (Definitions) of the McMinnville Zoning Ordinance defines the Downtown Tree Zone as "Street trees located within an area bounded on the north by Fifth Street, on the south by First Street, on the east by Johnson Street and on the west by Adams Street." While demonstrated compliance with the requirements of the Downtown Tree Zone is not required as part of this application for review by the Historic Landmarks Committee, RJED will comply with all such requirements when they become timely and will submit requests for the removal of subject trees that are located inside the Downtown Tree Zone to the McMinnville Planning Department for their review and decision within five calendar days of submittal, if possible, as stipulated at 17.58.040(A). Additionally, when these requirements become timely, RJED will submit requests for the removal of subject trees that are located outside the Downtown Tree Zone to the McMinnville Planning Department for their forwarding to the McMinnville Landscape Review Committee for their review and decision within 30-days of the application's submittal as also stipulated at 17.58.040(A). In doing so, any such forthcoming related applications will comply with all applicable requirements of Section 17.58.040.

17.58.120 Street Tree Maintenance

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property





owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.

- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Section 17.58.040. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

Findings: A street tree planting plan is not required to be submitted at this time as part of this Downtown Design Review application for consideration by the HLC. While the requirements of Subsections A and B, above, will be complied with upon future construction of this project should this current application be approved by the HLC and upon approval by the McMinnville Landscape Review Committee of a forthcoming street tree planting plan, noting the requirements of Subsections C and D of this Section is yet relevant here.

Subsection C makes clear that the maintenance of only those street trees that are located within the boundary of the Downtown Tree Zone shall be the continuing obligation of the City to include regular maintenance of those trees in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of those trees. Should the City find that the future street trees to be planted within the eastern portion of the NE Johnson Street right-of-way adjacent to this site fall within the boundary of the Downtown Tree Zone, this should be articulated in the McMinnville Landscape Review Committee's findings and approval of a future street tree planting plan associated with this project so the appropriate maintenance responsibility of those trees can be clearly assigned to the City according to Subsection C of this Section. The ongoing maintenance of any street trees approved as part of an associated future street tree planting plan that are identified as being located outside of the Downtown Tree Zone shall be the continuing obligation of the abutting property owner, also according to Subsection C.

Subsection D of this Section provides pruning height requirements for street trees as they grow. The site plan for this project provides an acknowledgement of this requirement by including a sketch of the tree-related eight-foot vertical clearance area to exist above the sidewalk and a representation of a higher vertical clearance area requirement to exist above adjacent streets.

#### Solid Waste and Recycling Enclosure Plan

##### 17.61.020 Applicability and Exemptions.



- A. The requirements of this chapter shall apply to all new commercial, industrial and multi-family developments of three (3) or more dwelling units.

17.61.030 Guidelines and Standards.

- A. The location of an enclosure must allow for collection agency drive-in access. A fifty-foot (50) access approach is recommended. In addition to the approach, either an exit that allows the truck to move forward or a turn area with a minimum radius of 46.5 feet is preferred. Both approach and location shall be unobstructed and free of over head wires and low hanging trees. An eighteen-foot (18) minimum height clearance above the enclosure approach is required and a thirty-two-foot (32) vertical clearance is required above the container itself. The enclosure shall be of sufficient size to store trash and recycling receptacles, the size of which shall be determined by the collection agency and will be based on proposed use. A minimum distance of two-feet (2) is required between the container and existing or proposed structures. The enclosure shall be a minimum of six-feet (6) tall or six inches (6) higher than the top of the tallest container.
- B. Solid waste enclosures shall not be located within twenty-feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard. Any modifications to required landscaping must meet the approval of the Landscape Review Committee.
- C. Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.
- D. Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty-feet (30) from any residential structure or as otherwise approved by the Planning Director.
- E. Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight-feet (8) beyond the gates.
- F. Gates that screen the containers are required and must remain closed at all times except at times of service.
- G. Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A "No Parking" sign must be visibly placed on the gates of the enclosure.
- H. Solid waste and recycling enclosures must be placed in a location that is compatible with the City of McMinnville's Fire Code.





17.61.040 Procedure. The applicant is responsible for contacting the collection agency for information regarding the size of containers required relative to proposed use *prior* to submittal of building plans. Two (2) copies of a Solid Waste and Recycling Enclosure plan shall be included in the submitted site (plot) plan or as a separate plan to allow for Planning Department review. At a minimum, the Enclosure Plan will illustrate the location, size and height of the proposed trash enclosure in addition to listing construction materials and any required landscaping. The structure must conform to the approved site plan at the time of final inspection.

Findings: The requirements of 17.61.020(A), 17.61.030 and 17.61.040 are applicable to this proposal in that a multi-family development of more than three dwellings units is proposed on this site. The locational and approach criteria of these requirements are satisfied as shown on the submitted site plan. In addition, since the site will be devoid of all landscaping and surface improvements prior to construction of the proposed development plan, there will be no overhead low hanging trees or other obstructions within the approach and location of the enclosure. There are also no overhead wires crossing over this site and none are proposed or envisioned as part of this development. When future building and landscaping permits are proposed for this project, those plans will demonstrate an 18-foot minimum height clearance above the enclosure approach and a 32-foot vertical clearance above the containers. There will also be a minimum distance of at least two feet provided between the individual containers and the proposed enclosure which shall also be at least six-feet in height and shall extend at least six-inches above the top of the tallest container.

As no front or exterior side yards are required of this development (Exhibit 4) the location of this enclosure does not encroach within such yards. As shown on the submitted site plan, a clear access approach in excess of the recommended 50-feet is provided.

The design of the proposed CMU (concrete masonry unit) block enclosure will generally match the design and exterior surface of the proposed residential apartment building in combination with plant material (plant specifics will be proposed and reviewed as part of a future Landscape Review Committee application and review process should this current application be approved) capable of forming a complete evergreen hedge around three sides of the enclosure as depicted on the submitted site plan. When future building permit applications are submitted for this project, it will be shown that the floor of the enclosure will be concrete and that a concrete holding pad will extend at least eight-feet (8) beyond the gates of this enclosure; this concrete pad extension will be located within the area of the enclosure and the area identified as "Clear Access for Pick Up" on the submitted site plan. The trash and recycling enclosure will be provided with gates and "No Parking" signage shall be posted that is found to be acceptable to Recology Western Oregon and the City as part of the building permit submittal and review process. The McMinnville Fire Department and Recology Western Oregon were provided with electronic copies of the proposed plan details relative to this trash and recycling enclosure on December 27, 2018 for their review and comment and have since stated that their applicable requirements have been met. This criteria has been satisfied.

#### Off-Street Parking and Loading



17.60.010 Applicability of chapter. The provisions set forth in this chapter shall apply to off-street parking and loading facilities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: Off-street parking facilities are provided as part of the proposed development of this site. Therefore this Chapter is applicable.

17.60.050 Spaces-Location. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than two hundred feet from the building or use they are required to serve, measured in a straight line from the building. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: All off-street parking spaces required of this development as per the details of the Chapter are proposed to be located not farther than two hundred feet from the building they are required to serve, measured in a straight line from the building as detailed on the submitted site plan. Compliance with this standard is assured as all required parking is proposed to be provided on-site.

17.60.060 Spaces-Number required. Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

A. Residential land use category:

4. Multiple-family dwelling

One and one-half spaces per dwelling with less than three bedrooms, two spaces per dwelling unit with three or more bedrooms, and one space per dwelling unit which is expressly reserved for senior or handicapped persons.

17.60.140 Bicycle Parking

A. Bicycle parking facilities shall be required as follows:

3. In all zones, for each fifteen automobile parking spaces required, a required automobile parking space may be eliminated if five bicycle parking spaces are provided.





Findings: The requirements of 17.60.060(A)(4) and 17.60.140(A)(3) are satisfied in that the base application of 17.60.060(A)(4) for 16 (sixteen), two-bedroom, multiple-family residential units not expressly reserved for senior or handicapped persons yields a minimum requirement for the provision of 24 (twenty-four) vehicle parking spaces for this proposed project. With the application of the provision of 17.60.140(A)(3), the number of required vehicle spaces for this proposal is reduced from 24 to 23 (twenty-three) spaces in that the submitted site plan shows that 28 (twenty-eight) bicycle parking spaces are proposed to be located on-site thereby allowing this reduction in the number of required vehicle parking spaces from 24 to 23.

#### 17.60.80 Design Requirements.

- A. All parking lots and driving aisles shall be asphaltic cement concrete or Portland cement concrete with driving aisles, maneuvering aisle and parking spaces clearly marked, except that in an industrial zone, parking spaces which are in addition to those required by this chapter, may be surfaced with a minimum of treated gravel and maintained dust free.

Finding: Should this proposal be approved by the McMinnville Historic Landmarks Committee, this requirement will be satisfied in that the proposed parking lot and driving aisle, upon permit issuance, shall be asphaltic cement concrete or Portland cement concrete with driving aisles, maneuvering aisle and parking spaces clearly marked as required and will be inspected by the City prior to final approval of such work.

- B. In a residential zone, a required front yard or a required side yard adjacent to the street shall not be used for any purpose except for off-street parking of motor vehicles, unless otherwise allowed by this ordinance, and such parking space shall not be less than twenty feet in depth from the property line.

Finding: As addressed above in these findings, this site is zoned C-3 but as the proposal is for construction of a multi-family residential development (a permitted use in the C-3 zone) the requirements of the C-3 zone direct the development to move forward employing the applicable requirements of the R-4 (Multi-Family Residential) zone. The R-4 zone provides specific minimum setback requirements for all yards (including front and exterior side yards). The requirements of Chapter 17.59 (Downtown Design Standards and Guidelines), which shall be addressed further in these findings, requires buildings to maintain a zero setback from the sidewalk or property line unless an exception has been granted for the construction of a plaza or courtyard or other similar approvable design amenity. While these varied setback requirements create a bit of an unclear picture of what the applicable setbacks should be, Exhibit 4 clarifies that the applicable front and side yard setbacks for the proposed project on this site shall be zero. Given that determination by the City and its legal counsel, and the provision of this Section, the off-street parking of motor vehicles is permitted up to the front and exterior side property lines of this site as long as those parking spaces are not less than twenty feet in depth from the associated property line. As shown on the submitted site plan, the southern-most vehicle parking stall is shown to be located some 40-feet from the site's western property line (exterior side) and the northern-most vehicle parking stall is shown to be located some two-feet



from the site's eastern property line (exterior side). Due to the orientation and location of the proposed parking stalls on this site, their leading edge orientation is located greater than 20-feet from the site's front property line with more than the minimum two-way driving aisle width as specified in the Parking Maneuvering Room Table of the McMinnville Zoning Ordinance located to the north (rear) of each vehicle parking stall. Vehicle parking stall dimensions comply with City requirements as is noted elsewhere in these Findings. The requirements of this Subsection have been satisfied by this proposal.

- C. Safe access shall be provided as follows:
  1. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
  2. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
  3. Driveways to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide for maximum safety of pedestrians and vehicular traffic on the site.
  4. Clear vision areas shall be provided at driveway exits for all uses except single-family and two-family residential and shall have minimum dimensions of ten feet measured along the street right-of-way and the edge of the driveway. In commercial and industrial zones, buildings and signs may be constructed with cantilevers which extend out over the clear vision area at a height greater than eight feet when measured from the top of the curb, or where no curb exists, from the established centerline grade. Except for existing permanent buildings and structures (other than signs), nonconformities shall be made to comply with the provisions of this section within seven years from the date of its adoption.
  5. Driveway cuts shall be a minimum of twenty feet from a street intersection.

Findings: The requirements of this subsection have been met by the proposal as demonstrated on the submitted site plan and as herein articulated. The proposed parking stalls are planned at an orientation of 90-degrees from the access aisle serving these spaces. The Parking Maneuvering Room Table of the McMinnville Zoning Ordinance specifies the width of a two way aisle to be a minimum of 27-feet in width for parking stalls dimensioned as 8.5-feet in width and a minimum of 28-feet in width for parking stalls dimensioned as 8.0-feet in width. While parking stalls of both widths are proposed, corresponding to the dimensional requirements of both standard and compact style stalls, respectively, the width of the associated two-way aisle serving these stalls is shown on Exhibit 2 at 28.75-feet in width which exceeds the greater required standard for serving 8-foot wide compact parking stalls when oriented at 90 degrees to the aisle. This provides sufficient width for requisite vehicular turning and maneuvering movements. As more than four on-site vehicle parking spaces are proposed to serve this proposed project, the parking and maneuvering area of this site has been designed so their use





will not require backing movements or other maneuvering within a street right-of-way or an alley as is demonstrated on the submitted site plan.

Driveways serving the proposed off-street parking area are designed and shall be constructed to facilitate adequate flow of traffic and to provide for maximum safety of pedestrians and vehicular traffic on the site. This is accomplished, in part, by this parking element of the proposal being designed to comply with all applicable City requirements as detailed in these findings and on the submitted site plan. Additionally, vehicular access to this parking lot has also been designed to comply with Section 503.2.1 Dimensions of the McMinnville Fire Code which states:

“Fire apparatus roads will have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less 13 feet 6 inches.”

This proposal complies with this Fire Department Code Section in that the proposed NE Kirby Street driveway access into the site is designed with a minimum width of 20-feet, exclusive of shoulders.

The site’s proposed NE Johnson Street driveway access will function as a one-way exit driveway from the site onto NE Johnson Street and is designed and proposed to be twelve (12) feet in width. Together, with the site’s NE Kirby Street driveway, this configuration achieves a code compliant one-way vehicular access and circulation pattern through the site with vehicles entering the site on NE Kirby Street and exiting onto NE Johnson Street. While Exhibit 2 provides a notation indicating two-way driveway aisle access to NE Kirby Street, the Parking Maneuvering Room Table from Chapter 17.60 of the McMinnville Zoning Ordinance requires a greater width to allow two-way driveway access to a public street. We acknowledge this minor erratum on Sheet A1.2 (Exhibit 2) and understand and are proposing a one-way only vehicular traffic pattern through this site with the entrance being from NE Kirby Street and the exit being onto NE Johnson Street. This access design for the site complies with applicable Fire Department standards and implements an access design option offered by the City that would satisfy all applicable access requirements (Option 1 of Exhibit 5). Following future approved tree removal and future installation of an approved landscaping and street tree planting plan, both driveways will have an unobstructed vertical clearance of not less than 13 feet 6 inches. The associated driveway cuts will also each be located a minimum of twenty-feet from a street intersection as is also demonstrated on the submitted site plan.

Clear vision areas are also proposed to be provided at driveway exits that shall meet or exceed the required minimum dimensions of ten feet measured along the street right-of-way and the edges of each driveway. In addition to the clear vision requirement of Section 4 of this Subsection, the Clear Vision Area is also articulated by Figure 6 of Chapter 17.06 (Definitions) of the McMinnville Zoning Ordinance as a triangular area on a lot at the intersection of a street and a driveway, two sides of which measured from that point of intersection are a minimum of 10-feet in length. As landscaping in the form of hedges located within the clear vision areas of these two driveways is conceptually proposed, those hedges and other landscaping to be proposed for review by the McMinnville Landscape Review Committee as part of an overall site



landscape plan, should the HLC approve this request, shall be limited to a height of not more than three-feet in those locations as required by Section 17.54.080(A) which states in relevant part “A clear vision area shall be maintained on the corners of [...] a street and an alley. Clear vision area requirements shall also apply to the first 10 (ten) feet of commercial and industrial access driveways when the driveway intersects with a street or alley. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb.” While this clear vision definition refers to the term “alley” in text, the associated graphic (Figure 6) demonstrates the application of the residential clear vision area utilizing the term “multi-family residential driveways.”

Further, Section 17.54.080(B)(1) states in relevant part “In a residential zone the minimum length of the triangle legs shall be [...] 10 (ten) feet where a street and an alley intersect.” While this requirement refers to the term “alley” in text, the associated graphic entitled “Clear Vision Area” demonstrates the application of the residential clear vision area utilizing the term “multi-family residential driveways.” That said, in all cases this proposal presently complies with all applicable clear vision requirements and will comply with the remaining clear vision requirements upon approval of the future application of a landscape plan to be reviewed and considered by the McMinnville Landscape Review Committee should the HLC approve this current request.

- D. Parking areas shall be made compatible with surrounding uses as follows:
1. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property, sidewalk, or street.
  2. When a parking area in a commercial or industrial zone abuts a property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line. The responsibility for placement of the fence or wall lies with the commercial or industrial property.
  3. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.

Findings: The requirements of Subsection D, above, are met by the proposal in that vehicle parking spaces are not proposed to be located along the outer boundary(ies) of the subject site as addressed by item 1 of this Subsection. Additionally, the submitted site plan shows a future two-foot wide landscaped area to be designated along the northern edge of the site separating the northern property line from the paved driving aisle that provides maneuvering room and access to the vehicle parking spaces located to the south. Since the subject site, as well as the full balance of the block that this site is part of, is zoned C-3 (General Commercial) as are all other adjacent blocks, item 2 of this Subsection does not apply to this project. Even so, a columnar natural fence is proposed to be planted within the landscape buffer along the north property line (see Exhibit 2). This proposed natural buffer, in combination with the existing backyard fencing that has already been installed by adjacent land owners to the north, shall provide a sufficient visual headlight buffer from adjacent C-3 zoned single-family residences to the north. This landscaping and buffer treatment will be included as part of a future landscape





plan to be proposed for review and consideration by the McMinnville Landscape Review Committee should this current request be approved by the HLC. Additionally, any artificial site lighting related to the parking area shall be deflected so as to not shine or create glare on any adjacent dwelling.

- E. Space size minimum shall be as follows:
  - 1. Handicap parking spaces shall be a minimum of twelve feet wide and 19 feet in length.
  - 2. Compact and subcompact parking spaces shall be a minimum of eight feet by sixteen feet.
  - 3. Standard parking spaces shall be a minimum of eight feet six inches by nineteen feet.

Findings: These criteria are satisfied as demonstrated on the submitted site plan in that the standard parking spaces are shown as eight feet six inches by nineteen feet, the compact parking spaces are shown as eight feet by sixteen feet, and the handicap parking space (one is required to serve this development) is shown to be twelve feet wide and nineteen feet in length inclusive of the handicap parking space access aisle.

- F. The type of space shall be set as follows:
  - 1. Handicap spaces shall be required and designated as per current federal, state, and local regulations.
  - 2. Standard spaces shall comprise not less than sixty-five percent of all newly constructed lot spaces.

Findings: This criteria is satisfied in that the submitted site plan provides seven (30.4%) of the 23 required spaces as compact sized vehicle parking stalls which is less than the 35% allowed by this requirement. Additionally, current federal, state and local regulations require one handicap parking stall to serve this proposed development of 16 residences. The proposed handicap parking stall is located on the east end of the parking lot closest to the east driveway providing the closest possible access to the public sidewalk within the NE Kirby Street right-of-way. Should the City desire a different location for the handicap parking stall and associated access aisle within the proposed row of parking stalls, this can easily be accommodated in order to meet the City's guidance.

- G. Except as varied for good cause by the Building Official or Planning Director, maneuvering room shall be required and parking stalls measured according to the following table:

[Parking Maneuvering Room Table provided on next page.]



**PARKING MANEUVERING ROOM TABLE**

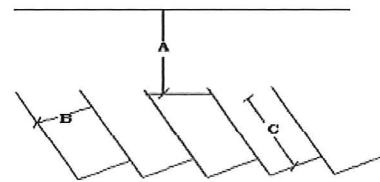
Parking Angle Degrees	Width of Spaces	One Way Aisle Width	Two Way Aisle Width
Parallel	8'0"	13'0"	26'0"
	8'6"	12'6"	25'0"
	9'0"	12'0"	24'0"
	9'6"	11'6"	23'0"
30°	8'0"	13'0"	26'0"
	8'6"	13'0"	24'0"
	9'0"	11'0"	22'0"
	9'6"	11'0"	22'0"
45°	8'0"	14'0"	26'0"
	8'6"	13'0"	26'0"
	9'0"	12'0"	24'0"
	9'6"	11'0"	22'0"
60°	8'0"	17'0"	25'0"
	8'6"	16'0"	25'0"
	9'0"	15'0"	24'0"
	9'6"	15'0"	24'0"
75°	8'0"	25'0"	25'0"
	8'6"	24'0"	25'0"
	9'0"	23'0"	24'0"
	9'6"	22'0"	24'0"
90°	8'0"	28'0"	28'0"
	8'6"	27'0"	27'0"
	9'0"	26'0"	26'0"
	9'6"	25'0"	25'0"

Standard space- Minimum requirements:  
Width 8.5'  
Length 19'

Compact space -Minimum requirements:  
Width 8'  
Length 16'

Handicapped space- Minimum requirements:  
Width 12'  
Length 19'

**PARKING SPACE MEASUREMENT DIAGRAM:**



A = Aisle Width  
B = Space Width  
C = Space Length

(Ord. 4283 §4, 1984; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). |

**Findings:** This proposal complies with the applicable requirements of this Subsection for reasons articulated in the Findings provided above addressing Section 17.60.80 (A)-(F). In addition, while the McMinnville Zoning Ordinance does not provide minimum width standards for one-way driveways serving either multiple-family or commercial uses, this proposal provides both 20-foot and 12-foot wide one-way driveways which satisfies the City's driveway width requirements. Worthy of some discussion yet is the 12-foot wide exit-only driveway proposed to exit the site onto NE Johnson Street. This proposed driveway width is supported by the City as evidenced by the completed driveway design for the recently constructed Atticus Hotel; also located within the McMinnville Downtown Design District as is the subject site.

Specifically, Atticus Hotel proposal began its review before the Historic Landmarks Committee (HLC) in January 2017. The HLC reviewed and ultimately approved the two associated proposals for this project which were a Downtown Design Review and a Waiver Request; the





waiver request was related to a design feature of the proposed building and not related to parking, maneuvering , driveway design or any other vehicle-related element. Following the HLC's approval of these applications, building and engineering plans were reviewed and issued and the Atticus Hotel was constructed and opened for guests in the summer of 2018. Of note for the purpose of this discussion is the width of the one singular driveway that serves the Atticus Hotel. This driveway leads to a small parking lot used exclusively for valet parking for the hotel's guests. The throat of this two-way vehicular driveway measures thirteen feet two inches (13', 2") in width and was approved by the City as meeting all applicable Planning, Engineering, Fire Department and other applicable department's requirements in providing adequate, safe and appropriate two-way vehicular access to the associated parking area; this driveway is a two-way driveway because this is the only vehicular access either into or out of the Atticus Hotel's parking lot. This was further supported by the City's Findings provided to address the requirement of 17.59.060 (Surface Parking Lots), Subsection B, for surface parking lots located within the Downtown Design District which states:

"All parking lots shall be designed consistent with the requirements of Section 17.60.080 of the McMinnville Zoning Ordinance."

The City's Finding provided in their staff report to address this requirement was:

"The parking lot will be consistent with the requirements of the McMinnville Zoning Ordinance, and will be verified to be so during the building permit process."

RJED recognizes and supports City's finding for this standard and the approved parking lot and two-way access design that was approved and constructed to serve the Atticus Hotel. Similarly, the parking lot, driving aisles and driveways for this proposed project will be consistent with the requirements of the McMinnville Zoning Ordinance, and will be verified to be so during the building permit process. While the exit-only one-way driveway proposed on the site of this current Downtown Design Review application to access NE Johnson Street is designed at twelve-feet in width, this dimension is but one-foot, two-inches narrower than the solitary two-way driveway that was approved by all participatory Departments to serve the parking area of the Atticus Hotel. This criterion has been satisfied.

#### 17.60.140 Bicycle Parking

- A. Bicycle parking facilities shall be as required as follows:
  - 1. In any commercial (C-1, C-2 and C-3) or office/residential (O-R) zone, bicycle parking facilities requirements shall be based on the amount of automobile parking required. The minimum number of bicycle parking spaces provided shall be ten percent of the automobile parking spaces required.
  - 2. The uses exempted from bicycle parking requirements include: residential uses, drive-in theaters, mortuaries, motels, hotels, and automobile service stations.



3. In all zones, for each fifteen automobile parking spaces required, a required automobile parking space may be eliminated if five bicycle parking spaces are provided.

Findings: These requirements are satisfied as follows. As this site is zoned C-3, the base requirement for bicycle parking spaces required by Subsection A1 would be three bicycle parking spaces (ten percent of the required 24 vehicle parking spaces for this project would be three bicycle parking spaces). However, Subsection A2 of this Section exempts this project from providing on-site bicycle parking because residential uses are exempted from bicycle parking provisions. Subsection A3 however provides that projects in all zones may eliminate one automobile parking space for each five bicycle parking spaces that are provided (not *required*, but *provided*). As this project proposes the provision of 28 bicycle parking spaces as shown on the submitted site plan, Subsection A3 allows for the number of required automobile spaces for this proposal to be reduced from 24 spaces to 23 (twenty-three) spaces which is the number of on-site automobile parking spaces shown on the submitted site plan.

- B. Bicycle parking facilities shall be provided pursuant to the following design standards. (as modified by the Bicycle Parking Administrative Rule of September 14, 1984):
  1. At a minimum, a bicycle parking facility shall consist of a stationary object to which the user can lock the frame and both wheels with a user- provided six-foot cable or chain and lock.
  2. Fixed objects which are intended to serve as bicycle parking facilities but not obviously designed for such purposes shall be clearly labeled as available for bicycle parking.
  3. Bicycle parking facilities shall provide a least an eighteen inch clearance between adjacent bicycles.
  4. Aisles between bicycle parking facilities shall be at least five-feet in width.
  5. Paving is not required for bicycle parking areas, but the outside ground surface shall be finished or planted in such a way that the surface will remain free from mud or dust. Bicycle parking may be provided within a required landscape area.
  6. Bicycle parking should be situated at least as conveniently as the most convenient car parking area. Bicycle and automobile parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by automobiles. (Ord. 4261 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Findings: While bicycle parking facilities are not required to be provided for residential uses, they are being proposed as part of the design amenities of this project. As such, this proposal complies with these requirements that are applicable at this time in that the four bicycle parking facilities shown on the submitted site plan will be placed on hard surface concrete allowing them to remain free from mud and dust (the dust referred to in Subsection B4 above is related to dust resulting from unfinished ground surfaces affecting the bicycle parking facilities. No unfinished ground surfaces will be located adjacent to or underneath the proposed bicycle parking





facilities.). Additionally, the proposed bicycle parking opportunities in this project are situated at least as conveniently as the most convenient car parking area with the two types of parking being separated by hard-surface walking pathways. The proposed physical placement of the bicycle parking facilities places them under partial cover so as to somewhat shelter the bicycle parking areas from rain and other inclement weather. The semi-covered locations of these facilities is within the 6 foot 6 inch wide walkways that provide rear entrance to the ground floor apartments. These walkways incorporate the stairways that lead to the front entrances to each of the eight second floor apartments. The proposed bicycle parking facilities are shown on the site plan to be located underneath the upper (southern) portion of the proposed stairways that lead to the second floor apartments so as not to impede pedestrian access to the ground floor apartment entrances in any manner; these stairways are proposed to be an open design with treads attached to stringers. Should the remaining clear space behind parked bicycles be found to be too narrow for adequate pedestrian passage as determined by the City, the bicycle parking facilities to be chosen can be angled bicycle parking racks rather than a design that encourages perpendicular bicycle parking. The balance of these design requirements relative to bicycle parking facilities, such as the requirement of the provision of at least eighteen inches of clearance between adjacent bicycles, will be addressed at the time of building permit application and final Planning Department and Building Department review should the HLC approve this current application.

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In reviewing a request for a Downtown Design Review approval, the Historic Landmarks Committee must base its decision on the following criteria, as described in Section 17.59 (Downtown Design Standards and Guidelines) of the McMinnville Zoning Ordinance and the City's historic preservation goals and policies set forth in the City's Comprehensive Plan. Additionally, 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).

The subject site and existing site improvements are not designated as a historic landmark on the City's Historic Resources Inventory, nor are they listed on the National Register for Historic Places. Therefore the City's historic preservation regulations in Chapter 17.65 of the McMinnville Zoning Ordinance do not apply to this review. The applicable historic preservation goals and policies of the City's Comprehensive Plan have been addressed and are satisfied as detailed above in this application. The applicable design standards and guidelines in Chapter 17.59 of the McMinnville Zoning Ordinance are satisfied as detailed below.

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.
- C. This ordinance shall not apply to the following activities or uses:
  - 1. Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting where similar materials and colors are used that comply with this ordinance;
  - 2. Interior remodeling; and,
  - 3. Single-family detached housing.

Finding: These criteria are satisfied in that the subject site is located within the Downtown Design Area described in Section 17.59.020(A), and new building construction is proposed through the complete redevelopment of the subject site which is an identified criterion of Section 17.59.020(B) (new building construction). Therefore, the applicable standards and requirements of Chapter 17.59 are applicable to this proposed multiple-family development.

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.





Findings: As part of this Downtown Design Review request, RJED has provided the City Planning Department with the requested number of printed copies of the site plan, building and construction drawings, 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 and all other information requested by the Planning Department. In addition, the submitted site plan and narrative provide detail of the existing conditions on the site including topography, streetscape, curbcuts and building condition of existing structures, details of the proposed construction and exterior elevations for the proposed structure and photographs of the main structures on all adjacent lots. This information, and all other information relative to this application, has also been provided electronically to the McMinnville Planning Department. This criteria has been satisfied.

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.
  - 2. Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

Finding: The proposed multiple-family apartment building is designed and shown on the submitted site plan (Exhibit 2) to maintain a zero setback from property lines on the west, south and east boundaries of the site adjacent to the three associated public rights-of-way. For additional information related to the proposed zero setbacks for this development, please refer to findings previously provided above and as also addressed in Exhibit 4. This criteria has been satisfied.

Of some interest relative to this current proposal, the Atticus Hotel, located on the southwest corner of the intersection of NE 4<sup>th</sup> and NE Ford Streets and also located within the Downtown Design District, was proposed to be constructed, and was constructed, maintaining a zero setback from its street-side property lines. The City's staff report which was reviewed by the Historic Landmarks Committee and relied on, in part, to arrive at a decision to approve the Downtown Design Review application for the Atticus Hotel project provided it's Finding for this requirement on page nine of that report stating:

“The proposed building will be constructed with no setback from the sidewalk or property line. The building will front direction onto the sidewalk of both NE 4<sup>th</sup> Street and NE Ford Street.”

As can be seen in Exhibit 8 of this application, Sheet A2.1 shows the Atticus Hotel sited on those two street-side property lines at the ground floor level. Additionally, Sheet A3.0 of Exhibit 8 also shows the planned projection of specific exterior design elements extending past the Atticus Hotel's property boundary and into the NE 4<sup>th</sup> Street public right-of-way. Those identified projections, for which no zoning or other waiver was either requested or granted, include window moldings at the ground floor level, the pre-cast belt course located between floors one and two, the pre-cast cornice atop the building's outer edge and wooden flower boxes that have been provided at a rhythm of every other window on floors two, three and four of the building.



These projections are further represented on the sketched building isometric of page 3 of this Exhibit. In line with the Historic Landmarks Committee's approval and the City's support of these projecting elements of the Atticus Hotel's exterior façade into the NE 4<sup>th</sup> Street right-of-way, this current application before you also proposes to similarly yet minimally project the belt course located between the first and second floor and the cornice proposed to site atop the building's outer edge into the NE Johnson Street, NE 1<sup>st</sup> Street and NE Kirby Street rights-of-way. While some of the Atticus Hotel projections into the right-of-way occur at the ground floor level, any such projections on this currently proposed apartment project will occur above the first floor of the building and are proposed to be a minimum of eight-feet above the adjacent sidewalk grade.

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.

Finding: This criteria has been satisfied in that there are no historic buildings located on the same block as this site or otherwise adjacent to this site identified on the adopted McMinnville Historic Resources Inventory. As such, this proposal is not required to provide similar massing and/or configuration to such buildings as would be required by this criterion. To further support the City's lack of inclusion of any adjacent buildings on this block as part of the Historic Resources Inventory, Exhibit 6 provides photographs and an index map of such buildings. Additionally, RJED proposes the construction of a two-story multiple-family residential apartment building on the subject site with a building height measuring approximately 24.5 feet from grade as is shown on Sheets A2.1, A2.2 and A3.1 that are submitted as part of Exhibit 7. Given a maximum building height of 60-feet for this site and proposed use (Exhibit 4), and the proposed total building height of this development project of approximately 24.5 feet from grade, the proposed structure is lower in height than the sixty-foot maximum building height allowed and shall be two stories in height at both street corners of this site; the intersection of NE 1<sup>st</sup> Street and NE Johnson Street and the intersection of NE 1<sup>st</sup> Street and NE Kirby Street. In the event that the final decision of the HLC to approve this application requires modifications to the proposed building façade that could potentially affect the overall finished height of this building, the final product would still be a two-story building and would still appear to be two stories in height at both of the site's street corner intersections.

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.

Findings: The proposed building is approximately 200-feet in length along the site's NE 1<sup>st</sup> Street frontage in order to comply with the requirement that buildings located within the Downtown Design District maintain zero setbacks from property line. Additionally, the building is proposed to be 36-feet in length (inclusive of the second-floor cantilevers on front building façade) along both the NE Johnson Street and NE Kirby Street frontages. Regarding the width





of the proposed building's front façade, which was dimensioned to demonstrate compliance with the zero setback requirement of the District and as articulated in Exhibit 4, this building is proposed to be approximately 3.3 times the historical width of 60 feet within the District referenced in Subsection 2 of this Section. To meet the intent of this Subsection, the proposed building is designed with proportional bays which also function as the covered front porches for the front entry doors into each of the eight ground-floor apartments. The building also provides vertical divisions in the form of, in part, the rhythmic voids to solids relationships present along the entirety of the first and second floors of the building's front façade. As approved for the design of the Atticus Hotel, vertical reveal joints will also be incorporated into the façade of this proposed building to create visual bays approximately 4 feet in width; this is the same vertical reveal spacing width implemented in the construction of the exterior façade of the Atticus Hotel. Additional vertical division along the front façade of the building is in the form of two sets of paired dining room cantilevers extending forward from the plane of the building's front second-floor façade. Vertical articulation of rhythmic spatial relationships will also occur through the alternating use of the main color of the building and the contrasting color of the vertical trim elements surrounding windows, doors, and porch openings. These features, in addition to other detailing, can be seen in Exhibit 2 and Exhibit 7.

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;
  - b. A bulkhead at the street level;
  - 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;
  - d. A recessed entry and transom with transparent door; and
  - e. Decorative cornice or cap at the roofline.

Findings: While the design and use of this building is for multiple-family residential use, we have been advised by the City that there is nothing in the code that differentiates between residential and commercial uses in the Downtown Design District relative to front façade design standards. Accordingly, all of the storefront design standards apply to all new buildings in the Downtown Design area regardless of the buildings use. Therefore, while residential in design and function, the exterior of this building has been designed to meet all of the storefront design requirements of this Subsection as can be seen by a review of Exhibit 2 and Exhibit 7.

To point, the proposed building is two stories in height and will be demarcated by a painted fiber cement belt course (similar in composition to the pre-cast coping used to create the belt course between the first and second floors of the Atticus Hotel) clearly separating the upper story from the first floor. A brick bulkhead is also proposed at the street level along all three street sides of the building. The first floor front façade of the building also provides a recessed main entry and transom with a transparent front door for each of the building's eight ground floor apartment units. A decorative painted fiber cement cornice is proposed at the roofline which will be provided along all four of the building facades.



This Subsection also provides a requirement for minimum glazing percentages for the first and second floors of the building. This proposed building exceeds those minimum requirements as follows and as shown on Sheet A2.1 of Exhibit 7:

First floor –

- There are 32 windows that are 24 square feet each = 768 square feet
- There are 4 openings that are 148.5 square feet each = 594 square feet
- Total glazing square footage is 1,362 square feet
- Total glazing = 71 percent of the building's first floor front façade of 1,920 square feet

Second floor –

- There are 16 windows that are 24 square feet each = 384 square feet
- There are 4 openings that are 148.5 square feet each = 594 square feet
- Total glazing square footage is 1,362 square feet
- Total glazing = 51 percent of the building's second floor front façade of 1,920 square feet

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.

Finding: The rooflines of the directly adjacent single-family detached residential buildings exhibit various gable roof shapes which are, along with other residential roof forms, discouraged by this requirement. This is also the case with the two adjacent properties to the west located across the NE Johnson Street right-of-way. Across 1<sup>st</sup> Street to the south are two commercial buildings with gable roof designs that are hidden by false fronts or parapets on the buildings (location "F" of Exhibit 6); see Exhibit 6 for additional location detail and photographs of all of these referenced buildings. Additionally Saint James Catholic Church (location "E" of Exhibit 6) located across NE Kirby Street to the east exhibits a form of visually unscreened gable roof design in its most recent addition to religious and educational campus. Only location "G" of Exhibit 6 (Webster Heating and Air Conditioning), provides a true non-gable design in its roofline.

In meeting the roofline orientation design intent of this Subsection, this proposed building is designed with the most commonly found and historic roofline design present within the Downtown Design District which is a flat roof edged with a decorative cornice. As such, this criterion has been satisfied.

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

Finding: The primary entrances to the eight proposed ground floor apartments are each recessed as shown on Exhibit 2 and Exhibit 7. Additionally, the recessed primary entrance of





each of these eight ground floor residential units opens on to the public right-of-way of NE 1<sup>st</sup> Street. This criterion has been satisfied.

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.

Finding: The proposed storefront window design for this building is for all windows (not just those on the ground floor front façade) to be recessed and will not be flush or project from the surface of the outer wall. Fiber cement trim will cover the frames of all of the recessed windows. Much like the projecting window frame elements of the ground floor windows of the 4<sup>th</sup> Street façade of the Atticus Hotel that were previously discussed regarding Exhibit 8, and are further shown in Exhibit 9, frame elements of the windows of the proposed building may also minimally project. In addition, except for bathroom windows, all of the second floor windows are a curved top design and are vertically oriented as identified by the requirements of this Subsection. This criteria has been met.

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.

Finding: As this project is entirely new construction, this criterion is not applicable. Still, the scale and proportion of the windows on the building follow a simple, repetitive pattern which is consistent and compatible with historic architecture on other buildings within the Downtown Design District.

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

Finding: The proposed building design includes an approximately 8-inch tall base from between grade and the building façade; an example of this is shown on Sheet A2.1 of Exhibit 7. This is a similar base feature used on numerous other buildings located within the Downtown Design District. Atop this base will be the previously described brick bulkhead that will be provided along all three street sites of the building as can be seen in Exhibit 2 and in Exhibit 7.

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.

Finding: In addition to the brick bulkhead and the precast beltcourse and cornice previously mentioned, the main exterior surface of this building will be clad with painted fiber cement panels. These panels are very close in composition and appearance to those used to create the finished surface of the City of McMinnville's Transit Center building which is located between NE 1<sup>st</sup> and 2<sup>nd</sup> Streets only one and a half (1.5) blocks west of the site of this proposed project. Additionally, as was approved as part of the exterior design treatment of the Atticus Hotel,



vertical reveal joints resulting from the use of these panels will also be present in all four façades of this residential building to create visual bays approximately 4 feet in width; this is also very similar to the width of the reveal joints (or seams) of the McMinnville Transit Center's use of their Historic Landmarks Committee approved exterior panel system.

Perhaps the most prominent display of the use of this type of panel siding for either residential or commercial use within the Downtown Design District is found on the four facades of the Village Quarter commercial and multiple-family residential building located on NE 3<sup>rd</sup> Street and only two and a half (2.5) blocks from the site of this proposed residential project. This type of panel siding is prominently featured on all sides of this building. Please refer to Exhibit 10 for visual examples of this discussion.

As all three of these afore mentioned prominent projects were each previously reviewed and approved by the Historic Landmarks Committee for their design and materials use on newly constructed buildings within in the Downtown Design District, and were also approved by City departments during these projects' construction and inspection phases, RJED is pleased to provide yet another example of this general type of exterior vertical reveal (seam) treatment in close proximity to these other notable uses within this District as shown in Exhibit 7 of this application.

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.

Finding: The applicant is not proposing to use any of the listed prohibited exterior 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.

Finding: This criteria is satisfied in that the exterior colors will be subtle, low reflective, and neutral tones as generally depicted in Exhibits 2 and 7. The colors chosen for the building exterior are selected from the Sherwin-Williams company and consist of:

- Body: Sherwin-Williams 2822 Downing Sand
- Trim: Sherwin-Williams 2819 Downing Slate
- Doors: Sherwin-Williams 7606 Blue Cruise





The colors may be viewed by utilizing the search function provided at the Sherwin-Williams website <https://www.sherwin-williams.com/homeowners/products> .

Additionally, the rails will be powder coated a low-reflective black.

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.

Finding: The proposed surface parking lot does not front Third Street and is only accessed by a one-way entry driveway from NE Kirby Street and is also provided a one-way exit driveway to NE Johnson Street.

- B. All parking lots shall be designed consistent with the requirements of Section 17.60.080 of the McMinnville Zoning Ordinance.

Finding: The parking lot design is consistent with the requirements of the McMinnville Zoning Ordinance and those applicable design requirements of the McMinnville Fire Department and Recology Western Oregon and will be verified to be so during the building permit process. This is further articulated above in much greater detail in these Findings.

- C. A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the street-side edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover. A landscaping plan for this buffer shall be subject to review and approval by the McMinnville Landscape Review Committee. (Ord. 4797 §1, 2003).

Finding: The proposed surface parking lot will be adjacent to both NE Kirby and NE Johnson Streets. The parking lot edge nearest NE Johnson Street is proposed to be approximately twenty-six feet from the public right-of-way. This twenty-six foot wide area is proposed to be mainly utilized as landscaping to help meet the site's 12.5 percent minimum onsite landscaping requirement for this project. Within this landscaped area are two proposed hedges; one near the western property line and extending from the northern edge of the proposed building to the southern edge of the NE Johnson Street driveway, with the other being a "C" shaped design to encircle and buffer three sides of the onsite recycling and refuse enclosure. The parking lot edge nearest NE Kirby Street is proposed to be approximately two-feet from the public right-of-way. This two-foot wide area is proposed to extend northward from the north edge of the onsite pedestrian walkway to the southern edge of the NE Kirby Street driveway and is designed to be planted with another sight-obscuring hedge. Beyond this hedge to the east will be an additional landscaped area approximately nine-feet in width that is part of the public right-of-way that will be "left over" after the existing sidewalk is replaced with a minimum five-foot wide curbside



planting strip and a new five-foot wide sidewalk installed. This combined landscaped area along the site's eastern edge, while not entirely located on the subject site, will provide a landscaped area totaling approximately eleven-feet in width which provide a visual buffer landscaped buffer strip and sight-obscuring hedge greater than five feet in width along the NE Kirby street edge of this surface parking lot. Please refer to Exhibit 2 for a graphic depiction of this landscaping and hedge design described above. Although a landscape plan is not required to be provided to the Landscape Review Committee for review and consideration at this time, additional detailed findings relative to landscaping and street tree requirements have been articulated in the Findings provided above in this application. At the time of submittal of a landscape and street tree planting plan, should this application be approved by the Historic Landmarks Committee, all applicable landscaping and street tree requirements will be addressed inclusive of the requirement of this Subsection stating that hedges placed within the street side buffer strip of a surface parking lot in the Downtown Design District be a minimum of thirty (30) inches in height. This criteria has been satisfied.

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.
- B. Awnings shall be placed between pilasters.
- 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.
- D. Awnings should be constructed of soft canvas, fabric, or matte finished vinyl. The use of wood, metal or plastic awnings is prohibited.
- E. Awnings may be indirectly illuminated; internal illumination of awnings is prohibited.
- 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.

Finding: The proposal does not include or envision construction or installation of any awnings as part of this project.

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.

Finding: This application does not include a proposal for any signage of any type. In the future, if signage is proposed, it shall comply with this standard and all other applicable sign standards. Any such future signage shall be submitted to the Planning Department for review and approval by the Planning Director prior to installation.

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





Finding: This application does not include a proposal for any signage of any type. In the future, if signage is proposed, it shall comply with this standard and all other applicable sign standards. Any such future signage shall be submitted to the Planning Department for review and approval by the Planning Director prior to installation.

- 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.

Finding: This application does not include a proposal for any signage of any type. In the future, if signage is proposed, it shall comply with this standard and all other applicable sign standards. Any such future signage shall be submitted to the Planning Department for review and approval by the Planning Director prior to installation.

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

Finding: This application does not include a proposal for any signage of any type. In the future, if signage is proposed, it shall comply with this standard and all other applicable sign standards. Any such future signage shall be submitted to the Planning Department for review and approval by the Planning Director prior to installation.

- 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).

Finding: This application does not include a proposal for any signage of any type. In the future, if signage is proposed, it shall comply with this standard and all other applicable sign standards. Any such future signage shall be submitted to the Planning Department for review and approval by the Planning Director prior to installation.

## V. Conclusion and Approval Request

The evidence in the record is substantial and supports approval of this proposal.

RJED, Corp. therefore respectfully requests that the Historic Landmarks Committee approve this Downtown Design Review application as submitted.



**Exhibit 1**



Manufactured Homes and Carports

2<sup>nd</sup> Street



1<sup>st</sup> Street

Site Built Home

Manufactured Homes and Carports



Exhibit 3

RECORDING COVER SHEET

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, and does NOT affect the instrument. ORS 205.234

OFFICIAL YAMHILL COUNTY RECORDS  
BRIAN VAN BERGEN, COUNTY CLERK

201813875

After recording return to: ORS 205.234(1)(c)  
RJED  
9629 SW 42nd Avenue  
Portland, OR 97219



\$111.00

09/27/2018 11:04:04 AM

DMR-DRDMR Cnt=1 Stn=2 MILLSA  
\$35.00 \$5.00 \$11.00 \$60.00

1. Title(s) of the transaction(s) ORS 205.234(1)(a)  
COVENANT AGREEMENT

2. Direct party(ies) / grantor(s) Name(s) ORS 205.234(1)(b)  
Jonathan Rouse, Robin Rouse

3. Indirect party(ies) / grantee(s) Name(s) ORS 205.234(1)(b)  
Stuart Ramsing

4. True and actual consideration: ORS 205.234(1)  
Amount in dollars or other  
\$ zero  
Other:

5. Send tax statements to: ORS 205.234(1)(e)  
RJED  
9629 SW 42nd Avenue  
Portland, OR 97219

6. Satisfaction of lien, order, or warrant: ORS 205.234(1)(f)  
 FULL  PARTIAL

7. The amount of the monetary obligation imposed by the lien, order, or warrant: ORS 205.234(1)(f)  
\$ zero

8. Previously recorded document reference:

9. If this instrument is being re-recorded, complete the following statement: ORS 205.244(2)

Re-recorded at the request of:

To correct:

Previously recorded in Book/Volume and Page , or as Fee number

After recording return to:  
RJED  
9629 SW 42<sup>nd</sup> Ave  
Portland, OR 97219

**COVENANT AGREEMENT**

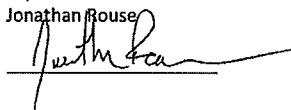
By and between the City of McMinnville and RJED Corporation, duly represented by Robin Rouse and Jonathan Rouse

RJED Corporation, represented by Jonathan Rouse and Robin Rouse, who is the owner of Lots 5, 6, 7 and 8, of Block 21, ROWLAND'S ADDITION, which are legally recorded and platted lots located within the boundaries of the City of McMinnville, a municipal corporation of the State of Oregon hereby Covenants with the City as follows:

RJED Corporation, represented by Jonathan Rouse and Robin Rouse, shall hold together as a single unit and agree not to sell individually the above-described lots so long as there remain structures constructed or placed on any of the lots.

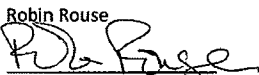
This agreement shall be binding upon the undersigned who are legal owners of the property described above, and shall be binding on all future owners, heirs, assigns, and legal representatives.

Note: Please find along with this Agreement a document entitled Exhibit A, which is the Statutory Warranty Deed confirming RJED Corporation as owners of these aforementioned plots. Additionally please find Exhibit B, which are the Articles of Incorporation for RJED listing Robin Rouse & Jonathan Rouse as duly appointed representatives of said corporation.

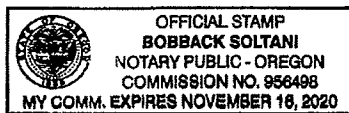
Jonathan Rouse  


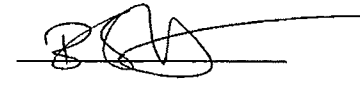
City of McMinnville  
  
Stuart Ramsing, Building Official

9-17-2018

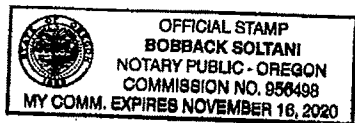
Robin Rouse  


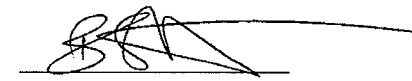
This instrument was acknowledged before me on 9-25-18, 2018 by Jonathan Rouse



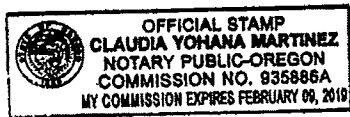
  
Notary Public for Oregon  
Commission Expires: NOV 16, 2020

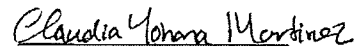
This instrument was acknowledged before me on 9-25, 2018 by Robin Rouse



  
Notary Public for Oregon  
Commission Expires: NOV 16, 2020

This instrument was acknowledged before me on September 17, 2018 by Stuart Ramsing as Building Official for the City of McMinnville



  
Notary Public for Oregon  
Commission Expires: 2-09-2019



Original  
E-Recording



After recording return to:  
RJED Corporation  
9629 SW 42nd Ave  
Portland, OR 97219

Until a change is requested all tax  
statements shall be sent to the  
following address:  
RJED Corporation  
9629 SW 42nd Ave  
Portland, OR 97219

File No.: 1031-2955319 (MWG)  
Date: November 08, 2017

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records		<b>201718663</b>
DMR-DDMR		11/21/2017 10:59:00 AM
Stn=2 MILLSA		
2Pgs	\$10.00 \$11.00 \$5.00 \$20.00	<b>\$46.00</b>
<small>I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</small>		
Brian Van Bergen - County Clerk		

FIRST AMERICAN TITLE 2955319

**STATUTORY WARRANTY DEED**

**Debra J. Markham**, Grantor, conveys and warrants to **RJED Corporation**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

**LEGAL DESCRIPTION:** Real property in the County of Yamhill, State of Oregon, described as follows:

**Lots 5, 6, 7, and 8, Block 21, ROWLAND'S ADDITION, to the City of McMinnville, Yamhill County, State of Oregon.**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$525,000.00**. (Here comply with requirements of ORS 93.030)

Exhibit A

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 9<sup>th</sup> day of November, 2017.  
Debra J. Markham  
Debra J. Markham

STATE OF Oregon )  
County of Douglas )ss.

This instrument was acknowledged before me on this 9<sup>th</sup> day of November, 2017  
by **Debra J. Markham.**

Kathleen Ann Crane

Notary Public for Oregon  
My commission expires: 9-24-18

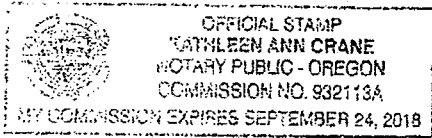


Exhibit A



# ARTICLES OF INCORPORATION



Corporation Division  
[www.filinginoregon.com](http://www.filinginoregon.com)

**E-FILED**  
Oct 06, 2015  
OREGON SECRETARY OF STATE

**REGISTRY NUMBER**

115131195

**TYPE**

DOMESTIC BUSINESS CORPORATION

**1. ENTITY NAME**

RJED CORP

**2. MAILING ADDRESS**

9629 SW 42ND AVENUE  
PORTLAND OR 97219 USA

**3. NAME & ADDRESS OF REGISTERED AGENT**

ROBIN ROUSE

9629 SW 42ND AVENUE  
PORTLAND OR 97219 USA

**4. INCORPORATORS**

CARRI BROWN

23586 CALABASAS RD STE 102  
CALABASAS CA 91302 USA

**5. NUMBER OF SHARES**

1000000

**6. OPTIONAL PROVISIONS**

The names and addresses of the initial directors are:

Robin Rouse -- 9629 SW 42nd Avenue Portland, OR 97219  
Jonathan Rouse -- 9629 SW 42nd Avenue Portland, OR 97219



---

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

**ELECTRONIC SIGNATURE**

**NAME**

CARRI BROWN

**TITLE**

INCORPORATOR

**DATE SIGNED**

10-06-2015



**Incorporator's Certificate  
Of**

**RJED Corp**

I, Carri Brown, the sole Incorporator of RJED Corp, a(n) Oregon corporation formed in accordance with the laws of that state, sign this statement to set forth action taken as follows:

**FIRST:** I state that the Certificate of Incorporation of RJED Corp, a true copy of which is annexed to this statement, was filed with the Department of State of Oregon on 10/06/2015.

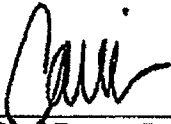
**SECOND:** The bylaws annexed to this statement have been adopted by me as the bylaws of RJED Corp

**THIRD:** The following persons have been nominated and elected by me as directors of RJED Corp to hold office until the first annual meeting of shareholders and until their successors are elected and qualify:

Robin Rouse  
Jonathan Rouse

**FOURTH:** I hereby assign all my rights, responsibilities, and duties as incorporator of RJED Corp to the above-named Directors. After execution of this Certificate, the Incorporator named herein shall have no rights, responsibilities, or duties in regards to this corporation.

The foregoing is established by my signature on this instrument at 23586 Calabasas Rd. Suite 102, Calabasas, CA 91302, on 10/06/2015.



---

Carri Brown, Incorporator

## Exhibit 4

**From:** [Chuck Darnell](#)  
**To:** [Jonathan Rouse](#)  
**Cc:** [Ron Pomeroy](#); [Jamie Fleckenstein](#); [Robin Rouse](#); [Andrew Burton](#)  
**Subject:** RE: Zoning ordinance interpretations and direction  
**Date:** Monday, September 24, 2018 5:08:26 PM

---

Hi Jonathan,

We have completed our review of the questions posed by Ron, taking into account legal counsel provided on the various topics.

We have determined that multiple family dwellings in the C-3 zone are subject to the provisions of the R-4 zone, specifically the provisions in Section 17.21.040 through Section 17.21.060.

In comparing the requirements of the R-4 zone to those in the C-3 zone, another determinative section of the code is Section 17.03.040, which states that “[w]here the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.” Given that language, staff is interpreting that the height for multiple family dwellings in the C-3 zone is capped at 60 feet (as stated in Section 17.21.050), rather than 80 feet (as stated in Section 17.33.040).

The Downtown Design Standards and Guidelines chapter establishes other building and site design requirements that Ron had pointed out as well, some of which differ from the requirements of the R-4 zone.

In regards to setbacks in the downtown design area, Section 17.59.050(A) states that “except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.” While the setback requirements of the R-4 zone could be seen as more restrictive in that they require a larger setback, staff is instead interpreting the requirement for a zero-foot setback to be more restrictive in the particular context of the downtown area, as it maintains the intent of the Downtown Design Standards and Guidelines and the zero-foot setback uniformity in the downtown area.

The building height requirement in the Downtown Design Standards and Guidelines chapter does not include a specific measurement of maximum building height. Specifically, Section 17.59.050(B)(1) states that “buildings situated at street corners or intersections should be, or appear to be, two-story in height”. This language is included in a section of the Downtown Design Standards and Guidelines that relates to overall building design and building “massing and configuration” being similar to adjacent or nearby historic buildings on the same block. Given that language, staff interprets the 60 foot maximum building height to still apply for multiple family buildings in the downtown design area. It will be your responsibility to show how your project meets the design standard in Section 17.59.050(B)(1), in regards to your project’s massing and configuration, as part of your Downtown Design Standards and Guidelines design review application.

Hopefully this provides all of the answers you need. If you have any other questions or need any clarification, please let me know.

Thanks,

Chuck

**Chuck Darnell**

Senior Planner

City of McMinnville

231 NE 5th Street

McMinnville, OR 97128

503-434-7330

[chuck.darnell@mcminnvilleoregon.gov](mailto:chuck.darnell@mcminnvilleoregon.gov)



## Exhibit 5

**From:** Chuck Darnell

**Sent:** Friday, December 7, 2018 12:25 PM

**To:** 'Jonathan Rouse' <[rouseville@gmail.com](mailto:rouseville@gmail.com)>

**Cc:** Andrew Burton <[aburton@creeksidehomes.net](mailto:aburton@creeksidehomes.net)>; Ron Pomeroy <[ron@navigationlanduse.com](mailto:ron@navigationlanduse.com)>; Robin Rouse <[robinrouse@gmail.com](mailto:robinrouse@gmail.com)>

**Subject:** RE: Glazing requirement--Downtown Guidelines

Hi everyone,

I have heard back from the Fire Marshall, and the minimum access width for fire code is 20 feet. Therefore, the site plan must provide an access of at least 20 feet.

So, you have a couple of options for the access and site circulation/maneuvering:

- 1) Increase the access on the Kirby Street side to 20 feet, keeping all other drive aisles and maneuvering space sizes consistent (14' one way drive aisle, 16'9" space between drive aisle and parking spaces). This would still result in a one-way circulation through the site. The Planning Director will allow for that configuration, given the space between the drive aisle and parking spaces (16'9") that can be used for parking maneuvering.
- 2) Increase the access on the Kirby Street side to 27 feet. This would meet the minimum fire code access width, and would also then meet the code requirement for a two-way drive aisle width with 90 degree parking (as shown in "Parking Maneuvering Room Table" in Section 17.60.080(G) of the city code). You could then technically have the Kirby Street side serve as the only access point, as you would be providing the minimum width for a two-way drive aisle. Or, you could have the Kirby Street side serve as a two-way access, and have the Johnson Street side used only for egress as a one-way drive aisle.

One additional item that I want to point out is the treatment of the north property line. I didn't think of this before during my first review, but the Landscape Review Committee typically will not approve a plan with pavement and drive aisles up immediately adjacent to a property line. There are criteria that they look to be achieved related to the use of landscaping in screening and buffering a site/use from adjacent properties (see Section 17.57.070(B)). Given that, you should probably plan on having, at a minimum, space for a fence to be constructed along the north property line. Alternatively, you do have a few feet to work with (current space between north property line and parking spaces is 30'9", and you only need 27'), and you could use that space to provide a narrow planting strip along the north property line for a fence and/or some columnar type of shrub to provide for screening and buffering between your use and the adjacent properties. That might actually be better long term for usability of the site as well, as you wouldn't have to worry about vehicles hitting a fence that is constructed immediately adjacent to a drive aisle. You will also need to direct stormwater on that drive aisle, so having a planter strip with curb would assist in drainage of the property as well.

Let me know if you have any other questions.

Thanks,  
Chuck

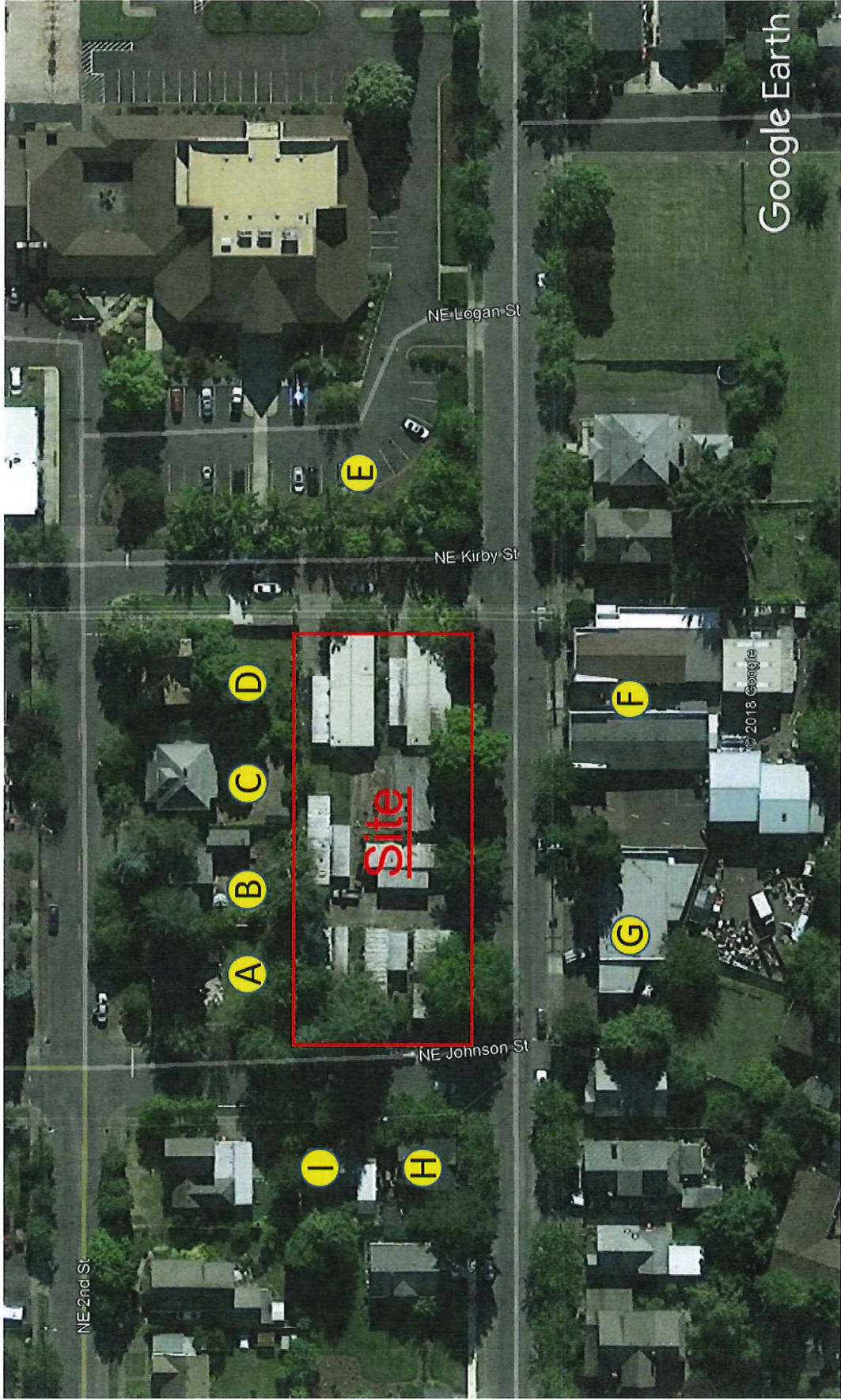
**Chuck Darnell**  
Senior Planner  
City of McMinnville  
231 NE 5<sup>th</sup> Street  
McMinnville, OR 97128

503-434-7330  
[chuck.darnell@mcminnvilleoregon.gov](mailto:chuck.darnell@mcminnvilleoregon.gov)



**Exhibit 6**

**Architectural Vicinity Map**





Architectural Street Views

A. 1006 NE 2<sup>nd</sup> Street



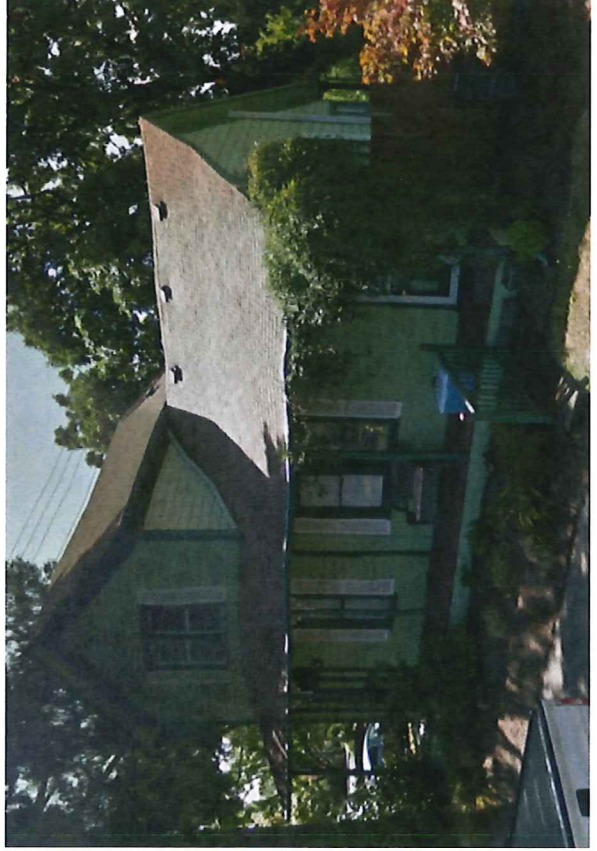
B. 1016 NE 2<sup>nd</sup> Street



C. 1028 NE 2<sup>nd</sup> Street



D. 1046 NE 2<sup>nd</sup> Street





E. St. James Catholic Church



F. 1040 and 1030 NE 1<sup>st</sup> Street





G. 1020 NE 1<sup>st</sup> Street



H. 105 NE Johnson Street



I. 115 NE Johnson Street



**Exhibit 9**

Projecting Window Elements of Atticus Hotel along NE 4<sup>th</sup> Street





**Exhibit 10**

Atticus Hotel



McMinnville Transit Center

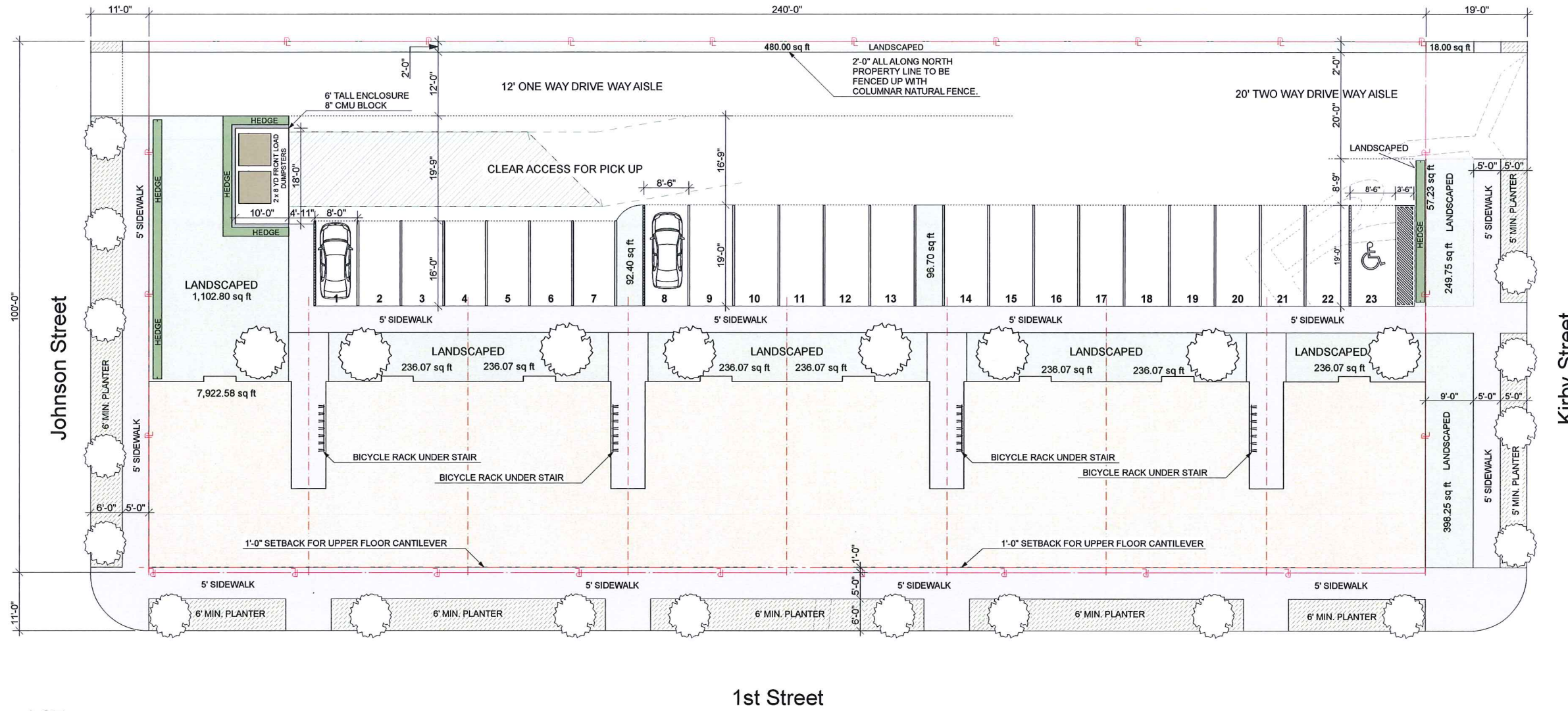


Village Quarter





# Exhibit 2



1 LOT  
SCALE: 3/32" = 1'-0"

1st Street

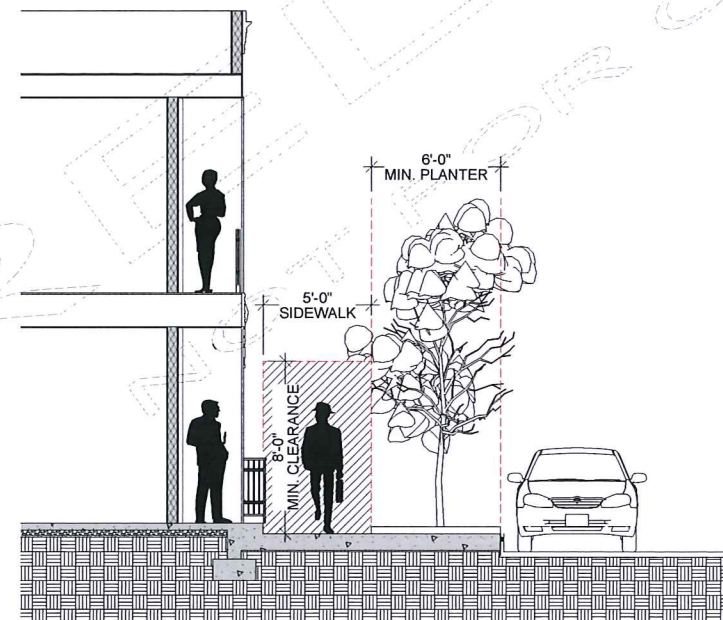
## LOT INFORMATION:

**JONATHAN & ROBIN ROUSE**

1025 SE 1ST STREET  
McMINNVILLE, OR 97128

### LANDSCAPING NOTE:

Total lot area : 24,000 SQFT  
Total landscaped area : 3,481.62 SQFT (14.50%)



2 PATIO ACCESS TO PUBLIC R.O.W. - SECTION  
SCALE: 1/4" = 1'-0"



RENDITION OF POSSIBLE PATIO CONNECTION TO R.O.W.

**Rouse Apartments**

Project Description:  
Client Address:  
Client City, Client State:

THIS PLAN IS THE MOST  
CURRENT PLAN AS OF THIS DATE:  
**12/27/2018**

Drawn by: A.S.  
Checked by: A.B.  
Date Issued:  
Revised Date:

Scale: REFER TO PLAN  
Drawn/Issued/Revised by: A.S./A.B./A.B.  
Does not constitute a contract unless approved for any changes after the date above.

**Disclaimer of Warranties**  
Plans prepared by Deane Solutions are prepared by Deane Solutions who are not qualified as professional architects or professional engineers and who have not been licensed as architects or engineers. Deane Solutions is not responsible for the accuracy or completeness of the information provided in this plan. Deane Solutions is not responsible for the accuracy or completeness of the information provided in this plan. Deane Solutions is not responsible for the accuracy or completeness of the information provided in this plan.

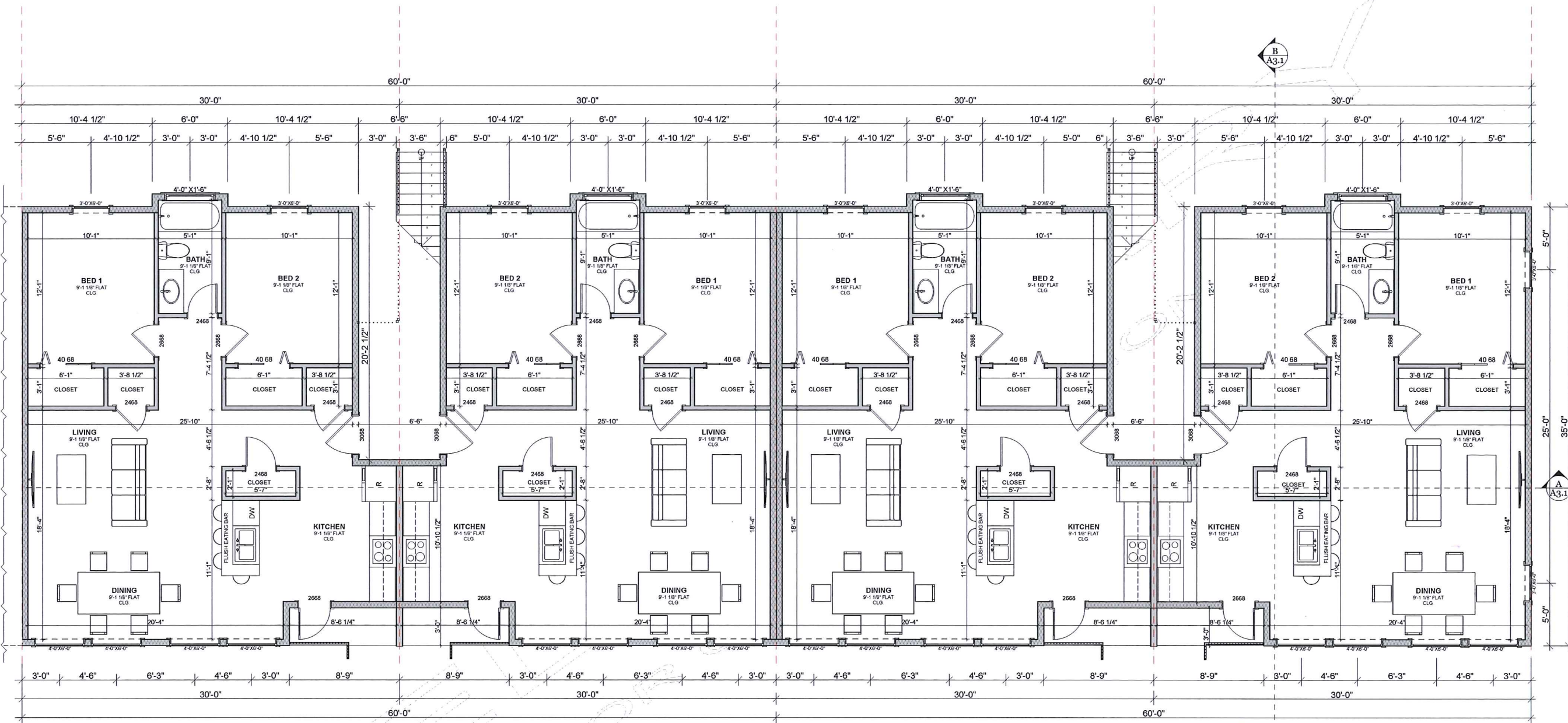
**Copyright**  
Any use, reproduction, copying, modification, or derivative work of the plans is prohibited by Deane Solutions & Creekside Homes, a violation of the United States Patent Copyright Act.

CONTRACTOR  
**CREEKSIDE HOMES**

ARCHITECTURAL SEAL AREA

**CERTIFICATION OF THE DRAWINGS**  
I, the undersigned, being a duly licensed and registered professional engineer, hereby certify that I am the author of the drawings and specifications herein and that I am a duly licensed and registered professional engineer in the State of Oregon.





1 MAIN FLOOR PLAN  
SCALE: 1/4" = 1'-0"

FOR REVIEW ONLY - NOT FOR CONSTRUCTION

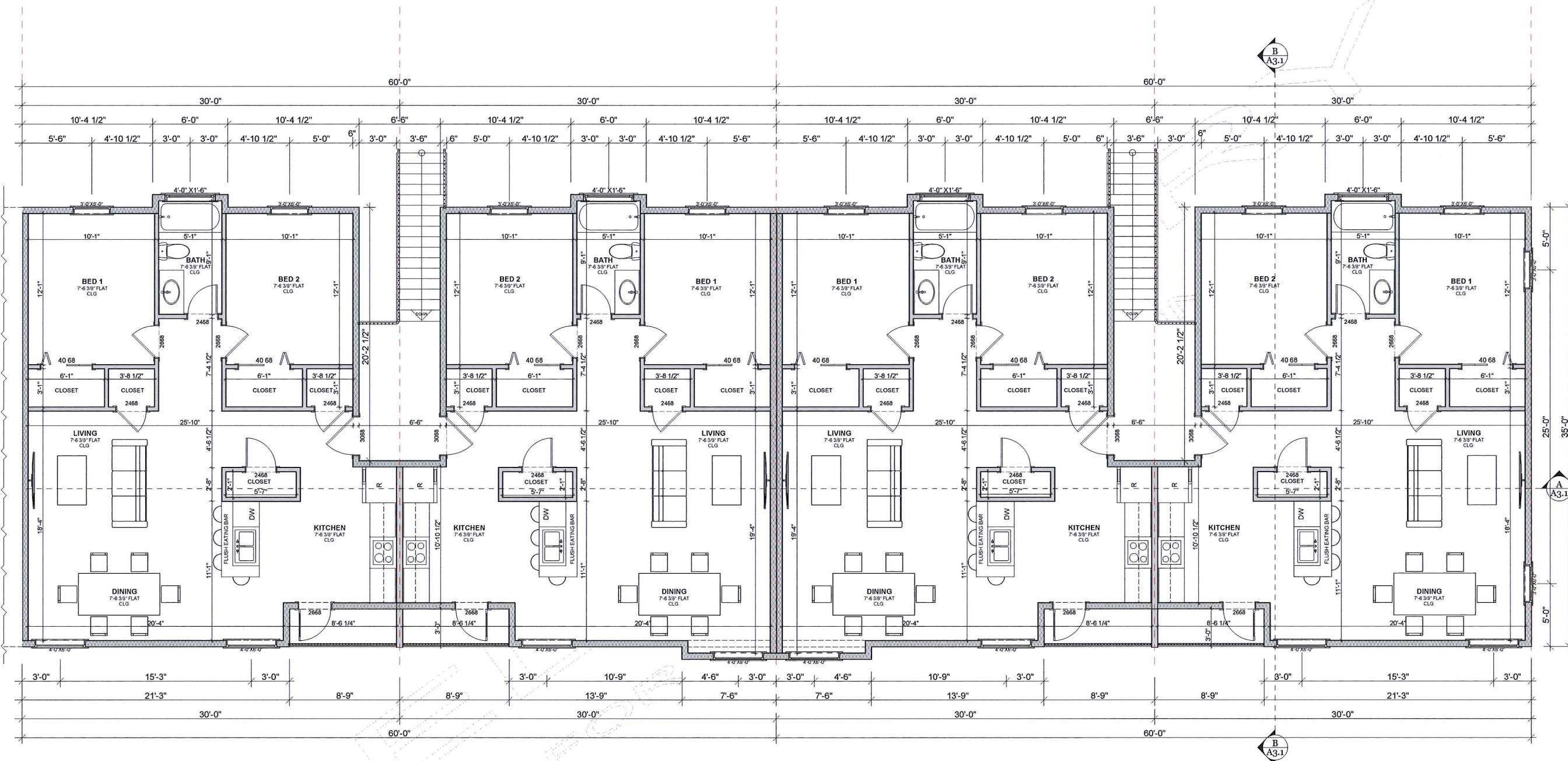
## Exhibit 7

PROJECT SQUARE FOOTAGE - ANSI Z765-2003 GUIDELINES

MAIN FLOOR AREA	7,712.58
UPPER FLOOR AREA	7,742.58
	<b>15,455.16 sq ft</b>

<b>Rouse Apartments</b>	Checked by: A.B.	A1.3	Date Issued: _____ Scale: REFER TO PLAN
Project Description: Client Address: Client City, Patient State:	THIS PLAN IS THE MOST CURRENT PLAN OF THIS DATE. <b>12/27/2018</b>		
Disclaimer of Warranties: Plans furnished by Deere Solutions are prepared by drafters who are not qualified as professional architects or professional engineers and who have had no training in architectural or engineering design. The user of these plans shall be at all times responsible for the design and construction of the project. Deere Solutions and its affiliates shall not be liable for any errors or omissions in these plans. All construction shall be in accordance with the applicable building codes and regulations. The user of these plans shall be responsible for obtaining all necessary permits and for the accuracy of the information used in the preparation of these plans. Deere Solutions and its affiliates shall not be responsible for any damages, including consequential damages, arising from the use of these plans.	Copyright: Any use, reproduction, copying, modification, or derivative work of the plans is prohibited without the written consent of Deere Solutions & Creditcard Homes, a division of the United States Patent Copyright Act.		
<b>CONTRACTOR</b> 	CERTIFICATION OF THE DRAWINGS: I, the undersigned, being a duly Licensed Professional Engineer, do hereby certify that I am the author of these drawings and that I am a duly Licensed Professional Engineer in the State of Illinois. I am not providing any design services to the City of Naperville, Illinois, and I am not responsible for the design of the project. My firm, Deere Solutions & Creditcard Homes, is not responsible for the design of the project. My firm is not providing any design services to the City of Naperville, Illinois, and I am not responsible for the design of the project.		






1 UPPER FLOOR PLAN  
SCALE: 1/4" = 1'-0"

PROJECT SQUARE FOOTAGE - ANSI Z765-2003 GUIDELINES

MAIN FLOOR AREA	7,712.58
UPPER FLOOR AREA	7,742.58
	15,455.16 sq ft

**CONTRACTOR**



**Project Description:**  
Client Address:  
Client City, Client State:  
THIS PLAN IS THE MOST CURRENT PLAN OF THIS DATE.  
**12/27/2018**

**Disclaimer of Warranties**  
Plans furnished by Decca Solutions are prepared by Decca Solutions who are not qualified as professional architects or professional engineers and who have had no training in architecture or engineering. These plans are intended for use as a guide only and are not to be used for any other purpose. Decca Solutions and its affiliates shall not be held responsible for any errors or omissions in these plans and all responsibility for the design and construction of the project shall remain with the contractor. The contractor shall be responsible for obtaining all necessary permits and for compliance with all applicable laws, codes, and regulations. Decca Solutions & Creative Homes is a violation of the United States Patent Copyright Act.

**Copyright**  
Any use, reproduction, copying, modification, or derivative work of the plans furnished by Decca Solutions & Creative Homes is a violation of the United States Patent Copyright Act.

**Architectural Seal Area**

**CERTIFICATION OF THE DRAWINGS**  
I, the undersigned, hereby certify that I am a duly licensed professional engineer in the State of Illinois and that I have prepared these drawings and specifications in accordance with the laws and regulations of the State of Illinois and the City of Naperville, Illinois.

**Project Name:** Rouse Apartments

**Checked by:** A.B. **A1.4**

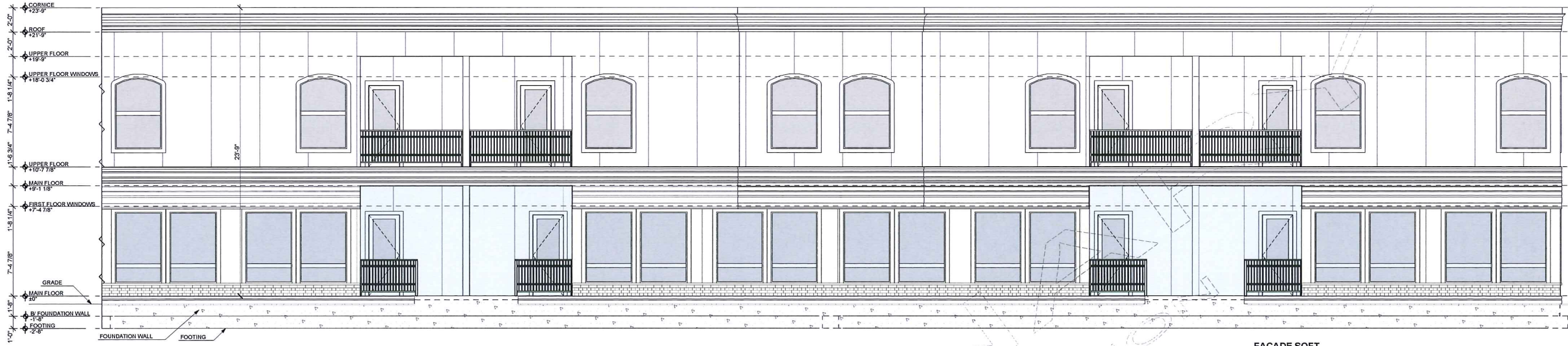
**Drawn by:** A.S.

**Date Issued:** **12/27/2018**

**Scale:** REFER TO PLAN

Decca Solutions is not responsible for any changes after the date above.





1 FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

**FACADE SQFT**

Façade below transom line= 1,920 total sq ft

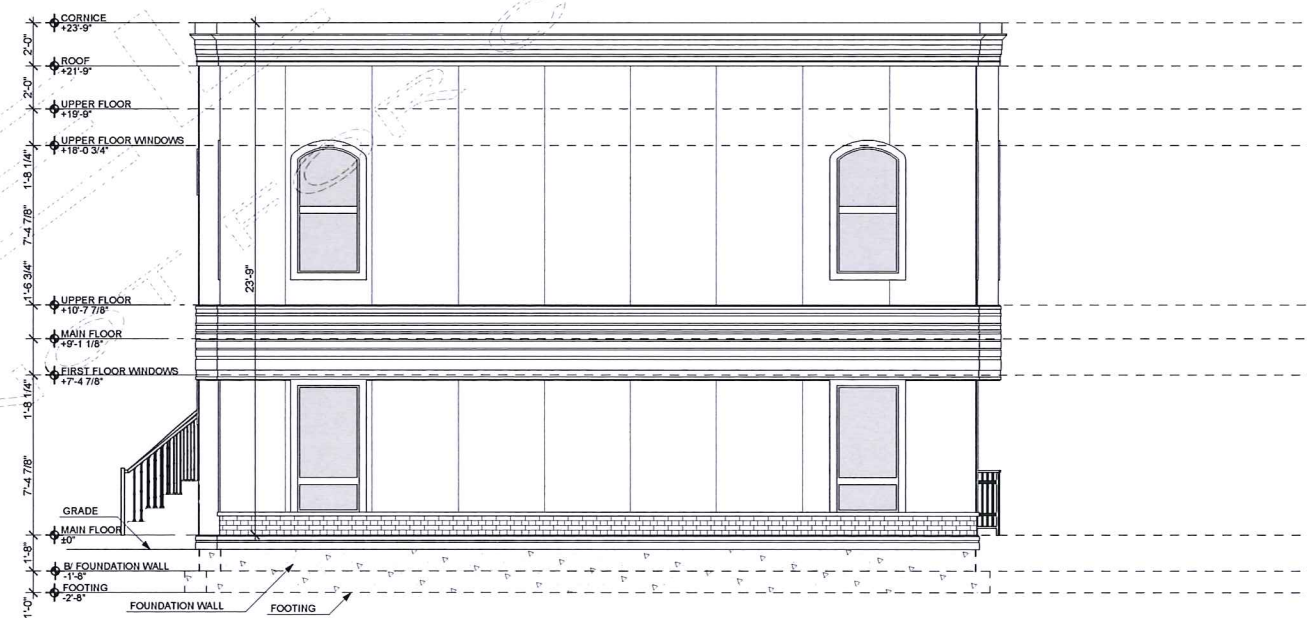
There are 32 windows that are 24 sq ft each= 768 sq ft  
There are 4 openings that are 148.5= 594 Sq ft  
Total glazed sq ft below transom line is 1,362 which is 71% of 1,920.

Façade above transom line= 1,920 total sq ft

There are 16 windows that are 24 sq ft each=384  
There are 4 openings that are 148.5 = 594  
Total glazing above transom line = 978 sq ft which is 51% of 1,920.

**NOTE:**  
REPRESENTATION OF ELEVATION IS FOR HALF OF THE BUILDING, THE OTHER HALF BEING SYMMETRICAL ALONG THE MIDDLE AXIS.

**LEGEND:**



2 LEFT ELEVATION  
SCALE: 1/4" = 1'-0"

**Rouse Apartments**

Drawn by: A.S.	Checked by: A.B.	A2.1
Date Issued:	Revised Date:	Ream Solutions is not responsible for any changes after the date above.
Scale: REFER TO PLAN		

**Project Description:**  
 Client Address:  
 Project City, Project State

**THIS PLAN IS THE MOST CURRENT PLAN AS OF THIS DATE**  
**12/27/2018**

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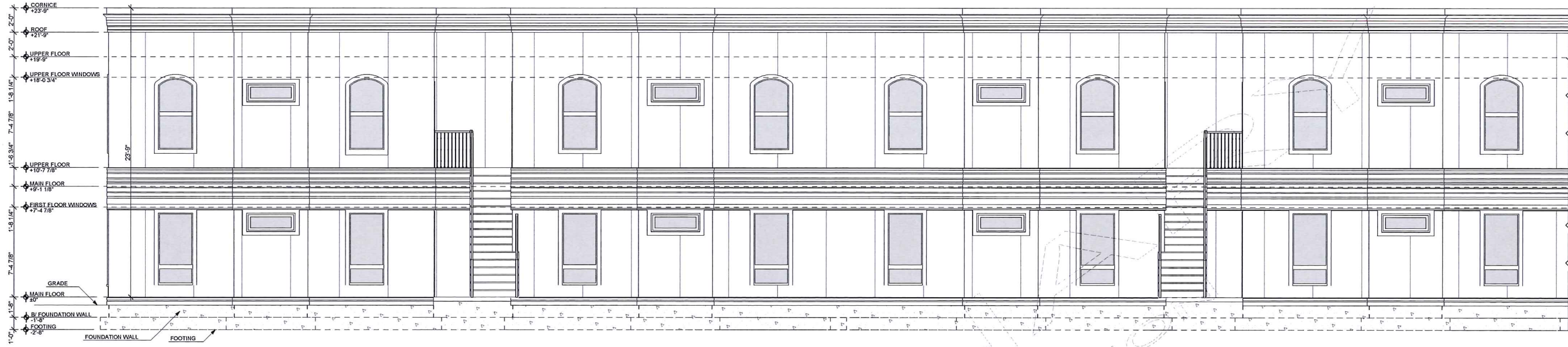
**CONTRACTOR**



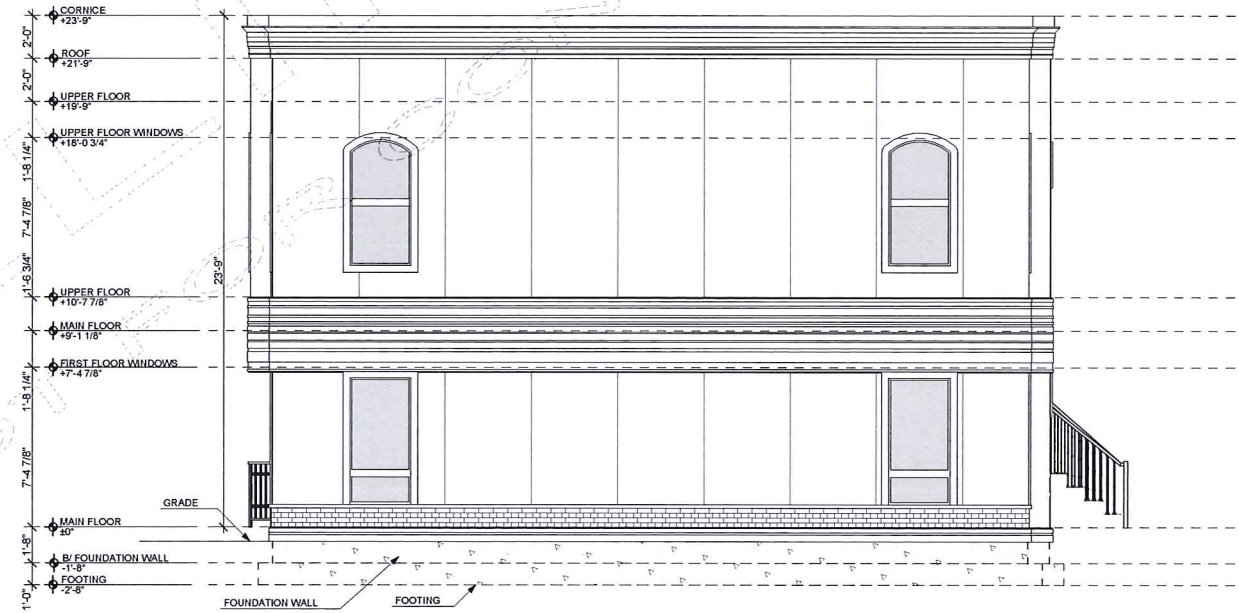
**ARCHITECTURAL SEAL AREA**

**CERTIFICATION OF THE DRAWINGS**  
 I, the undersigned, hereby certify that I am a duly Licensed Professional Engineer and that I have prepared these drawings to the best of my knowledge and belief, in accordance with the provisions of the Code of Ethics and the Ordinance of the City of Marseilles, Illinois.





2 REAR ELEVATION  
SCALE: 1/4" = 1'-0"



1 RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"

<b>Project Description:</b> #Client Address: #Client City, #Client State.	<b>Rouse Apartments</b>	
	Drawn by: A. S.	Checked by: A. B.
THIS PLAN IS THE MOST CURRENT PLAN AS OF THIS DATE: <b>12/27/2018</b>		Date Issued: Scale: REFER TO PLAN
Date Issued: Scale: REFER TO PLAN		
Revisions: In not responsible for any changes after the date above.		
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<b>CONTRACTOR</b>		
<b>ARCHITECTURAL SEAL AREA</b>		
<b>CERTIFICATION OF THE DRAWINGS</b> <small>I, the undersigned, hereby certify that I am a duly licensed professional engineer in the State of Illinois and that I am the author of the drawings herein and that I am not responsible for any errors or omissions in these drawings or any laws which may apply to the plans. Use of such plans shall be at the user's risk of the user.</small>		









Corner of Johnson Street and 1st Street View



Johnson Street View



Kirby Street View



Corner of 1st Street and Kirby Street View

**Project Description:**

#Client Address:  
#Client City, #Client State.

THIS PLAN IS THE MOST  
CURRENT PLANS OF THIS DATE:

**12/27/2018**

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**CONTRACTOR**



**ARCHITECTURAL SEAL AREA**

**CERTIFICATION OF THE DRAWINGS**  
I, the undersigned, being duly licensed and qualified in the State of Illinois, do hereby certify that I am the author of these drawings and that I am a duly licensed and qualified professional engineer or architect in the State of Illinois. I am not aware of any fraud, error, or omission in these drawings. I am not aware of any fraud, error, or omission in these drawings. I am not aware of any fraud, error, or omission in these drawings.

**Rouse Apartments**

Drawn by: A.S.

Checked by: A.B.

A4.1

Date Issued:

Revised Date:

Scale: REFER TO PLAN

Deans Solutions is not responsible for any changes after the date above.





**AERIAL VIEWS**

ARCHITECTURAL SEAL AREA

**CERTIFICATION OF THE DRAWINGS**  
 I, the undersigned, being a duly Licensed Professional Engineer, do hereby certify that these drawings were prepared under my personal supervision and to the best of my knowledge and belief comply with the provisions of the Code of Ordinances of the City of Marengo, Illinois, and with the Ordinance of the City of Marengo, Illinois.

CONTRACTOR



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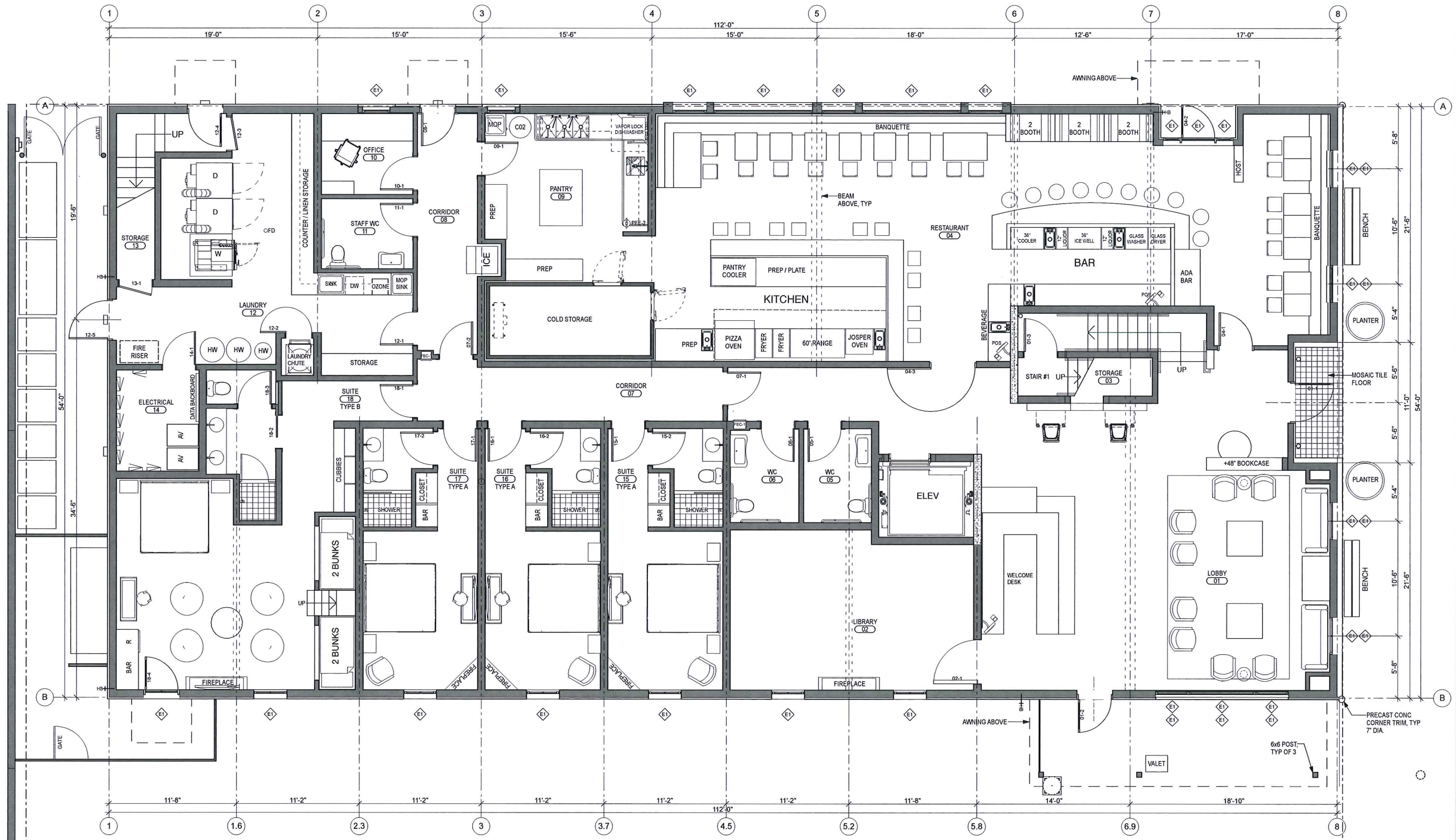
**Project Description:**  
 Client Address:  
 Client City, Client State

**THIS PLAN IS THE MOST  
 CURRENT PLAN AS OF THIS DATE:  
 12/27/2018**

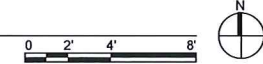
**Rouse Apartments**

Drawn by: A.S.	Checked by: A.B.	A4.2
Date Issued:	Revised Date:	
Scale: REFER TO PLAN	Dazza Solutions is not responsible for any changes after the date above.	





**1 FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



**GENERAL NOTES**

1. EXTERIOR DIMENSIONS TO F.O. CONC OR F.O. PLYWOOD, U.O. INTERIOR DIMENSIONS TO F.O. FRAMING UNLESS OTHERWISE NOTED. CLEAR DIMENSION TO F.O. FINISH.
2. VERIFY SKYLIGHT ROUGH OPENINGS PRIOR TO FRAMING.
3. SEE A0 FOR LIFE SAFETY NOTES & FIRE SPRINKLER REQUIREMENTS.
4. ALL CALLOUTS ALSO REFER TO ALL SIMILAR ITEMS THAT OCCUR ON SAME SHEET.

**LEGEND**

- |  |   |
|--|---|
|  | ROOM NAME<br>ROOM NUMBER<br>OCCUPANT LOAD   |
|  | ROOM NAME<br>ROOM NUMBER<br>OCCUPANT LOAD   |
|  | ROOM NAME<br>ROOM NUMBER<br>OCCUPANT LOAD   |
|  | DIRECTION OF EMERGENCY EGRESS TRAVEL<br>COMBINED NUMBER OF OCCUPANTS  |
|  | EXIT SIGN, CEILING OR HIGH-WALL MOUNTED<br>READILY VISIBLE FROM ANY DIRECTION OF EGRESS TRAVEL<br>SEE ELECTRICAL FOR ADDITIONAL INFO. |
|  | RECESSED FIRE EXTINGUISHER CABINET  |
|  | WALL HUNG FIRE EXTINGUISHER   |
|  | WALL / FLOOR / ROOF TYPE, SEE A8.0 & A8.1   |

**EGRESS LIGHTING LEGEND**

- |  |  |
|--|--|
|  | WALL SCONCE LIGHT FIXTURE WITH INTEGRAL BATTERY BACKUP           |
|  | CAN LIGHT FIXTURE WITH INTEGRAL BATTERY BACKUP                   |
|  | 2' X 4' LIGHT FIXTURE WITH INTEGRAL BATTERY BACKUP               |
|  | LINEAR LIGHT FIXTURE WITH INTEGRAL BATTERY BACKUP                |
|  | LINEAR LIGHT FIXTURE WITH INTEGRAL BATTERY BACKUP                |
|  | WALL MOUNTED LINEAR FIXTURE WITH INTEGRAL BATTERY BACKUP         |
|  | EXIT LIGHT WITH INTEGRAL BATTERY BACKUP                          |
|  | EXIT LIGHT WITH EMERGENCY FLOOD LIGHTS & INTEGRAL BATTERY BACKUP |
|  | EMERGENCY LIGHT - TURNS ON UPON POWER LOSS                       |
|  | COMBINATION VISUAL/AUDIBLE ALARM, SEE ELECTRICAL FOR ADDL. INFO. |

**Exhibit 8**

**NATHAN COOPER ARCHITECT, LLC**  
603.762.6165  
nathan@nathancooperarchitect.com 6011 SW 53rd Ave. Portland, OR 97239

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**ATTICUS HOTEL**  
Odd Fellows Building, LLC  
NE 4th & NE Ford Street  
McMinnville, Oregon 97128

100% DD	9/21/16
DATE	REVISION

**PRELIMINARY NOT FOR CONSTRUCTION**

**A2.1**  
FIRST FLOOR PLAN



**GENERAL NOTES**

1. ALL CALLOUTS ALSO REFER TO ALL SIMILAR ITEMS THAT OCCUR ON SAME SHEET.
2. SEE MECH. ELECT. PLUMBING DRAWINGS FOR ADDITIONAL BUILDING MOUNTED FIXTURES, VENTS & EQUIPMENT NOT SHOWN.
3. SEE PLANS & SCHEDULES FOR ADDITIONAL INFORMATION ON DOORS & WINDOWS.
4. TOP OF WINDOW ROUGH OPENING SHOWN ON SCHEDULE. VERIFY WITH DESIGN INTENT SHOWN IN ELEVATION & NOTIFY ARCHITECT OF ANY DISCREPANCY.
5. PROVIDE MOCK-UPS OF ALL COLORS & FINISHES FOR OWNER & ARCHITECT APPROVAL PRIOR TO INSTALLATION.
6. ALL PENETRATIONS IN EXTERIOR BUILDING ENVELOPE TO BE FLASHED AND SEALED TO KEEP BUILDING AIR AND WATER TIGHT.

**EXTERIOR MATERIAL NOTES**

- EXTERIOR CLADDING:** 3-COAT TRADITIONAL CEMENT STUCCO OVER VENTILATED RAINSCREEN
- WEATHER RESISTIVE BARRIER:** PROSO-CO CAT-5 LIQUID APPLIED AIR BARRIER
- EXTERIOR TRIMS:** PAINTED WOOD TRIMS AS SHOWN
- CORNICE:** PAINTED TRIMS & SHEET METAL CAP
- METAL FABRICATION:** POWDER COATED, SHOP-FABRICATED STEEL
- WINDOWS:** 1ST FLOOR, ALUMINUM CLAD WOOD. 2ND / 3RD / 4TH FLOOR, VINYL
- PUBLIC ENTRY DOORS:** CUSTOM WOOD ENTRY DOORS, STAINED
- DOORS, BACK-OF-HOUSE:** PAINTED HOLLOW METAL, INSULATED



**1 EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

**NATHAN COOPRIDER ARCHITECT, LLC**  
 500 25th Ave SE  
 Portland, OR 97214  
 503.255.8185  
 nathan@nathancoopriders.com

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**ATTICUS HOTEL**  
 Odd Fellows Building, LLC  
 NE 4th & NE Ford Street  
 McMinnville, Oregon 97128

DATE	REVISION
9/21/16	
100% DD	

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

**A3.0**  
 EAST ELEVATION





P.O. Box 1514  
McMinnville, OR 97128  
(503) 687-3012

[www.navigationlanduse.com](http://www.navigationlanduse.com)

## MEMORANDUM

**DATE:** February 1, 2019  
**TO:** McMinnville Planning Department  
**FROM:** Ron Pomeroy, Navigation Land Use Consulting, LLC  
**SUBJECT:** Supplemental Application Information RE: DDR 1-19

The following information supplements the application submittal filed with the McMinnville Planning Department on January 4, 2019 and assigned docket number DDR 1-19.

In conversation with McMinnville Planning Department staff on January 30, 2019, then followed by an email from the McMinnville Planning Department on that same day, the Department advised that the distance of the front building façade to the front property line is not measured from the face of the 7.5-foot wide second floor dining room projections; that measurement would place the building at the “zero” lot line of SE 1<sup>st</sup> Street. Rather, the Planning Department advised that the distance of the building’s front façade to the front property line is measured from the balance of the overall non-projecting portion of the building’s front façade. Additional detail regarding this guidance is provided in the January 30<sup>th</sup> email from the Department provided below in this memo. There were also a few additional questions posed asking for clarification by the applicant. The applicant appreciates the thoughtful communication, assistance and direction by the Planning Department.

It was suggested in the Planning Department email of January 30<sup>th</sup> that the applicant submit a “completely new and revised version of the narrative” inclusive of revised findings of fact and, perhaps a revised site plan (or other plans) depending on the actual proposed changes. It is important to note that the submittal of these materials is suggested by staff but not required. With the aim of this proposal being reviewed by the McMinnville Historic Landmarks Committee as soon as possible we are, with the submittal of this memo, providing the requested clarifications and the additional/amended findings of fact necessary to enable that review. The following information is provided in order that this application might be considered to be deemed complete and for additional general clarification as follows.

### Clarification:

- The entire level (grade) of the entry courtyards for each of the eight ground floor apartment front entries located along the SE 1<sup>st</sup> Street front façade of the proposed building is estimated to be approximately seven inches above the base grade of the SE 1<sup>st</sup> Street sidewalk. This places the entry courtyards at the same level as the first floor of the proposed building.

- The eight front entry courtyards with decorative fences to be located along the building’s SE 1<sup>st</sup> Street façade are proposed to be of a slight “L” shaped design. The southern edge of the fenced portion of each entry courtyard will be flush with the façade of the first floor of the building and not project or extend into the proposed one-foot building setback from SE 1<sup>st</sup> Street. The portion of each entry courtyard that will remain unfenced and function as the entry point from the sidewalk to the front door of each residential unit will extend into the one-foot setback all the way to the property’s SE 1<sup>st</sup> Street edge.
- The difference in grade noted by staff “between the finished grade of the patio and the adjacent sidewalk” represents the one step up from the base grade of the SE 1<sup>st</sup> Street sidewalk to both the level of the entry courtyard as well as the finished first floor grade of the building. All of the submitted graphics are consistent with this design and with each other and represent and support the design description of the proposed entry courtyards provided above.
- The balance of the one-foot SE 1<sup>st</sup> Street setback area at base grade not utilized to become the entry points for the front courtyards is proposed to be concrete at base grade with the adjacent SE 1<sup>st</sup> Street sidewalk.

Supplemental and amended Findings of Fact:

The January 30, 2019 email referenced in this memo, in the Findings of Fact provided below and included as part of this memo is hereby with this reference requested to be included as part of the application materials of DDR 1-19.

Text to be removed is identified in ~~strikeout~~ font and new text is identified in **bold underline** font.

- Relative to the Finding provided at 17.21.040:

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criteria is satisfied as shown on the submitted site plan (Exhibit 2) in that the rear of the proposed apartment building is located approximately 64-feet from the site’s rear (north) property line. While the front and exterior side yard setbacks for the R-4 zone are each identified above as 15-foot minimums, the Planning Department has determined that buildings located within the boundary of the area identified as the Downtown Design District and governed by the Downtown Design Standards and Guidelines Chapter of the zoning ordinance shall maintain a zero setback from the sidewalk or property line. This direction was provided by the McMinnville Planning Department in an email dated September



24, 2018 provided to Jonathan Rouse of RJED and is included with this application as Exhibit 4. The most relevant portion of that email that speaks to setbacks is highlighted in yellow on Exhibit 4 and, for ease of reference, is provided here.

“In comparing the requirements of the R-4 zone to those in the C-3 zone, another determinative section of the code is Section 17.03.040, which states that “[w]here the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.” [..] [The underlined portion of the previous sentence was already underlined in the January 4<sup>th</sup> application submittal.]

The Downtown Design Standards and Guidelines chapter establishes other building and site design requirements that Ron had pointed out as well, some of which differ from the requirements of the R-4 zone.

In regard to setbacks in the downtown design area, Section 17.59.050(A) states that “except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.” While the setback requirements of the R-4 zone could be seen as more restrictive in that they require a larger setback, staff is instead interpreting the requirement for a zero-foot setback to be more restrictive in the particular context of the downtown area, as it maintains the intent of the Downtown Design Standards and Guidelines and the zero-foot setback uniformity in the downtown area.”

~~RJED understands and supports the Planning Department’s interpretation and direction on this matter and has designed the proposed project accordingly to maintain compliance with that direction. As shown on Exhibit 2, the proposed multiple-family apartment building maintains a zero-foot setback from the property edges that abut NE Johnson Street, NE Kirby Street and NE 1<sup>st</sup> Street; the zero-foot setback of the building along the NE 1<sup>st</sup> Street frontage is measured at the outer edge of the second floor dining-room projections. These zero-foot setbacks along property lines that abut public rights-of-way maintain the intent of the Downtown Design Standards and Guidelines and the zero-foot setback uniformity in the downtown area. This criteria has been satisfied.~~

**RJED understands and supports the Planning Department’s interpretation and direction on this matter and has designed the proposed project accordingly to maintain compliance with that direction relative to the east and west property edges. As shown on Exhibit 2, the proposed multiple-family apartment building maintains a zero-foot setback from the property edges that abut NE Johnson Street and NE Kirby Street. These zero-foot setbacks along property lines that abut these two public rights-of-way maintain the intent of the Downtown Design Standards and Guidelines and the zero-foot setback uniformity in the downtown area. A zero setback is not maintained on the south property edge adjacent to SE 1<sup>st</sup> Street and is addressed further in Findings presented below. Based on information contained in the Planning Department’s email of January 30, 2019, and which is included with this proposal, it is understood that the distance of the front building façade to the front property line cannot be measured from the face of the 7.5-foot wide second floor dining room projections. That January 30, 2019 email states, in part:**

**“The upper story cantilever makes up a minimal percentage of the overall 1<sup>st</sup> Street façade. The upper floor cantilever, as it is described on the site plan, is also further described [..] as a “second floor dining-room projection”. Therefore, staff believes that the upper floor projection is just that, a projection or architectural feature of the building, not the main façade of the building which the setback should be measured from. Further, Section 17.54.050(C) includes language on “projections into yards”, stating that “Architectural features such as cornices, canopies, sunshades, windows [...] shall no**

**project more than 18 (eighteen) inches into a required yard.” Staff believes that the upper floor cantilever is an architectural projection, and that it could be allowed as a projection into the front yard (the proposed one foot setback area).**

**This criteria relative to the proposed building maintaining a zero-foot setback from the property edges that abut NE Johnson Street and NE Kirby Street has been satisfied.**

- Relative to the Finding provided at 17.59.050:

**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.
2. Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

**Finding:** The proposed multiple-family apartment building is designed and shown on the submitted site plan (Exhibit 2) to maintain a zero setback from property lines on the west, ~~south~~ and east boundaries of the site adjacent to the ~~three~~ **two** associated public rights-of-way. For additional information related to the proposed zero setbacks for this development, please refer to findings previously provided above and as also addressed in Exhibit 4. This criteria has been satisfied **relative to the site’s west and east frontages.**

**17.59.050(A)(2) above provides that exceptions to the setback requirements of subsection 1 may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways. As previously stated, and as shown on the plans submitted as part of this application, a one-foot setback from the SE 1<sup>st</sup> Street property line is proposed as part of this submittal and an exception to the zero setback requirement of 17.59.050(A)(1) is being requested to allow for the creation of the proposed front entry courtyards shown to be provided for each of the eight ground floor apartments fronting SE 1<sup>st</sup> Street. The granting of this exception would allow for the creation of entry courtyards for these eight first floor apartments as well provide opportunity for future tenants to use the space as outdoor dining space which is also supported by this standard for granting such an exception request.**

**Also, it is of some interest to note that, while not identified as a criterion for granting such an exception, the one-foot setback exception being requested is also the vehicle that allows for the one-foot deep projections of the second-floor dining rooms designed as part of this proposal. If it is determined that an exception for the zero setback requirement relative to the NE 1<sup>st</sup> Street frontage is not approved, the building will need to move south one foot to the zero lot line and the second-floor dining room projections, which help to vertically and laterally articulate the building, will need to be removed from the building design.**

Of some interest relative to this current proposal, the Atticus Hotel, located on the southwest corner of the intersection of NE 4<sup>th</sup> and NE Ford Streets and also located within the Downtown Design District, was proposed to be constructed, and was constructed, maintaining a zero setback from its street-side property lines. The City’s staff report which was reviewed by the Historic Landmarks Committee and relied on, in part, to arrive at a decision to approve the Downtown Design Review application for the Atticus Hotel project provided it’s Finding for this requirement on page nine of that report stating:



“The proposed building will be constructed with no setback from the sidewalk or property line. The building will front direction onto the sidewalk of both NE 4<sup>th</sup> Street and NE Ford Street.”

As can be seen in Exhibit 8 of this application, Sheet A2.1 shows the Atticus Hotel sited on those two street-side property lines at the ground floor level. Additionally, Sheet A3.0 of Exhibit 8 also shows the planned projection of specific exterior design elements extending past the Atticus Hotel’s property boundary and into the NE 4<sup>th</sup> Street public right-of-way. Those identified projections, for which no zoning or other waiver was either requested or granted, include window moldings at the ground floor level, the pre-cast belt course located between floors one and two, the pre-cast cornice atop the building’s outer edge and wooden flower boxes that have been provided at a rhythm of every other window on floors two, three and four of the building. These projections are further represented on the sketched building isometric of page 3 of this Exhibit. In line with the Historic Landmarks Committee’s approval and the City’s support of these projecting elements of the Atticus Hotel’s exterior façade into the NE 4<sup>th</sup> Street right-of-way, this current application before you also proposes to similarly yet minimally project the belt course located between the first and second floor and the cornice proposed to site atop the building’s outer edge into the NE Johnson Street, NE 1<sup>st</sup> Street and NE Kirby Street rights-of-way. While some of the Atticus Hotel projections into the right-of-way occur at the ground floor level, any such projections on this currently proposed apartment project will occur above the first floor of the building and are proposed to be a minimum of eight-feet above the adjacent sidewalk grade.

**From:** Chuck Darnell <[Charles.Darnell@mcminnvilleoregon.gov](mailto:Charles.Darnell@mcminnvilleoregon.gov)>  
**Sent:** Wednesday, January 30, 2019 4:11 PM  
**To:** Ron Pomeroy <[ron@navigationlanduse.com](mailto:ron@navigationlanduse.com)>  
**Cc:** Jonathan Rouse <[rouseville@gmail.com](mailto:rouseville@gmail.com)>; Robin Rouse <[robinrouse@gmail.com](mailto:robinrouse@gmail.com)>;  
Andrew Burton <[aburton@creeksidehomes.net](mailto:aburton@creeksidehomes.net)>  
**Subject:** RE: RJED application

Hi Ron,

Thanks again for checking in on this. I have now finished my initial review of the Downtown Design Standards and Guidelines application that you submitted for the property at 1025 NE 1<sup>st</sup> Street, which is the design review for the construction of a 16 unit apartment building in the Downtown Design District. The application has been filed with the McMinnville Planning Department as docket number DDR 1-19.

I want to thank you for the thorough application narrative and materials. While some of those sections of the code are not necessarily applicable to the Downtown Design Standards, they do impact the site plan and could have ultimately impacted the design and layout of the building on the overall site, so I appreciate you addressing all of these items up front during this review process.

However, based on the materials submitted, I am deeming the application incomplete. In order for the application to be deemed complete, a few pieces of additional information must be provided:

- One (1) set of plans (including site plan, elevations, sections, etc.) drawn to scale. The set provided is not to scale at the 11x17 sheet size provided.
- Findings for Section 17.59.050(A) related to Building Setback and potential updates to site plan (specific information requested listed in **bold** below).

Staff has concerns with how the setbacks are being treated on the 1<sup>st</sup> Street (south) side of the building. The intent of the code is clear in Section 17.59.050(A) that “[...] buildings shall maintain a zero setback from the sidewalk or property line”. The narrative currently states that the “[...] proposed multiple-family apartment building is designed and shown on the submitted site plan (Exhibit 2) to maintain a zero setback from property lines on the west, south, and east boundaries of the site [...]”. The application narrative further describes setbacks in the findings provided for Section 17.21.040, stating that “[...] the zero-foot setback of the building along the NE 1<sup>st</sup> Street frontage is measured at the outer edge of the second floor dining-room projection”. The site plan shows that the 1<sup>st</sup> Street setback has a “1’-0” SETBACK FOR UPPER FLOOR CANTILEVER”.

The upper story cantilever makes up a minimal percentage of the overall 1<sup>st</sup> Street façade. The upper floor cantilever, as it is described on the site plan, is also further described, as noted above, as a “second floor dining-room projection”. Therefore, staff believes that the upper floor projection is just that, a projection or architectural feature of the building, not the main façade of the building which the setback should be measured



from. Further, Section 17.54.050(C) includes language on “projections into yards”, stating that “Architectural features such as cornices, canopies, sunshades, windows [...] shall no project more than 18 (eighteen) inches into a required yard.” Staff believes that the upper floor cantilever is an architectural projection, and that it could be allowed as a projection into the front yard (the proposed one foot setback area).

As the overall building façade is not constructed up to the property line and is setback one foot, as identified on the site plan, **staff is requesting that you address this in your application narrative and findings.** Section 17.59.050(A)(2) does allow for some exceptions to the zero setback requirements “[...] to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.” You could provide findings for the exception allowance for a setback on the 1<sup>st</sup> Street side of the building based on the proposed design elements (plaza/entry spaces on ground floor units), or request a waiver from the zero setback requirement, which would then require findings for the waiver review criteria in Section 17.59.040(A)(3).

In regard to the one foot setback area, it is also unclear in the narrative and the plans as to how this area would specifically be improved. The upper story cantilever obviously extends into a small portion of the one foot setback area above the ground. However, it also appears that the patio fencing on ground floor units would extend out into this one foot setback area, as is shown on the Main Floor Plan on Sheet A1.3, the Left Elevation on Sheet A2.1, and the Right Elevation on Sheet A2.2. The Patio Access to Public R.O.W – Section on Sheet A1.2, Front Elevation on Sheet A2.1, and Rear Elevation on Sheet A2.2 also all show a grade difference between the finished grade of the patio and the adjacent sidewalk. However, the site plan does not show this extension of the patio or the patio railing into the one foot setback area. This presents some questions on the proposed improvements:

- 1) Would a one foot extension of the patio outward from the rest of the building façade, at a grade taller than the adjacent sidewalk, be provided along the entire patio opening on the ground floor?
- 2) What would be the treatment of the one foot setback area on the remainder of the base grade between the patio openings? The site plan and renderings appear to show paved area or sidewalk up to the building face.
- 3) If the space between patio opening is proposed to be paved, would this paved portion of the one foot setback area basically function as a one foot wider sidewalk in these areas?

**The improvements in the proposed setback area should be clearly described in the narrative** (potentially in the findings for the one foot setback exception in Section 17.59.050(A)(2)), and **may also need to be updated on the site plan** (depending on the actual proposed improvements).

You may submit revised plans and findings to me directly by email. I would suggest that, if you do decide to make changes as requested above, you make the changes to the narrative and submit a completely new and revised version of the narrative that incorporates all of the changes. This would be the cleanest way to provide revisions, and would be easiest for the

Historic Landmarks Committee in reviewing your proposal, rather than having them alternate between two versions of the narrative.

Please let me know if you have any questions about any of the comments above. I would be happy to discuss these comments further with you if you have any questions.

Thanks,  
Chuck

**Chuck Darnell**  
Senior Planner  
City of McMinnville  
231 NE 5<sup>th</sup> Street  
McMinnville, OR 97128

503-434-7330  
[chuck.darnell@mcminnvilleoregon.gov](mailto:chuck.darnell@mcminnvilleoregon.gov)