



STAFF RECOMMENDATION

Approval, with Conditions

This document represents the Planning and Zoning Staff recommendation, findings and conditions of approval for a Design Review as cited below. It contains four parts: Section 1 – Summary, Section 2 – Conditions of approval, Section 3 – Findings, Section 4 – Summary of Findings and Decision.

SECTION 1 – SUMMARY

DATE: January 21, 2020

CASE FILE NO.: Z0474-19-D

STAFF CONTACT(S): Anthony Riederer, ariederer@clackamas.us, 503-742-4528

LOCATION: 22E11D 00400 and 00500

ADDRESS: 15526 SE 135th Ave, Clackamas, OR

APPLICANT(S): Mark McKechnie, architect for the developer

OWNER(S): CCX LLC and Dennis Snyder

TOTAL AREA: Approximately 1.89 acres

ZONING: C2 (Community Commercial, ZDO Section 510)

COMMUNITY PLANNING ORG: Clackamas CPO (Inactive)

PROPOSAL: Construction of four speculative commercial buildings of 4,000 square feet each. Two of the buildings are proposed to have drive-through service. Proposed project to also include, modified site access, circulation, parking, landscaping, and other redevelopment as required by the Clackamas County Zoning and Development Ordinance.

APPLICABLE APPROVAL STANDARDS: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO). Development of the subject property is subject to the provisions of ZDO Sections 1102, 510, 1002, 1005, 1006, 1007, 1009, 1010, 1015, 1021, and 1307 as adopted by the Board of County Commissioners. Additionally, this project will be subject to county development standards including, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.

BACKGROUND:

The subject site is located on the south-east side of the intersection between SE 135th Avenue and Oregon Highway 212, near the Clackamas Industrial Area. The site includes two tax lots, the northernmost of which is currently vacant and the southernmost has previously been developed with a single family dwelling. There is minimal mature vegetation and virtually no significant topographic changes. The proposal is to clear and level both tax lots to prepare the site for this development. The site is abutted to the west and south by commercially zoned properties. To the east are properties zoned for medium density and developed as a modular/mobile home park. To the north are properties zoned for Light Industrial use as well as some land under the jurisdiction of Happy Valley.

The properties along Oregon Highway 212 have historically been developed for a range of industrial uses and that corridor forms the spine of a significant industrial/employment center in Clackamas County. Along SE 135th the properties are zoned for commercial development and have a limited character. It is notable that a significant electrical transmission line runs along the eastern side of SE 135th. Portland General Electric holds an easement along that line, creating a barrier building development near the street. This has commonly been an approach the zoning code uses to attempt to generate a more 'urban' or 'pedestrian friendly' development form.

This proposal is for the construction of four speculative commercial buildings of approximately 4,000 square feet each. Two of the buildings are proposed to have drive-through service. Proposed project to also include site improvements such as new site access, circulation, parking, landscaping and signage.

A pre-application conference was held on this project on September 9, 2019.

Clackamas County's GIS mapping system indicates that the project site is not subject to any additional habitat or conservation-related overlay zoning, historic property protections, or hazards related to flood or earth movement.

NOTICE

Notice of this application was sent to property owners within 300 feet of the subject tract property lines, as well as WES CCSD#1, Clackamas River Water, Clackamas County's Building, Engineering, Sustainability, and Economic Development Divisions, and the Oregon Department of Transportation.

PUBLIC COMMENT

No written public comments were received. There was a single inquiry via phone as to the nature of the development proposal and the potential for traffic impacts to the area. The caller declined to submit formal written comments.

AGENCY COMMENT

Engineering Division Facts and Findings

1. The applicant has proposed construction of a 16,000 square foot commercial center, to be developed in two phases. Each phase will construct two 4,000 square foot buildings. Phase one includes a Starbucks coffee shop occupying 2,180 square feet, with drive-thru service. The project site is located on the east side of SE 135th Avenue and south side of State Highway 212. The proposed development is subject to the provisions of *Clackamas County Zoning and Development Ordinance*

(ZDO) section 1007 pertaining to roads and connectivity, section 1015 pertaining to parking and loading, and Water Environment Services requirements and Roadway Standards Chapter 4 pertaining to surface water management.

2. Highway 212 is classified as a principal arterial roadway and is under the jurisdiction of the Oregon Department of Transportation (ODOT). SE 135th Avenue is classified as minor arterial. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for minor arterial and local roads.
3. Consistent with ZDO Section 1007.02, developments are required to dedicated public right-of-way and improve the roadway fronting the site to current standards. The applicant will be required right-of-way to provide approximately a 38-foot one half width to accommodate the required frontage improvements.
4. There is existing curb tight sidewalk constructed along the frontage of Highway 212 that was recently constructed to provide a bus pullout on the highway. During the pre-application for the development, it was noted that the existing curb ramp at the SE 135 Avenue/Highway 212 intersection does not meet current ADA standards and would require an upgrade. ODOT has provided comments indicating that they have a current project planned that will reconstruct the curb ramp at the SE 135 Avenue/Highway 212 intersection. Based on this, the applicant will be required construct frontage improvement up to the curb ramp, providing a transition from setback to curb tight sidewalk.
5. There is existing curb tight sidewalk constructed along the frontage of SE 135th Avenue. Although the existing curb line is adequate, the sidewalk along the SE 135th Avenue frontage does not meet the minimum standard. The current standard requires a landscape strip with street trees between the curb and sidewalk, and additional sidewalk width. The applicant has proposed retaining the existing sidewalk based on existing curb tight sidewalk in the vicinity and utility conflicts. Exceptions to the standard frontage improvement are typically granted when there are significant topographical or environmental constraints. The standard frontage improvement are feasible recommended for this development. A 5-foot landscape strip with street trees and a 7-foot wide sidewalk will be required along the project site frontage of SE 135th Avenue.
6. As provided by Section 220.4 of the Clackamas County Roadway Standards, access to arterial roadways is restricted when a property has frontage on a lower classification roadway. Highway 212 is the higher functional class roadway, so access is proposed on SE 135th Avenue. As noted by the applicant, a single driveway approach is required toward the south end of the project site, in alignment with the existing driveway on the west side of SE 135th Avenue.
7. The applicant will be required to provide adequate on-site circulation for all vehicles anticipated to use the site. The proposed parking and maneuvering areas appear to provide adequate access. Phase one includes development of the north half of the site, with the shared driveway and access drive constructed on the south portion (phase 2) of the site. The applicant will be required to provide a shared access easement between Phase 1 and 2. Based on the size of the proposed development, a minimum of one loading space will be required. The preliminary plans identify the loading space within phase two. Construction of a loading space will be required with construction of phase one improvements.
8. The applicant will be required demonstrate turning movements for large vehicles such as garbage truck and emergency service vehicles. Vehicle parking spaces and bicycle parking spaces will be required to meet minimum ZDO section 1015 and Clackamas Roadway Standards dimensional requirements.

9. Per Clackamas Roadway Standards Section 240, developments are required to be served by driveways that provide adequate intersection sight distance. It appears sight distance can be provided at the proposed driveway.

ZDO Subsection 1007.09 requires that an adequate transportation system is in place concurrent with development. The traffic impact study by Access Engineering, dated December 17, 2019 evaluated the Highway 212/SE 135th Avenue intersection and SE 135th Avenue at the site driveway. The study indicates that the intersections will operate within county and ODOT volume to capacity (V/C) ratio standards. The study discusses long queues that occurs on SE 135th Avenue from the right turn on to Highway 212 that can extends south on SE 135th beyond the site driveway. A proposed striping plan has been identified to provide a southbound left turn pocket at the project site driveway. Restriping will be required as part of the development permit and the specific design will be determined by the Traffic Engineering Division.

Oregon Department of Transportation Facts and Findings

The existing ADA ramp at the southeast corner of OR 212 and SE 135th Ave is not up to current ADA/ODOT standards. ODOT has a project underway that will bring the ADA ramp up to standards (see attached plans). The new ramp expected to be installed in March 2020.

Please note that if Clackamas County requires any work in the highway right of way, a miscellaneous permit is required from ODOT.

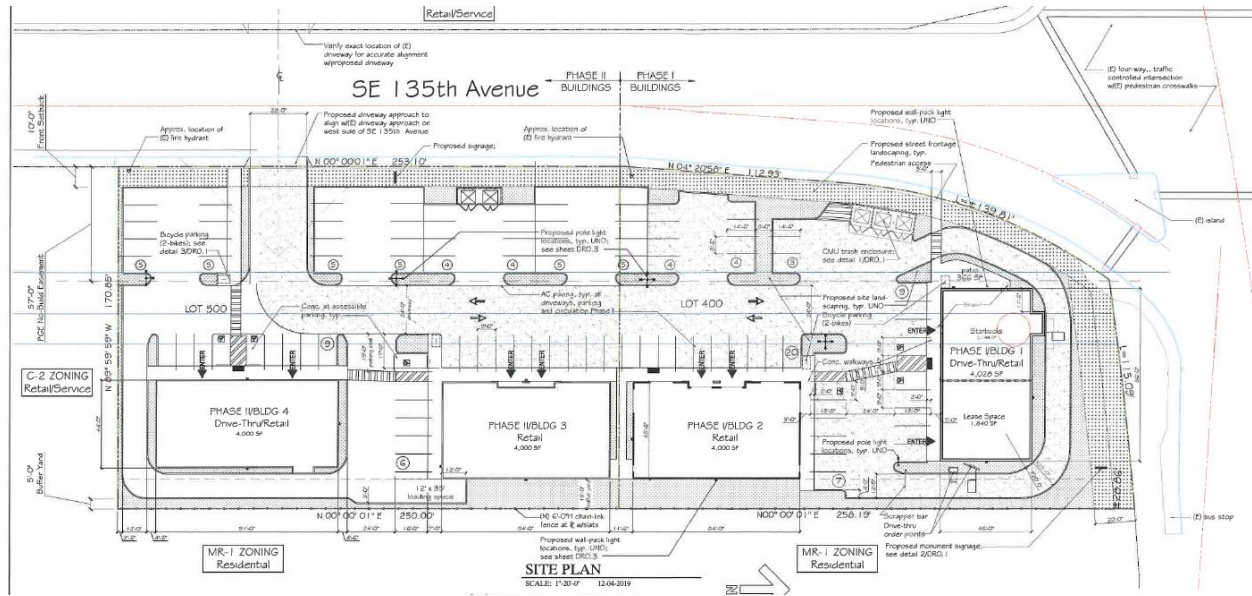
Sustainability Division Facts and Findings

The applicant has indicated that they plan to build two trash enclosures, on the western edge of the parcel. The enclosures are to be constructed of solid concrete masonry that measures 6' high, with bollards on the inside edges to prevent damage to the walls. The enclosures will have solid painted metal gates.

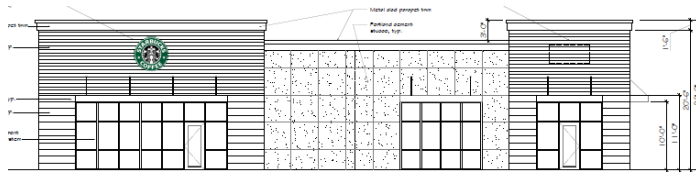
Site Aerial Image



Site Plan



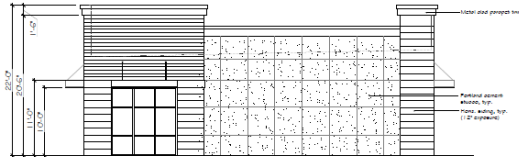
Building Elevations



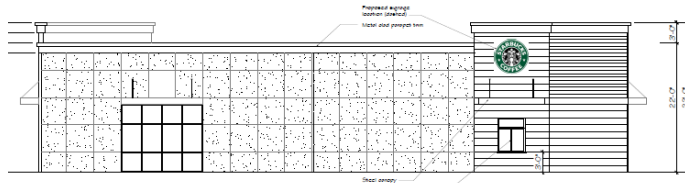
SOUTH ELEVATION-Phase I/Building 1
SCALE: 3/4" = 1'-0"



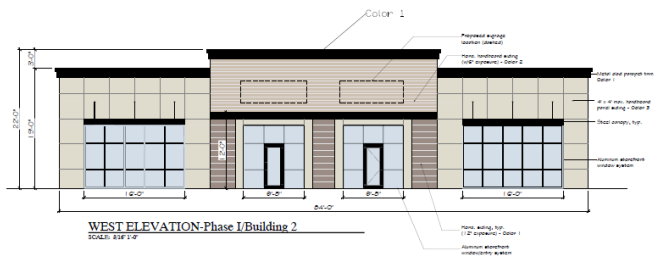
WEST ELEVATION-Phase I/Building 1
SCALE: 3/4" = 1'-0"



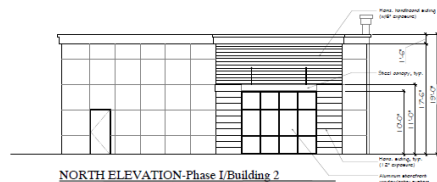
EAST ELEVATION-Phase I/Building 1
SCALE: 3/4" = 1'-0"



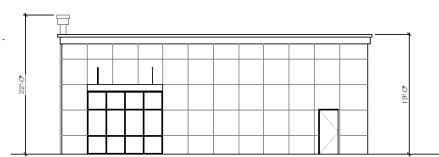
NORTH ELEVATION-Phase I/Building 1
SCALE: 3/4" = 1'-0"



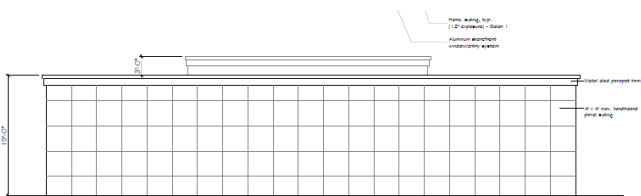
WEST ELEVATION-Phase I/Building 2
SCALE: 3/4" = 1'-0"



NORTH ELEVATION-Phase I/Building 2
SCALE: 3/4" = 1'-0"



SOUTH ELEVATION-Phase I/Building 2
SCALE: 3/4" = 1'-0"



EAST ELEVATION-Phase I/Building 2
SCALE: 3/4" = 1'-0"

Color 1 -

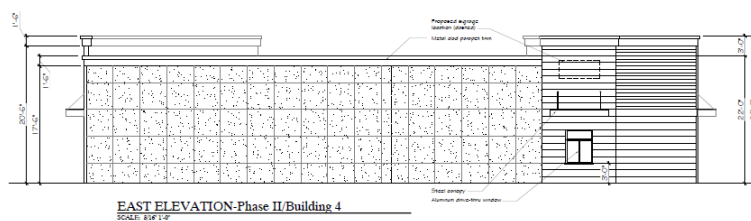
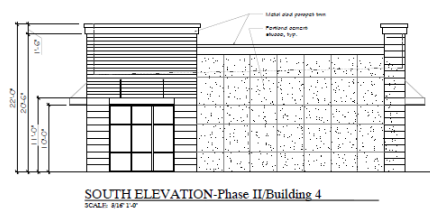
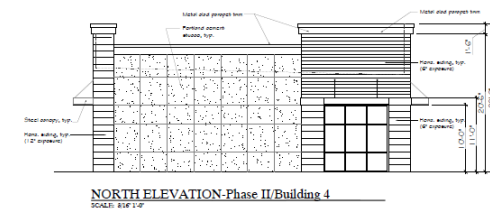
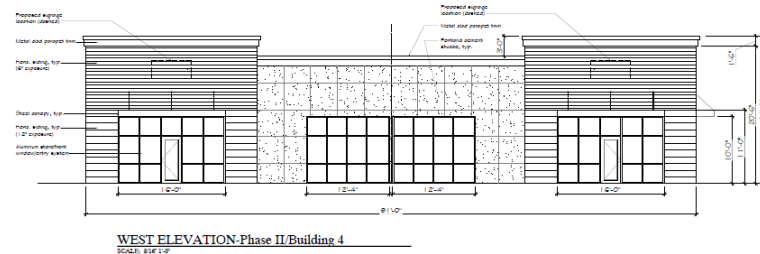
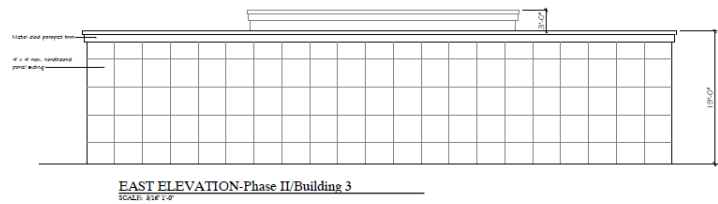
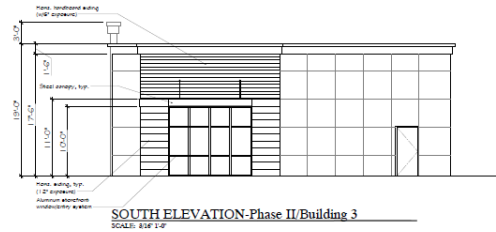
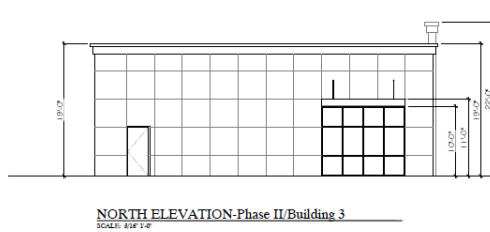
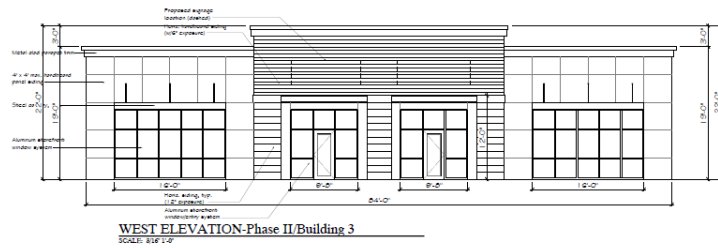


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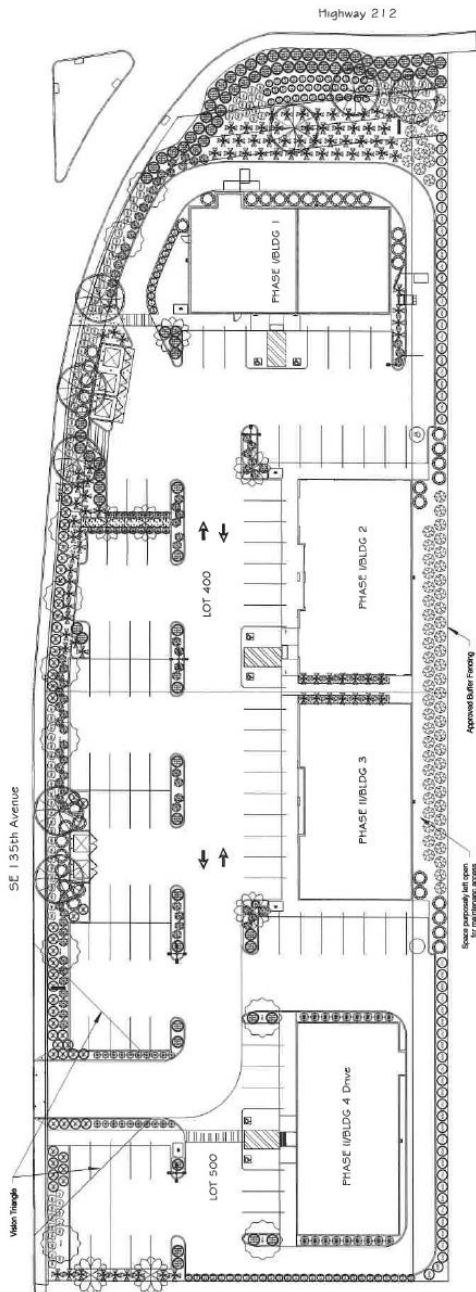


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Landscape Plan



PLANT LIST

Quantity	Common Name	Botanical Name	Size
Trees			
7	Pear, Callery, Capital	<i>Pyrus calleryana 'Capital'</i>	1 1/2"
10	Maple, Amur	<i>Acer ginnale</i>	1 1/2"
8	Stewartia, Japanese	<i>Stewartia pseudocamellia</i>	1 1/2"
Shrubs			
58	Batberry, Rose Glow	<i>Berberis thunbergii 'Rose Glow'</i>	2g
53	Bowwood, Green Beauty	<i>Buxus microphylla japonica 'Green Beauty'</i>	3g
35	Euonymus, Emerald Gaiety	<i>Euonymus fortunei 'Emerald Gaiety'</i>	2g
38	Heavenly Bamboo, Dwarf Purple	<i>Nandina domestica 'Dwarf Purple'</i>	2g
18	Heavenly Bamboo, Moyers Red	<i>Nandina domestica 'Moyers Red'</i>	2g
40	Laurel, Otto Luyken	<i>Prunus laurocerasus 'Otto Luyken'</i>	3g
97	Viburnum, David	<i>Viburnum davidii</i>	3g
Ground Cover / Grasses			
76	Grass, Little Kitten	<i>Miscanthus sinensis 'Little Kitten'</i>	1g
88	Juniper, Shoro	<i>Juniperus conferta</i>	1g
51	Kinkedink, Emerald Carpet	<i>Arctostaphylos 'Emerald Carpet'</i>	1g
113	Rose, Red Drift	<i>Rosa 'Meigalpio'</i>	1g
Idaho Fescue rooted plugs planted 12" OC			

All Planting are Low/Moderate to Moderate Water Needs

SECTION 2 – RECOMMENDED CONDITIONS OF APPROVAL

The Clackamas County Planning and Zoning staff recommends approval of this design review application subject to the following conditions:

A. General Conditions:

1. Approval of this land use permit is based on the submitted revised written narrative and plan(s) filed with the County on September 28, 2019, and deemed complete with revisions submitted on December 17th, 2019. No work shall occur under this permit other than which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these document(s) and the limitation of any approval resulting from the recommendation described herein.
2. The applicant is advised that they may take part in a Post Land Use Transition meeting. County staff would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you like to take advantage of this meeting please contact Wendi Coryell, 503-742-4657 or at wendicor@clackamas.us.
3. Prior to the SUBMISSION of building permits, the applicant shall submit a statement of use form to Wendi Coryell. She can be contacted at 503-742-4657 or wendicor@clackamas.us. The statement of use is used to calculate the applicable System Development Charges. These SDC's are included in the final calculation of the building permit fees for new development projects.
4. The decision is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision (ZDO 1102.05). During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved design review project. A "major development permit" is:
 - a. A building permit for the structure or
 - b. A permit issued by the County Engineering Division for frontage improvements required by this approval.
5. This Design Review approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.
6. The approval of the application granted by this decision concerns only the applicable standards for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

B. Planning and Zoning Conditions:

1. Prior to issuance of building permit, the applicant shall submit a site drawing demonstrating a landscape irrigation system which meets the standards of ZDO 1009.10(M).
2. Prior to issuance of certificate of occupancy, applicant shall submit a signed maintenance contract guaranteeing the landscape materials for one year from the date of installations or provide a performance surety pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs for the one-year period, per ZDO 1009.10(F).
3. Prior to issuance of certificate of occupancy the landscaping installation and irrigation system shall be inspected to ensure compliance with submitted drawings and the standards of ZDO 1009.
4. All signage shall comply with the dimensional and design standards of ZDO 1010.
5. Prior to issuance of certificate of occupancy, the trash and recycling enclosure shall be outfitted with a locking mechanism to prevent unauthorized access to materials and prevent materials scavenging. This mechanism shall comply with ZDO 1021 and the requirements of the local refuse/recycling hauler.

C. Building Code Division Conditions:

1. All construction shall comply with current Oregon Structural Specialty Code and any other relevant codes. All required building permits shall be obtained and received before final occupancy approval.
2. All applicable development permits (grading and erosion control, etc.) shall be obtained prior to any construction.

D. Clackamas County Engineering Conditions

1. All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
2. The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
3. The applicant shall dedicate additional right-of-way as necessary to provide an approximately 38-foot one half right-of-way width. At a minimum, the dedication shall encompass that required improvements, with at least 6 inches provided behind the sidewalk.
4. The applicant shall design and construct improvements along the entire site frontage of SE 135th Avenue to arterial roadway standards, consistent with Standard Drawing C140. These improvements shall consist of the following:
 - a. Remove and replace any damaged curb sections. The existing tow northerly driveway approaches shall be removed and replaced with curb, landscape strip and sidewalk.
 - b. A 7-foot wide unobstructed sidewalk shall be construct along the site frontage up to the curb ramp at Highway 212. The applicant shall coordinate with ODOT and transition the sidewalk as necessary to match the proposed ODOT's curb ramp project.

- c. A minimum 5-foot wide landscape strip shall be provided between the sidewalk and curb. Street trees shall be provided within the landscape strip along the entire site frontage at 25-40-foot spacing, based on tree species.
 - d. A maximum 28-foot wide concrete driveway approach, per Standard Drawing D600 shall be constructed in alignment with the existing driveway on Tax Lot 22E11DB00200 on the west side of SE 135th Avenue.
 - e. An ADA accessible curb ramp shall be constructed at the south end of the sidewalk, providing a transition from the new sidewalk to the edge of pavement.
 - f. The applicant shall provide and maintain adequate sight lines for minimum intersection sight distance of 390 feet at the driveway intersection with SE 135th Avenue.
 - g. A striping plan for SE 135th Avenue shall be provided to modify the existing center turn lane to accommodate left turn movements into the site from SE 135th Avenue. Coordinate the striping design with Christian Snuffin at 504-742-4716 or CSnuffin@clackamas.us.
 - h. Drainage facilities in conformance with Water Environment Services requirements and *Clackamas County Roadway Standards* Chapter 4.
5. The applicant shall design and construct on-site parking and maneuvering areas as follows:
- d. The applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site, including, but not limited to:
 - i) Parking spaces shall meet minimum ZDO Section 1015 and Roadway Standards Drawing P100 dimensional requirements. The plans shall list the number of parking spaces required and the number of parking spaces provided. The applicant shall label all compact, carpool, disabled, and loading berth spaces;
 - ii) All parking a maneuvering areas shall be hard surfaced, constructed to the minimums of Standard Drawing R100;
 - iii) The paths traced by the extremities of trucks and emergency vehicles shall be demonstrated.
 - iv) A shared access easement shall be recoded over Tax Lot 22E11D 00500, providing access for Tax Lot 22E11D 00400 to the shared driveway approach on SE 135th Avenue. Shared parking, maneuvering and loading areas shall be addressed in the easement.
 - v) A pavement marking and signage plan shall be provided. All traffic control devices on private property, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the *Manual on Uniform Traffic Control Devices* and relevant Oregon supplements.
6. A Fire Access and water supply plan shall be provided for subdivisions, commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, fdc location if applicable, building square footage and type of construction. The applicant shall provide fire flow tests per NFPA 291 and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.

7. Following completion of site construction activities of subdivisions, buildings over 1000 square feet or when required by Clackamas Fire District #1, the applicant shall provide as-built Fire Access and Water Supply pdf plans to the local Fire District and the County. The pdf plans shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, fdc location if applicable, building square footage and type of construction. The plans shall include any supporting details of the access, circulation, water vaults, fire lines, valves, fdc, backflow devices, etc.
8. Prior to certificate of occupancy, the applicant shall provide an Engineer's cost estimate to Clackamas County Engineering for any unfinished improvements required by conditions of approval. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates, curbs, sidewalks and any other required improvements and associated construction costs.
9. Prior to the issuance of a building permit, the applicant shall submit to Clackamas County Engineering Office:
 - d. Written approval from the Clackamas Fire District #1 for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - e. Written approval from ODOT for any work within the Highway 212 right-of-way.
 - f. Written approval from Clackamas River Water District for adequate water supply source to serve the development. The approval shall be in the form of utility plans stamped and signed by the Water District representative.
 - g. Written approval from Water Environment Services for surface water management facilities, surface water detention facilities, and erosion control measures.
 - h. A set of street and site improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.

E. Clackamas County Sustainability Conditions:

Prior to issuance of building permits, the applicant shall submit plans that clearly outline a waste and recycling enclosure that meets the requirements specified in ZDO 1021.05 and 1021.06. The applicant shall work Clackamas County's Sustainability & Solid Waste Staff, Emily Murkland, to finalize plans that comply with design standards.

F. Water Environment Services Conditions:

The following General Conditions shall apply:

1. The proposed development is located within the service area of Water Environment Services (WES) and shall be subject to WES Rules and Regulations, and Standards ("WES RR&S"), in accordance with the following adopted ordinances:
 - a. Water Environment Services Rules and Regulations, July 2018, Ordinance No. 03-2018
 - b. Sanitary Sewer Standards, Clackamas County Service District No. 1, July 1, 2013.
 - c. Stormwater Standards, Clackamas County Service District No. 1, July 1, 2013.
2. The applicant shall procure the necessary plan approvals and permits in accordance with WES RR&S for sanitary sewer services and surface water management, including erosion control requirements.
3. Prior to plan approval, all submittals shall be reviewed for compliance with WES RR&S and Conditions of Approval. All sanitary and stormwater management plans and reports, which are submitted for review and approval, shall be stamped and signed by a civil engineer licensed by the

State of Oregon. The project construction, specifications, and testing must be completed under the direction of the project engineer.

4. The applicant shall include the following materials with their plan review submittal to WES:
 - a. Two (2) sets of complete civil construction plans for all sanitary and stormwater improvements, including 1200-CN template style erosion control plans
 - b. Two (2) copies of the final storm report
 - c. One (1) Non-residential Questionnaire (available on WES website)
 - d. \$800 minimum sanitary and stormwater management plan review fees
5. The sanitary and storm systems shall be complete in all respects prior to Certificate of Occupancy. WES shall inspect and approve the construction of the sanitary and storm systems in accordance with the approved plans. No connections shall be made to the sanitary or storm systems prior to system acceptance by WES.
6. Any requests to modify current WES Design Standards shall be made in accordance with Sanitary Standards, Section 1.7 or Stormwater Standards, Section 1.6. The applicant shall provide all necessary information to evaluate the request, as determined by WES.
7. The proposed development shall be subject to applicable fees and charges, in accordance with WES RR&S. All fees and charges shall be paid prior to issuance of building permits, and are subject to change without notice to the applicant. All costs associated with the design, construction and testing of the sanitary sewer and storm system shall be provided by and at the sole expense of the applicant.

For Sanitary Sewer, the following conditions shall apply:

8. Per *Sanitary Standards, Section 3.2*, all building(s) with sewer drains within the boundaries of the proposed development shall be connected to the Public Sanitary Sewers System.
9. Prior to occupancy, a gravity sanitary sewer service connection shall be provided to the development.
 - a. Existing service laterals shall be used where feasible. If an alternative or modification to any existing service connection is proposed, the applicant shall provide justification for the modification to WES for review and approval, including any necessary plans and/or profiles as determined by WES.
 - b. Unused laterals shall be cut and capped at the property line.
 - c. Service connection laterals shall be constructed with a clean out at the front edge of the Public Utility Easement (PUE)/Right-Of-Way, or the property line.
 - d. In the event that taxlots 400 and 500 come under separate ownership, each lot shall have separate points of connection to the public sanitary sewer system.
10. With the first plan submittal, the applicant shall include a WES Non-Residential Questionnaire (NRQ) with an estimate of the development's discharge load and volume to the public sanitary sewer system. Additional NRQ's will be required with future tenant improvements, as determined by WES.
11. Procedures shall be in place that prevent the discharge of any pollutant, substances, or wastewater that will interfere with the operation or performance of the public sewer system. (RR&S Section 3.1) The location of any grease interceptor required by plumbing code shall be clearly identified on the sanitary plans. The property owner will be responsible for cleaning and maintaining any grease interceptor at a frequency to be determined by the manufacturer and WES. (Rules 10.2)

For Surface Water, the following conditions shall apply:

12. **Surface Water Management Plan:** All development that creates or modifies 5,000 square feet or more of impervious surface area shall be subject to WES RR&S. A Surface Water Management Plan and Storm Report (SWM Plan) shall demonstrate how the development will conform to WES RR&S. The plans and reports shall be prepared by a licensed engineer and submitted to WES for review and approval.
13. The SWM Plan shall provide a design to mitigate the stormwater runoff from all proposed onsite permeable and impervious surface areas, all water entering the property from off-site, and any road frontage improvements.
14. The SWM Plan shall identify an acceptable point of discharge to safely convey stormwater runoff from the entire boundary of the development.
15. The SWM Plan shall conform to the following general stormwater standards, as well as all other applicable stormwater requirements in accordance with WES RR&S:
 - a. **Water Quality Standard** - Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event using either vegetation (Appendix H) or a Basic Treatment proprietary device (Appendix F).
 - b. **Infiltration Standard** - The first ½ inch of runoff in a 24-hour period must be captured and retained onsite through an approved infiltration system.
 - c. **Detention/Flow Control Standard** – On-site detention facilities shall be designed to reduce the 2-year post-developed runoff rate to ½ of the 2-year pre-developed discharge rate.
 - d. The **conveyance system** shall be sized for a minimum 25-year design storm.
16. If the developer utilizes the 135th/Jennifer sub-regional stormwater detention and treatment facility, the following shall apply:
 - a. Site plans shall clearly show the development's onsite stormwater conveyance system, including roof drains, and adequate point(s) of connection to the stormwater system in SE 135th Ave.
 - b. Grading plans shall clearly identify an overflow pathway system by which the storm/surface water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons in the event of any stormwater facility failure or bypass.
 - c. Prior to plan approval, the applicant shall enter into a maintenance agreement for each tax lot to contribute to the future maintenance of the sub-regional facility. The agreement shall be signed and recorded with the County Clerk's Office. The agreement shall include a monthly maintenance fee of \$3 per 2,500 sq ft of impervious surface area.
 - d. Prior to issuance of building permits, the applicant shall pay a **\$17,010.00** connection fee for their proportionate share of the sub-regional stormwater facility (\$9,000.00 per acre).
17. If the developer does not utilize the 135th/Jennifer sub-regional stormwater detention and treatment facility, the project engineer shall submit a SWM Plan with an adequate design that conforms to WES stormwater standards, including infiltration, detention, and water quality. The SWM Plan shall include infiltration testing and downstream conveyance analysis. If onsite infiltration is not feasible the design engineer shall submit a modification request in accordance with Stormwater Standards Section 1.6 with an equivalent alternative design which can accomplish the same design intent as provided in these standards.

For Erosion Control, the following shall apply:

18. All construction sites, regardless of size, shall implement proper erosion prevention and sediment control measures for any development activities that accelerate erosion, including construction, grading, filling, excavating, and clearing.
19. Any development activity that results in over 800 sq ft of soil disturbance shall obtain a WES Erosion Prevention and Sediment Control Permit before the start of any grading or construction activities. The applicant shall submit a Permit application and erosion control site plans, and pay permit fees.
20. For those sites that are 1 acre to less than 5 acres of disturbance, an Oregon DEQ 1200-CN Construction Stormwater (Erosion Control) Permit will be issued by WES along with the WES permit. To obtain a 1200-CN permit, the applicant must submit the required WES Permit application and and 1200-CN template style erosion control plans to WES for review and approval.

The following WES Fees and Charges shall apply:

21. A Collection Sewer Charge for the proportionate cost of constructing the public sanitary mainline shall apply in the amount of **\$19,300.00**, and shall be paid prior to issuance of the applicable building permit.
 - a. If the development does not use the existing 4” service connection from tax lot -400, an amount of \$2,200.00 will be deducted from the CSC.
22. Prior to issuance of building permits, the applicant shall pay a **\$17,010.00** connection fee for their proportionate share of the sub-regional stormwater facility.
23. Sanitary Sewer Plan Review fees shall apply. A \$400.00 minimum shall be due with the first plan submittal.
24. Surface Water Plan Review fees shall apply. The total fee is equal to 4% of the construction cost for all stormwater management related facilities. A \$400.00 minimum shall be due with the first plan submittal.
25. An Erosion Prevention and Sediment Control permit fee in the amount of \$540.00 shall apply and is due with the first plan submittal.
26. Surface Water System Development Charges shall apply, in accordance with the prevailing rates in effect on the date when the building permit application is submitted. The current rate is **\$211 per ESU** (Equivalent Service Unit). Each ESU is equal to 2,500 sf of new impervious surface area.
 - a. A credit of 1 ESU will apply to tax lot 00500 based on previously paid SDC’s (File #25187).
27. Sanitary Sewer System Development Charges shall apply, in accordance with WES RR&S. An estimate of the Equivalent Dwelling Units (EDUs) will be determined after the civil site plan is reviewed. The final assignment of the EDUs shall be applied in accordance with the prevailing rates in effect on the date when the building permit application is submitted.
 - a. The current sanitary SDC rate is **\$7,850.00 per EDU**. Rates are typically adjusted annually on July 1.
 - b. Assignment of Equivalent Dwelling Units is in accordance with WES RR&S, Table VII. An SDC shall be paid on the shell buildings, however additional SDC’s may apply based on final use of the building.
 - c. SDC Estimates for Phase 1:
 - i. Shell Buildings (Class 30 – Commercial): 3.16 EDU * \$7,850.00 = \$24,806.00
 - ii. Starbucks (Class 23 – Tavern/Lounge): TBD @ 1 EDU per 18 seats
 - iii. A credit of 1.0 EDU will apply to tax lot 00500 based on previously paid SDC’s (File # 25187).

SECTION 3 – DESIGN REVIEW FINDINGS

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 1102, 510, 1002, 1005, 1006, 1007, 1009, 1010, 1015, 1021, 1102, and 1307. The Clackamas County Planning and Zoning Staff has reviewed these Sections of the ZDO and design guidelines in conjunction with this proposal and make the following findings and conclusions:

1. Section 1102 – Design Review

Subsection 1102.01 Applicability

Finding: Clackamas County’s Zoning and Development Ordinance determines development types for which design review is required. ZDO Subsection 1102.01(A) states that design review is required for, “...development, redevelopment, expansions, and improvements in commercial and industrial zoning districts...” The proposed development is located in the Community Commercial district, and thus design review is required for the project.

Subsection 1102.02 Applicability

Finding: Clackamas County’s Zoning and Development Ordinance determines the submittal requirements necessary for design review. The applicant submitted a set of information consistent with the submittal requirements of the Zoning and Development ordinance which county staff deemed complete on 9, 2019. The standard is met.

Subsection 1102.03 Approval Criteria

Finding: Clackamas County’s Zoning and Development Ordinance determines that projects which require design review are subject to the standards of the underlying zoning district as well as to Section 1000 “Development Standards”. The analysis of the proposal, per those sections of the Clackamas County ZDO, follow in subsequent sections.

2. Section 510 – Community Commercial (C2) district

Subsection 510.03 Uses Permitted

Clackamas County’s ZDO determines uses that are permitted primary, permitted accessory, conditionally permitted, or not allowed in each zoning district.

Finding: The proposed development is located in the Community Commercial district. The applicant’s submitted materials indicate that the proposed use for this site is “Commercial Services, Food and Beverage, and Retailing” which are listed in Table 510-1 as permitted primary uses in the Community Commercial district. The proposed development meets the standard.

Subsection 510.04 Dimensional Standards

Finding: The table below demonstrates how the applicant’s proposal complies with the dimensional standards of the C2 district. These standards are met.

	Ordinance Standard	Demonstrated Dimension	Complies With Standard
Minimum Lot Size	None	1.89 acres	Complies
Maximum Front Setback	20 feet	106 feet	Exceeded due to PGE Easement - Complies
Minimum Front Yard Setback	5 feet	106 feet	Complies, per 1005.03(E)(1)
Minimum Rear Yard Setback	15 feet, per footnote 10	15 feet	Complies
Minimum Side Yard Setback	0 feet	19 feet	Complies
Maximum Building Height	35 feet, per footnote 19	22 feet	Complies

3. Section 1002 – Protection of Natural Features

Section 1002 addresses the protection of various natural features including hillsides, the excessive removal of trees prior to development, the protection of trees and wooded areas through development, river and stream corridors, the winter ranges of deer and elk populations, certain open spaces near Mount Hood, significant natural areas, and significant landforms and vegetation.

Finding: The site has been previously developed and will be cleared and graded to prepare for this development. There is limited natural vegetation and cultivated vegetation planted to support the previous residential use has not been well maintained. There are no significant slopes on the site. There are no additional elements protected by Section 1002, as identified in the Clackamas County Comprehensive Plan, present on site. The standards of Section 1002, as applicable, are met.

4. Section 1005 – Sustainable Site and Building Design

Section 1005 addresses the development of sites and design of buildings so as to efficiently utilize land, create lively, safe, and walkable centers, support the use of non-auto modes of transportation, reduce impact of development of natural features, utilize opportunities arising from a site's configuration, design illumination so dark skies are maintained when possible and accommodate the needs of users of developments. It applies to institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling.

Subsection 1005.03 – General Site Design Standards establishes standards for the sites of commercial, industrial, and multifamily developments and addresses standards for the placement and orientation of buildings, on-site pedestrian circulation, the placement and orientation of building entrances, and other use- and zone-specific standards.

Finding: The proposal is for the new construction of a commercial center with a total of four buildings along with new circulation, landscaping, and other site elements. The proposal is for a clusters the four proposed buildings taking advantage of shared circulation and other site infrastructure. Further, the project is proposed on previously developed sites allowing for new development along a busy commercial corridor. The site design shows a 5 foot wide concrete walkway connecting the site to SE 120th. The site is impacted by some 'no build' easements from PGE, making it impossible to set the buildings at the minimum yard depth, as required by 1005.03(E).

The parking lot is not greater than three acres in size. The building is not located along a major transit street. The standards of Section 1005.03, are met.

Subsection 1005.04 – Building Design provides standards for building facades, entrances roof design, exterior building materials, the screening of mechanical equipment, and other use- and zone-specific standards.

Finding: The buildings are designed with articulation of the façade through fenestration, change in materials. Stepped parapets and decorative cornice lines create change in the roof plane creates visual interest across the façades. Human scale and proportion is used in the placement of materials with natural colors and texture closer to the ground plane, while the flush-mounted panels sit higher on the building. Each building entrance has 4 foot projecting canopies for weather protection. The design uses colors that are appropriate to the commercial context and building forms which are common to contemporary commercial architecture. The design of the building is consistent with its proposed use and level of public exposure. The façade materials are consistent with the commercial and industrial area of the corridor, are durable, and consistent with the proposed use of the building. Per the above findings and the applicant’s submitted drawings, the proposed building complies with the relevant standards of section 1005.04. These standards are met.

Subsection 1005.05 – Outdoor Lighting provides standards to ensure that onsite lighting is compatible with the site and surrounding uses while preventing light trespass and pollution.

Finding: The site design provides appropriately scaled lighting which both enhances building appeal and provides pedestrian and vehicular safety. Per the above findings based on staff review of the applicant’s submitted drawings, the proposed addition complies with the relevant standards of section 1005.05. These standards are met.

Subsection 1005.06 – Additional Requirements requires projects to employ one additional design element per 20,000 square feet of site area.

Finding: Section 1005.06 requires applicants to employ one “Additional Requirement” for every 20,000 square feet of site area. The applicant must provide five “Additional Requirements”.

1. The design uses high albedo materials on roof surfaces to reduce energy consumption, per 1005.06(C).
2. The design places major outdoor use areas on the south side of buildings, per 1005.06(D).
3. The site design creates functional open areas that are open to the general public, per 1005.06(K).
4. The site design locates buildings at the minimum side yard setback, per 1005.06(X).

This standard is met.

5. Section 1006 – Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control.

Section 1006 addresses the provision of appropriate infrastructure for utilities, water supply, and sewage disposal, as well as the management of surface water and site erosion.

Finding: No new streetlights are required to meet county requirements... County Planning staff has received the required preliminary statements of feasibility from Water Environment Services and

Clackamas River Water. Per the above findings and the applicant's submitted materials, the proposed development complies with the relevant standards of Section 1006. These standards are met.

6. Section 1007 - Roads and Connectivity

Subsection 1007.02 – Public and Private Roadways

Subsection 1007.03 – Private Roads and Access Drive

Subsection 1007.04 – Pedestrian and Bicycle Facilities

A-C: General Standards, Design and Requirements

D-G: Location and Construction of Sidewalks and Pedestrian Paths

H: Sidewalk and Pedestrian Path Width

I-N: Accessways, Bikeways, Trails, Bike/Pedestrian Circulation

Finding: The proposed development will be required to comply with all applicable requirements of Clackamas County Engineering, including those identified through the ZDO and within the county's engineering standards. **With the conditions recommended by Clackamas County Engineering in Section 2 and the applicant's submitted drawings, the proposed development meets the standards. As conditioned, these standards are met.**

Subsection 1007.05 – Transit Amenities

Finding: Subsection 1007.05 applies to all residential, commercial, institutional, and industrial developments on existing and planned transit routes. The local transit provider, Tri-Met, was invited to comment at both the pre-application conference and through the land use application. No input was received from the agency. The standard is met.

Subsection 1007.06 – Street Trees addresses requirements for street trees within the Portland Metropolitan Urban Growth Boundary, in the Clackamas Regional Center Area, in the Business Park zoning district, and in Sunnyside Village.

Finding: The proposed development is within the Portland Urban Growth Boundary. Street trees are provided in the landscape plan along SE 82nd and Oregon Highway 212. These standards are met.

Subsection 1007.07 – Transportation Facilities Concurrency

Finding: Clackamas County's engineering division and the Oregon Department of Transportation have reviewed the proposal. Their conditions of approval will ensure that the capacity of transportation facilities is adequate or will be made so in a timely manner. **The conditions recommended by Clackamas County Engineering and Oregon Department of Transportation in Section 2 and the applicant's submitted drawings, the proposed development meets the standards. As conditioned, these standards are met.**

7. Section 1009 – Landscaping

Section 1009 seeks to ensure that sites are design with appropriately selected, designed, installed, and maintained landscape materials and that landscaped areas are used for appropriate purposes.

Finding: The proposed site design will exceed the 15% requirement of the design standard. A variety of plants of various sizes, textures, and seasonal interest are indicated, none of which are invasive or noxious species. These species are predominantly native and/or drought tolerant plants, appropriate to a commercial context and the local habitat/conditions. Conditions of approval will ensure compliance with the required landscaping in terms of composition of materials, installation

and maintenance of landscape, and irrigation as well as buffering between the commercial use and adjacent residential uses. **With the conditions of approval in Section 2, the above findings and the applicant's submitted drawings, the proposed development meets the standards. As conditioned, these standards are met.**

8. Section 1010 – Signs

The provisions of Section 1010 are intended to maintain a safe and pleasing environment for the people of Clackamas County by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

Finding: The applicant is proposing the following signage on the site. One freestanding pole sign with two sign faces of approximately 54 square feet each. This sign complies with the dimensional standards of ZDO 1010. The primary building walls of this project are those facing the parking lot. Each of these facades measure as follow:

- Building 1: 86 feet
- Building 2: 84 feet
- Building 3: 84 feet
- Building 4: 91 feet

Each of these buildings will be allowed one square foot of building signage per linear foot of primary building wall. **With the conditions of approval in Section 2, the above findings and the applicant's submitted drawings, the proposed development meets the standards. As conditioned, these standards are met**

9. Section 1015 – Parking and Loading

Section 1015 is designed to ensure that developments in Clackamas County provide sufficient and properly designed parking for motor vehicles and bicycles as well as appropriate off-street loading areas.

Finding: Based on the anticipated uses for these buildings ZDO Table 1015-1 requires a minimum of 84 and allows a maximum of 134 off-street parking spaces. The site plan provides 100 parking spots satisfying the standard. Table 1015-2 provides requirements for bicycle parking totaling 8 parking spot for the site. The design provides 8 spots, across the site. Per ZDO Table 1015-3, 1 off-street loading zone are required for a development of this size and use. 1 is provided for the site. The dimensions and locations of all proposed parking areas comply with the standards of ZDO Section 1015. The standards are met.

10. Section 1021 – Refuse and Recycling Standards For Commercial, Industrial, and Multi-Family Developments

Finding: The applicant has indicated that they plan to build two trash enclosures, on the western edge of the parcel. The enclosures are to be constructed of solid concrete masonry that measures 6' high, with bollards on the inside edges to prevent damage to the walls. The enclosures will have solid painted metal gates. **Subject to the conditions in Section 2, the standards are met.**

SECTION 4 - SUMMARY OF FINDINGS AND RECOMMENDATION

The Planning and Zoning Staff finds that, as conditioned herein, the proposed building and site design meets the standards of the permitted uses in the Community Commercial district and applicable design review standards.

Based on the above analysis of the ordinance standards, staff recommends approval of this design review application for the proposed development, subject to the conditions indicated in Section 2.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email drenhard@clackamas.us.

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