



Planning and Zoning
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STAFF RECOMMENDATION
Approval, with Conditions

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

SECTION 1 – SUMMARY

DATE: November 27, 2018

CASE FILE NO.: Z0323-18-D

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

LOCATION: T3S R7E 04BA, Tax Lot(s) 00600, on the south side of US 26, west of E Woodsy Way

APPLICANT(S): Robert and Margaret Thurman, PO Box 65, Welches, Oregon

OWNER(S): Robert and Margaret Thurman, PO Box 65, Welches, Oregon

TOTAL AREA: Approximately 2.05 acres

ZONING: MRR (Mountain Recreational Resort, ZDO Section 317)

CITIZENS PLANNING ORGANIZATION: Rhododendron CPO - Inactive

PROPOSAL: Design review of proposed modifications to this site including removal of certain trees, grading and site preparation, as well as the construction of 40 units of multi-family workforce housing. This project includes associated site improvements such as highway access, site circulation, parking, landscape, and tenant amenity spaces.

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, 317, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1015, and 1021 as adopted by the Board of County Commissioners. Pursuant to subsections. 1001.03 of the ZDO, this includes but is not limited to, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.

BACKGROUND:

The subject property is located on the south side of US Highway 26, slightly to the west of the intersection between US 26 and East Woodsy Way. As of the date of this staff recommendation, the site has not yet been assigned an address.

The development site of approximately 2.05 acres is currently undeveloped and heavily vegetated with a broad mixture of underbrush, scrub/volunteer trees, and mature trees. The site is set within the context of an existing mountain community (Welches) and along the scenic US Highway 26 corridor.

As is common among historic rural highway corridors, the pattern of land use in the immediate area of the proposed development is somewhat inconsistent, ranging in development intensity from tightly controlled National Forest lands to late-20th Century auto-oriented strip mall-type development. Further, given that the immediately adjacent rural community of Welches developed incrementally over time, the architectural context of the area is mixed at best.

The properties to the north (across US Highway 26) are zoned Recreational Residential while the properties immediately south of the site carry the same zoning designation as the site itself (Mountain Recreational Resort). The properties immediately to the east and west of the site are zoned Hoodland Residential. The subject site is bordered to the south by an established neighborhood of single-family residences.

A pre-application conference was held on this project on March 14, 2018.

Clackamas County assessment maps indicate that the Barlow Road Historic Corridor, a 40-foot wide corridor runs along the ODOT right of way associated with US Highway 26 as it passes the site. This historic corridor carries with it a variable level of restriction and review depending on the priority of the segment as indicated in the Barlow Road Background Report and Management Plan.

Staff has determined that no part of the subject parcel is within the 40-foot designated corridor and that the segment of the Barlow Road Historic Corridor which passes the site is one of 'third priority' the lowest level of protection and one which would not require additional review for the proposed offsite improvements.

Note: This project was previously presented to the Design Review Committee on October 9th, 2018. At that meeting, the committee asked the applicant to revise and augment the submitted materials so as to give greater confidence that the project could be accommodated on the subject site given the various constraints

NOTICE

Notice was sent to property owners, community planning organizations and departments, and agencies that serve the property within 300 feet of the subject tract property lines.

PUBLIC COMMENT

Twenty-six letters or emails were received from citizens expressing opposition or concern to the design as originally. The issues raised in those communications which are relevant to ordinance standards are as follow:

Parking: The site plan under consideration meets the parking requirement for multi-family development in the Mountain Recreational Residential zoning district. There is not a mechanism within the zoning code to require the provision of parking in excess of the minimum.

Traffic: Clackamas County Engineering has reviewed the development proposal and provided any conditions they find as necessary to address traffic concurrency issues.

Noise/Security: A condition of approval designed to address the differing intensity of development between the neighborhood to the south and the proposed development is included.

Water: The application packet received by staff included the required Statement of Feasibility from Salmon Valley Water, indicating that water service was available in levels appropriate to the proposed development, including fire flows.

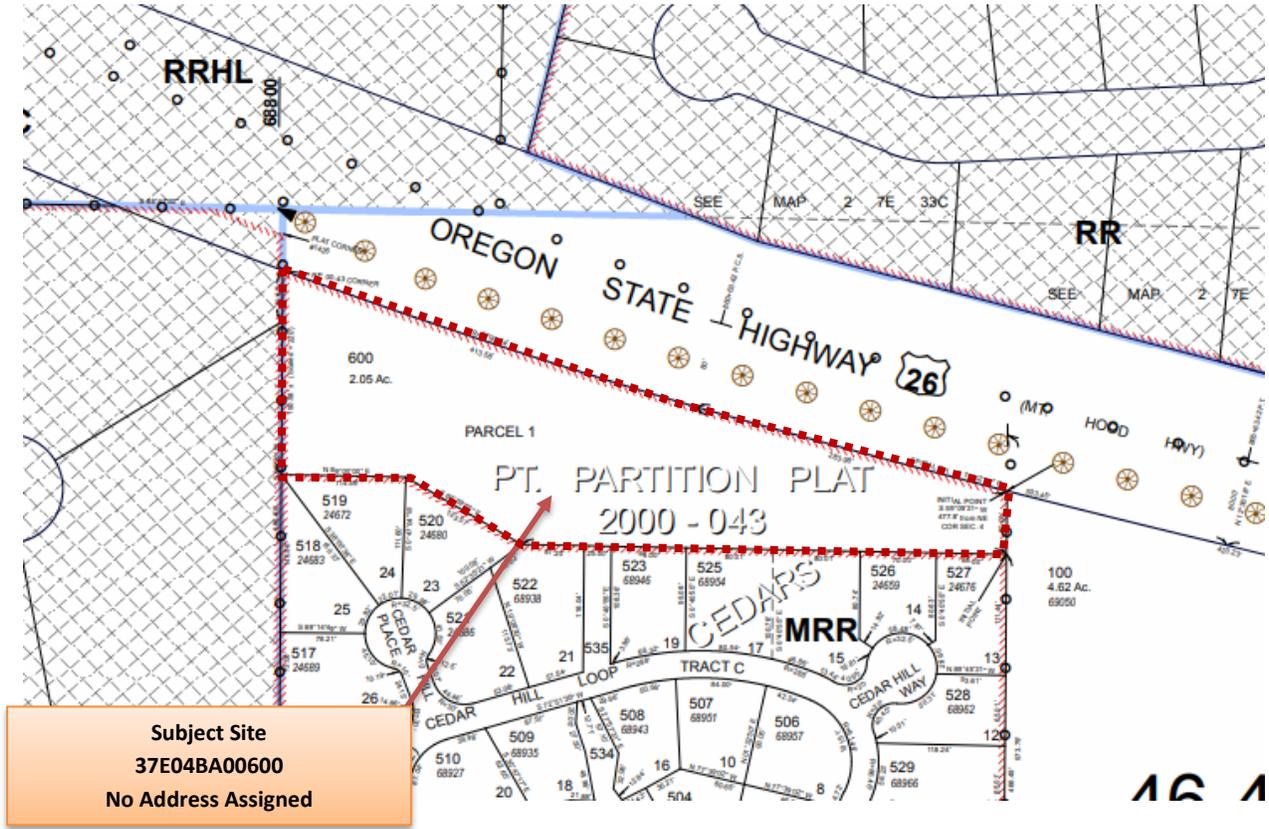
No additional written comments were received between the original presentation of this project to the DRC and November 20th 2018, the date of release of this Staff Recommendation.

Copies of all comments received are a part of the permanent public record and will be kept in the land use file.

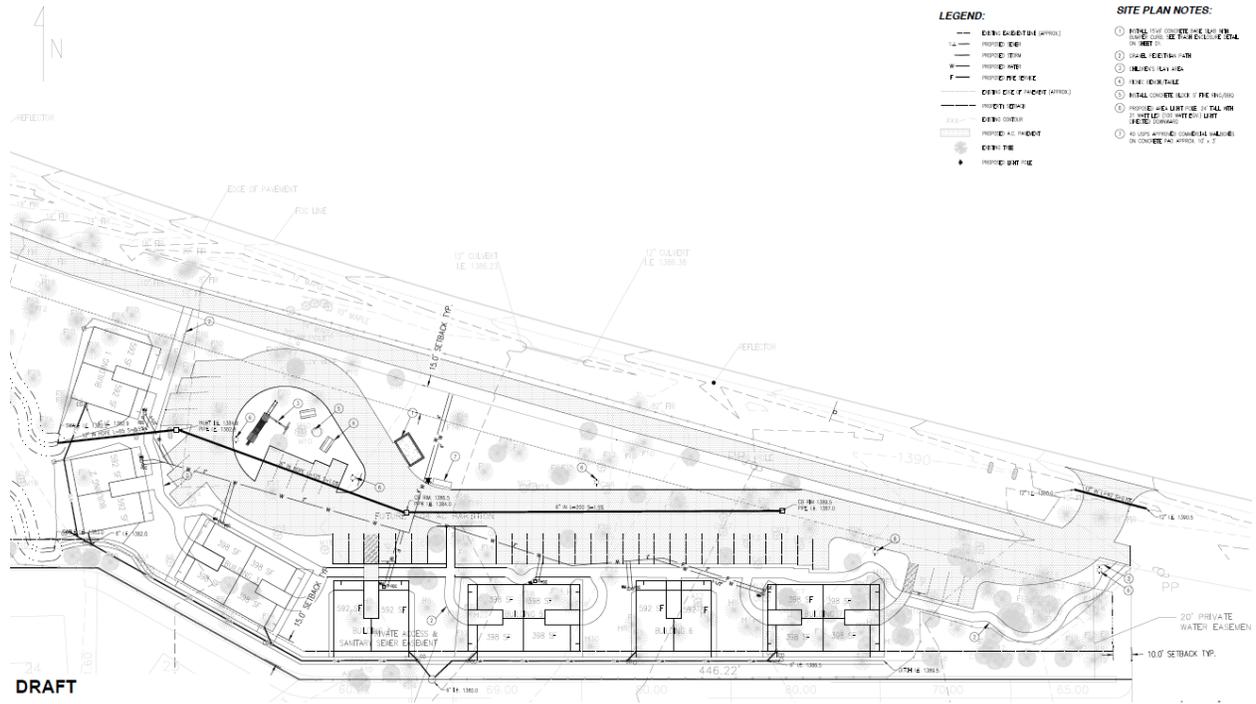
Site Aerial Image



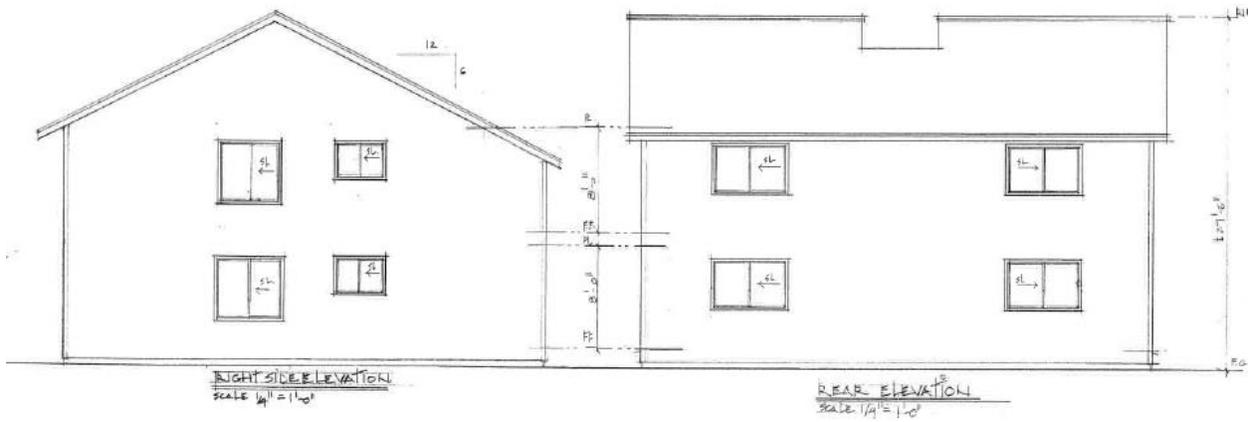
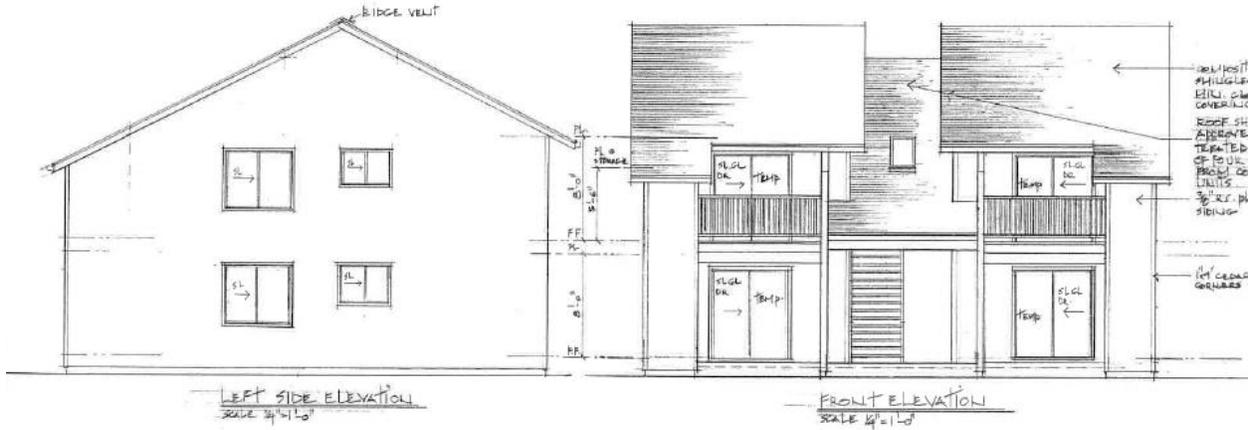
Tax Map



Site Plan

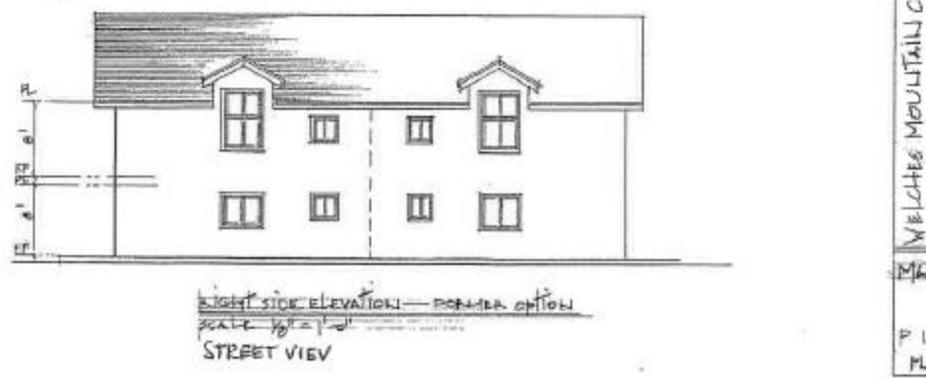
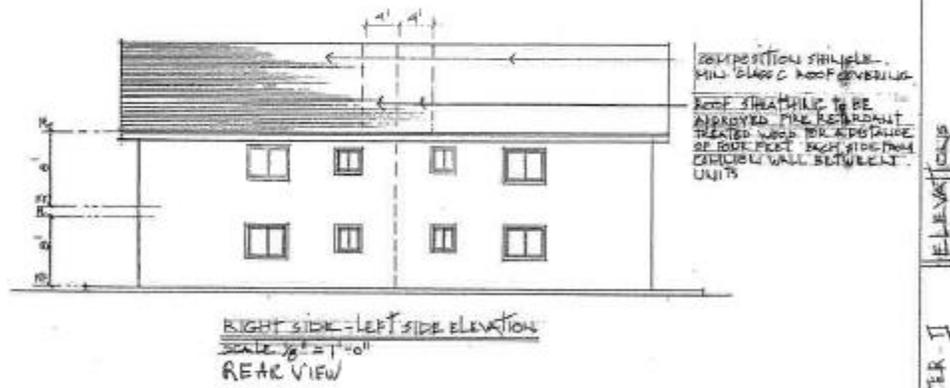


Elevation Drawings – One Bedroom Buildings



Elevation Drawings – Studio Buildings

Revised 11-8-18
Label dormers as
Streetview



Previously Developed Buildings

This development team has previously developed a multi-family property which used one-bedroom apartment buildings of the same design as that proposed in this application.

Photos of those buildings are provided below, for reference.



Proposed Facade Materials

The exterior materials of the proposed buildings are indicated as T-11 siding with 3” cedar battons. The siding will be painted in ember with other building façade elements (trim boards, doors) painted in contrasting colors as indicated below.

Building gutters and downspouts will be painted Musket Brown.



Sherwin Williams
Super Paint Ember
The Body



Sherwin Williams
Super Paint
Roycroft Brass
Trim Boards

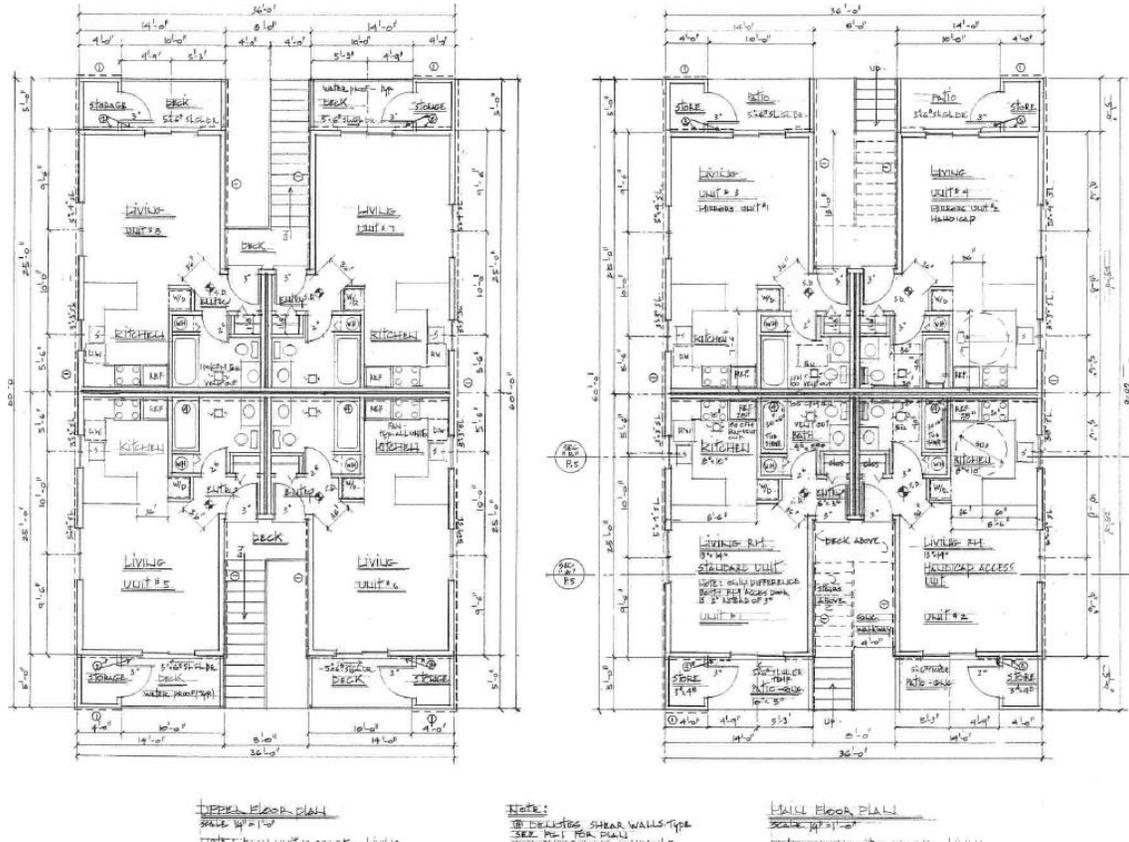


Sherwin Williams
Super Paint
Roycroft Copper Red
Doors

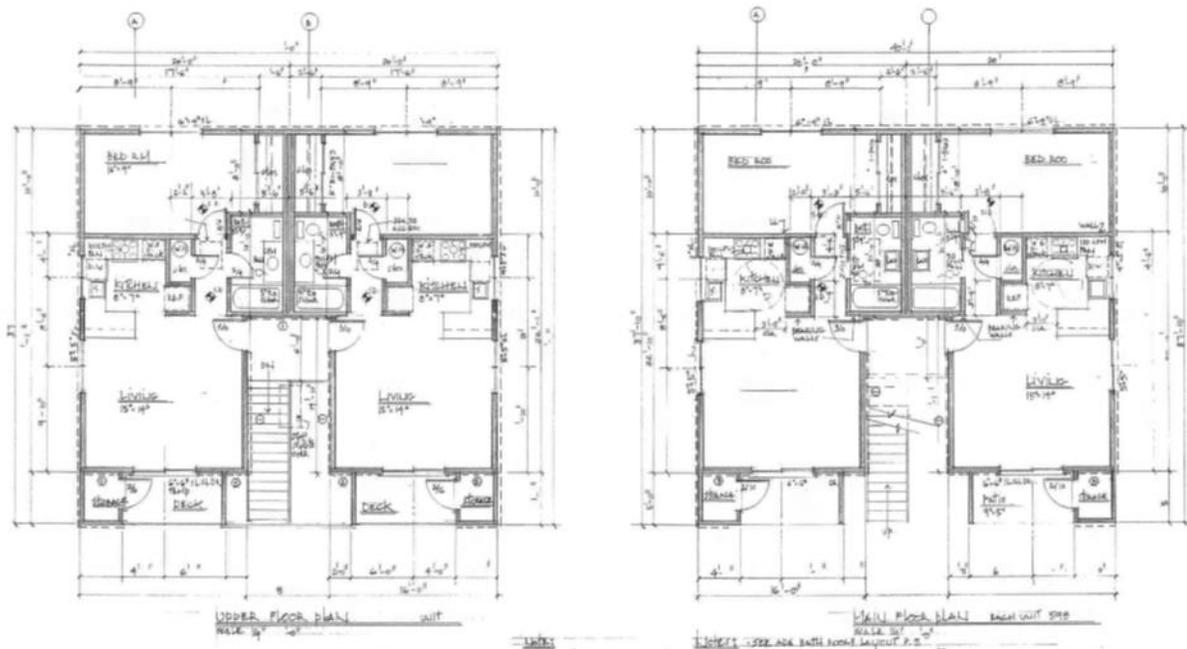
The roof will be clad in Certainteed Landmark Heather Blend shingles. A color sample image of this product is provide below.



Floor Plan - Studio Building Type



Floor Plan – One Bedroom Building Type



SECTION 2 – RECCOMENDED CONDITIONS OF APPROVAL

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

1) General Conditions:

- 1) Recommendation for conditioned approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on June 29, 2018 and the revised plans submitted to County Staff on November 8, 2018. 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 this 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 Deana Mulder, (503) 742-4710 or at deanam@co.clackamas.or.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. 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.

2) Planning and Zoning Conditions:

- 1) Development of the subject property is subject to the provisions of ZDO Sections 1102, 317, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1015, and 1021 as adopted by the Board of County Commissioners. Pursuant to subsections. 1001.03 of the ZDO, including, but not limited to, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.
- 2) The applicant shall supply a lighting plan sufficient to demonstrate that the proposed site lighting is adequate for entryways, walkways, parking, recreation, and laundry areas, as per the requirements of 1005.04(G)(2).
- 3) The applicant shall supply a signed Preliminary Statement of Feasibility from WES, indicating that suitable capacity for the proposed development exists, as required by ZDO 1008.
- 4) The shall provide a detailed drawing of the required buffer between the development and adjacent residential properties to ensure it complies with the appropriate criteria as identified in 1009.05(E)(1-3).
- 5) Prior to issuance of a certificate of occupancy all landscaping materials as illustrated on the landscape plan shall be installed and inspected by county staff.

3) 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.

4) Water Environment Services Conditions:

The following general conditions shall apply:

- 1) The proposed development is located within the service area of Water Environment Services and shall be subject to WES Rules and Regulations, and Standards (“RR&S/Rules”) for sanitary sewer services and surface water management, including natural resource protection and erosion control requirements. The applicant shall comply with the following requirements and shall procure the necessary plans approvals and/or permits in accordance with WES RR&S.
- 2) Sanitary and stormwater management plans and calculations shall be stamped and signed by a civil engineer licensed by the State of Oregon. The submittals shall be reviewed and approved by WES. The construction, specifications, and testing shall be completed under the direction of the engineer. (*Rules, Section 12.3*)
- 3) Upon the completion of construction and certification by the engineer, WES shall inspect and approve the construction of the sanitary and storm systems. (*Rules, Section 11 and 12*)
- 4) The proposed development shall be subject to applicable fees and charges, in accordance with WES RR&S. All fees and charges shall be paid before building permits will be

approved, and are subject to change without notice to the applicant(s) of this planning application.

- 5) All costs associated with the design, construction and testing of the sanitary sewer or storm system, including onsite and offsite improvements and easements, shall be provided by and at the sole expense of the applicant/developer/property owner(s).

For sanitary sewer service, the following shall apply:

- 6) A point of connection to public sanitary sewer shall be made to the existing sewer line located on the southerly property line. The applicant will be required to notify the adjacent property owner at least 1 week in advance of any construction.
- 7) Public sewer mainlines shall be located either in the public right-of-way or within a sanitary sewer easement granted to WES. The existing clean out shall be replaced with a manhole, per WES standards. All service laterals shall terminate with a cleanout at the edge of the Public Sanitary Sewer Easement. (*Section 3.2*)
- 8) Any Public Sanitary Sewer Extension of the WES sanitary sewer system shall be designed, constructed and tested in accordance with WES RR&S. Any extension must be constructed under the continuous inspection of a registered professional Engineer. Building permits shall not be approved until the sanitary system improvements are complete in all respects and accepted by WES. (*Section 3.2*)
- 9) Any extension of the District's sanitary sewer shall be conveyed to WES for ownership. All conditions of the Public Sanitary Sewer Extension Permit shall be met before final acceptance by WES, in accordance with *Sanitary Standards, Section 4*.
- 10) A 15-foot sanitary sewer easement on the southern edge of the property is permanent and not extinguishable. No development shall encumber use or access to this easement by WES. (*Section 5.3.2*)
- 11) All private sanitary sewer improvements shall be permitted in accordance with County building and plumbing codes.
- 12) Plan review fees for the sanitary sewer system shall apply (equal to 4% of the installed cost of public sewer extension). A \$400.00 minimum plan review fee shall be due with the first plan submittal.
- 13) Sanitary System Development Charges in the amount of \$243,680.00 shall be paid before issuing the building permit (40 units x 0.8 = 32 EDU's x \$7,615.00 = \$243,680.00). (*Rules, Section 4.1*)
- 14) A Collection Sewer Charge shall not apply.
- 15) The sanitary system shall be complete in all respects, in accordance with the approved plans, prior to Certificate of Occupancy approval by WES.

For surface water management, the following shall apply:

- 16) All development shall provide an acceptable point of discharge and adequate conveyance of stormwater runoff, as approved by WES. The applicant shall obtain ODOT approval for

any point of discharge or emergency overflow into the Highway 26 right-of-way. (*Section 3*)

- 17) All development that creates or modifies 5,000 square feet or more of impervious surface area shall be subject to WES Stormwater Standards, including water quality, infiltration, and flow control. A Surface Water Management Plan and Storm Report (SWM Plan) shall be submitted for review and shall demonstrate how the development will conform to all WES Stormwater Standards. The plan shall provide an adequate drainage system for all onsite water, all water entering the property from off-site, and all public right-of-way and road frontage improvements. (*Stormwater Standards, Section 5*)
- 18) The storm system shall be complete in all respects, in accordance with the approved plans, prior to Certificate of Occupancy approval by WES.
- 19) WES Stormwater Standards include, but are not limited to, the following: (*Stormwater Standards, Section 5*)
 - 1) **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).
 - 2) **Infiltration Standard** - The first ½ inch of runoff in a 24-hour period must be captured and retained onsite through an approved infiltration system.
 - 3) **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.
 - 4) **Conveyance Standards** - The conveyance system shall be sized for a minimum 25-year design storm.
- 20) Water quality treatment shall be provided for all new impervious surface areas, including rooftops and pavement. As shown on the preliminary plans, the drainage V-ditch from the buildings to the pond does not meet WES water quality standards.
- 21) A geotechnical report shall be submitted by a qualified professional. The report shall address maximum seasonal groundwater levels and provide infiltration testing results that correspond to the location and depth of all proposed stormwater facilities, in accordance with *Appendix E*.
- 22) Infiltration facilities shall provide a 3-foot minimum vertical separation from the maximum seasonal groundwater elevation. The applicant's engineer shall provide all necessary soils reports and well logs to verify WES standards can be met, as determined by WES. (*Appendix H*)
- 23) The final grading plan shall clearly identify an overflow pathway in the event of any stormwater facility failure or bypass. Any alternatives to an open channel pathway shall be approved at WES discretion.
- 24) The applicant shall submit a Downstream Conveyance Analysis to demonstrate adequate conveyance capacity to a minimum distance of 1500 feet downstream of the project. WES may modify this condition if requirements for 25-year onsite retention and emergency overflow can be met. (*Section 5.4.4*)

- 25) A 'Private Storm Drainage Facilities Maintenance Plan', which identifies the annual maintenance obligations and procedures of all stormwater facilities, shall be submitted to WES prior to final plan approval. (*SW Standards, Section 5.5.10*)
- 26) Plan review fees for the stormwater system shall apply (4% of the installed cost of any surface water management system). A minimum \$400.00 plan review fee shall be due with the first plan submittal.
- 27) Surface Water System Development Charges shall not apply.

For Water Quality Resource Areas and Vegetated Buffers, the following shall apply:

- 28) All new development shall meet WES Rules to preserve and protect all water quality sensitive areas. The applicant shall submit a 'Sensitive Area Certification' to certify the presence or absence of water quality sensitive areas on or within 200' of the property. The applicant shall coordinate with Clackamas County Planning Division for all WES vegetated buffer requirements. (*Section 4.2.2*)

For Erosion Control, the following shall apply:

- 29) All construction sites, regardless of size, shall implement proper erosion prevention and sediment control measures. For areas with 800 square feet or more of disturbance, no grading or construction activity shall commence without an approved erosion control plan and permit from WES. An Erosion Control permit fee shall apply in the amount of \$540.00. (*Section 6*)

Construction Plan Submittal:

- 30) The applicant's construction plan submittal shall include:
 - 1) Two (2) sets of full-size, complete civil construction plans for all sanitary and stormwater improvements, including erosion control plans
 - 2) Two (2) final storm reports, including a geotech report and downstream analysis.
 - 3) \$800 plan review fee
 - 4) \$460 erosion control fee

5) Salmon Valley Water District

The application included the required preliminary Statement of Feasibility from Salmon Valley Water.

No recommended conditions of approval were provided by Salmon Valley Water.

6) Clackamas County Engineering

- 1) The applicant proposes a 40 unit apartment complex for workforce housing. The parcel is located approximately a tenth of a mile west of Woodsey Way. Access to the new development will come from the easterly end of the property along highway 26 at milepost 40.94. Highway 26 is a state highway and access to the property will be governed by Oregon Department of Transportation.

- 2) Clackamas County requires that adequate transportation facilities be provided concurrent with development. A traffic study was completed for this project on January 31, 2018 by Lancaster Engineering. The study concludes that there are no adverse impacts to the state highway or surrounding street network. Clackamas County agrees with these findings and therefore, this proposal meets the County's concurrency requirements as they relate to the capacity of the transportation system.
- 3) Clackamas County has adopted *The Villages at Mt. Hood Pedestrian and Bikeway Implementation Plan*. The applicant's frontage is a part of the multi-use path extension (project W1S). The applicant shall design and construct a 10' wide shared use path 5' from the edge of pavement from highway 26. The path shall be coordinated with Clackamas County DTD and ODOT. The applicant shall design the path to have a minimum of 3" AC over a minimum of 5" of aggregate. Follow guidance in the Oregon Bicycle and Pedestrian Design Guide.
- 4) All site circulation, parking and maneuvering areas shall meet the following requirements.
 - a. After the ODOT paved approach, all onsite circulation areas shall meet county Roadway Standards drawing R100. Outside the urban area the county will accept screened gravel or better.
 - b. Provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the parking and maneuvering areas, including a minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces. Those circulation areas not need for parking shall have a minimum width of 20'.
 - c. Parking spaces shall meet ZDO section 1015 dimensional requirements. The plans shall list the number of parking spaces required and the number of parking spaces provided. The applicant shall label all carpool/vanpool, disabled, and loading berth spaces on the plans. Parking layout geometry shall be in accordance with Zoning and Development Ordinance Table 1015-1 and Figure 1015-1.
 - d. Applicant shall provide and implement a signing and pavement-marking plan for onsite parking and circulation. This plan shall be reviewed and approved by the Engineering section and the local Fire Marshal prior to the applicant being issued a Development Permit.
- 5) The applicant shall follow ZDO 1021 for all trash enclosure areas.
- 6) Per ZDO 1005.03, onsite walkways shall be a minimum of five feet in unobstructed width. Onsite walkways adjacent to the 90-degree parking spaces shall be a minimum of seven feet in width.
- 7) 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.
- 8) Prior to the issuance of a building permit the applicant shall submit to Clackamas County Engineering Office:
 - a. Written approval from Hoodland Fire District for the planned access, circulation and water source supply.
 - b. Written approval from Salmon Valley Water District for adequate water supply to service the development.

- a. Written approval from WES for surface water detention facilities and erosion control measures.
 - b. A copy of the WES approved Engineer's hydrology study, analyzing the difference between pre and post development discharge rates and mitigation of downstream impacts, along with the detention calculations.
 - c. Written approval from ODOT, in the form of a permit, for access to Highway 26 and for all work in Highway 26 right-of-way. Contact: Loretta Kieffer, Access Coordinator, ODOT District 2C, 503-667-7441 for information on the written permit application process.
- 9) Prior to final certificate of occupancy: all easements shall be established and shown to be adequate for the improvements above.

7) **Oregon Department of Transportation: Comments, Conditions and Advisory Info**

COMMENTS/FINDINGS

As previously conveyed and discussed, this segment of US Highway 26 is access controlled and ODOT has acquired and owns access rights to the subject property. ODOT previously commented, and it was generally agreed by the applicant, to restripe the highway for a two way center turn lane between the development's access and Woodsey Way.

As such, the applicant has indentured their access rights to the eastern limits of the property to take advantage of the existing left turn lane median at Woodsey Way and reduce, as much as possible, the need for highway widening. Further, as part of the approved indenture the applicant was conditioned to install the left turn median for safe ingress/egress into the site. To date, the applicant has not submitted plans to ODOT for review so we cannot determine at this time if additional highway widening will be needed for the two-way center turn lane.

Therefore, ODOT recommends a Condition of Approval to require the developer to stripe a two-way left turn lane and provide any necessary widening and any additional highway restriping to meet applicable ODOT standards.

ODOT supports the County's requirement to construct a multi-use path, as identified in *The Village at Mt. Hood Pedestrian and Bikeway Implemental Plan*, Project ID# W1S. As noted below, all improvements, including the proposed multi-use path, shall meet ODOT standards and requirements.

General

- All alterations within the State highway right of way are subject to the ODOT Highway Design Manual (HDM) standards. Alterations along the State highway but outside of ODOT right-of-way may also be subject to ODOT review pending its potential impact to safe operation of the highway. If proposed alterations deviate from ODOT standards a Design Exception Request must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval. Until more detailed plans have been reviewed, ODOT cannot make a determination whether design elements will require a Design Exception. *Note: Design Exception Requests may take up to 3 months to process.*
- All ODOT permits and approvals must reach 100% plans before the District Contact will sign-off on a local jurisdiction building permit, or other necessary requirement prior to construction.

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

Frontage Improvements and Right of Way

Curb, sidewalk/multi-use path, cross walk ramp(s), bikeways, and road widening/stripping shall be constructed as necessary to be consistent with local, ODOT and ADA standards.

If needed for required improvements within the State right-of-way, right of way deeded to ODOT as necessary to accommodate the planned cross section shall be provided. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department. *Note: It may take up to 3 months to transfer ownership of property to ODOT.*

Access to the State Highway

A State Highway Approach Road Permit from ODOT for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach(es) is/are legal for the proposed use is required. Truck turning templates shall be provided as needed to ensure vehicles can enter and exit the approach safely. Site access to the state highway is regulated by OAR 734.51. For application information go to <http://www.oregon.gov/ODOT/HWY/ACCESSMGT/Pages/Application-Forms.aspx>.

Note: It may take 2 to 3 months to process a State Highway Approach Road Permit.

Access Control

The applicant is advised that the subject property's highway frontage is access controlled. ODOT has acquired and owns access rights to the subject property. The subject property was granted a Reservation of Access, as recorded in the property deed. Based on the reviewed material, the proposal is relocating the access and an Indenture of Access is required and must be obtained. If ODOT approves an Indenture of Access, it changes the terms for using the access right and any modification must be recorded in a property deed. The owner is responsible for recording the deed and for any associated costs. *Note: It may take 1 to 2 months to process an Indenture of Access. The applicant has applied for an Indenture of Access, which was approved with conditions for a two-way left turn lane at the access location. The applicant needs to submit permits to restripe for a two-way left turn lane, and any necessary widening.*

Permits and Agreements to Work in State Right of Way

An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements. *Note: If a CIA is required, it may take up to 6 months to process.*

An ODOT Miscellaneous Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

ADVISORY INFORMATION

Access Control

The applicant is advised that the subject property's highway frontage is access controlled.

Signs:

Private signs are not permitted in the state highway right of way (ORS 377.700-377.840).

Noise

The applicant is advised that a residential development on the proposed site adjacent to the highway may be exposed to traffic noise levels that exceed federal noise guidelines. Builders should take appropriate measures to mitigate this impact. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place.

SECTION 3 – DESIGN REVIEW FINDINGS

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 317, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1015, 1021, 1102, and 1311. 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 317 – Mountain Recreational Resort and Hoodland Residential Districts

Subsection 317.03 Uses Permitted

Per Table 317-1 “dwellings, multi-family” are allowed in the Mountain Recreational Resort (MRR) district a permitted primary use.

Finding: The proposed development is a multi-family residential complex which is a permitted primary use in the Mountain Recreational Resort district. The proposed development meets the standards of Subsection 317.03.

Subsection 317.04 Dimensional Standards

Table 317-2 in this subsection requires a minimum front yard depth of 15 feet, and minimum side and rear yard depths of 10 feet.

However, footnote 5 of this section indicates that, when a rear lot line or a side lot line abuts an HR District or abuts a lot in the MRR District developed with a single-family dwelling or a manufactured home, the applicable minimum setback standard for a building is based on the height of that building. The table in footnote 5 indicates that a building with a height of greater than 20 feet and less than or equal to 30 feet shall have side and rear setbacks of 15 feet.

This property abuts a number of MRR zoned properties developed with single-family dwellings and so this footnote applies to the project.

Hence the required front, side, and rear setbacks for this property are 15 feet.

Finding: The revised submitted drawings demonstrate indicate ample space provided for the front and side setbacks as well as a rear setback of 15 feet, complying with the standard. The standards are met.

3. Section 1002 – Protection of Natural Features

Sections 1002.01, 1002.02, and 1002.04-1002.08 pertain to features/elements not present on the site and hence do not apply to the proposed development.

Subsection 1002.03 Trees and Wooded Areas

Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development plan wherever feasible. The preservation of these natural features shall be balanced with the needs of the development, but shall not preclude development of the subject property, or

require a reduction in the number of lots or dwelling units that would otherwise be permitted.

Finding: The submitted landscape plan indicates the location of all existing mature trees and indicates which are to be removed to make way for the development. The proposed design retains all mature trees not directly impacted by a building or other hardscape element. This allows for a significant number of mature trees to be retained while providing the development to proceed with the number of units allowable under the zoning code. This standard is met.

4. Section 1005 – Sustainable Site and Building Design

Subsection 1005.03(A) – Cluster Development

Where feasible, cluster buildings within single and adjacent developments for efficient sharing of walkways, on-site vehicular circulation, connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities.

Finding: The proposed design sets all the building to one side of a single shared drive aisle and provided shared tenant amenities such as a play area. This standard is met.

Subsection 1005.03(B) – Orientation of Elevations

Where feasible, design the site so that so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions.

Finding: Four of the seven proposed buildings are oriented with its longest elevation within 20 degrees of true south. This orientation is not possible feasible for the remaining three (those at the western edge of the property) while maintaining an efficient, limited circulation system. This standard is met.

Subsection 1005.03(C) – Minimum Yard Depth

Minimum yard depths may be reduced by up to 50 percent as needed to allow improved solar access—as demonstrated by technical standards set forth in Section 1018 or by other credible evidence—when solar panels or other active or passive solar use is incorporated into the building plan.

Finding: No reduction of minimum yard depth has been requested. This standard does not apply.

Subsection 1003.03(D)(1-5) – Walkways

A continuous, interconnected on-site walkway system meeting the following standards shall be provided.

1. Walkways shall directly connect each building public entrance accessible to the public to the nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented.
2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children's play areas and plazas.

3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.
4. Walkways shall be constructed with a well drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.
5. Standards for walkways through vehicular areas:
 - a. Walkways crossing driveways, parking areas and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs or other similar methods.
 - b. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping or other physical barrier.
 - c. Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or greater and located adjacent to a driveway or in a parking lot, the walkway shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.
 - d. The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.
 - e. Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway
6. The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.
 - a. Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.
 - b. Notwithstanding the remainder of Subsection 1005.03(D)(6), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.

Finding: The site plan (Sheet C1) demonstrates clear compliance with these standards. Walkways are of an appropriate width and materiality and they connect buildings appropriately to surrounding properties and pathways. Separate lighting will not be required as proposed site lighting is adequate to illuminate pathways. These criteria are met.

Subsection 1005.03(E) – Building Location

Inside the UGB, except for industrial developments, a minimum of 50 percent of the street frontage of the development site shall have buildings located at the minimum front yard depth line.

Finding: This property is not in the UGB. This standard does not apply.

Subsection 1005.03(F) – Parking Lot Elements and Landscaping

Inside the UGB, parking lots larger than three acres in size shall be built with major on-site vehicular circulation ways that include raised walkways with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.

Finding: This property is not in the UGB. This standard does not apply.

Subsection 1005.03(G) – Public Entrance from Transit Street

New retail, office, mixed use, and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street.

Finding: The project site is not located on a major transit street. This standard does not apply.

Subsection 1005.03(H) – Buildings at Major Transit Stops

New retail, office, mixed use, multifamily, and institutional buildings located at a major transit stop shall be set back a maximum of 20 feet from at least one of the following: the major transit stop, the major transit street or an intersecting street, or a pedestrian plaza at the major transit stop or a street intersection.

Finding: The development is not located at a major transit stop. This standard does not apply.

Subsections 1005.03(I) through (K)

These sections apply to zones and conditions not present on the subject site and do not apply to this project.

Finding: These standards do not apply.

Subsection 1005.04(A) – Façade Materials

The following standards apply to building facades visible from a public or private street or accessway and to all building façades where the primary entrance is located.

Finding: Though the proposed buildings are set back from US Highway 26, they will be significantly visible to passersby. As such, these standards will apply to all facades of the proposed development, save for the rear façade of each building.

Subsection 1005.04(A)(1) – Architectural Relief

Building facades shall be developed with architectural relief, variety and visual interest and shall avoid the effect of a single, long or massive wall with no relation to human size. Examples of elements that subdivide the wall: change in plane, texture, masonry pattern or color, or windows.

Finding: The proposed designs use windows, balconies, architectural projections to create relief, thus avoiding any façade from creating the impression of an solid undifferentiated wall. This standard is met.

Subsection 1005.04(A)(2) – Architectural Emphasis

Building facades shall have particular architectural emphasis at entrances and along sidewalks and walkways.

Finding: The entrances of all one-bedroom unit buildings are articulated with gable ends, balconies, and stairwells. However, the proposed studio buildings are turned such that the “side” façade, which has some of the least architectural emphasis, faces the interior walkway within the development. The side façade of these buildings, which is articulated with dormers is indicated so as to face the public areas of the site. This standard is met.

Subsection 1005.04(A)(3) – Architectural Articulation

Provide visual interest through use of articulation, placement and design of windows and entrances, building trim, detailing, ornamentation, planters or modulating building masses.

Finding: The proposed buildings have significant articulation through articulation, placement of windows, and building trim. This standard is met.

Subsection 1005.04(A)(4) – Human Scale

Utilize human scale, proportion, and rhythm in the design and placement of architectural features.

Finding: The proposed buildings are fairly modest in stature. Further the use of balconies and other design elements give a human scale to the designs. This standard is met.

Subsection 1005.04(A)(5) – Architectural Features

Use architectural features which are consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.

Finding: The residential use of these buildings is readily apparent from their design and materiality. Further, the selection architectural features including roof slope and façade materials, are consistent with their exposure to public view, exposure to natural elements, and ease of maintenance. This standard is met.

Subsection 1005.04(A)(6) – Architectural Differentiation

When uses between ground-level spaces and upper stories differ, provide differentiation through use of bays or balconies for upper stories, and awnings, canopies, trim and other similar treatments for lower levels.

Finding: Uses between the ground level and upper floor do not differ. This standard does not apply.

Subsection 1005.04(B) – Building Entries

1. Public entries shall be clearly defined, highly visible and sheltered with an overhang or other architectural feature, with a depth of at least four feet.
2. Commercial, mixed-use and institutional buildings sited to comply with 1005.03(G) shall have public entries that face streets and are open to the public during all business hours.

Finding: Each of these small residential buildings will house either two or four dwelling units and are not the type of building that would have a single shared ‘public’ entrance. This standard does not apply.

Subsection 1005.04(C) – Street-Facing Commercial, Mixed-use, and Institutional Facades

The street-facing façade of commercial, mixed-use and institutional buildings sited to comply with 1005.03(G) shall meet the following requirements:

1. Facades of buildings shall have transparent windows, display windows, entry areas, or arcades occupying a minimum of 60 percent of the first floor linear frontage.
2. Transparent windows shall occupy a minimum of 40 percent of the first floor linear frontage. Such windows shall be designed and placed for viewing access by pedestrians.
3. For large-format retail buildings greater than 50,000 square feet, features to enhance the pedestrian environment, other than transparent window, may be approved through design review. Such items may include, but are not limited to display cases, art, architectural features, wall articulation, landscaping, or seating, provided they are attractive to pedestrians, are built to human scale, and provide safety through informal surveillance.

Finding: This is not a commercial, mixed-use, or institutional project. This standard does not apply.

Subsection 1005.04(D) – Roof Design

1. For buildings with pitched roofs:
 - a. Eaves shall overhang at least 24 inches.
 - b. Roof vents shall be placed on the roof plane opposite the primary street.
2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.

Finding: The proposed buildings are designed with pitched roofs and eaves project 24 inches from the building face. The revised drawings indicate the placement of roof vents on the roof plan facing opposite of the primary street. These standards are met.

Subsection 1005.04(E)(1) – Color and Materials

Use architectural style, concepts, colors, materials and other features that are compatible with the neighborhood’s intended visual identity.

Finding: The applicant has indicated a palette of rustic, warm, earthy colors to for the exterior finishes. This is a palette appropriate to the rural character of Welches and the Mt Hood region generally. This standard is met.

Subsection 1005.04(E)(2) – Durability

Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.

Finding: The predominant façade material is T-11 siding, a common exterior cladding for residential architecture in the area. This material – while fairly utilitarian – is durable and easy to maintain. This is a material that, in the opinion of staff, is consistent with the proposed use from the standpoint of durability. This standard is met.

Subsection 1005.04(E)(3) – High-Image Materials

Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, or a combination of these or other high-image materials.

Finding: The proposed primary building material is wood lap siding. This standard is met.

Subsection 1005.04(E)(4) – Alternative Materials

Notwithstanding Subsection 1005.04(E)(3) metal may be approved as an exterior building material through design review pursuant to Section 1102 for specific high-image surfaces, canopies, awnings, doors, screening of roof mounted fixtures, or other architectural features

Finding: The proposed design does not indicate metal as a primary exterior building material. This standard does not apply.

Subsection 1005.04(F) – Additional Requirements for Multi-Family Dwellings

1. Façades of buildings that are two or more stories in height shall have a minimum of one balcony or bay per four dwelling units.
2. Windows shall be frequent and coordinate with bays and balconies.
3. Where feasible, place the buildings to minimize the potential of windows facing directly toward primary living areas of other dwelling units.
4. For buildings that are one or two stories in height, roofs shall be hipped, gambrel or gabled to provide visual interest. Flat roofs shall be allowed in areas of these buildings where mechanical equipment is mounted or where they are used for roof gardens or other outdoor activities. In Urban Low Density Residential Districts, the roof of each attached single-family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.
5. For multifamily developments, convenient areas shall be provided for storage of articles such as bicycles, barbecues, and outdoor furniture. These areas shall be completely enclosed and easily accessible to respective dwelling units.

Finding: Each unit is designed with either a bay or balcony, with coordinated windows. Buildings are located so as, to the extent feasible, minimize windows facing into the primary living areas of other units. All roofs are gable ended. Each unit has an enclosed storage area located off of the patio or balcony. These standards are met.

Subsection 1005.04(G)(1) – Safety and Surveillance; Windows

Locate buildings and windows to maximize potential for surveillance of entryways, walkways, parking, recreation and laundry areas.

Finding: Windows are provided on all sides of proposed buildings allowing significant surveillance of site. This standard is met.

Subsection 1005.04(G)(2) – Safety and Surveillance; Lighting

Provide adequate lighting for entryways, walkways, parking, recreation and laundry areas.

Finding: No information was provided as to site lighting to substantiate compliance with this standard. **The applicant has not fully demonstrated compliance with the standard. This standard can be met with a condition of approval.**

Subsection 1005.04(G)(3) – Safety and Surveillance; Parking

Locate parking and automobile circulation areas to permit easy police patrol.

Finding: Parking and automobile circulation is designed as a single loop with some measure of visibility from US Highway 26 to permit easy access and police patrol. This standard is met.

Subsection 1005.04(G)(4) – Safety and Surveillance; Landscaping

Design landscaping to allow for surveillance opportunities.

Finding: Proposed landscaping, save for additional native tree plantings, is low-growing and will not obstruct surveillance of site. This standard is met.

Subsection 1005.04(G)(5) – Safety and Surveillance; Addresses

Addresses shall be clearly marked. Addresses for complexes shall be visible from the street, and addresses of individual businesses and dwelling units shall be clearly marked at a pedestrian scale within the development.

Finding: A sign marking the apartment development is provided in the application materials, this drawing indicates that this sign will include the site address in compliance with this standard. The standard is met.

Subsection 1005.04(G)(6) – Safety and Surveillance; Mail Boxes

Locate mail boxes where they are easily visible and accessible.

Finding: Supplied revised drawings indicate the location of the unit mailboxes across the parking lot from the units in approximately the middle of the site. Because this is an easily visible and accessible location, the standard is met.

Subsection 1005.04(G)(7) – Safety and Surveillance; Fences and Walls

Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of three feet in height.

Finding: No additional fences are proposed between the parking lot and the street. This standard does not apply.

Subsection 1005.04(G)(8) – Safety and Surveillance; Play Areas

Locate play areas for clear parental monitoring.

Finding: There is significant visibility from a number of units into the shared play area, allowing for parental monitoring. This standard is met.

Subsection 1005.04(H)(1) – Solar Access; Window Placement

Except for uses with greater cooling needs than heating needs, such as many retail uses, concentrate window areas on the south side of buildings (within 20 degrees of due south) where there is good southern exposure.

Finding: There is a fair amount of glazing on the south-facing facades of each building. Given the multi-family residential use of the buildings, significant concentration of south facing glazing is not practical. This standard is met.

Subsection 1005.04(H)(2) – Solar Access; Shading

Provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.

Finding: Projecting balconies and tree plantings are indicated in the drawings to help shield from summer heat gain. This standard is met.

Subsection 1005.04(H)(3) – Solar Access; Aerodynamics

Use architectural features, shape of buildings, fences, natural landforms, berms, and vegetation to catch and direct summer breezes for natural cooling, and minimize effects of winter winds.

Finding: The buildings are designed with operable windows included so as to potentially take advantage of natural ventilation. This standard is met.

Subsection 1005.04(I)(1) – Compatibility; Shapes, Colors, and other Architectural Features

Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.

Finding: The form, scale, materiality, and color of the proposed buildings share common elements with other buildings of similar use in the area. In doing so they complement the surrounding area or development. This standard is met.

Subsection 1005.04(I)(2) – Compatibility; Connection to Public Spaces

Use colors, materials and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas and transit stations.

Finding: There are not meaningful civic/public spaces adjacent to the proposed addition. This standard does not apply.

Subsection 1005.04(I)(3) – Compatibility; Building Orientation and Design

Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses and the intent of the design type.

Finding: The proposed buildings and site features are oriented appropriately to existing and proposed adjacent development and in support on onsite activities. This standard is met.

Subsection 1005.04(I)(4) – Compatibility; Loading Areas

Orient loading and delivery areas and other major service activity areas of the proposed project away from existing dwellings.

Finding: This project does not have identified loading or delivery areas or other major service areas. This standard does not apply

Subsection 1005.04(I)(5) – Compatibility; Vehicular Operations in Industrial Areas

In industrial zoning districts, site areas used for vehicular operations, outdoor storage, and outdoor processing to minimize the impacts on adjacent dissimilar uses.

Finding: The proposal is not in an industrial zoning district. The standard does not apply.

Subsection 1005.04(I)(6) – Compatibility; Colors on Large Buildings within the UGB

Inside the Portland Metropolitan Urban Growth Boundary, use colors, materials and architectural designs to visually reduce the impact of large buildings.

Finding: This property is not in the UGB. This standard does not apply.

Subsection 1005.04(I)(7) – Compatibility; Local Character in Unincorporated Communities

In unincorporated communities, design structures to reflect and enhance the local character and to be in scale with surrounding development.

Finding: The development located within the Welches unincorporated community. The design is broken into small-scale two story buildings with design characteristics similar to what would be expected of a single-family home. This reflects the character of development in this semi-rural area of Clackamas County. This standard is met.

Subsection 1005.04(I)(8) – Compatibility; Colors, Materials and Shapes in Rural Areas

In rural and natural resource areas, use materials, colors and shapes that imitate or complement those in the surrounding areas, such as those used in typical farm structures.

Finding: The subject area is not located in a rural or natural resource area. This standard does not apply.

Subsection 1005.04(I)(9) – Compatibility; Colors, Materials and Shapes in Scenic Areas

In open space or scenic areas, use natural color tones, lines and materials which blend with the natural features of the site or site background.

Finding: The subject property is not located in an open space or scenic area. This standard does not apply.

Subsection 1005.04(J) – Requirements for Screening of Mechanical Equipment

Finding: No roof, wall or ground mounted mechanical equipment is indicated in submitted drawings and the applicant has indicated that none is intended for the site. This criterion does not apply

Subsection 1005.04(K) – Requirements for Specialized Industrial Structures

Finding: No specialized industrial structures are proposed. These standards do not apply.

Subsection 1005.04(L) – Requirements for Facades in the OA District

Finding: The subject property is not located in the OA District. These standards do not apply.

Subsection 1005.05 – Outdoor Lighting

A. Outdoor lighting devices:

1. Shall be architecturally integrated with the character of the associated structures, site design and landscape;
2. Shall not direct light skyward;
3. Shall direct downward and shield light; or direct light specifically toward walls, landscape elements or other similar features, so that light is directed within the boundaries of the subject property;
4. Shall be suitable for the use they serve, e.g. bollard lights along walkways, pole mounted lights for parking lots;
5. Shall be compatible with the scale and intensity of uses they are serving. Height of pole mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and
6. At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward

Findings: The applicant has submitted additional information regarding the lighting fixtures selected for the site. They are appropriate their use to the character of the site as well as downwardly focused to prevent the projection of light vertically or laterally. They do not exceed 25 feet in height on the site or 12 feet at the entrance. Therefore, the criteria are met.

Subsection 1005.06 – Additional Requirements

In addition to the requirements listed in Subsections 1005.03 through 1005.05, development shall comply with a minimum of one of the techniques listed in 1005.06 per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required.

Finding: The development area is approximately 89,300 square feet and will require the design to employ four techniques. In their supplemental information, the applicants have selected the following techniques:

B. Use passive solar heating or cooling techniques to reduce energy consumption.

Examples of techniques

4. Locate structures and landscaping to avoid winter shading on the south side and optimize summer shading on the west and southwest sides of buildings.

7. Locate and form berms to protect buildings and exterior use spaces against winter winds or utilize dense evergreens or conifers to screen winter wind and protect against hostile winter elements.

8. Provide skylights or clerestory windows to provide natural lighting, and/or solar heating of interior spaces.

E. Construct a minimum of 75 percent of walkway area of porous pavement.

G. Provide additional landscaping area at least 10 percent above the requirements for the site pursuant to Table 1009-1.

K. Lay out sites and locate buildings and on-site vehicular circulation to create functional open areas such as plazas, courtyards, outdoor recreation areas, miniparks, and accessways that are open to the general public.

R. Provide no more than the minimum number of surface parking spaces set out in Table 1015-2, all of which shall be no greater than the minimum dimensions allowed in Subsection 1015.04(B)(2)

The site plan and elevation drawings substantiate the use of these techniques on the site and so the standard is met.

Subsection 1005.07 – Design Modification

Modification of any standard identified in Subsections 1005.03 and 1005.04 may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in Subsection 1005.01 as well or better than the requirement listed.

Finding: The applicant is not requesting modification of any standard identified in Subsections 1005.03 or 1005.04. This standard does not apply.

5. 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 satisfactorily comply with all requirements of Clackamas County Engineering, including those identified through the ZDO and within the county's engineering standards. **The conditions imposed by Clackamas Engineering and suggested by the Oregon Department of Transportation will ensure compliance with these standards.**

Subsection 1007.05 – Transit Amenities

Finding: US Highway 26 is not a major transit route. This standard does not apply.

Subsection 1007.06 – Street Trees

This subsection addressed 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. The project is not in any of these areas or conditions.

Finding: This property is not in a listed area or condition per this subsection. These standards do not apply.

Subsection 1007.07 – Transportation Facilities Concurrency

Finding: The subject property is required to meet the standards of 1007.07. Per their memo of August 20th, Clackamas County's Engineering Division agrees with the findings of the traffic study presented by the applicant. These findings conclude that there are no adverse impacts to the state highway or surrounding street network and thus the proposal meets the County's concurrency requirements as they relate to the capacity of the transportation system. These standards are met.

6. *Section 1008 – Storm Drainage*

Finding: In compliance with Subsections 1008.03 and 1008.04 the applicant will need to submit a signed Preliminary Statement of Feasibility from WES to acknowledge that adequate surface water treatment and conveyance may be available on the site. These standards can be met by conditions from WES. **A condition of approval will ensure that this standard is met.**

7. *Section 1009 – Landscaping*

Subsection 1009.02(A-G) – General Provisions: Selection of Plants, Use of Landscaped Area, Design of Landscape

Finding: Plant species have been selected for the conditions and will be irrigated to ensure development and anticipated by the planting plan. A variety of plants as required by 1003.02(B) is indicated on submitted drawings. No non-native or noxious plants are indicated in the planting plan. Landscaped areas will not be used to store or display equipment, materials, or merchandise. Building entrances are highlighted with plantings. When feasible landscaping is provided along pedestrian walkways. These standards are met.

Subsection 1009.02 – Minimum Area Standards

Per table 1009-1, a minimum of 25% landscaping is required for sites in the Mountain Recreational Residential district.

Findings: Though the no specific calculation was provided, the landscape plan submitted with the application clearly indicates that a significant portion, one much greater than 25% of the site is landscaped. This standard is met.

Subsection 1009.03(A)(1) – Landscape per Parking Space

Twenty-five square feet of landscaping per parking space, excluding perimeter parking spaces, shall be provided, except that the standard shall be reduced to 20 square feet for each parking space developed entirely with porous pavement.

Findings: The configuration of the parking on site creates exclusively perimeter parking spaces. This standard does not apply.

Subsection 1009.03(A)(2) – Inter-Parking Row Swales

One landscape swale located between two rows of parking spaces, as shown in Figure 1009-1, is required for every six rows of parking spaces, unless all parking spaces are developed entirely with porous pavement. Additional swales beyond the minimum requirement are allowed.

Findings: The configuration of parking on this site does not create the ‘rows’ of parking envisioned by this standard. This standard does not apply.

Subsection 1009.03(A)(3) – Other Interior Parking Lot Landscaping

Interior landscaping not developed as swales pursuant to Subsection 1009.04(A)(2) shall comply with the following standards:

- a. It shall be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking. See Figure 1009-2.
- b. It may join perimeter landscaping as long as the interior landscape area extends at least four feet into the parking area from the perimeter landscape line. See Figure 1009-2.
- c. Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
 - i. The abutting landscaped area must be in addition to required perimeter landscaping;
 - ii. Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping; and
 - iii. The landscaped area is not abutting and parallel to required perimeter landscaping. See Figure 1009-2.
- d. The interior length and width of landscaped areas shall be a minimum of four feet.

Findings: The area of landscape within the parking/circulation area is designed as a tenant amenity space with a playground and fire pit. These standards are met.

Subsection 1009.03(A)(4) – Trees Per Parking Space

Interior landscaped areas, including swales, shall include a minimum of one tree located every eight interior parking spaces, or fraction thereof, except in the OA, VA, VCS, and VO Districts, where a minimum of one tree shall be located every six interior parking spaces.

Findings: There are not landscaped area fully interior to the parking area. This standard does not apply.

Subsection 1009.04(A) – Screening for Visual Impacts

Screening shall be used to eliminate or reduce the visual impacts of the following:

1. Service areas and facilities, such as loading areas and receptacles for solid waste or recyclable materials;
2. Storage areas;
3. Ground-mounted rainwater collection facilities with a storage capacity of more than 100 gallons;
4. Parking lots within or adjacent to an Urban Low Density Residential, VR-5/7, VR-4/5, RA-1, RA-2, RR, RRF-5, FF-10, FU-10, or HR District; and
5. Any other area or use, as required by this Ordinance.

Finding: The subject property has the condition in 1005.04(A)(1) present. **Compliance with the screening requirements for this area is addressed in 1009.04(C).**

Subsection 1009.4(B) – Methods of Screening

Screening shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), vegetated earth berms, walls, fences, trellises, proper siting of disruptive elements, building placement, or other design techniques.

Finding: The element on this site which requires screening per 1009.04(A) is the refuse and recycling enclosure, which is also addressed in 1009.04(C) and 1021. No specific details were provided beyond the dimensions and location of the enclosure. **This does not comply with the standard. This standard can be met with a condition of approval.**

Subsection 1009.04(C) – Screening of Material/Equipment

Screening shall be required to substantially block any view of material or equipment from any point located on a street or accessway adjacent to the subject property. Screening from walkways is required only for receptacles for solid waste or recyclable materials. A sight-obscuring fence at least six feet in height and up to a maximum of 10 feet shall be required around the material or equipment.

Finding: An area for solid waste collection is indicated on the submitted site plan. The method of screening and enclosure is not sufficiently detailed to demonstrate compliance with 1009.04(C) **This does not comply with the standard. This standard can be met with a condition of approval.**

Subsection 1009.05(D) – Buffering for Additional Adverse Impacts

Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration shall be given to the buffering between residential uses and commercial or industrial uses, and in visually sensitive areas.

Finding: Though they are both residential in nature, the difference in use intensity between the proposed multi-family residential development and the established single-family residential neighborhood to the south is significant and could reasonably be anticipated to generate adverse impacts particular as relate to visual impacts, light trespass, and noise.

These differences in use intensity are substantial enough to require some additional buffering per this subsection. An area of buffering is indicated in the site plans, but no details of its design or composition were provided.

This does not comply with the standard. This standard can be met with a condition of approval.

Subsection 1009.05(E) – Methods of Buffering

Finding: There is an area of buffering indicated on the landscape plan, as required per 1009.05(D), but there is not sufficient detail to determine compliance with 1009.05(E). **This does not comply with the standard. This standard can be met with a condition of approval.**

Subsection 1009.07(A) – Landscaping Strips in Industrial Zones

In the BP and LI Districts, a landscaping strip a minimum of 15 feet wide shall be provided along front lot lines.

Finding: The site is not located in an industrial zone. This standard does not apply.

Subsection 1009.08 – Fences

Finding: The site is not located in the CI, BP, LI, or GI districts. These standards do not apply.

Subsection 1009.10 – Erosion Control

- A. Graded areas shall be re-vegetated with suitable plants to ensure erosion control.
- B. Netting shall be provided, where necessary, on sloped areas while ground cover is being established.

Finding: Graded areas will be replanted with suitable plants for erosion control. This standard is met.

Subsection 1009.11(A) – Weed Barriers

Impervious weed barriers (e.g., plastic sheeting) are prohibited.

Finding: Per the application materials, hemlock bark, rather than impervious barriers are proposed for weed control in the proposed design. This standard is met.

Subsection 1009.11(B) – Plant Created Hazards

Plants shall not cause a hazard. Plants over walkways, sidewalks, pedestrian pathways, and seating areas shall be pruned to maintain a minimum of eight feet below the lowest hanging branches. Plants over streets and other vehicular use areas shall be pruned to maintain a minimum of 15 feet below the lowest hanging branches.

Finding: No plantings are proposed over walkways, sidewalks, pedestrian pathways, or seating areas. This standard does not apply.

Subsection 1009.11(C) – Plant Interference with Utilities

Plants shall be of a type that, at maturity, typically does not interfere with above or below-ground utilities

Finding: No plants that would interfere with utilities are proposed in areas where there are above or below ground utilities. This standard is met.

Subsection 1009.11(D) – Nursery Installation Standards

Plants shall be installed to current nursery industry standards.

Finding: Plants are to be installed to nursery standards, per submitted landscape plan. This standard is met.

Subsection 1009.11(E) – Staking and Guying of Plants

Plants shall be properly guyed and staked to current nursery industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

Finding: Plants are to be installed to nursery standards, including guying and staking where appropriate and such to avoid interference with vehicular and pedestrian traffic. This standard is met.

Subsection 1009.11(F) – Guarantee of Landscape Materials

Landscaping materials shall be guaranteed in writing by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the County by the developer. The developer also shall submit a signed maintenance contract, or provide a financial guarantee pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs during the guarantee period.

Finding: The submitted materials indicate that planting are to be maintained and replaced if not alive for two years. The applicant has subsequently submitted a separate written guarantee of the materials. This standard is met.

Subsection 1009.11(G) – Suitability to Conditions

Plants shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated shall be sufficiently hardy to thrive under these conditions. Plants shall have vigorous root systems, and be sound, healthy, and free from defects and diseases.

Finding: Plantings proposed in the submitted landscape plan are appropriate to the conditions in which they will be planted. This standard is met.

Subsection 1009.11(H) – Branching and Caliper of Deciduous Trees

When planted, deciduous trees shall be fully branched, have a minimum caliper of two inches, and have a minimum height of eight feet.

Finding: No deciduous trees are indicated on the proposed planting plan. This standard does not apply.

Subsection 1009.11(I) – Branching and Height of Evergreen Trees

When planted, evergreen trees shall be fully branched and have a minimum height of eight feet

Finding: Evergreen trees identified in submitted landscape plan are indicated as being of 8 feet in height. This standard is met.

Subsection 1009.11(J) – Size and Spread of Shrubs

Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 inches.

Finding: Shrubs identified in submitted landscape plan meet these dimensional standards. This standard is met.

Subsection 1009.11(K) – Size and Spacing of Ground Cover

Ground cover shall be planted a maximum of 30 inches on center with a maximum of 30 inches between rows. Rows of plants shall be staggered. Ground cover shall be supplied in minimum four-inch containers, except that the minimum shall be reduced to two and one-quarter inches or equivalent if the ground cover is planted a minimum of 18 inches on center.

Finding: The revised landscape plan indicates that spacing of plants is to be at not less than 30 inches staggered to as to comply with ordinance standards. This standard is met.

Subsection 1009.11(L) – Ground Cover at Maturity

Plants shall be spaced so that ground coverage three years after planting is expected to be 90 percent, except where pedestrian amenities, rainwater collection systems, or outdoor recreational areas count as landscaping pursuant to Subsection 1009.03. Areas under the drip line of trees count as ground coverage

Finding: It is not clear from the submitted landscape plan indicates that plantings shall be such that 90% groundcover will be achieved within three years of planting. This standard is met.

Subsection 1009.11(M) – Irrigation of Plants

Irrigation of plants shall be required, except in wooded areas, wetlands, and in river and stream buffers. The irrigation system shall be automatic, except that hose bibs and manually operated methods of irrigation may be permitted in small landscaped areas close to buildings. Automatic irrigation systems are subject to the following standards:

Finding: The submitted landscape drawings indicates that much of the site is the left wooded or in natural habitat, the landscaped areas near buildings are to be watered by hand and subsequently by a timer system. Given the relatively wet climate in the area, and the challenges of shallow piped water systems in the climate, this is suitable to the conditions. This standard is met.

Subsection 1009.11(N) – Care and Maintenance of Landscaping

Appropriate methods of plant care and landscaping maintenance shall be provided by the property owner

Finding: The submitted landscape drawing indicates that the applicant agrees to take responsibility for appropriate care and maintenance of landscaping on site. This standard is met.

Subsection 1009.11(O) – Protection of Landscaping

Plants shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers, or other suitable methods.

Finding: No plantings are proposed in areas where the plantings might be damaged by heavy foot traffic. Trees planted interior to the parking lot will be protected by curbs. This standard is met.

8. Section 1010 – Signs

Finding: The applicant has submitted a signage drawing demonstrating compliance with ZDO Section 1010(C) and (D) which pertain to freestanding signs for multifamily developments and signs in the Mountain Recreation Residential (MRR) district. This standard is met.

9. Section 1012 – Density

Subsection 1012.01 – Applicability

Section 1012 applies to the following land use permit applications in any zoning district that has a minimum lot size standard, district land area standard, or minimum density standard, except AG/F, EFU, and TBR:

- A. Subdivisions;
- B. Partitions;
- C. Replats;
- D. Design review for manufactured home parks, congregate housing facilities, and dwellings, including residential condominiums; and
- E. Conditional uses for manufactured home parks and dwellings.

Finding: This is a design review for dwellings and so Section 1012 applies to the proposal.

Subsection 1012.02-.04 – Minimum Lot Size Exceptions, Maximum Lot Size, and General Density Provisions

Finding: No new lots are being created through this proposal. As such, the first two subsections do not apply. The third provides general guidance and information about density and not specific standards.

Subsection 1012.05 – Maximum Density

Subsection 1012.05 lays out the method for calculating how many dwellings can be developed on any given site. The process for determining the allowable density on any site generally begins with the gross area of the subject site. Then, areas that in which development is restricted are subtracted from that number to determine the net site area. This net site area is then divided by the site area necessary for each unit.

Finding: Per Table 317-3 in the Mountain Recreational Residential (MRR) district, the site area necessary varies by unit size. Units sized less than 400 square feet require 1,361 square feet of site area. Units sized from 400 square feet to 599 square feet require 3,111 square feet of site area.

The proposal is for 24 apartments of less than 400 square feet and 16 apartments of between 400 and 599 square feet. This unit mix, when multiplied by the required site area and totaled, requires 82,440 square feet of site area. The total area of the site is 89,298 square feet, and there are not any restricted areas on the subject site. The maximum density standard is met

Although criteria are established for bonus density, none is being pursued as a part of this application and so those criteria do not apply.

Subsection 1012.06-07 – Maximum Density in the Village Districts and Urban Low Density Districts

Subsections 1012.06 and 1012.07 address maximum density in a number of zoning districts not present on the subject site. They do not apply to this project.

10. Section 1015 – Parking and Loading

Subsection 1015.01(A-E) – General Standards

Finding: The provisions of this section will generally apply, save for those standards not applicable given the details of the design. The proposed parking area will be hard surfaced. The applicable standards are met.

Subsection 1015.02(A)(1-10) – Motor Vehicle Parking Standards

Finding: Per the site plan, all parking spaces are in defined areas and can be accessed from the drive aisles and all parking spots to be counted towards the minimum requirement shall be marked. Indicated spaces meet the dimensional requirements of 1015.02(A)(2) and (3). The site layout makes double-loaded ninety degree pays impractical. Parking for car/vanpool at this site is impractical, given the residential nature of the development. The parking lot is not greater than one acre and so 1015.02(A)(7) does not apply. Shared driveway entrances, maneuvering areas, and parking are not feasible given the location and site design. Revised materials indicate the use of tire stops the locations required by 1015(A)(4). These standards are met.

Subsection 1015.02(B) – Parking Minimums

The minimum number of parking spaces listed in Table 1015-2, Automobile Parking Space Requirements, applies unless modified in Subsection 1015.04(F).

Finding: The ordinance requires a minimum one parking stall per residential unit in the MRR zoning district. The proposal is for 40 residential units, making the minimum required parking 40 stalls. The site design indicates 42 parking stalls, slightly in excess of the minimum. This standard is met.

Subsection 1015.02(C) – Parking Maximums

Finding: These standards apply within the Urban Zones A and B. The subject site is not in Urban Zone A or B, this standard does not apply.

Subsection 1015.03(A)(1-5) – Bicycle Parking Standards - Location

These are standards which address the location of bicycle parking related to new development in Clackamas County.

Finding: The provision of bicycle parking is indicated in the applicant’s narrative but no specific information about locations for bicycle parking are indicated on the site plan. **These standards can be met by condition.**

Subsection 1015.03(B)(1-8) – Bicycle Parking Standards - Design

These are standards which address the provision, number, and design of bicycle parking related to new development in Clackamas County.

Finding: The submitted narrative indicates the provision of 20 bicycle parking spots, which meets the ordinance standards for number of bicycle parking spaces. The revised drawings indicate design details relating to the design of these facilities, substantiating compliance with these standards. The standards are met.

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

Finding: The enclosed trash and recycling area indicated on the submitted site plans appears to satisfy the standards of 1021. Revised drawings and information submitted by the applicant demonstrate compliance with the location and design criteria of this section. These standards are met.

12. Section 1102 – Design Review

Findings: Staff finds that the pre-application conference requirements of Section 1102.05 have been met by the applicant. The applicant has submitted site plan and building information to satisfy the submittal requirements detailed in Subsection(s) 1102.06-08.

13. Section 1311 – Completion Of Improvements, Sureties, And Maintenance

Section 1311 ensures that completed development is done in compliance with approved plans and that the work is completed in a timely manner.

Findings: A condition of approval is included to ensure compliance with the applicable standards of Section 1311.

SECTION 4 - SUMMARY OF FINDINGS AND RECCOMENDATION

The Planning and Zoning Staff finds it is feasible, with conditions of approval, for the applicant to meet the standards of the permitted uses in the Mountain Recreational Residential district and applicable design review standards.

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