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**STAFF RECOMMENDATION**  
*Approval, with Conditions*

This document represents Planning and Zoning Staff's findings and proposed conditions of approval regarding application for Design Review as cited below. It contains four parts: Section 1 – Background and Summary, Section 2 – Recommended conditions of approval, Section 3 – Findings, Section 4 – Summary of Findings and Recommendation.

**SECTION 1 – SUMMARY**

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**DATE:** August 22, 2019

**CASE FILE NO.:** Z0299-19-D

**STAFF CONTACT(S):** Anthony Riederer, [ariederer@clackamas.us](mailto:ariederer@clackamas.us), 503-742-4528; Clay Glasgow, [clayg@clackamas.us](mailto:clayg@clackamas.us), 503-742-4520

**LOCATION:** 12E28CB TLs (p.o.) 500, 600, 900, 1000, 2000, 2100

**ADDRESS:** 9730 SE Fuller Road, et. al.  
Happy Valley, Oregon

**APPLICANT(S):** Karen Lange, Waterleaf Architecture  
419 SW 11<sup>th</sup> Avenue, Suite 200  
Portland, OR 97205

**OWNER(S):** Tri-County Metro Transportation District of Oregon; TriMet  
710 NE Holladay Street  
Portland OR 97232

**TOTAL AREA:** Approximately 2.08-acres

**ZONING:** SCMU, Station Community Mixed Use

**COMMUNITY PLANNING ORG:** Southgate (inactive)

**PROPOSAL:** Design review of multi-family housing project: 6-story, 100-unit building. Site is adjacent to Fuller Road MAX Station. Proposal includes the building, parking and circulation, landscaping, new site access and right-of-way improvements.

**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, 1102, 1206, and 1307 of the ZDO, along with the Comprehensive Plan.

**Background:**

The subject property is located on the east side of SE Fuller Road, between SE Otty and SE Con Battin Roads. Underlying zone designation is SCMU, Station Community Mixed Use. The subject property is identified as being within both the Clackamas Regional Center Area and the Station Community Area, as indicated in Comprehensive Plan Map X-CRC-1. Each of these designations bring additional design-related standards. Included is the requirement for new east-west (public) and north-south (private) streets. Clackamas County Development Agency is involved here from the standpoint of new street construction along with surface water management.

The project area under consideration here is currently developed with surface parking associated with the Fuller Road MAX Station. There are no buildings or other constructed objects beyond minor landscape features in the parking field. Given the site is predominantly paved in hardscape and developed with parking, there are no mature trees or significant areas of vegetation, and the area is generally level. There is a mapped Habitat Conservation Area Overlay (HCA). This feature relates to a subsurface drainage crossing north-south under the site. The Overlay is to be removed as another part of this process.

There is a large subsurface drainage facility in the southwest corner of the property. This facility is to be moved as part of the project, to allow development as proposed. Too, a re-plat is being processed to more accurately adjust lot lines in support of the use.

Area land use includes Clackamas Crossing shopping center to the west, across SE Fuller Road; the MAX station adjacent to the east along with associated parking to the north of the subject; and pre-existing uses elsewhere including light-industrial to the southeast and both single and multi-family housing.

This is among the first projects to be developed using the Fuller Road Station Community Dimensional and Design Standards, which have been put into place to support the future development of this area as a walkable and pedestrian scale district served by transit. Many of the surrounding uses pre-date this change in regulation and are not a reasonable basis for the intended development character of the area going forward.

(One recently permitted example of development designed under these standards is the multi-family residential development across Otty Road and slightly to the east of the subject property (Z0465-16, under construction.). This 200-unit, all residential development uses a mix of materials with a discernable human scale along the ground levels and creates visual interest and differentiation across building facades using color, articulation, and modulation of plane.)

The Station Community Plan provisions and SCMU Zone language represent Clackamas County's current best attempt at "form-based" planning, e.g. prescriptive rather than proscriptive

regulations. Form-based code concerns itself less with separation of uses (conventional zoning) and instead focuses on building form, and interaction with streetscape. In pure application form-based zoning leads to mixing of uses and promotes walkable, complete communities within the larger planned area. In the case of the Station Community area, the SCMU zone presents a hybrid between conventional and form-based language. Allowing for and guiding towards mixed use, specifically ground-floor commercial with residential above - the Station Community area is meant to provide for direct and lively interaction between ground-floor uses and the surrounding streetscape.

The SCMU Zone also allows for single-use residential development as proposed here (e.g. the code is not pure form-based language.) This presents challenges when implementing certain provisions of the Plan and Zoning code. Particularly with regards to window-wall ratio/glazing on the first floor and location/number of entry points, the applicant has found it challenging to meet certain Station Community provisions.

The proposal before you at this time is the result of a collaborative effort including applicant, several County agencies, Tri-Met and others. The current iteration is the result of much work and many meetings. Planning staff feels the intent of the Station Community planned area and code language is largely satisfied here.

## **NOTICE**

Notice of this application was sent to property owners within 300 feet of the subject tract property lines, as well as the City of Milwaukie, Clackamas Fire District #1, Water and Environment Services, Clackamas River Water. CCSD #5 (Street Lighting), Clackamas County's Building, Engineering, and Sustainability Divisions, TriMet, and the Oregon Department of Transportation.

## **RESPONSES RECEIVED:**

- A. Department of Transportation and Development (DTD), Traffic Engineering (TE)
- B. Water Environment Services, WES
- C. Sustainability
- D. Clackamas County Fire District #1

Aerial, 2019

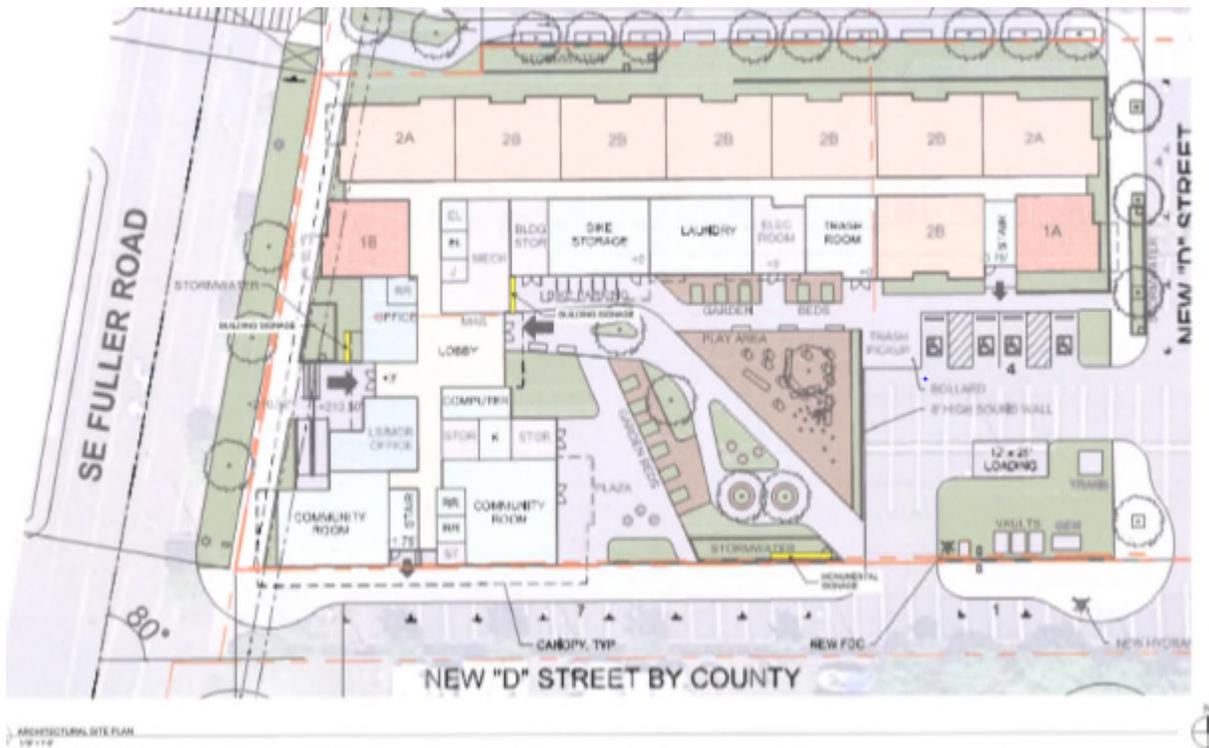




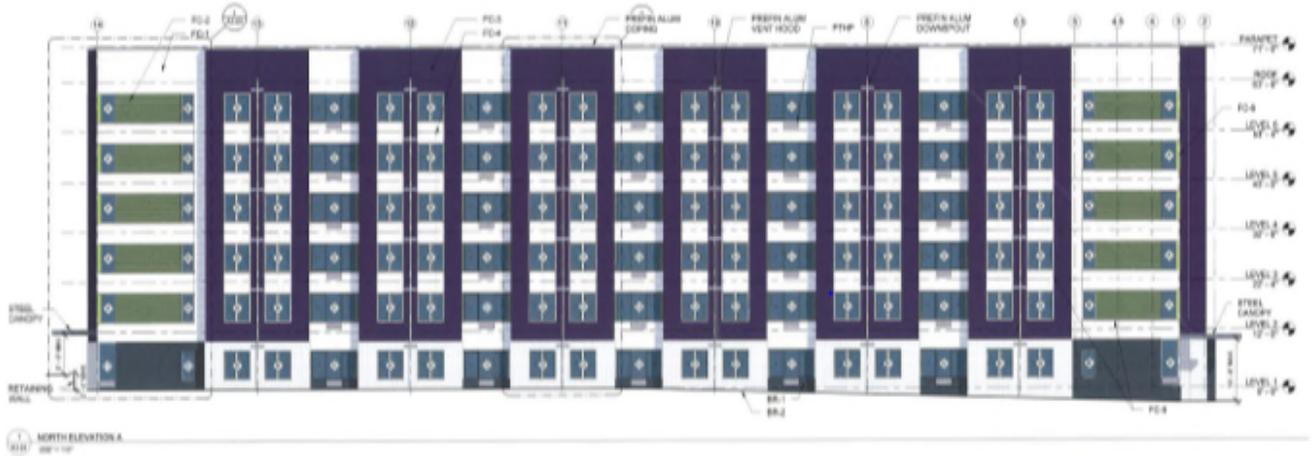
# Site Plan



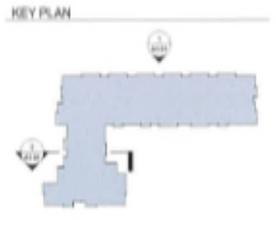
waterleaf  
 FULLER STATION HOUSING  
 50' BY DESIGN



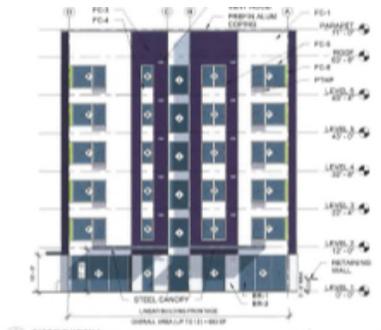
# Building Elevations



- MATERIAL NOTES - EXTERIOR ELEVATIONS**
1. ECLL HAREDFLANK LAP BOARD, F EXPOSURE
  2. ECLL HAREDFLANK LAP BOARD, F EXPOSURE
  3. ECLL HAREDFLANK, L SERVO STRAIGHT EDGE PANEL, PRIME, 3/4" F EXPOSURE
  4. ECLL ADHESION ARTISAN V-GROOVE SERVO, F EXPOSURE
  5. ECLL HAREDFLANK, SMOOTH BATTERY BOARD TRIM, 3/4" x 1 1/2" PROFILE THIS BOARD AT EXTERIOR HEAD, JAMB AND SILL OF OPENING WITHIN FIELD OF FRAME CORNER BOARD. PROVIDE THIS BOARD AT HORIZONTAL AND VERTICAL CHANGES BETWEEN FC-1, FC-3 & FC-4. PROVIDE THIS BOARD AT PERIMETER OF PTFP WITHIN FIELD OF FRAME CORNER BOARD.
  6. ECLL ADHESION ARTISAN ACCENT TRIM, 1 1/2" x 3 1/2" SQUARE VERTICAL GABRIEL AT CORNER WINDOWS, LEVELS 2-5.
  7. ECLL HAREDFLANK, VERTICAL SERVO, SMOOTH (FULL PANEL ADJACENT TO PTFP AND/OR BELOW WINDOWS)
  8. SELL MUFUN, MATERIALS, MODULAR NORMAL TEXTURE, MEDIUM COLOR, BURLAP-LIKE FINISH, GREEN BLEND. INCLUDE PENETRATIVE ANTI-SALTS COATING.
  9. SELL MUFUN, MATERIALS, MODULAR NORMAL TEXTURE, MEDIUM COLOR, SMOOTH WHITE-ON-TOP/SHARP BLEND. INCLUDE PENETRATIVE ANTI-SALTS COATING.
  10. STEEL CHAIRS
    - 1 1/2" SQUARE METAL, BEAR ATTACHED TO FLAT STEEL FRAME.
    - 1/2" x 1 1/2" PERIMETER CHANNEL, STEEL, FRAMING 3 BARS.
    - STRUCTURAL SUPPORT FRAME UNDERBATH SIDE OF PT BLAK. PAINTED.
  11. STEEL CLAMPERS & ANCHORS
    - SQUARE VERTICAL POSTS, 1/2" FLAT BAR AT 4" O.C.
    - SQUARE VERTICAL POSTS, 1/2" SQUARE BAR AT 4" O.C.
    - HORIZONTAL, 1 1/2" OUTSIDE DIAMETER PFP. PAINTED.
  12. JOISTS - SEE SHEET ALSO FOR JOIST TYPES.





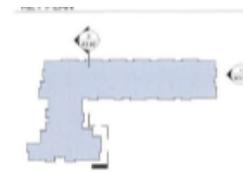


1 EAST ELEVATION  
8/27/17  
UPPER BALCONY FRONTAGE GLAZING = 87% (87% FGD)  
81% OF GLAZING, 80% OF TOTAL AREA



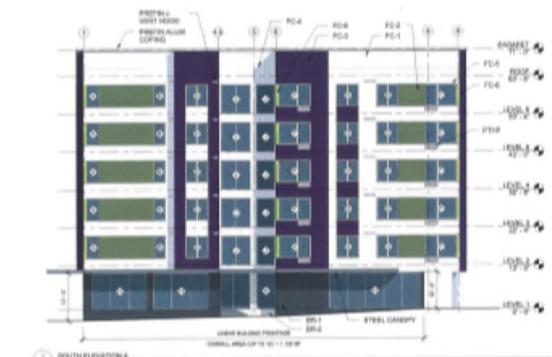
1 EAST ELEVATION  
8/27/17  
UPPER BALCONY FRONTAGE GLAZING = 87% (87% FGD)  
81% OF GLAZING, 80% OF TOTAL AREA

- MATERIAL NOTES - EXTERIOR ELEVATIONS**
1. ECL: HANDEPLANK, LAM BROWN, 7" EXPOSURE
  2. ECL: HANDEPLANK, LAM BROWN, 4" EXPOSURE
  3. ECL: HANDEPLANK, BROWN, STRAIGHT EDGE PANEL, PRIMED, 8 1/4" EXPOSURE
  4. ECL: ASPHENWOOD, ARTISAN V-GROOVE BROWN, 7" EXPOSURE
  5. ECL: ASPHENWOOD, ARTISAN V-GROOVE BROWN, 4" EXPOSURE  
- PROVIDE TRIM BOARD AT EXTERIOR HEAD, JAMB AND SILL OF CORNER WINDOW FIELD OF PFR (CORNER BOARD)  
- PROVIDE TRIM BOARD AT HORIZONTAL AND VERTICAL CHAMBERS BETWEEN PFR & PFR & PFR  
- PROVIDE TRIM BOARD AT PERIMETER OF PFR WITHIN FIELD OF PFR (CHAMT BOARD)
  6. ECL: ASPHENWOOD, ARTISAN ACCECT TRIM, 1" OF 1/4" X 1/4" CORNER VERTICAL GLAZING AT CORNER WINDOWS, LEVELS 2A  
- TRIM PANEL ADJACENT TO TOP AND/OR BOTTOM WINDOWS
  7. ECL: HANDEPLANK, VERTICAL BROWN, 8MMO711  
- TRIM PANEL ADJACENT TO TOP AND/OR BOTTOM WINDOWS
  8. ECL: METAL MATERIALS, MODULAR NORMAL TEXTURE, MIRROR COLOR, BURGUNDY/MANHATTAN GREEN BLEND  
- INCLUDE PERMETHRAVE INTRINSIC COATING
  9. ECL: METAL MATERIALS, MODULAR NORMAL TEXTURE, MIRROR COLOR, SLEIGHT WHITE/LAMONT/SHARON BLEND  
- INCLUDE PERMETHRAVE INTRINSIC COATING
  10. STEEL CHANGES  
- 1/2" X 1/2" METAL DECK ATTACHED TO TUBE STEEL FRAME  
- 0.5" X 1/2" FRAMING (2 CHANNEL, STEEL, FRAMING 2 BARS)  
- STRUCTURAL SUPPORT FRAME UNDERNATH SIDE OF PFR SLAB  
- PAINTED
  11. STEEL GUARDRAILS & HANDRAILS  
- 1 1/2" DIA. GALVANIZED STEEL PIPE AT 4' O.C.  
- GALVANIZED VERTICAL POSTS, 1" DIA. DIA. AT 4' O.C.  
- GALVANIZED 1" O.D. DIA. DIA. PIPE  
- PAINTED
  12. WOODWORK: SEE SHEET 42.16 FOR WOOD TYPES



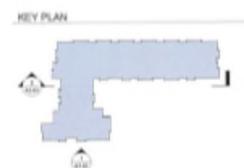
FULLER STATION HOUSING WATERLEAF

PCL 8  
8/27/17  
1  
8/28



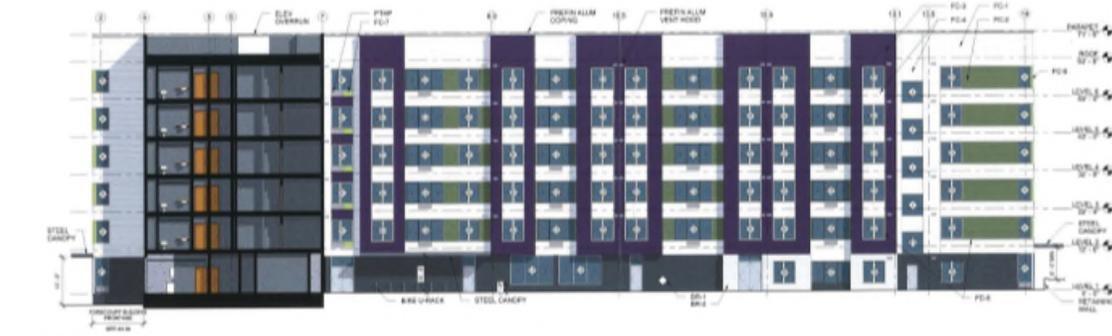
1 SOUTH ELEVATION  
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UPPER BALCONY FRONTAGE GLAZING = 87% (87% FGD)  
81% OF GLAZING, 1/10 OF TOTAL AREA

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- GALVANIZED 1" O.D. DIA. DIA. PIPE  
- PAINTED
  12. WOODWORK: SEE SHEET 42.16 FOR WOOD TYPES



FULLER STATION HOUSING WATERLEAF

PCL 8  
8/27/17  
1  
8/28



1 SOUTH ELEVATION  
8/27/17  
UPPER BALCONY FRONTAGE GLAZING = 87% (87% FGD)  
81% OF GLAZING, 1/10 OF TOTAL AREA

## **SECTION 2 – CONDITIONS OF APPROVAL**

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

### **1) General Conditions:**

- A. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on June 27, 2019, as revised and deemed complete July 23, 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.
- B. 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](mailto:wendicor@clackamas.us).
- C. **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](mailto: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.
- D. 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.
- E. 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.
- F. 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:**

- A. **Prior to issuance of building permits**, the applicant shall submit final landscape plan. Review and approval to occur prior to building permit issuance.
- B. **Prior to issuance of building permits**, the applicant shall submit revised façade drawings which include a cornice or architectural treatment designed to provide visual interest to the building, per the standards of ZDO 1005.04(D)(2).
- C. **Prior to issuance of building permits**, the applicant shall submit revised building elevation drawings demonstrating the provision of a minimum of one balcony or bay per four dwelling units, per the standards of ZDO 1005.04(F).
- D. **Prior to issuance of building permits**, the applicant shall submit information regarding the planned use of roof-mounted equipment and, if any is proposed, demonstrate appropriate screening of the same, per the standards of ZDO 1005.04(J).
- E. **Prior to issuance of building permits**, the applicant shall submit elevations of the proposed Urban Fence/Wall screening which demonstrate compliance with the height, transparency, and materiality standards of ZDO 1005.10(L)(2)c, (d) and (e).
- F. **Prior to issuance of building permits**, applicant to complete previously discussed issue of removing the HCA overlay shown as existing on property.
- G. **Prior to issuance of building permits**, the applicant shall submit revised site and landscape drawings demonstrating that the western and southern frontages of the eastern site parking areas 4 will be screen with an Urban Fence/Wall screening element which meets the standards of ZDO 1005.10(L)(2).
- H. **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.
- I. **Prior to the issuance of building permits**, the applicant shall submit detailed drawings demonstrating proposed signage on site complies with the standards of ZDO 1010.

**3) Building Code Division Conditions:**

- A. 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.
- B. All applicable development permits (grading and erosion control, etc.) shall be obtained prior to any construction.

**4) Clackamas County Engineering Conditions**

- A. All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
- B. 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.
- C. The applicant shall dedicate additional right-of-way on the SE Fuller Road site frontage to provide a minimum 48-foot wide, one-half right-of-way.
- D. The applicant shall protect and maintain the existing sidewalk on SE Fuller Road and shall remove and replace any damaged sections to match existing.
- E. The applicant shall design and construct the north/south “Street Type D” through approximately the midpoint of the project site, consistent with Comprehensive Plan Figure X-CRC-10, Option 1. These improvements shall consist of the following:
  - a. A minimum 60-foot wide access and utility easement shall be granted for the “Street Type D” improvements. The easement shall extend through the project site and provide for access to the parcels to the north.
  - b. A minimum paved width of 36 feet shall be constructed. The minimum structural section shall comply with Standard Drawing C100 for a local roadway.
  - c. Standard curb, or curb and gutter if curb line slope is less than one percent. Bulb-outs shall be provided at the north and south end of the improvement, with 20 feet of travel width between the curbs, consistent with Figure X-CRC-10, Option 1.
  - d. A 12-foot wide curb-tight sidewalk, consistent with Comp Plan Figure X-CRC-10. Where storm water planter is located at the curb, there shall be an 18-inch step-out area adjacent to the curb.
  - e. Street trees shall be provided along the entire site frontage at 25-40 spacing, based on tree species. Tree wells shall be provided adjacent to the curb, including steel grates, per Standard Drawing L100.
  - f. The retaining wall adjacent to the back of the sidewalk and building along the northwesterly portion of the “Street Type D” shall be reviewed and approved as part of the Building Permit or Development Permit as applicable. The wall plans shall include design and structural calculations and a geotechnical report.

- g. Drainage facilities shall be provided in conformance with Water Environment Services requirements *Clackamas County Roadway Standards* Chapter 4.
  - h. Reserve for a condition for driveway access to Type D streets
  - i. The proposed crosswalk between the parking lot and the building crossing the private Type D street shall be installed per MUTCD specifications, including pavement markings and signage.
- F. The applicant shall coordinate their on-site improvements with the County Development Agency's "Street Type D" and "Street Type B" projects in terms of timing and design to minimize conflicts and potential impacts to completed improvements.
- G. The applicant shall design and construct on-site parking and maneuvering areas as follows:
- a. 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:
    - 1. A minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces;
    - 2. The paths traced by the extremities of trucks and emergency vehicles shall be demonstrated.
  - b. All curbs shall typically be type "C", or curb and gutter if curb line slope is less than one percent, if they carry, direct or channel surface water. Alternative curbs will be considered when it is determined by the Clackamas County Department of Transportation and Development that type "C" curbs or curb and gutter are not appropriate. Extruded curbs for carrying, directing or channeling surface water, or used as a vehicle wheel stop, shall not be allowed.
  - c. The applicant shall provide a copy of the Water Environment Services approved drainage study, surface water management plan, and Engineer's detention calculations to DTD Engineering.
  - d. Parking spaces shall meet minimum *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 compact, carpool, disabled, and loading berth spaces on the plans.
- H. 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.
- I. 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.

- J. 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.
- K. **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.
- L. **Prior to the issuance of a building permit**, the applicant shall submit to Clackamas County Engineering Office:
  - a. 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.
  - b. 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.
  - c. Written approval from Water Environment Services for surface water management facilities, surface water detention facilities, and erosion control measures.

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

5) **Oregon Department of Transportation Conditions**

Staff had not received recommended conditions from the Oregon Department of Transportation at the time this draft staff recommendation was issued. Comments/conditions that may come in later will be included in decision to the extent possible.

6) **Clackamas County Sustainability Conditions:**

Staff had not received recommended conditions from Clackamas County Sustainability at the time this draft staff recommendation was issued. Their recommended conditions will be forwarded to the applicant when available and included in the final staff decision.

7) **Water Environment Service Conditions:**

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

erosion control requirements. The applicant shall procure the necessary plans approvals and permits in accordance with RR&S/Rules and adopted Sanitary Sewer and Stormwater Standards (available on the WES website).

- 2) The proposed development 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.
- 3) Construction plans shall be reviewed for compliance with WES Rules, Design Standards, and Conditions of Approval. Sanitary and stormwater management plans and calculations shall be stamped and signed by a civil engineer licensed by the State of Oregon.
- 4) Upon the completion of construction and certification by the engineer, WES shall inspect and approve the construction of the sanitary and storm systems. The sanitary and storm systems shall be complete in all respects, in accordance with the approved plans, prior to Certificate of Occupancy approval by WES, and issued by Clackamas County.
- 5) 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 prior to land use approval, as determined by WES.
- 6) 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 issued, and are subject to change without notice to the applicant. Current rates are posted on the WES website. All costs associated with the design, construction and testing of the sanitary sewer or storm system shall be provided by, and at the sole expense of the developer.

**Sanitary:**

- 7) WES has adequate capacity for public sanitary sewer collection and treatment to serve this property.
- 8) A sanitary sewer service connection shall construct by the applicant at their sole expense.
  - a. There is an existing 6” service laterals in Fuller Road that shall be used where feasible, and as determined by WES. The private service lateral shall terminate with a clean out at the edge of the Public Utility Easement (PUE), or the property line as determined by WES
  - b. Any sanitary sewer service connection lateral that is not fully contained within the right-of-way, the property owner may be required to enter into an agreement, which will be recorded as a land record that clearly states private ownership and maintenance of the sanitary sewer service connection lateral.

- c. Any proposed 6” and 8” sanitary sewer service connection lateral(s) serving the property are required to be connected into an existing manhole, or construct a new manhole over the existing mainline at the sole expense for the applicant.
- 9) The applicant shall submit a Non-Residential Questionnaire (available on the WES website), which provides an estimate of the development’s wastewater discharge to the public sewer system. The NRQ is due with the first plan submittal.
- 10) A minimum \$400.00 sanitary plan review fee is due with first plan submittal.
- 11) Sanitary System Development Charges (SDC) shall be applied in accordance with WES rules. The SDC fees will be assessed at the prevailing rate that is in effect when the building permit application is submitted to Clackamas County Building Codes Division. *(Rules 4.1)*
- a. Estimate of SDC fees: As of today’s date, the SDC rate is \$7,850.00 per EDU. Rates typically increase on July 1<sup>st</sup> each year, and are subject to change.
  - b. Multifamily residential is assigned based on 0.8-EDUs per unit.
  - c. Total estimate of the sanitary SDC fees:  $100 \text{ units} * 0.8 \text{ EDU} = 80 \text{ EDU} * \$7,850 = \$628,000.00$ .

**Stormwater Management:**

- 12) All development that creates or modifies 5,000 square feet or more of impervious surface area shall be subject to WES Stormwater Standards.
- 13) The applicant submitted, and WES approved a modification request on 07/08/2019 to utilize the BMP Sizing Tool to design the SWM plan.
- 14) The SWM plan shall be designed in accordance with the following basic general requirements:
- a. **BMP Sizing Tool** - The applicant submitted, and WES approved a modification request on 07/08/2019 to utilize the BMP Sizing Tool to design the SWM facilities to capture, detain, and treat the SW runoff.
  - b. **Limited Downstream Capacity** *(Section 5.4.4.3)* – Additional flow control requirements will be required in areas with limited downstream capacity. If applicable, the onsite detention facilities shall be designed to reduce the 25-year post-developed runoff rate to a 2-year pre-developed discharge rate.
  - c. **Conveyance Standards** *(Section 5.4)* – The conveyance system shall be sized for a minimum 25-year storm event.
  - d. **Downstream Analysis** *(Section 5.4.4.4)* – The applicant shall provide a downstream conveyance report that demonstrates the existing, or proposed piping system has the capacity to safely convey a 25-year storm event.
  - e. **Acceptable Point of Discharge** - All development shall provide an acceptable point of discharge (via piped system, open channel, or onsite retention) and adequate conveyance of stormwater runoff, as approved by WES. *(SW Standards, Section 3)*

- f. **Safe Overflow Pathway** - All development shall provide an overflow pathway in the event of any stormwater facility failure, and all restricted low point drains that have the potential to bypass in order to prevent damage to downstream properties. The pathway shall be shown on the final grading plan.

15) A Geotechnical Report will be required; the infiltration tests must correspond to the location and depth of all proposed stormwater facilities, in accordance with *SW Standards, Appendix E*.

16) Subsurface facilities shall provide a 3-foot minimum vertical separation from the maximum seasonal groundwater elevation. (*SW Standards, Appendix H*)

17) An operations and maintenance plan for the stormwater facilities must be reviewed and approved by WES.

18) If public and private storm water are mixed, WES may consider accepting a Declaration and Maintenance Agreement for Onsite Stormwater Facilities, by which WES would maintain the storm system in exchange for a monthly service fee of \$3.00 per 2,500 sq ft of impervious area. All publicly maintained stormwater systems must be designed and constructed to public standards and shall be located in public right-of-way, or a public storm drainage easement (SDE) granted to WES.

19) A minimum \$400.00 surface water plan review fee is due with first plan submittal. Total SW plan review fees are equal to 4% of the installed cost of any surface water management system.

20) Surface Water SDC's shall apply for any added impervious surface area, per WES rules and rates at the time of building permit application. The current rate is \$205 per 2,500-sqft of impervious surface.

### **Erosion Control:**

All construction sites, regardless of size, shall implement proper erosion prevention and sediment control measures. For projects that disturb 800-square feet or more of disturbance, are required to obtain an erosion control plan review, and approval from WES. No grading, or construction activity shall commence without an approved erosion control plan/permit. Based on 2.15 acres of disturbance, an estimated \$540 permit fee shall apply and be paid with the first plan submittal

### **8) Clackamas River Water Conditions:**

#### **1. Water Distribution Design & Infrastructure Requirements:**

- a. Per Section 18 of the CRW's Rules and Regulations all water improvements designed and constructed by the Applicant to serve the proposed development must meet all standards and specifications of CRW; must be reviewed and approved by the Clackamas River Water (Engineering Department) prior to

issuance of a Clackamas County Development Permit:

- i. The size of a water main available to the site is limited to the size, pressure and volume within an existing or future water main serving the property. Where the demand exceeds the water main capacity the Applicant is responsible for the total costs of a water main enlargement or extension required to meet the capacity.
  1. Applicant shall install at their expense all improvements necessary to provide water service to their development.
  2. This development will be required to construct the following:
    - a. A minimum 12-inch waterline within the east-west D Street from SE Fuller Road to the intersection on the east-west and north-south D Street;
    - b. A minimum 8-inch waterline within the east-west D Street from the intersection on the east-west and the north-south D Street through the end of the cul-de-sac to provide adequate water and fireflow protection.
  3. A 12-inch waterline will be required within the north-south D Street from the intersection on the east-west and north-south D Street to SE Otty Rd when the Clackamas County Development Agency (Agency) designs this roadway. If this roadway is designated as private the Agency shall provide a minimum 20-foot wide waterline easement to accommodate the required improvements. The Agency shall coordinate the exact alignment of the easement with CRW.
  4. All domestic and fire services, and private mains must be installed entirely on the lot for which it serves. Services and private mains will not be allowed to cross property lines or to be placed in a private utility easement.
  5. Any Additional fire hydrants on the existing or new waterlines will be reviewed by CRW for available capacity. CRW shall have the sole authority for making the determination of existing mainline capacity and the demand for capacity to the development. The cost of any mainline work required to serve the development shall be borne entirely by the applicant.
- b. Hydraulic modeling analysis is required to determine if the existing waterlines within SE Fuller Rd and the 12-inch waterline looped through the development will meet the required domestic and fireflow demands. The expense of the hydraulic modeling shall be borne by the applicant.
- c. At no time will CRW approve plans that include hardscape landscaping (except grass or shallow root plantings) or structures (such as walls, drainage systems, or permanent structures of any type) placed within CRW easements.
- d. Any block wall or other fence shall be designed and constructed around the outside of the easement(s), to allow the District direct access to vault(s) and inlet piping from the adjacent right-of-way.
- e. Water service solely for private fire protection purposes to a customer owned fire sprinkler system are classified as a fire service connection (restricted water use).

- f. The size of a fire service connection available at any site is limited to the size, pressure and volume within the existing water main serving the property. Where the demand exceeds the water main capacity the Applicant is responsible for the total costs of a water main enlargement or extension required to meet the capacity.
  - g. Private fire sprinkler systems shall be installed where required and shall be provided by, owned, maintained, and tested by the customer. All fire services shall be metered and protected from backflow.
  - h. The average system pressure range on the hydrant located at 9650 SE Fuller Rd is approximately 69-72psi.
2. Service Connection and System Development Charges:
- b. Per Section 8 of the CRW's Rules and Regulations the following will be required when the Clackamas County Development Permit is issued for the parcel or per ZDO1006.05.F:
    - i. *“Water service will be provided only from pipes or mains located within public streets, alleys or rights-of-way, or within easements furnished CRW, and to property or premises with frontage to such mains...”*
    - ii. *“Each dwelling or building will be provided with its own water service connection and meter ...”* This means that each building will have its own domestic connection from the existing or new waterline.
    - iii. Domestic service will require review and approval of Clackamas River Water to ensure adequate sizing based on site demand in accordance with applicable rules and regulations.
    - iv. The service for this development will require a backflow assembly directly downstream of the domestic water meter in accordance with Oregon Administrative Rules (OAR) 333-061-0070 thru 071 and all applicable plumbing codes. The owner will furnish and install the backflow device. Ownership and maintenance will be the property owner's responsibility.
  - c. The System Development Charges (SDC) is based on meter size.
    - i. The SDC is based on the domestic average and peak demands for your facility.
    - ii. The current SDC will be collected when a lot has been issued a Building Permit from Clackamas County and a CRW Water Service Application has been requested by the owner/builder.
  - d. The existing 1.5-inch meter serving TriMet will continue to be located of SE Con Battin Road.
3. District Approvals:
- e. Professionally engineered waterline plans reviewed and approved by Clackamas River Water.
  - f. The Developer will be required to pay a time and materials deposit to the District for a Plan Check and Inspection fee prior to review any construction plans. Any unused portion will be reimbursed or if any monies are due the developer will be billed.

- g. Upon construction plan review there may be additional requirements as set forth by the Water District.
- 4. Clackamas County Development Permit:
  - h. It will be the developer's responsibility to acquire any necessary easements for water facilities that shall be provided and designated on the final plat, as deemed necessary by the Water District. These easements must have functional access to public right of way and be properly recorded.
  - i. Fire and domestic water services as approved with this land use application, are intended specifically for the lot and are not intended to serve additional parcels or structures which may be created in the future. In the event that the parcels and/or lots are further divided to create additional parcels or lots, the owner is required to provide separate fire and domestic water services per CRW's "Rules and Regulations".

Future fire related improvements will require review and approval of Clackamas County Fire District #1 to ensure proper fire coverage and fire service connection installation in accordance with applicable regulations along with the appropriate backflow prevention assembly and flow detector

## **SECTION 3 – DESIGN REVIEW FINDINGS**

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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, along with the Comprehensive Plan.

Clackamas County Planning staff has reviewed these Sections of the ZDO and Plan design guidelines in conjunction with this proposal and make the following findings and conclusions (in the interest of efficiency and to the extent possible staff refers to submitted site plan and other information throughout this report.):

### **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 SCMU 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 July 23, 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 – Station Community Mixed Use**

#### *Subsection 510.03 Uses Permitted; 510.04 Dimensional Standards; 510.05 Development Standards.*

**Finding:** The proposed development is located in the Station Community Mixed Use Zone. The applicant’s submitted materials indicate that the proposed development is listed as a primary use in Table 510-1, SCMU Zone. Minimum density of 20 dwelling units per net acre is met/exceeded. No prohibited outdoor operations are proposed. This standard is met.

*Subsection 510.04 Dimensional Standards*

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

	<b>Ordinance Standard</b>	<b>Demonstrated Dimension</b>	<b>Complies With Standard</b>
<b>Minimum Lot Size</b>	½ acre	2.08 acres	Complies
<b>Minimum Front Yard Setback</b>	subj to 1005.10	0 feet (As allowed per ZDO 1005.10)	Complies
<b>Maximum Front Yard Setback</b>	subj to 1005.10	0 feet (As allowed per ZDO 1005.10)	Complies
<b>Minimum Rear Yard Setback</b>	subj to 1005.10	10 feet	Complies
<b>Minimum Side Yard Depth</b>	subj to 1005.10	15 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 no natural vegetation, is essentially level and is devoid of “natural features” as meant by this criterion. An existing remnant Habitat Conservation Area (HCA) overlay present on site is being removed, due to lack of any habitat resources on site, pursuant to a separate land use application to modify the HCA map overlay. 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 (1005.02.)

*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 proposed development adds a new building/use to a site currently used for surface parking. The proposed new building has the longest axis oriented within 20-degrees of true south, maximizing south-facing dimensions. The onsite circulation system, which is illuminated and constructed of hard-surfaced and well drained materials, adequately connects the public entrance of the buildings to adjacent sidewalks, pedestrian pathways, and nearby development. The site will have frontage on multiple streets, and proposed development is shown as meeting minimum/maximum setback distance along the majority of the street frontage, satisfying the standard of 1005.03(E). The parking lot is not larger than three acres. Though the site is located near the Fuller Road MAX station, the at no point is any portion of the building located within 200 feet of the transit stop itself, thus per 1005.03(H)(1)(b), it is not located at a major transit stop. These standards 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 proposed development provides articulation of the façade using alterations of plane, texture, material, and window placement. The design creates relief, variety, and visual interest on the site.

The proposed primary entrance is highlighted with transparency and signage, as well as enhanced transparency through the placement of street-facing windows and doors. The use of windows, façade materials, color, trim, and other architectural features maintain a unique palette of materials that are novel and generally appropriate to the use.

The proposed building has a roof without visible roof surfaces. As designed, there is a narrow band of aluminum coping along the parapet line. This is insufficient to provide the ‘cornice or architectural treatment’ required ‘to provide visual interest’, per 1005.04(D)(2).

A change in façade material from vertical and rectangular fiber concrete siding to contrasting shades of brick creates additional emphasis along the street-facing facades consistent with the intended visual identity of the neighborhood and the level of public exposure of these facades, as relates to the standards of 1005.04(E)(1) and (2). Metal is limited to use on the specific surfaces and architectural features as provided in 1005.04(E)(4).

The façade plane along residential units articulates approximately 30 inches in an attempt to create bays. However, the level of transparency in these building elements are insufficient for them to be considered on par with a ‘bay’ as might be expected of a bay window. There are no balconies proposed. Thus, the facades as designed do not comply with the requirement of 1005.04(F) for “buildings that are two or more stories in height shall have a minimum of one balcony or bay per four dwelling units”.

The site design provides windows and lighting that provide significant surveillance of entrances, walkways, parking, and recreation areas. Landscaping allows for surveillance opportunities from the building and the surrounding streets. Mailboxes are internal to the

building and secured. Fences, walls, and landscaping where provided meet the standards of the “Urban Wall/Landscape” type per 1005.10.

The architectural design is novel to the area, but uses materials, shapes, textures, and other design features that reduce the impact of this large structure, enhance the character of the area, and are appropriate and compatible to surrounding development. It is not clear if any roof mounted equipment is proposed. If any is to be included with this development, screening will be required per 1005.04(J).

**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**

*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 applicant has provided a site lighting plan. This shows lighting to be provided which will enhance building appeal and provide pedestrian and vehicular safety. Additional lighting around the parking lot and street are proposed in line with county requirements. 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 total site area of the project is approximately 90,600 square feet. As a result, the applicant must provide four Additional Requirements.

1. The design modulates building massing to maximize solar axis and used deciduous trees to provide summer sun and winter shade, per 1005.06(B1) and (B5).
2. The plaza and playground area for this building is set on the south side of the structure, per 1005.06(D).
3. The site design uses vegetated swales and other techniques for onsite stormwater management, per 1005.06(J).
4. The proposed frontage and on-site circulation improvements will enhance the pedestrian connection between the development and neighborhood shopping areas and nearby transit, per 1005.06(N).
5. The site is adjacent to the Fuller Road MAX station and will take advantage of that proximity by providing safe pedestrian access between the building and the light rail station, per 1005.06(U).

The design as submitted provides at least 5 “Additional Requirements.” This standard is met.

*Subsection 1005.08 – Clackamas Regional Center Area Design Standards* implement certain special design elements required in the area indicated on Comprehensive Plan Map X-CRC-1. Where they conflict with other provisions of Section 1000, they take precedence.

**Finding:** The development will be subject to the Clackamas Region Center Area Design Plan in Chapter 10 of the Comprehensive Plan. The street improvements proposed along the site's Fuller Road frontage do not comply with the required cross section as required by The Clackamas Regional Center Area Design Plan and as illustrated in Comprehensive Plan Figure X-CRC-8. The building is located at the corner of Fuller Road and one of the new "D" streets, per the ZDO Map 1005-1. The proposed building design uses a projecting canopy at this corner to create an improved pedestrian environment at that intersection. Setback requirements for this project are superseded by the standards of The Fuller Road Station Community Dimensional and Design Standards in ZDO Section 1005.10. **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.**

*Subsection 1005.10 – Fuller Road Station Community Dimensional and Design Standards* implement specific building and site design elements required in the Station Community Area. Where they conflict with other provisions of Section 1000, they take precedence.

**Finding:** The site is not located within Sector 1 or Sector 2 on Map 1005-1, and so the standards of this section currently apply to the site. The building is greater than 20 feet in height, per drawings A3.01-A3.05. Side and rear setbacks meet the minimum standards and proposed curb cuts are 24 feet or less, per drawing A1.01. Further design regulations of this area are determined by the regulating plan depicted in ZDO Map 1005-1.

SE Fuller is a "B Street" as indicated this map. The new east/west street and north/south street depicted on the plans are identified as "D Streets" by the regulation plan. Per the A1.01 of the applicant's submitted drawing set, the design proposes the use of two different building frontage types along the "B" and "D" streets - the Linear type and the Forecourt type - each of which is allowed along the "B" and "D" streets. There are some areas of the subject site which will not be developed with a building, in these areas, the applicant is proposing the use of the "Urban Fence or Wall" landscape screening type.

**Linear Building Type:** The areas of the proposed building designed to comply with the Linear building type are all set within 5 feet of the front yard line as, which for the purposes of this development has been determined to be the interior edge of the sidewalk. Limited fences are proposed in these areas, all of which comply with the dimensional and material standards of 1005.10(I)(1)(e). The building is designed for residential uses and per A3.01, the floor-to-floor height of the ground floor is 12 feet. The building is not located in a "required retail opportunity area", as indicated on Map 1005-1. Awnings and/or Canopies are provided for a minimum of 50% of the linear distance of the street facing façade and meet the dimensional standards of 1005.10(I)(5). There are no primary building entrances on the areas of the façade designed to meet these standards. The facades designed to meet the Linear Building Type standards have transparent ground-floor windows for at least 60% of the façade area, per drawings A3.02, A3.03, and A3.04. The building proposes to use contrasting brick at the ground floor creating a sense of mass and human scale where the building meets the ground. These base materials

contrast with the durable fiber-concrete panels on the upper levels, which use scale, texture, and color to break up the building mass. All proposed building materials are “high-image”, per the list of example materials provided in ZDO 1005.10(I)(9).

**Forecourt Building Type:** The area of the proposed building designed to comply with the Forecourt building type (except for the required recessed courtyard) are all set within 5 feet of the front yard line as, which for the purposes of this development has been determined to be the interior edge of the sidewalk. The entrance feature of the building is a recessed courtyard which complies with the standards of 1005.10(J). The street-facing facades of this façade not set behind the courtyard comply with the standards of ZDO 1005.01(I). The building is designed for residential uses and per A3.01, the floor-to-floor height of the ground floor is 12 feet. The building is not located in a “required retail opportunity area”, as indicated on Map 1005-1. The primary building entrances facing the courtyard exceeds the 40% transparency standard. The facades designed to meet the Forecourt Building Type standards have transparent ground-floor windows for at least 50% of the façade area, per drawing A3.04. The building proposes to use contrasting brick at the ground floor creating a sense of mass and human scale where the building meets the ground. These base materials contrast with the durable fiber-concrete panels on the upper levels, which use scale, texture, and color to break up the building mass. All proposed building materials are “high-image”, per the list of example materials provided in ZDO 1005.10(J)(8). Awnings and/or Canopies are provided for a minimum of 50% of the linear distance of the street facing façade and meet the dimensional standards of 1005.10(J)(9).

**Urban Fence/Wall Landscape Screening Type:** The areas of the site designed to comply with the Urban Fence/Wall landscape screening type are all set within 5 feet of the front lot line, which for the purpose of this development, has been determined to be the interior edge of the sidewalk. Where employed the Urban Fence/Wall screening will be directly adjacent to the back edge of the sidewalk. The submitted materials to not make clear the height or materiality of the Urban Fence/Landscape wall. The south and west edges of the eastern parking area are also abutting street frontage which requires screening per 1005.10(L). There is sufficient site area for the applicant to achieve this, however it is unclear from the submitted drawings which landscape screening type is proposed. Staff anticipates the use of the Urban Fence/Wall screening type along these frontages.

**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.**

**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:** Clackamas River Water has submitted comments relative to this criterion, indicating adequate service exists, as conditioned. Water Environment Services is involved here from the standpoint of surface water management, and has indicated that, as conditioned, this development can meet requirements from that agency. Service District #5, Street Lighting, is aware of this proposal and will submit their requirements and conditions.

As conditioned, applicable portions of Section 1006 will be met by this proposal.

## **6. Section 1007 - Roads and Connectivity**

Section 1007 provides for right-of-way dedications and improvements for all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.

**Findings:** The applicant has proposed construction of a 100-unit, mixed income multi-family development in the southwest corner of the existing TriMet park-and-ride lot on SE Fuller Road. The proposed project site is approximately 2.08 in area. 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. Considerable discussion has occurred here amongst application and Agencies. Staff refers to submitted site plan information.

SE Fuller Road is classified as a collector roadway (*Comprehensive Plan* map 5-4a). Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for collector roads. The project site is located within the Clackamas Regional Center Area Design Plan, Fuller Road Station Community, as identified in the Comprehensive Plan Map X-CRC-1. The community plan includes special street design standards for existing roads and new roads.

ZDO Section 1005, Map 1005-1 depicts the layout of new and existing streets, and corresponding street types in the Fuller Road Station plan area. The street types are detailed in Comprehensive Plan Figures X-CRC 8 and 10. There are planned new roadways on the project site that run in a north/south orientation from SE Otty Road, and east/west orientation from SE Fuller Road. Consistent with ZDO Section 1007.02, the applicant is required to

improve the roadway frontage of the project site and new roadways to current standards. Development of the project site will require implementation of the streets that abut and are on the project site consistent with the Fuller Road Station Community plan. The Fuller Road Station Community classifies SE Fuller Road as a “Street Type B,” which calls for a 96-foot wide right-of-way. The applicant will be required to dedicate approximately 3 feet of right-of-way along the entire site frontage of SE Fuller Road to provide a minimum one-half right-of-way width of 48 feet from the right-of-way centerline.

The frontage of SE Fuller Road is currently improved with curb, landscape strip and sidewalk. The existing sidewalk lies partially outside the right of way in an easement and is not consistent with the ‘Street Type B’ cross section. The Clackamas County Development Agency has a project that would improve the half street frontage along the east side of Fuller from Otty to Con Battin to align with the “Street Type B” frontage. The Development Agency will construct all improvements within the right-of-way, including new sidewalk, along the Fuller Road frontage. There will need to be coordination of certain frontage improvements with the Development Agency project since the applicant’s on-site work will get underway sooner than the public road project. It is assumed the existing sidewalk, as currently configured, will remain until, such time as the Development Agency’s frontage project is constructed, and may be incorporated into their improvements as it is currently configured.

The Clackamas County Development Agency owns property in the vicinity and has a project that will include construction of the east/west “Street Type D” that runs along the south side of the project site, as well as the “Street Type D” that will continue south to SE Otty Road. The applicant will dedicate the public right-of-way to accommodate construction of the new east/west “Street Type D.” The Development Agency project will construct all improvements within the public right-of-way, including sidewalk and driveway approaches. There will need to be coordination of certain frontage improvements with the Development Agency project since the applicant’s on-site work will get underway sooner than the public road project. The applicant will construct the portion of the new north/south “Street Type D” through the center of the project site. This roadway will be a private road as allowed on Figure X CRC-10. Future connections to this roadway to the north will occur with redevelopment of the TriMet park-and-ride lot.

The applicant is proposing to construct the portion of the “Street Type D” on the project site using option 1, with parallel parking as shown on Figure X-CRC-10. The roadway will be located within a 60-foot wide access easement, with 36 feet of paved width and 12-foot wide sidewalks with Street trees in tree wells. The project site includes ADA parking and a loading space near the building, with the main parking area located on the east side of the “Street Type D.”

#### *Subsection 1007.04 – Pedestrian and Bicycle Facilities*

Staff refers to submitted site plan information showing ped and bike facilities as proposed. Criterion satisfied.

*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 project area is adjacent to the Fuller Road Transit Station. Tri-Met has been involved with this proposal from the start and, in fact, represents the property owner. The proposal has been reviewed by Tri-Met and found to comply with that agency’s standards and specifications.

*Subsection 1007.06 – Street Trees* addresses requirements for street trees within the Portland Metropolitan Urban Growth Boundary, in the Clackamas Regional Center Area and Station Community Area.

**Finding:** The proposed development is within the Clackamas Regional Center Area, which requires street trees along all streets. Such trees exist along the Fuller Road frontage and will not be disturbed through this development. Two new “D” streets will be required through this development. Submitted landscape plan shows street trees as required. This criterion is satisfied.

*Subsection 1007.07 – Transportation Facilities Concurrency*

**Finding:** ZDO Subsection 1007.09 requires that the transportation system is adequate at the time of development or will be made adequate in a timely manner. The applicant has provided a trip generation assessment memo by Lancaster Engineering, dated July 18, 2019. The memo evaluates vehicle trips associated with the number of parking spaces that will be removed at the park and ride lot, as compared to trip generation of the proposed multi-family development. The memo finds there will be a net decrease in trips with the proposed development. Based on this, a full transportation impact study is not required. The Engineering staff has determined that the existing transportation facilities have adequate capacity to serve the proposed development. Clackamas County’s engineering division has 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.

**7. Section 1009 – Landscaping**

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

**Finding:** The site landscaping information provided in the submitted drawings and narrative indicate that approximately 18% of the site is to be landscaped, exceeding the 15% requirement of the design standards. Plants of various sizes, textures, and seasonal interest are indicated, none of which are invasive or noxious species. The species appear typical of landscape plants used in other, similar developments. Subsection 1009.03 surface parking and loading areas. While applicant does not provide specific detail here, from the submitted landscape plan staff is able to find applicable requirements from this subsection are met.

Conditions of approval will ensure compliance with the required landscaping in terms of composition of materials, installation and maintenance of landscape, and irrigation. As conditioned, applicable 1009 standards are met.

*Subsection 1009.06, Landscaping strips* At this subsection reader is referred to SCMU specific standards at 1005.10(L). This subsection provides options depending on street type. Applicant proposes varying landscape treatment here based on building frontage. See submitted site plan information. This criterion is met.

Applicable standards from Section 1009 are met as proposed by applicant and conditioned through this approval.

## **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:*** Applicant provides information on sign location and size. As proposed, a monument sign will be located on the south side of the property near the driveway on to the site from the new “D” street. This sign is shown as approximately 30 sq. ft. in area and 3-foot tall. On building signage is shown at both entrances to the building, east and west sides.

ZDO 1010.09(C) provides dimensional standards for signs in commercial zoning districts. While SCMU is defined elsewhere in the code as a commercial zone, multi-family residential development is allowed as an outright use.

The monument sign as shown meets 1010.09 requirements. On-building signage is limited to one square foot per lineal foot of building frontage – also met as shown.

With the conditions of approval as noted, applicable standards from Section 1010 are met with this proposal.

## **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:*** ZDO Table 1015-1 lists requirements for automobile parking based on use type. For multi-family dwellings, the number of parking spaces is calculated based on the number of bedrooms per dwelling unit. The applicant has provided a breakdown of the number of one-bedroom (minimum 1.25 parking spaces per unit), two-bedroom (minimum 1.5 spaces per unit) and three-bedroom (minimum 1.75 spaces per unit) dwelling units and has calculated the minimum number of spaces required as 151. Staff concurs with the applicant’s calculations.

ZDO Subsection 1015.02(D)(2) allows the minimum number of required spaces to be reduced under several circumstances. As pertinent to this application, on-street parking on

the development's frontage may be counted toward satisfying the minimum number of spaces required. As demonstrated by the submitted plans, 23 on-street parking spaces will be provided on the development's frontage, thereby reducing the required number of on-site spaces to 128.

The submitted plans also include an unclear reference to "20% of required = 22 spaces". This may be in reference to ZDO 1015.02(D)(2)(a), which permits a reduction of up to 20 percent of the required number of on-site parking spaces (30 spaces of the 151 required in this case) for shared parking with another adjacent use, subject to certain parameters about the nature of the two uses. However, pursuant to the definition of shared parking in ZDO Section 202, this reduction requires proof of a legal agreement for shared parking, and the applicant has not provided evidence of such an agreement. Therefore, based on the terms of the ZDO, the applicant must provide a minimum of 128 on-site parking spaces. The submitted plans demonstrate that only 81 are proposed.

The applicant requested that the Board of County Commissioners allow a modification of the minimum parking space requirement under the terms of an emergency declaration enacted by the Board in response to an identified housing crisis in the county. This declaration expressly allows the Board to waive regulations of the Clackamas County Code, of which the ZDO is a part. In response to the applicant's request, the Board granted the Planning Director the authority to reduce the minimum parking space requirement because the proposal is for an affordable housing project and is located adjacent to a light-rail transit station. Further, the Board recognized that there is evidence that occupants of such developments do not own cars at the same rate as occupants of other types of residential developments, thereby justifying a reduction in parking spaces. The applicant submitted to the Planning Director data on parking space counts and usage from several other affordable housing projects in the area. Based upon the Board's granting of authority under the declaration and the evidence submitted by the applicant, the Planning Director has reduced the minimum number of parking spaces required from 151 to 104, a minimum of 81 of which must be provided on-site and the remainder provided on-street on the development's frontage.

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. The applicant will be required demonstrate turning movements for large vehicles such as garbage trucks and emergency service vehicles. Vehicle parking spaces and bicycle parking spaces will be required to meet minimum ZDO section 1015 dimensional requirements.

Section 1015 requires minimum of one (1) loading space for this proposal, with dimensional standards as discussed. Applicant is showing loading space as required. Regarding parking for bicycles, ZDO Table 1015-2 requires the provision of 0.5 bicycle parking space per dwelling unit. This amounts to 50-spaces for this current proposal. Applicant identifies the 50 bike parking spaces as required.

Applicable provisions from Section 1015 are met with this proposal, as conditioned.

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

*Finding:* The trash and recycling area is shown as being located inside the building (see site plans.) Clackamas County Sustainability has reviewed this proposal, and will provide recommended conditions of approval. With conditions as noted, Section 1021 standards can be met.

**SECTION 4 - SUMMARY OF FINDINGS AND STAFF RECOMMENATION**

Planning staff finds that, as conditioned herein, the proposed development can meet the standards of the permitted uses in the SCMU District and Planned area, and recommends approval.