



Planning and Zoning Division  
Development Services Building  
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**RECOMMENDATION TO DESIGN REVIEW COMMITTEE**

***Approval, with Conditions***

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

**SECTION 1 – SUMMARY**

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**DATE:** April 30, 2019

**CASE FILE NO.:** Z0625-18-D

**STAFF CONTACT(S):** Lizbeth Dance, [ldance@clackamas.us](mailto:ldance@clackamas.us), 503-742-4524

**ASSOCIATED ADDRESSES:** 7960, 7800, 7900, 8010, 8016 & 8102 SE Luther Rd. 7845, 7847, 7849 & 7851 SE Lindy Ln. 8717, 8721, 8723, 8801, & 8820 SE 79th Ave. 8640 SE 80th Ave

**TAX LOTS:** T1S R2E 29AB, Tax Lot(s) 03500 & 03600 and T1S R2E 29AA, Tax Lot(s) 00500, 00600, 00700, 02901, 03100, 03200, 03500, 03600, 03700, 03800, 03900, 04000, 04400, 04500 & 04600

**APPLICANT(S):** Aaron Jones, Eastbank Development 9 SE 3rd Avenue, Suite 100  
Portland, OR. 97214

**OWNER(S):** NBP SE Luther, LLC, 9 SE 3rd Avenue, Suite 100 Portland, OR 97214 &  
Leland Rife 8640 SE 80<sup>th</sup> Ave. Portland OR. 97206

**TOTAL AREA:** Approximately 13 acres

**ZONING:** HDR (High Density Residential), CC (Corridor Commercial)

**COMMUNITY PLANNING ORGANIZATION:** Southgate (Inactive)

**PROPOSAL:** Design Review for a multifamily development known as “Heirloom” on 13 acres of land between Luther Road and Johnson Creeks Road adjacent to Johnson Creek. Proposed development consists of 286 dwelling units, in ten buildings with 439 parking spaces, and clubhouse with leasing office and associated site improvements including site access, circulation, landscape, and infrastructure. There is concurrent review of a Habitat Conservation Area Map Verification Z0086-19 and Habitat Conservation Area Development Permit Z0141-19 addressing development within the HCA area associated with Johnson Creek.

**APPLICABLE APPROVAL STANDARDS:** This application is subject to the Clackamas County Zoning and Development Ordinance (ZDO). Development of the subject property is subject to the provisions of ZDO Sections 1102, 1107, 315, 510, 706, 1002, 1005, 1006, 1007, 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,

**BACKGROUND INFORMATION AND PROJECT DESCRIPTION:**

The project site consists of 17 lots totaling approximately 13 acres in area and are zoned High Density Residential (HDR) and Corridor Commercial (CC). The subject property slopes gently to the west, before reaching the east bank of Johnson Creek. The portion of the project site adjacent to Johnson Creek has a mapped Habitat Conservation Area (HCA) overlay that extends upland from the Creek, and covers, roughly, the western half of tax lot 12E23AB03500.

The project site is located 315 feet west of 82nd Ave. on the south side of Luther Road. Adjacent uses to the project site are as follows:

East

- Credit Union/Bank
- Social Services building - Society of St Vincent de Paul-Portland Council Southeast
- Fred Meyer grocery store/shopping center South
- Multifamily development/apartment buildings West
- Industrial type developments/businesses
- Johnson Creek (northwest portion of site)
- Springwater corridor and Springwater Park North
- City of Portland jurisdiction (undeveloped, commercial and industrial uses)



Portions of the proposed multifamily apartment complex, including the community building, apartment building identified as “B1” on the applicant’s site plan, and the westernmost driveway turnaround will encroach into the HCA. A HCA Map Verification and HCA Development Permit with associated Construction Management Plan are being review concurrently with the Design Review Application. Associated HCA application files are Z0086-19 HBV issued March 27, 2019 and Z0141-19 HAD issued April 25, 2019 separately from the Design Review application.

The site also contains a Water Environmental Services (WES) vegetated corridor extending 50 feet upland from ordinary high water line of Johnson Creek (also known as a “WES Buffer”).

The City of Portland Lents Sewer Main contained in a recorded 20 foot easement runs through the northwest corner of the development site. Development on the easement is restricted and regulated by the City of Portland. Conditions of approval have been recommended requiring the applicant coordinate with the City of Portland.

### **NOTICE**

Notice was sent to property owners, departments, and agencies that serve the property within 300 feet of the subject tract property lines. The proposed project was reviewed by the Design Review Committee and project feedback was provided mostly regarding the building materials, landscaping, and general hotel siting and design. The Design Review Committee did not make any formal requests for the project to be conditioned or revised in Planning Staff’s Decision of approval for the application and was generally in support of the proposed project.

### **PUBLIC COMMENT**

Comments have been received from Clackamas County Water Environment Services (WES), Clackamas County Engineering and Transportation, Clackamas County Fire District #1, City of Portland Bureau of Environmental Services (BES), North Clackamas Parks and Recreation and, Oregon Department of Transportation (ODOT). All comments received are included in this Recommendation as Exhibits.

**Recommendation:** Staff recommends approval of the Design Review, subject to the Conditions and Findings in Support of the recommendation provided herein.

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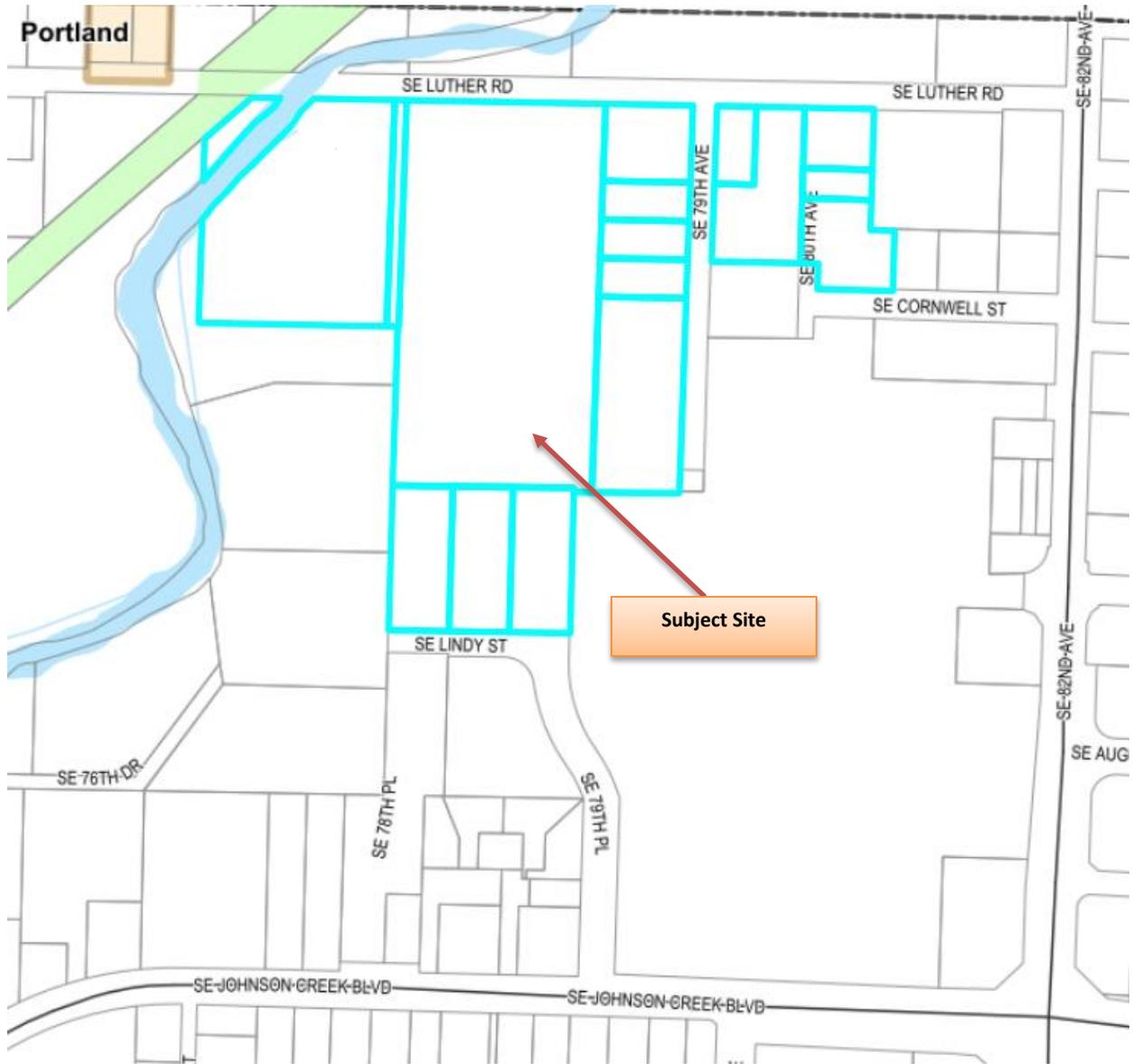
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EXHIBITS:

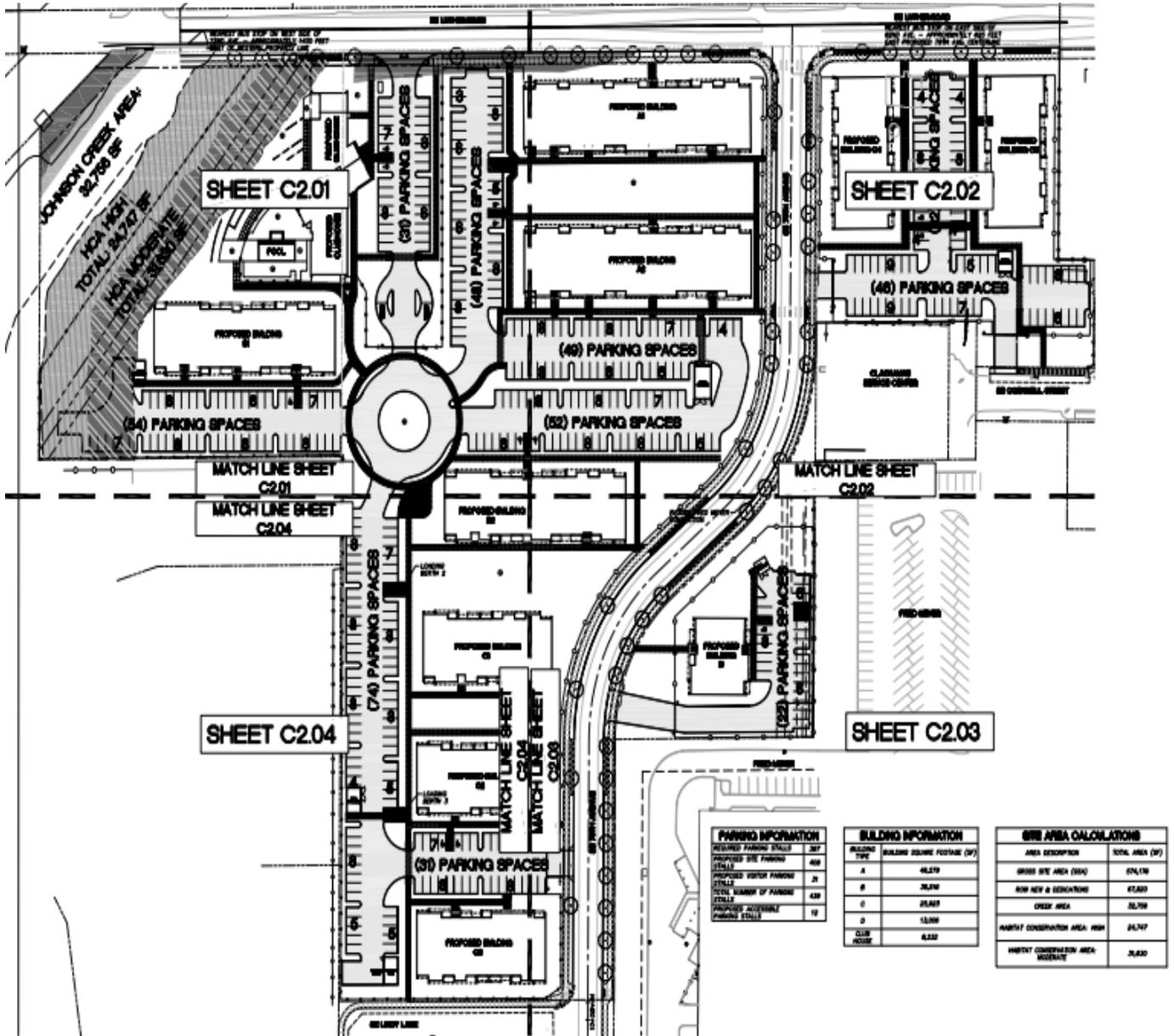
1. Water Environment Services – summary of proposal and conditions of approval
2. Clackamas County Traffic Engineering and Development Review – summary of proposal and conditions of approval
3. Z0086-19 HCA Map Verification Determination adjusting the HCA boundary on the property, decision and conditions of approval
4. Z0141-19 HDA HCA Development Application – Decision and conditions of approval
5. Clackamas County Fire District #1 Memo
6. City of Portland BES Sewer Easement comments
7. North Clackamas Parks and Recreation comments



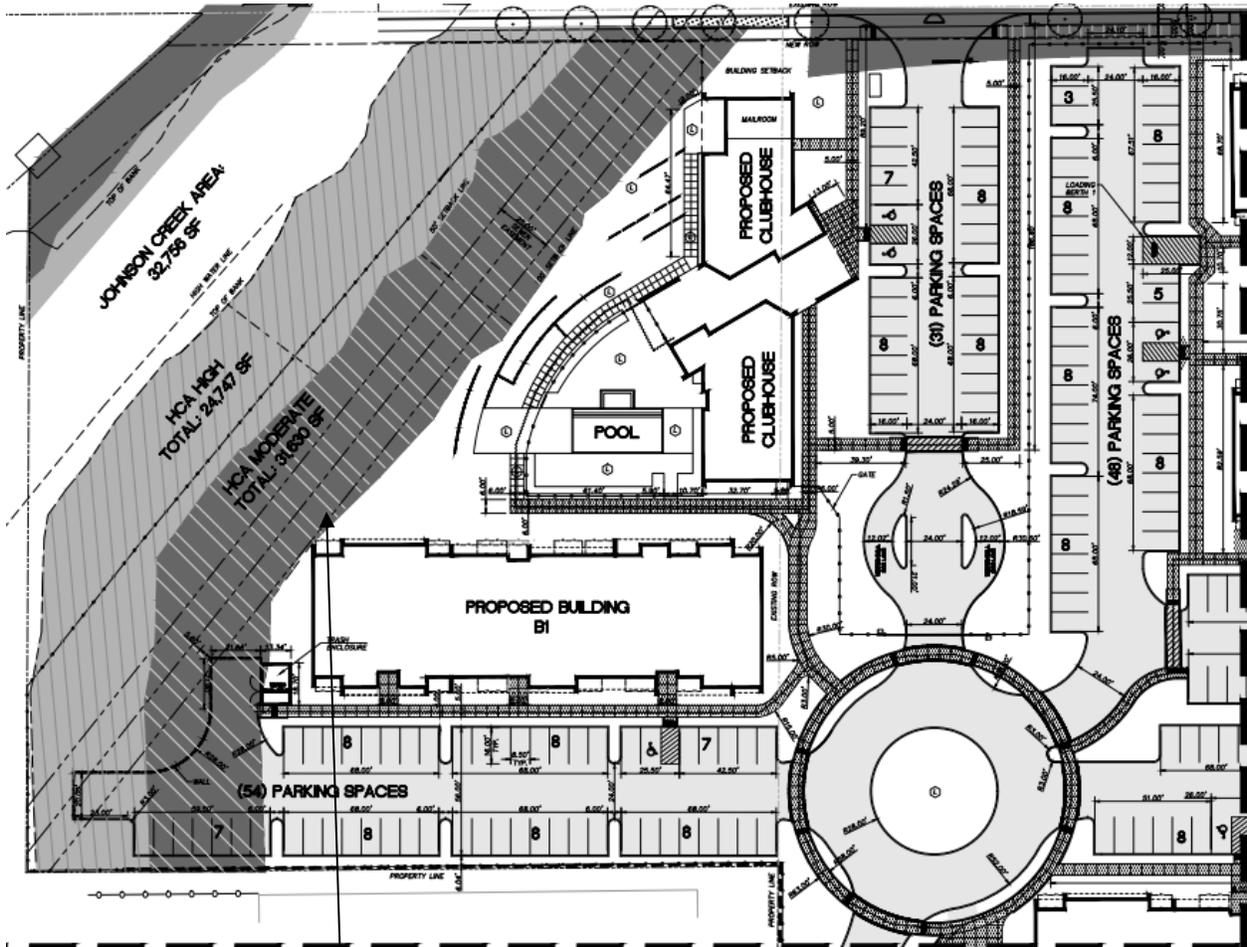
# Tax Map



# Site Plan

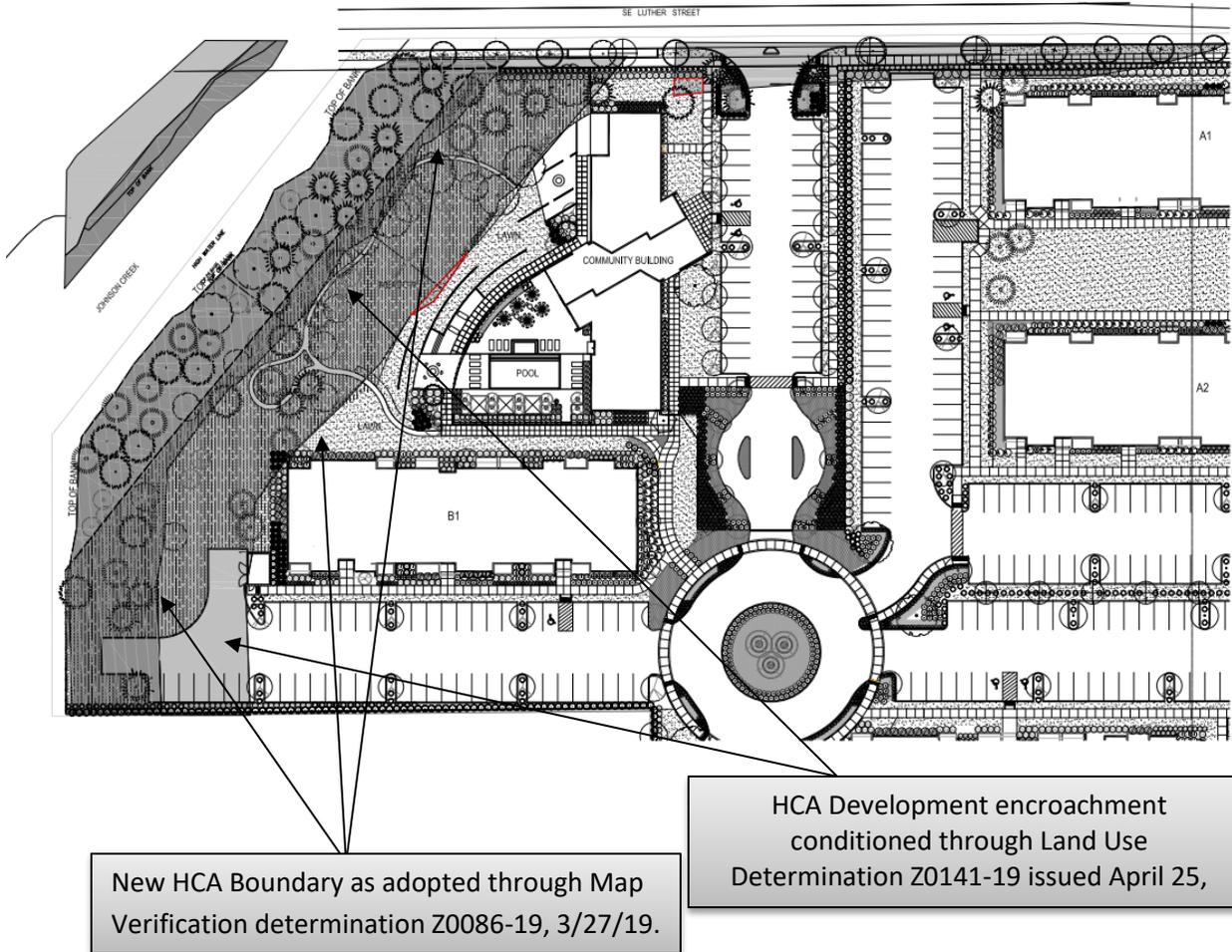


**Site Plan Detail of Johnson Creek and HCA Area as it related to development**



City of Portland Lents Sewer Main Exclusive Easement

**Landscape Plan – in 4 sections Section 1 - with adopted HCA Map Verification Z0086-19**



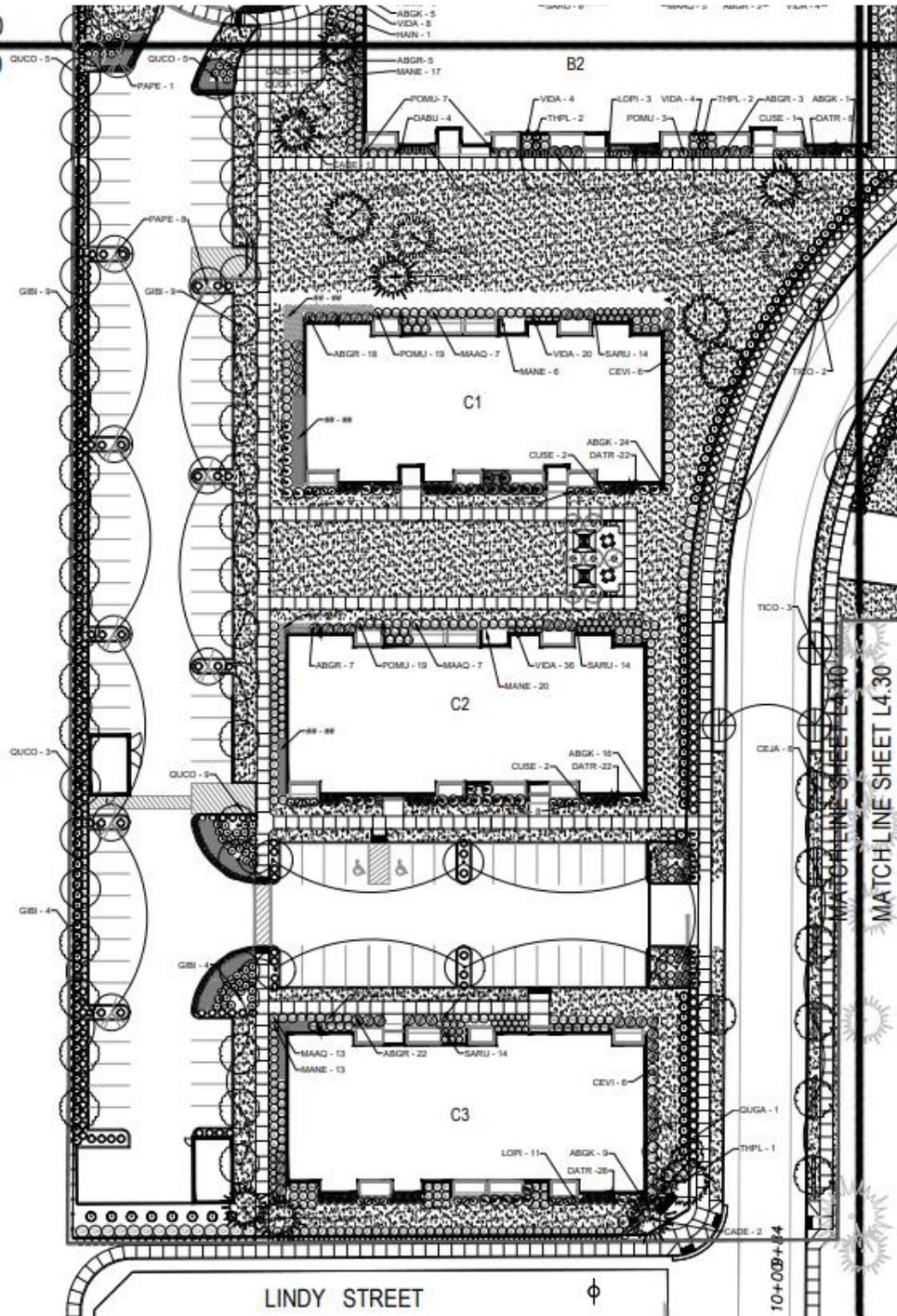
**Section 2- Luther Road and SE 79<sup>th</sup> Ave**



**Section 3 – Se 79<sup>th</sup> Ave road extension and Lindy St.**

MATCH LINE SHEET L4.10

MATCH LINE SHEET L4.40

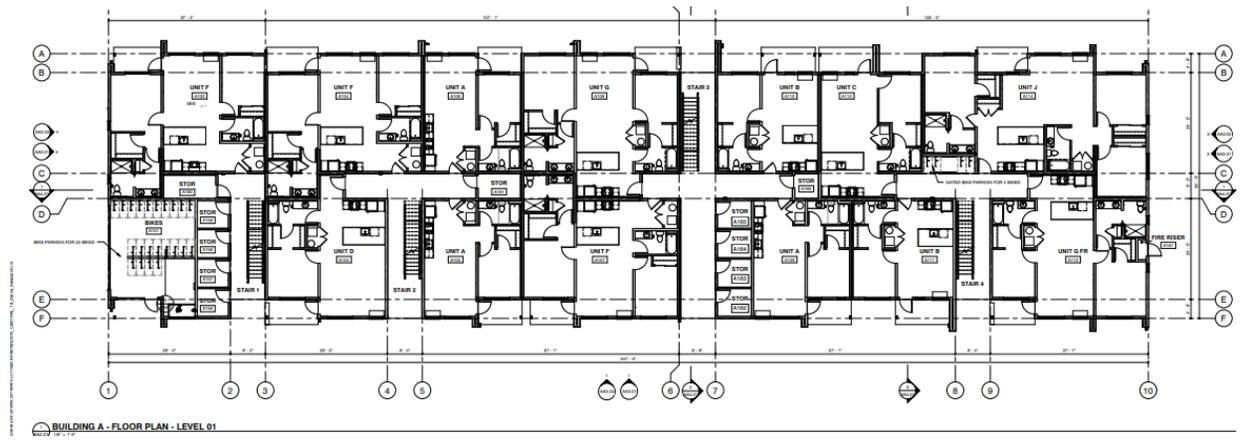




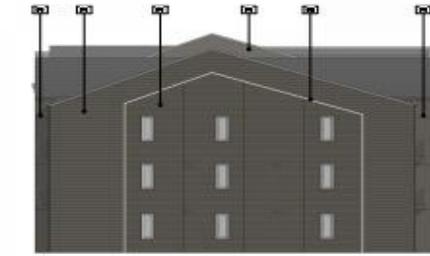
# Elevation Drawings Building Type A



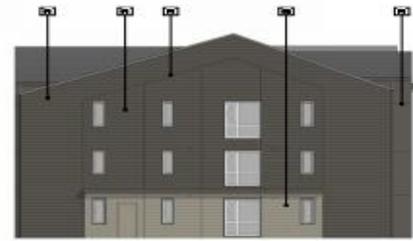
# Level One Floor Plan Building A



## Elevation Drawings Building Type B



BUILDING B - LEFT ELEVATION



BUILDING B - RIGHT ELEVATION

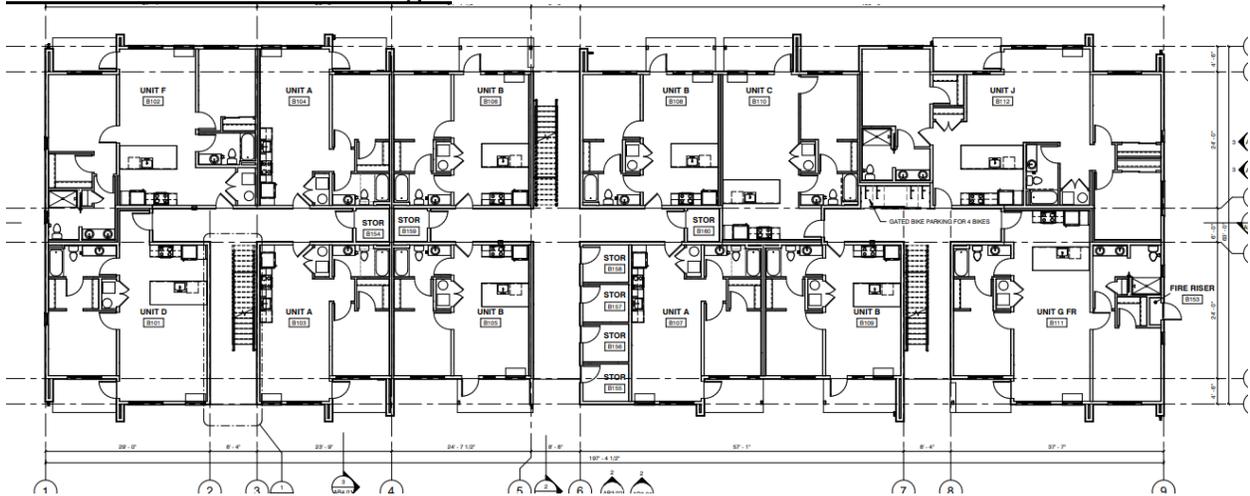


BUILDING B - FRONT ELEVATION

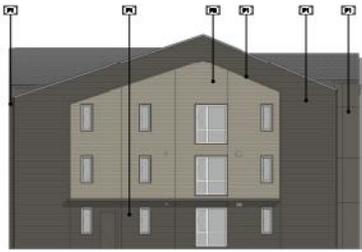


BUILDING B - BACK ELEVATION

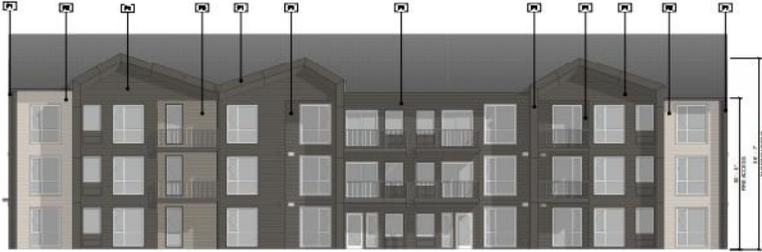
## Level One Floor Plan Building B



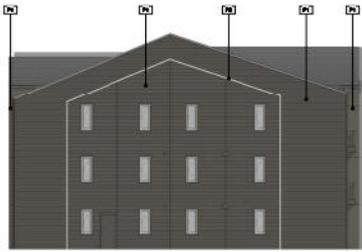
## Elevation Drawings Building Type C



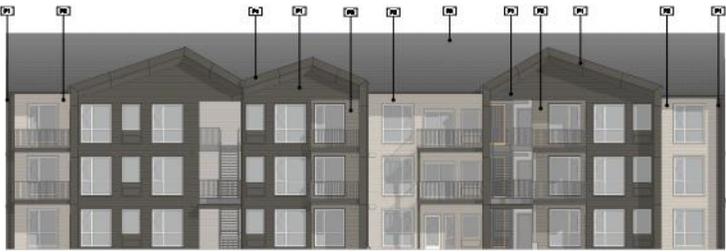
BUILDING C - RIGHT ELEVATION - COLOR SCHEME 1  
1/8" = 1'-0"



BUILDING C - BACK ELEVATION - COLOR SCHEME 1  
1/8" = 1'-0"

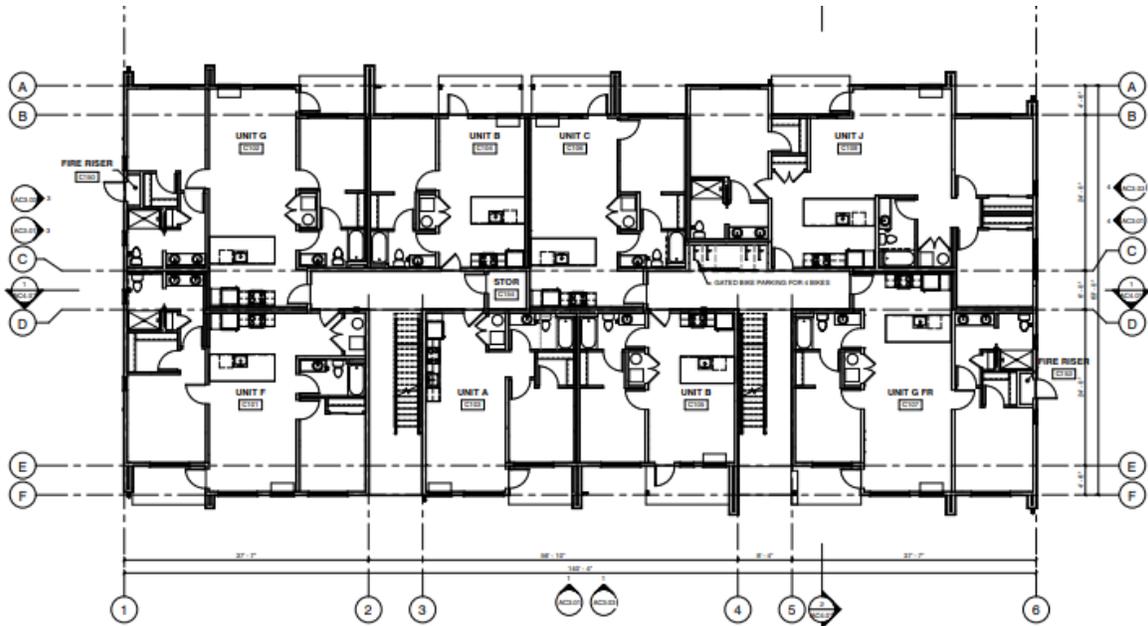


BUILDING C - LEFT ELEVATION - COLOR SCHEME 1  
1/8" = 1'-0"



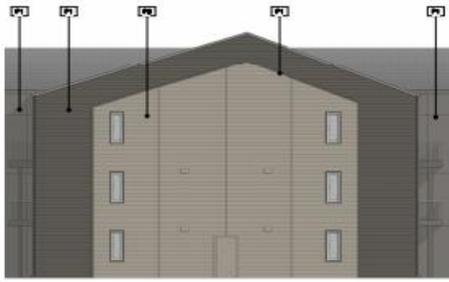
BUILDING C - FRONT ELEVATION - COLOR SCHEME 1  
1/8" = 1'-0"

## Level One Floor Plan Building C

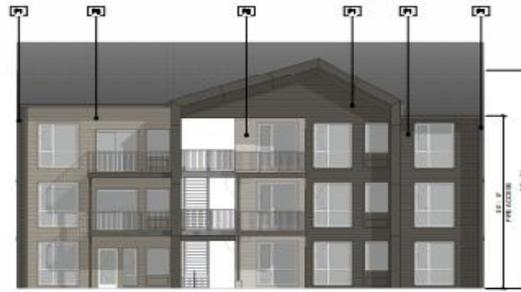


BUILDING C - FLOOR PLAN - LEVEL 01  
1/8" = 1'-0"

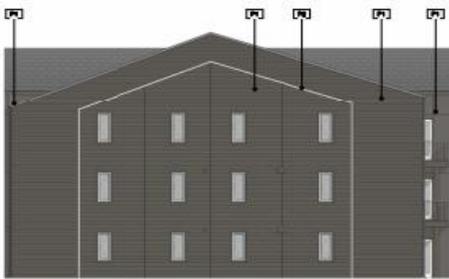
## Elevation Drawings Building Type D



BUILDING D - RIGHT ELEVATION  
1/8" = 1'-0"



BUILDING D - BACK ELEVATION  
1/8" = 1'-0"

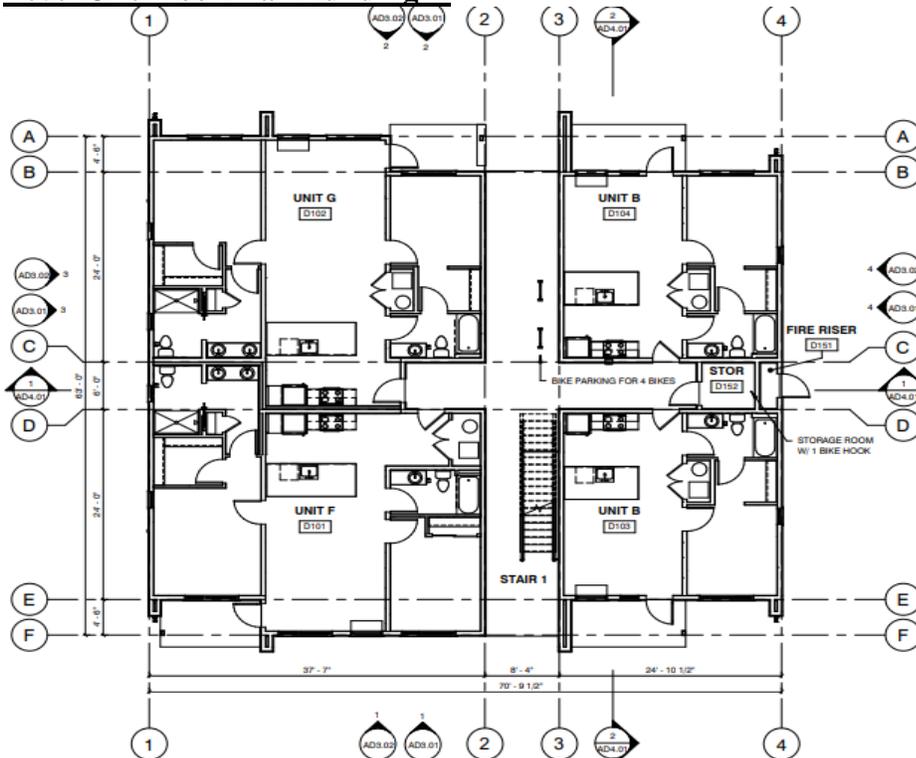


BUILDING D - LEFT ELEVATION  
1/8" = 1'-0"

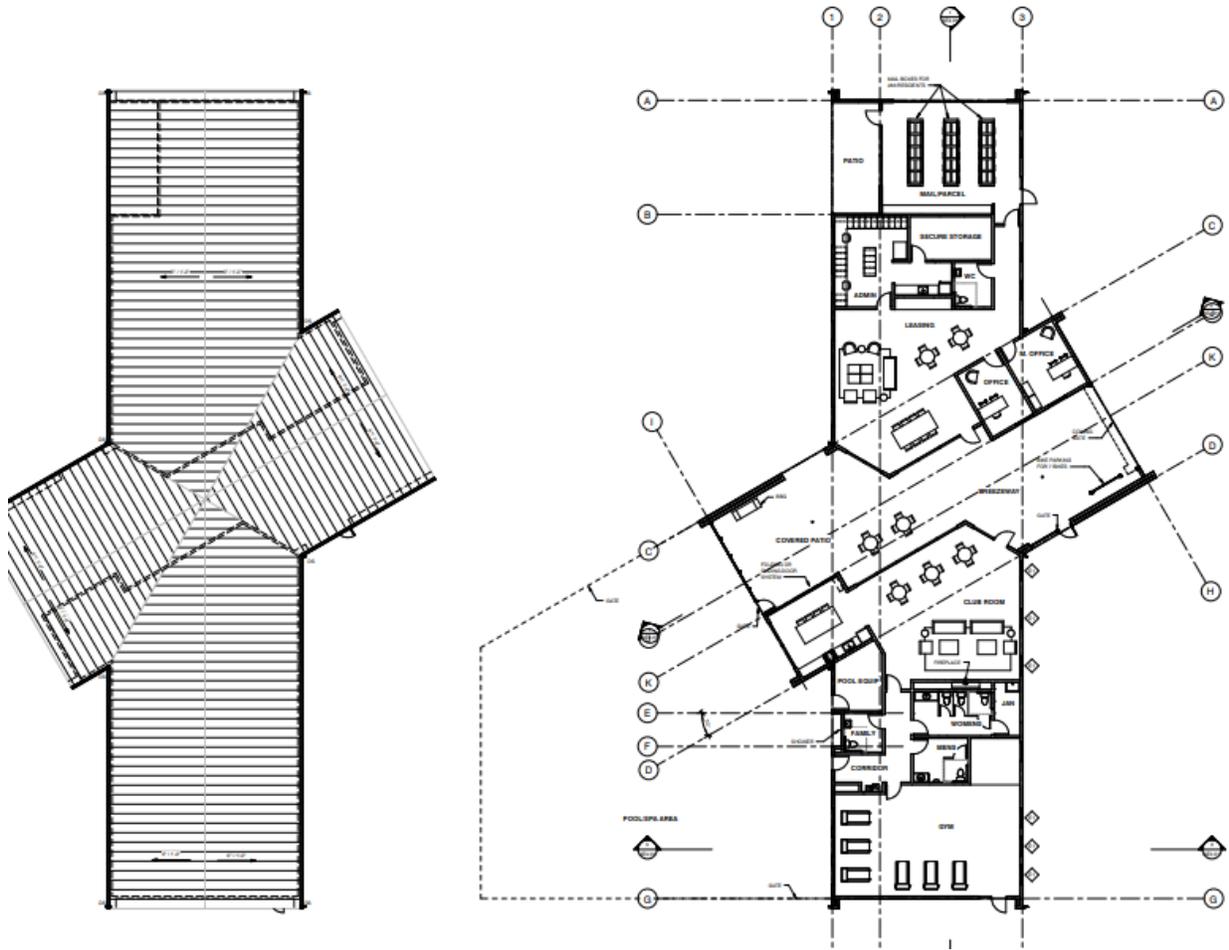


BUILDING D - FRONT ELEVATION  
1/8" = 1'-0"

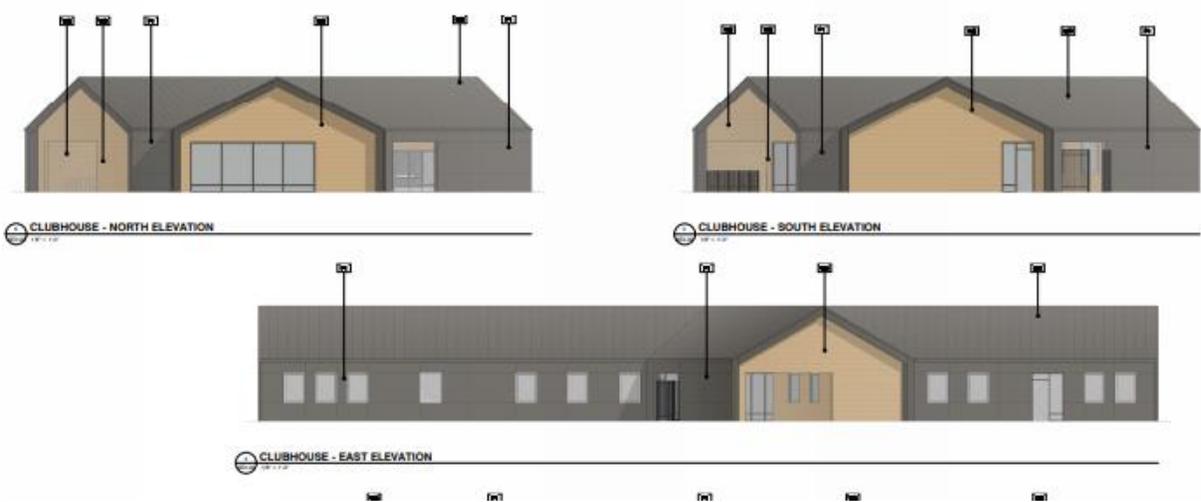
## Level One Floor Plan Building D



**Club House – Floor Plans**



**Club House Elevations**





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

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

### **A. General Conditions:**

1. Conditioned approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 12/28/2018 and additional documents submitted 4/5/2019 additional plan sets and detail submitted 4/12/2019. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. 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 would like to take advantage of this meeting please contact Deana Mulder, (503) 742-4710 or at [deanam@co.clackamas.or.us](mailto:deanam@co.clackamas.or.us).
3. 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 building permit for a new primary structure that was part of the design review approval; **or**

A permit issued by the County for parking lot or road improvements required by the design review approval.

4. 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.
5. The approval of the application granted by this decision concerns only the applicable standards for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

## **B. Planning and Zoning Conditions:**

### **1. Prior to issuance of a building permit that applicant shall:**

- a. Provide verification from the City of Portland Bureau of Environmental Services authorizing the proposed development over the 20 foot exclusive Lents Sewer main easement is allowable or modify the site plan as required to comply with the City of Portland easement requirements.
- b. No deep rooting large trees as outlined in the landscape plan can be planted within the 20 foot Lents Sewer Main easement.
- c. Submit additional information and a revised landscaping plan to detailing the proposed landscape buffering or screening to demonstrate compliance with ZDO 1009.04(A), (B), and (C) and 1005.04(J). City of Portland Lents Sewer easement Z0086-19 MV and Z0141-HD conditions of approval.
- d. Submission of and recording of a Re-Plat application for the 17 lots of record shall be completed if the applicant plans to alter the lot lines of the existing lots of record. If the replat is not recorded at time of building permit application or if the applicant decides to not replat the existing lots, the applicant shall work with the building department to establish an alternative means and methods plan for development over existing lot lines as required by the Building Division.

- e. A Construction Management plan is required as outlined in ZDO 706.06, 1002.03, and as condition in HCA Map Verification Z0086-19 and HCA development permit Z0141-19 for the proposed development within and adjacent to the HCA area on the site including a protection plan for the 40 trees to remain on the property.
- f. Submit additional information and plans to demonstrate compliance with bicycle parking. Building types A, B and C are designed with multiple entrances creating three story, 12 unit sections building type A has four ground floor entrances, building B has three ground floor entrance and building C has 2 ground floor entrances. Provide an adequate accessibility and signage of bicycle parking. The layout of the entrance areas for each building does not provide easily accessible bicycle parking as required by ZDO 1015.03(A)(3-5). Locate the bicycle parking within 50 feet of each entrances or breezeway location for building types A, B & C to meet the standards of section 1015.03(A). Provide the required directional signage identifying the location of interior bike parking on the revised bicycle parking plan.
- g. A Construction Management plan is required as outlined in ZDO 706.06, 1002.03, and as condition in HCA Map Verification Z0086-19 and HCA development permit Z0141-19 for the proposed development within and adjacent to the HCA area on the site including a protection plan for the 40 trees to remain on the property.
- h. The proposed building design will be updated to indicate compliance with 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.
- i. The project will demonstrate compliance with Subsection 1005.04(J) – Requirements for Screening of Mechanical Equipment for-
  - 1. Rooftop mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building’s architectural design.
  - 2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that
  - 3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a façade that faces a street. Wall mounted mechanical equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through one of the screening techniques used in 1005.04(J)(1) or (2).

## **2. Prior to Certificate of Occupancy the applicant shall:**

- a. 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.
- b. 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.
- c. Lighting - Section 1006.02 Street Lights: Street lights are required for all development inside the Portland Metropolitan Urban Growth Boundary. The following standards apply:  
Street lighting shall be installed pursuant to the requirements of Clackamas County Service District No. 5 and the electric company serving the development. A street light shall be installed where a new road intersects a County road right-of-way and, in the case of subdivisions, at every intersection within the subdivision.
- d. Engineering and Transportation 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.
- e. In accordance with ZDO section 1021 – Solid Waste and Recyclable Material Collection areas shall be posted with No Parking signage. Signage shall be verified prior to final occupancy.

### **C. ZDO 1007 and Development Engineering conditions of approval:**

#### **Preface to recommended conditions of approval:**

The following items are project requirements from the Department of Transportation and Development's Development Engineering Division. These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County's Comprehensive Plan (Comp Plan), the County's Zoning and Development Ordinance (ZDO) and the County's Site Development and Roadway Construction Standards (Roadway Standards). Additional requirements, beyond those stated in the conditions of approval, may be required. The applicant may discuss the requirements of the project with staff at any time.

The requirements specifically required by the Comp Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the Roadway Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in the request. Staff shall determine if a modification is warranted.

**Development Engineering recommended conditions of approval:**

- 1) All frontage improvements in, or adjacent to Clackamas County right-of-way, and all on-site parking and maneuvering areas, shall be in compliance with *Clackamas County Roadway Standards*.
- 2) The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the public improvements and any site improvements for parking and circulation of the project.
- 3) **SE Luther Avenue Right-of-way** - The applicant shall dedicate approximately 14 feet of additional right-of-way width along the entire site frontage of SE Luther Avenue as necessary to provide a 34-foot wide one half public right-of-way. The right-of-way centerline width shall be verified by a professional survey to the satisfaction of DTD Engineering and Survey Departments. The right of way can be dedicated on the plat.
- 4) The applicant shall grant a 5 to 8-foot wide easement for signs and public utilities along the entire site frontage of SE Luther Road. The easement can be granted on the plat.
- 5) **SE Luther Avenue Improvements** - The applicant shall design and construct improvements along the entire site frontage of SE Luther Road to minor arterial roadway standards, consistent with Standard Drawing C140. These improvements shall consist of the following:
  - a. Up to a one half street improvement, 23 feet wide, as measured from the right-of-way centerline of SE Luther Road. The structural section shall comply with Standard Drawing C100 for an arterial roadway.
  - b. Standard curb, or curb and gutter if curblin slope is less than one percent. Curb and gutter shall be provided at all curb returns with curb ramps.
  - c. A 5-foot wide unobstructed sidewalk, constructed per Standard Drawing S960.
  - d. A 5-foot wide landscape strip, with street trees and ground cover shall be provided, per Standard Drawing L100. Street trees shall be provided along the entire site frontage and shall comply with ZDO Section 1009.10, A through O, as well as Roadway Standards Section 255.
  - e. Concrete ADA curb ramps shall be provided at the east and west extents of the sidewalk.
  - f. Appropriate off-site pavement tapers shall be provided from the east and west extent of the site frontage, in accordance with *Roadway Standards* Section 250.6.4. The transition of pavement to the exiting Johnson Creek bridge shall be addressed, including removal of

the guardrail and the installation of a new end treatment for the bridge railing/guardrail as necessary.

- g. A minimum 28-foot wide concrete driveway approach, per Standard Drawing D675.
  - h. A striping plan shall be provided, per Roadway Standards, Section 280.
  - i. A westbound left turn lane shall be constructed on SE Luther Road at the SE 79<sup>th</sup> Avenue intersection, consistent with Section 250.8.8 of the Clackamas County Roadway Standards. The left turn storage queue shall be a minimum of 100 feet in length, as recommended in the Traffic Impact Study prepared by Global Transportation Engineering, dated March 1, 2019. The left turn lane design shall be consistent with Section 250.8.8 of the Clackamas County Roadway Standards. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.
- 6) **SE 79th Avenue Right-of-way** – The applicant shall dedicate public right-of-way to provide a total width of 56 feet extending from SE Luther Road south through the applicant’s properties. The right-of-way centerline width shall be verified by a professional survey to the satisfaction of DTD Engineering and Survey Departments. The dedication can be on the plat.
- 7) The applicant shall grant an 8-foot wide easement for signs and public utilities along the both sides of the SE 79th Avenue right-of-way. The easement can be shown on the plat.
- 8) **SE 79th Avenue Improvements** - The applicant shall design and construct improvements along the entire site frontage of SE 79<sup>th</sup> Avenue to collector roadway standards, consistent with Standard Drawing C130. These improvements shall consist of the following:
- a. A full street improvement, 32 feet wide from curb to curb. The structural section shall comply with Standard Drawing C100 for a collector roadway. A design speed of 25 MPH shall be used.
  - b. Standard curb, or curb and gutter if curbline slope is less than one percent. Curb and cutter shall be provided at all curb returns with curb ramps.
  - c. A 5-foot wide unobstructed sidewalk, constructed per Standard Drawing S960.
  - d. A 5-foot wide landscape strip, with street trees and ground cover shall be provided, per Standard Drawing L100. Street trees shall be provided along the entire site frontage and shall comply with ZDO Section 1009.10, A through O, as well as Roadway Standards Section 255.
  - e. Curb ramps shall be designed per ODOT Standard Drawings as applicable (RD755, RD756 and RD757). All curb ramps shall be designed with curb and gutter.
  - f. Minimum 28-foot wide concrete driveway approaches, per Standard Drawing D675 for the three proposed driveways.
  - g. A striping plan shall be provided, per Roadway Standards, Section 280.

- h. Provide a stop sign and stop bar at the intersection of SE 79<sup>th</sup> Avenue with SE Luther Road.
- i. Drainage facilities in conformance with Water Environment Services requirements and *Clackamas County Roadway Standards* Chapter 4.
- j. The plat needs to provide all necessary sight line easements.
- k. A 34-foot wide access easement, as needed to accommodate a future two-way drive aisle, curbs and pedestrian walkway shall be provided on the SE 79<sup>th</sup> Avenue frontage north of proposed Building B to the Fred Meyer property (Tax Lot 12E29AA01900).
- l. The applicant shall design and construct a driveway drop aligned with the access and utility easement to the Fred Meyer property (Tax Lot 12E29AA01900) to avoid future disturbance to the road improvement when Fred Meyer constructs the driveway connection in the future.
- m. **Concurrency Improvements** – The following requirements have been proposed by the applicant to satisfy the requirements of ZDO Section 1007.07 and shall be competed as follow:
  - a. From the south extent of the project on SE 79<sup>th</sup> Place, the applicant shall reconstruct a full width pavement cross-section of the existing SE 79<sup>th</sup> Place roadway, extending to the start of the curb return for the southerly driveway of Fred Meyers, as follows:
    - i. The road structural section shall be reconstructed to collector standards, per Standards Drawing C100.
    - ii. From the southern project property line, curb and 5-foot wide, curb-tight sidewalk shall be constructed on the east side of SE 79<sup>th</sup> Place, extending to the northern Fred Meyer driveway.
    - iii. ADA curb ramps shall be constructed on the north and south sides of the northerly Fred Meyer driveway.
    - iv. New dual curb return ramps shall be designed and constructed on the westerly side of the reconfigured intersection of SE 79<sup>th</sup> Place and SE Lindy Street. See Lindy conditions for the reconstruction of the existing southerly curb return.
    - v. Receiving ADA curb ramps shall be constructed on the east side of SE 79<sup>th</sup> Place opposite the north and south curb return ramps for SE Lindy Street.
  - b. If the signal project at SE 79<sup>th</sup> Place and SE Johnson Creek Boulevard is cancelled, the applicant shall reconstruct the remaining segment of SE 79<sup>th</sup> Place up to SE Johnson Creek Boulevard.

- 9) Prior to occupancy of the first building, the applicant shall pay their proportional share of \$75,310.22, which is equivalent to 4.8% of the county's estimate of \$1,568,963, for construction of signal project at SE 79th Avenue and Johnson Creek Boulevard.
- 10) **SE Lindy Street Improvements** - The applicant shall design and construct improvements along the entire site frontage of SE Lindy Street to local roadway standards, consistent with Standard Drawing C110. These improvements shall consist of the following:
- a. The applicant shall dedicate additional public right-of-way as necessary to accommodate the required frontage improvements.
  - b. Up to a one half street improvement, 16 feet wide, from the right-of-way centerline. The structural section shall comply with Standard Drawing C100 for a local roadway.
  - c. Standard curb, or curb and gutter if curblane slope is less than one percent. Curb and gutter shall be provided at all curb returns with curb ramps.
  - d. A 5-foot wide unobstructed sidewalk, constructed per Standard Drawing S960.
  - e. A 5-foot wide landscape strip, with street trees and ground cover shall be provided, per Standard Drawing L100. Street trees shall be provided along the entire site frontage and shall comply with ZDO Section 1009.10, A through O, as well as Roadway Standards Section 255.
  - f. Dual ADA curb ramps shall be provided at the northwest corner of the intersection with SE 79<sup>th</sup> Place. Curb ramps shall be designed per ODOT Standard Drawings as applicable (RD755, RD756 and RD757) and with curb and gutter.
  - g. The existing southwesterly curb return at the SE 79<sup>th</sup> Place intersection shall be reconstructed as follow:
    - i. The curb shall be removed and reconstructed with a minimum 20-foot radius.
    - ii. The curb transition to south to tie into the existing curb on SE 79<sup>th</sup> Place shall be reconstructed with a minimum 10:1 taper. The curb transition shall address alignment with the bike lane from the north side of the intersection.
  - h. Drainage facilities in conformance with Water Environment Services requirements and *Clackamas County Roadway Standards* Chapter 4.
- 11) **SE Cornwell Street Improvements** - The applicant shall design and construct improvements along the entire site frontage of SE Lindy Street to local roadway standards, consistent with Standard Drawing C110. These improvements shall consist of the following:
- a. The applicant shall dedicate additional public right-of-way on the plat as necessary to accommodate the required frontage improvements.
  - b. Up to a one half street improvement, 16 feet wide, from the right-of-way centerline. The structural section shall comply with Standard Drawing C100 for a local roadway.
  - c. Standard curb and gutter. Curb and gutter shall be provided at all curb returns with curb ramps.

- d. A 5-foot wide unobstructed sidewalk, constructed per Standard Drawing S960. The sidewalk improvements shall extend up to east edge of the hammerhead right-of-way configuration and match to the existing curb and sidewalk to the east.
  - e. A 5-foot wide landscape strip, with street trees and ground cover shall be provided, per Standard Drawing L100. Street trees shall be provided along the entire site frontage and shall comply with ZDO Section 1009.10, A through O, as well as Roadway Standards Section 255.
  - f. Dual concrete ADA curb ramps shall be provided west end of the sidewalk terminus.
  - g. The applicant shall pave that north segment of the hammerhead portion of right-of-way and the west end of SE Cornwell Street, a minimum of 20 feet wide, extending 25 feet north from the curb line.
- 12) Note that all on-site surface water management facilities shall be separate from the public facilities to support the roads.
- 13) **Parking and Maneuvering** - 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:
    - i) A minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces;
    - ii) Turning diagrams shall be provided demonstrating access and maneuvering for garbage, delivery and emergency vehicles.
    - iii) Provide turnaround areas for garbage trucks servicing the trash enclosure for Building D.
  - b) The applicant has proposed gates at all site access points. The gates shall be constructed no closer than 30' to the face of the curbs and shall provide access for fire apparatus and emergency services access.
  - c) 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.
  - d) The applicant shall design and construct a five-foot wide minimum, unobstructed, hard-surfaced walkway from the sidewalk on SE Luther Road to at least one public entrance of the buildings. The walkways shall comply with accessible routes required under the building code and be in conformance with ZDO Section 1005.
  - e) 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.

- f) Parking spaces shall meet minimum *ZDO* section 1015 standards. 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. Parking layout geometry shall be in accordance with Standard Drawing P100.
  - g) Drainage facilities in conformance with Water Environment Services requirements and *Clackamas County Roadway Standards* Chapter 4.
  - 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.
- 14) The applicant shall provide and maintain adequate sight lines for minimum intersection sight distance as identified in the project TIS at the intersection of SE 79<sup>th</sup> Avenue and at the site driveway intersection with SE Luther Road, and at the site driveways on SE 79<sup>th</sup> Avenue. Sight line easements necessary to provide minimum sight distance shall be recorded on the property. The applicant shall demonstrate minimum sight distance as part of the Development Permit.
- 15) Street lighting is required on the street frontage of SE 79<sup>th</sup> Avenue, SE Luther Road, SE Lindy Street and SE Cornwell Street, as follows:
- a) The applicant shall submit a street lighting plan to PGE for review and approval for SE 79<sup>th</sup> Avenue, SE Luther Road, SE Lindy Street and SE Cornwell Street. Contact the PGE service coordinators at 503-323-6700 to discuss the required light levels.
  - b) The applicant shall provide any new conduits and light pole bases necessary to meet the PGE approved street lighting plans. PGE will install the poles and lights and wiring for the new lighting.
  - c) Contact Wendi Coryell at Clackamas County DTD (503-742-4657) with any questions regarding the street lighting.
- 16) 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.
- 17) 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.

- 18) 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.
- 19) 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.
  - d) 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.
    - i) The permit will be for road, driveway, curb, sidewalk, drainage, parking and maneuvering area, and other site improvements.
    - ii) The minimum fee deposit is required upon submission of plans for the Development Permit. The fee will be calculated based on 8.83% of the public improvements and 5% of the onsite transportation improvements, according to the current fee schedule.
    - iii) The applicant shall have an Engineer, registered in the state of Oregon, design and stamp the construction plans for all required improvements.

**D. Water Environment Services Conditions:**

Water Environment Services (“WES”), a department of Clackamas County and provider of public sanitary sewer and stormwater management service within the WES service area, submits the following Conditions of Approval:

**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 Design Standards (“RR&S/Rules”) for sanitary sewer services and surface water management, including vegetated buffer and erosion control requirements. The applicant shall procure the necessary plan approvals, and permits in accordance with WES Rules and Regulations, and Design Standards (“RR&S/Rules”) for sanitary sewer services and surface water management.

2. Prior to plan approval, all submittals shall be reviewed for compliance with WES Rules, Design Standards, and Conditions of Approval. All sanitary and stormwater management plans and reports submitted for review and approval shall be stamped and signed by a civil engineer licensed by the State of Oregon. Project construction, specifications, and testing must be completed under the direction of the engineer.
3. The applicant shall include the following materials with their final plan submittal to WES:
  - a. Two (2) sets of complete civil construction plans for all sanitary and stormwater improvements
  - b. Two (2) copies of the final storm reports, including the downstream analysis
  - c. Two (2) copies of the geotechnical report, including infiltration testing
  - d. \$800.00 sanitary and stormwater management plan review fees
  - e. \$1,340.00 erosion control fee
4. Upon the completion of construction of the project, the project engineer shall submit a certificate of completion, then WES shall inspect and approve the construction of the sanitary and storm systems in accordance with the approved plans. 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, or a performance bond shall be provided by the applicant to guarantee the construction of the infrastructure. No connections shall be made to the sanitary or storm systems prior to system acceptance by WES.
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, as determined by WES.
6. Prior to WES signing off on the plat, WES shall review the plat in conjunction with the approved sanitary sewer and stormwater plans. The sanitary and storm systems shall be complete in all respects, in accordance with the approved plans, prior to WES approving the plat for recording. All sanitary and storm drainage easements shall be shown on the plat.
7. Surface Water, Storm Drainage, and Sanitary Sewer Easements located on the site and granted to WES/CCSD#1 are permanent and not extinguishable. No development shall encumber the use or access to these easements by WES.
8. The proposed development shall be subject to applicable fees and charges, in accordance with WES RR&S. All fees and charges shall be paid prior to issuance of building permits, and are subject to change without notice to the applicant. All costs associated with design, construction and testing of the sanitary sewer and storm system shall be provided by and at the sole expense of the applicant.

**For Sanitary Sewer, the following conditions shall apply:**

9. **Prior to occupancy**, all buildings with sewer drains within the boundaries of the proposed development shall be connected to the Public Sanitary Sewer System.
  - a. A replat of the development shall require a separate sanitary sewer service connection to each lot.

- b. The development shall utilize a minimum number of private shared connections to the public sanitary sewer mainline and use existing service laterals where feasible, as determined by WES.
  - c. Unused laterals shall be abandoned per WES rules and fees.
  - d. Service connections 8” or larger shall require a manhole connection to the mainline.
  - e. Any new connection to an existing manhole shall require re-channeling of the manhole.
10. The sanitary sewer service connection laterals shall be constructed with a clean out at the front edge of the Public Utility Easement, public sanitary sewer easement, or the property line. Clean outs shall be the same size and material as the service connection lateral. A \$125 WES tap-in fee shall apply for each new 4-inch connection into a public mainline, or \$150 for each 6-inch tap.
11. A public sanitary sewer easement shall be granted to WES over any existing public sanitary sewer infrastructure currently located within a public right-of-way that is proposed to be vacated or relocated. The easement shall be a minimum of 15’ wide, and shown on the plat or recorded as a separate document.
12. Sanitary System Development Charges (SDC’s) shall be assessed in accordance with the prevailing rules and rates in effect on the date when the building permit application is submitted. Effective July 1, 2018, the SDC rate is \$7,615.00 per Equivalent Dwelling Unit. Rates typically increase on July 1st of each year.
- a. For multi-family residential, SDC’s shall apply at 0.8 EDU per dwelling unit.
  - b. None of the existing dwelling units within the extent of this development were connected to public sewer, therefore no credit will apply for previously paid SDC’s. However, the development is located within the North Clackamas Revitalization Area (NCRA) and thus a \$30,800.00 credit for SDC’s pre-paid by the urban renewal district will apply.
  - c. ESTIMATE:
    - i.  $284 \text{ units} * 0.8 = 227.20 \text{ EDU's}$
    - ii.  $\text{SDC Sub-Total: } 227.20 \text{ EDU's} * \$7,615.00 = \$1,730,128.00$
    - iii.  $\text{SDC Total: } \$1,730,128.00 - \$30,800.00 \text{ credit} = \mathbf{\$1,699,328.00}$
  - d. SDC fees shall be paid before the issuance of the building permit.
13. Plan review fees for the sanitary sewer system shall apply. A \$400.00 minimum shall be due with the first plan submittal.
14. A Collection Sewer Charge (CSC) for the proportionate cost of constructing the public mainline sewer shall apply and shall be paid upon issuance of the applicable building permits. The final CSC shall be determined by the number of lots resulting from the replat. The estimated CSC, based on a replat with 3 lots, is \$151,176.34.
15. All development that creates or modifies 5,000 square feet or more of impervious surface area shall be subject to WES Stormwater Design Standards. A Surface Water Management

Plan (SWM Plan), Storm Report, Geotechnical Report and downstream conveyance report shall demonstrate how the development will conform to WES Stormwater Standards. The plans and reports shall be prepared by a licensed engineer and submitted to WES for review and approval.

16. WES Stormwater Standards include, but are not limited to the following: (Section 5)
  - a. **Water Quality Standard** - Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event using either vegetation (Appendix H) or a Basic Treatment proprietary device (Appendix F).
  - b. **Infiltration Standard** - The first ½ inch of runoff in a 24-hour period must be captured and retained onsite through an approved infiltration system.
  - c. **Detention/Flow Control Standard in Areas with Limited Downstream Capacity** (Section 5.4.4.3) – Onsite detention facilities shall be designed to reduce the 25-year post-developed runoff rate to a 2-year pre-developed discharge rate, AND, from the 2-year post-developed runoff rate to ½ of the 2-year pre-developed discharge rate. Additional flow control requirements are necessary in areas with limited downstream capacity that cannot be upgraded, and are in addition to all other water quality and infiltration requirements.
  - d. **Conveyance Standards** - The conveyance system shall be sized for a minimum 25-year design storm.
  - e. **Conveyance Standards** - The conveyance system shall be sized for a minimum 25-year design storm.
17. The SWM Plan shall provide a design to mitigate the stormwater runoff from all of the proposed onsite permeable and impervious surface areas, including water entering the property from off-site, and any road frontage improvements.
  - a. The SWM Plan shall include a design for the relocation and reconstruction of SE 79th Ave.
  - b. Any offsite stormwater entering the site shall be placed in a bypass pipe or mitigated onsite.
  - c. Any reconstruction of existing impervious surface area down to the base course, or that significantly alters the flow or destination of stormwater runoff, shall be considered modified impervious area and be included in the SWM Plan.
18. The SWM Plan shall demonstrate the development has an acceptable downstream point of discharge to safely convey stormwater runoff from the entire boundary of the development.
19. The SWM Plan shall include a Downstream Conveyance Analysis. The analysis must extend a minimum of 1500' downstream or to the point where the development contributes less than 15% of the upstream drainage area, whichever is greater. WES may modify this condition if requirements for 25-year onsite retention and emergency overflow can be met.
20. Grading plans shall clearly identify an overflow pathway system in the event of any stormwater facility failure or bypass that will prevent damage to downstream properties. (Section 1.2)

21. A geotechnical report prepared by a qualified professional shall be included with the SWM Plan. The report shall verify the feasibility of all proposed infiltration systems and provide infiltration test results that correspond to the location and depth of the infiltration facilities, in accordance with Appendix E.
22. Infiltration facilities shall provide a 3-foot minimum vertical separation from the maximum seasonal groundwater elevation to the bottom elevation of the infiltration facility. The geotech report shall verify the groundwater elevations.
23. Storm service connection laterals shall be provided to convey the stormwater runoff and foundation drains for every proposed building within the development.
24. Green street planters shall be designed to meet current WES stormwater standards, including infiltration, water quality, and detention/flow control requirements. A detail for green street planters is not currently available in the WES standards, therefore the project engineer shall reference the structural details of City of Portland detail SW-311A (Planter with 2.5' step-out) or provide an acceptable alternative detail from another local jurisdiction, as determined by WES.
  - a. The project engineer may be required to perform infiltration testing of the facilities, and submit a report to WES, which assures the system will perform as designed. The report shall be stamped and signed by the project engineer and submitted to WES.
25. Any storm facilities located within the ROW will be maintained by WES. These facilities shall be designed to only receive runoff from the ROW and shall provide adequate maintenance access and functionality, as determined by WES. A maintenance agreement with WES shall not be required.
26. **Prior to Final Occupancy** WES shall require a warranty bond or surety in the amount of 25% of the cost of construction for all public stormwater facilities.
27. The property owner(s) shall be responsible to perpetually inspect and maintain all stormwater management systems in the development, in accordance with WES Rules, Section 12.10. Prior to plan approval, a WES 'Private Storm Drainage Facilities Maintenance Plan' shall be submitted to WES.
28. Adequate easements for surface water drainage shall be provided to WES for any water course or natural drainage channel located within the development. This does not imply maintenance obligation by WES.
32. Plan review fees for surface water review shall apply (equal to 4% of the storm system construction costs). A \$400.00 minimum shall be due with the first plan submittal.
33. Surface Water System Development Charges and rates shall apply per WES rules at the time of building permit applications. The current rate is \$205 per ESU (Equivalent Service Unit). Each ESU is equal to 2,500 sf of new impervious surface area.

**For Erosion Control, the following shall apply:**

34. **Prior to issuance of Permits** Prior to the start of any demolition, grading, or construction activities, the applicant shall submit an Erosion Prevention and Sediment Control permit application and erosion control plan to WES for review and approval. A \$1,340.00 erosion control permit fee shall apply and is due with first plan submittal.
35. Areas with greater than 5-acres of disturbance will require a 1200-C permit from DEQ and local erosion control approval thru WES (consisting of WES plan review and fees). (*Section 6*)

**For Water Quality Vegetated Buffers, the following shall apply:**

36. **Prior to issuance of Permits** All new development shall meet WES Rules to preserve and maintain an undisturbed vegetated buffer to protect all water quality resource areas. WES water quality buffer requirements are administered by County Planning therefore the applicant shall coordinate WES buffer requirements with Planning.
37. With the first plan submittal to WES, the applicant shall provide plans that clearly show all water quality resource areas, all required water quality buffers, fence/sign locations, any proposed encroachments into the buffer, and if applicable, any proposed mitigation areas.
38. Any water quality buffer variance requests shall be submitted to County Planning. WES shall require a review of final construction plans prior to any buffer variance approvals to verify that the variance will not conflict with the approved storm and sanitary layout.
39. Approval of the land use application does not include any conclusions by WES regarding acceptability of regulated water quality sensitive areas by DSL or COE. This decision should not be construed or represented to authorize any activity that will conflict with or violate DSL/COE requirements. The applicant shall coordinate with DSL/COE and, if necessary, other responsible agencies to ensure that development activities are designed, constructed, operated and maintained in a manner that complies with DSL/COE approval.

**For Plat review, the following shall apply:**

40. The following statement shall be added to the Restrictions on the plat: “WATER ENVIRONMENT SERVICES (WES), ITS SUCCESSORS OR ASSIGNS IS HEREBY GRANTED THE RIGHT TO LAY DOWN, CONSTRUCT, RECONSTRUCT, REPLACE, OPERATE, INSPECT AND PERPETUALLY MAINTAIN SEWERS, WASTEWATER, STORM DRAINAGE OR SURFACE WATER PIPELINES, AND ALL RELATED FACILITIES. NO PERMANENT STRUCTURE SHALL BE ERECTED UPON SAID EASEMENT WITHOUT THE WRITTEN CONSENT OF WES. GRANTORS AGREE TO UNDERTAKE NO ACTIVITY THAT WOULD HARM OR IMPAIR THE PROPER FUNCTIONING OF THE SANITARY AND STORM SEWER SYSTEM.”
41. The following statement shall be added to the Restrictions on the plat: “THIS PLAT IS SUBJECT TO WES RULES AND REGULATIONS AND A STORM WATER FACILITY

MAINTENANCE AGREEMENT UNDER FEE NO. \_\_\_\_\_, CLACKAMAS COUNTY DEED RECORDS”.

### **SECTION 3 – FINDINGS**

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 1102, 315, 510, 706, 1002, 1005, 1006, 1007, 1009, 1010, 1012, 1015, and 1021. 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:

#### **A. Section 510, Corridor Commercial**

##### ***510.03 Uses Permitted***

*Uses permitted in each zoning district are listed in Table 510-1, Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, Authorizations of Similar Uses. Footnote 9- Freestanding congregate housing facilities and freestanding multifamily dwellings are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings in the HDR District. With the exception of compliance with the maximum density standard, this requirement does not apply to congregate housing facilities or multifamily dwellings in a mixed-use building.*

***Finding:*** The proposed development is a multi-family development which is a permitted primary use in the Commercial Corridor (CC) zone pursuant High Density Residential (HDR) development guidelines as outlined in table 510-1 footnote 9. The submitted plan set prepared by Harper Houf Peterson Righellis Inc (HHPR) dated April 2019 demonstrates compliance with the applicable density standards and clearly states that no mixed use buildings are proposed. The applicable standards of Section 510 are met.

#### **B. Section 315 – Urban Residential Zoning Districts**

***Subsection 315.03(A)(2) A.*** *Uses permitted in each urban residential zoning district are listed in Table 315-1, Permitted Uses in the Urban Residential Zoning Districts. Uses not listed are prohibited, except: .*

*2. In the HDR, SHD, and RCHDR Districts, uses similar to one or more of the listed limited uses for the applicable zoning district may be authorized pursuant to Section 106.*

***Subsection 315.04(A) A. General:*** *Dimensional and building design standards applicable in the urban residential zoning districts are listed in Tables 315-2, Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts; 315-3, Dimensional and Building Design Standards in the VR-4/5, VR-5/7, and VTH Districts; and 315-4, Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts. As used in Tables 315-2 through 315-4, numbers in superscript correspond to the notes that follow each table.*

***Finding:*** The proposed development is a multi-family development which is a permitted primary use in the HDR and CC zones subject to the HDR standards for Multi Family

development. The proposal relative to the dimensional standards outlined in table 315-4 addressing the 15 foot front, rear and side setback are met for all buildings as shown on the applicant's site plan. The submitted plan set prepared by Harper Houf Peterson Righellis Inc (HHPR) dated April 2019 demonstrates compliance with the applicable density standards outlined in 1012.08 as calculations prepared by the applicant identify a minimum density requirement of 222 units and maximum density of 323 units; 286 units are proposed which is within the allowable density range detailed on page 42 of this determination addressing Density Calculations.

The clubhouse, containing the leasing office and recreational amenities, accessory uses to the proposed residential development on the site as listed within ZDO Table 315-1. The applicable standards of Section 315 are met.

### **C. Section 706 – HABITAT CONSERVATION AREA DISTRICT (HCAD)**

*706.06 Development Review Development Review states uses not identified in 706.04 as exempt uses require a HCA Map Verification pursuant to Subsection 706.06(B.) An HCA exists on the project site in an area of proposed development. This section requires that an application for a Construction Management Plan (CMP) be reviewed pursuant to processes identified in Section III Conditions of approval. The Habitat Conservation Area Construction review Z0141-19 shall be filed concurrently with an application for review under Subsection 706.06(B) or 706.06(C), in which case the applications will be consolidated and reviewed pursuant to the process required by Subsection 706.06(B)(4) or 706.06(C)(3), respectively.*

**Finding:** The applicant has submitted an HCA Map Verification application (Z0086-19) concurrent with the Design Review application which identifies and modifies the recognized HCA boundary on the property associated with Johnson Creek and HCA Development Application with a construction management plan (Z0141-19) addressing the proposed development within the HCA boundary has also been submitted. Development of a parking area hammer-head turn around, grading and site preparation, some passive recreation areas within the high and low HCA boundary's and the north west corner of building B1 grading and drainage development. These applications have been reviewed concurrently with the Design Review application and were approved on March 27, 2019 and date. Applicable conditions of the HCA and CMP applications have been outlined in the conditions of approval as applicable to this development. **As such a condition to this standard is warranted.**

Section 1002, Protection of Natural Features

Sections 1002.01, 1002.02, and 1002.05-1002.07 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***

*A. 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. Site*

*planning and design techniques which address incorporation of trees and wooded areas in the development plan include, but are not limited to, the following:*

- 1. Siting of roadways and utility easements to avoid substantial disturbance of significant clumps or groves of trees;*
- 2. Preservation of existing trees within rights-of-way and easements when such trees are suitably located, healthy, and when approved grading allows;*
- 3. Use of flexible road standards as provided in Subsection 1007.02(B)(3), including one-way roads or split-level roads, to preserve significant trees and avoid unnecessary disturbance of terrain;*
- 4. Retention of specimen trees or clumps of trees in parking area islands or future landscape areas of the site as provided for in Section 1009, Landscaping.*
- 5. Use of wooded areas of the site for recreation, or other low-intensity uses, or structures, not requiring extensive clearing of large trees, grading, or filling activity which substantially alters the stability or character of the wooded area;*
- 6. Retention of trees which are necessary to ensure the stability of clumps or groves of trees considering the type of trees, soil and terrain conditions, exposure to prevailing winds, and other site-specific considerations;*
- 7. Use of trees and wooded areas to buffer, screen, or provide transitions between different or conflicting uses on and off the site;*
- 8. Use of flexible-lot-size and planned unit development designs to minimize disturbance of wooded areas;*
- 9. Siting of uses and structures to utilize the natural microclimates created by wooded areas and trees to reduce extremes in temperature, provide wind protection, filter pollutants, and replenish oxygen and moisture to the air; and*
- 10. Use of other development techniques described in Subsection 1011.02(C).*

**Finding:** The project proposes the preservation of 40 trees outside of the Habitat Conservation Area and all trees within the Habitat Conservation Area (HCA), as identified on the Tree Protection and Removal plan provided by the applicant. Permanent perimeter fencing surrounding the entire development including fencing along portions of the 50 foot Johnson Creek WES protected buffer area. The extent of grading across the site makes needed to accommodate the development makes it not feasible to preserve trees that are not within the protected Habitat Conservation Area. The applicant's site plan demonstrates that pockets of trees along the perimeter of the site will be preserved. **As such a condition to this standard is warranted.**

*B. Trees and wooded areas to be retained shall be protected during site preparation and construction according to County design and specifications by: 1-4*

**Finding:** A construction Management Plan as conditioned in the associated HCA Development permit Z0141-19 is required for the proposed development within and adjacent to the HCA area on the site including a protection plan for the 40 trees outside of the HCA area to remain on the property. **A condition to this standard is warranted.**

### ***Subsection 1002.04 River and Stream Corridors***

*The following standards shall apply to land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary.*

**Finding:** Not Applicable. All of the tax lots for the proposed development are within the Metropolitan Urban Growth Boundary. **This Standard does not apply.**

### ***Subsection 1002.08 Significant Landforms and Vegetation***

*Institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling shall cluster and modulate building masses to minimize disturbance of existing significant landforms and vegetation. Pursuant to the review procedure required by Section 1102, Design Review, minimum front setbacks may be reduced or waived to minimize disturbance of natural landforms or vegetation. If a setback reduction is granted, a program for protection of those landforms and vegetation during construction, and for long-term maintenance, shall be provided.*

**Finding:** The subject site contains a portion of the Johnson Creek that crosses the northwest corner of the site. The landscape plans provided by the applicant delineate the High and Medium Habitat Conservation Areas around Johnson Creek. Buildings are proposed a minimum of 100 feet from the top of bank, which is outside the medium and high value conservation areas. Proposed development encroaching into the HCA includes parking areas, grading and earth work, landscaping, fencing and passive recreation. No other significant landforms or vegetation have been identified on the project site. The site also contains a few scattered trees and landscaped areas, but no, significant groves of trees, or naturalized plant species are existing on the site. The site was historically developed with single family homes. The submitted landscape plan proposes over 4,000 trees and shrubs to be planted on the site. As such, the proposed project will improve the tree cover and habitat quality on site and will not result in any significant natural landform alteration. **A condition to this standard is warranted.**

## **D. Section 1005 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:** Where feasible, the project has clustered buildings, pedestrian improvements, and vehicle areas to enable an efficient use of shared infrastructure. Seven of the ten multifamily buildings proposed under this project are located on the west side of 79th Avenue and connected by shared system of paved pedestrian paths and vehicle parking/circulation areas.

Two driveway access points are provided to serve these seven multi-family buildings and clubhouse building, one from SE Luther Road and the other from 79th Avenue.

The applicant plan demonstrates that Buildings C4 and C5, located in the northeast corner of the site, are accessed by a shared driveway on the east side of SE 79th Avenue and a second driveway on SE 80th/SE Cornwell St.. The buildings are sited in close proximity to each other, with shared parking positioned between the structures and a paved pedestrian connection to the public sidewalk on both Luther Road and SE 79th Avenue.

Building D is located on a portion of the site to the east of 79<sup>th</sup> Avenue which due to the road alignment reduces the opportunity for a cluster of multifamily buildings. This structure is served by a surface parking lot and driveway access on the east side of SE 79th Avenue. A paved pedestrian path connects the building to the public sidewalk proposed on SE 79th Avenue, which contains a cross walk to enhance pedestrian safety when accessing the properties recreation facilities on the west side of SE 79th Avenue. **A condition, A-1 of approval requires the development is constructed consistent with the plans submitted by the applicant as approved through this decision. This standard can be 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:*** The proposed siting of most buildings on the site complies with this standard. Building types A, B, & C are all positioned with the longest building elevations oriented in the north/south direction. These building types account for seven of the ten multi-family structures proposed. Building D is not a long structure and is almost square and buildings C4 and C5 are located at the corner of Luther Road and 79<sup>th</sup> Avenue are oriented easterly. The applicant’s narrative is mute on the reasoning for this orientation however staff finds this to be consistent with an appropriate lay out of the entire site providing diversity and visual interest. The façade containing the building entrances and highest proportion of glazing and architectural articulation is technically the longest elevation. The project has oriented this façade to the street, orienting the slightly longer elevation in the east/west orientation. **The applicant has demonstrated compliance with this standard**

***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 (Sheets C2.00 – C2.04) demonstrates compliance with these standards. The site has been laid out to satisfy the above criteria. Shared pedestrian walkways are included within the entire site to ensure full pedestrian connectivity is achieved throughout all portions of the property. Topography differences prevent connection to the west. A condition of approval will require the applicant to provide a 34 foot access easement to allow for the future access to Fred Meyer see **(Engineering condition 8-k)** . Lighting for these areas is ample, and shown on Sheet E1.01 and E1.21, while the civil and landscape sheets provide detailed information on the layout, location, and design of the pathways throughout the site and across vehicle areas. All parking spaces have been designed throughout the site and the sidewalk areas abutting parking spaces are designed to be 8.5-ft wide 16-ft long and have a 90 degree orientation. Furthermore, proposed walkways have been designed to satisfy the above interconnected walkway criteria. All walkway/sidewalk areas have been designed to ensure adequate grading and connectivity is achieved. The development, as proposed, is found consistent with the standards of Subsection 1003.03(D)(1-5). **The applicant has demonstrated compliance with this standard.**

**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.*

- 1. If the minimum front yard depth standard is less than 20 feet, the front yard depth may be increased to 20 feet provided pedestrian amenities are developed within the yard.*

**Finding:** The project is located within the UGB and is not an industrial development. The development is subject to this standard. The minimum front yard depth standard is 15 feet in the HDR zone and is able to increase building placement to 20 feet, if pedestrian amenities are provided. Buildings A1, C4, and C5 are subject to this standard, per the provisions of 1005.03.E.3, below. These buildings are proposed at the minimum 15 foot setback from the street frontage. **The applicable standards of section 315 and 510 are met.**

- 2. Primary building entrances for buildings used to comply with Subsection 1005.03(E), shall:*
  - a. Face the street;*
  - b. Be located at an angle facing both the street and a parking lot; or*
  - c. Be located to the side of the building, provided that the walkway connecting to the street is a minimum of eight feet wide and is developed with landscaping and pedestrian amenities.*

**Finding:** As proposed the multifamily structures do not utilize a centralized main entrance with interior corridors. The larger building styles A, B & C have multiple entries and there is no, upper level, shared interior or exterior connection, creating smaller 12 unit three story sections, in all building types. Ground floor entries for each section on the multi-family structures are visible, partially enclosed exterior staircases located on the ground level elevations each section building types A and B have a central breezeway allowing passage through ground floor of the buildings. The buildings are designed with exterior doors for all units, which are distributed on multiple sides of the building. Access to each dwelling unit is provided by a partially enclosed exterior staircase with shared porch landing at each of the three building levels. For Building A1, placed at the maximum setback on Luther Road, a breezeway is designed on the ground floor which creates a an extension of the pedestrian path that connects from the sidewalk along Luther Road to one of the exterior staircases, which is centered on the south side of the building. This breezeway opening creates a street-facing building entrance to comply with this standard. For Buildings C4 and C5, Option C is utilized to provide an 8 foot wide pedestrian path from the sidewalk to the primary exterior staircase entrances on the sides of the building. Benches are proposed as pedestrian amenities to comply with this standard. The landscape plan as proposed provide detailed information about landscaping and bench locations to comply with this standard. **The project, as proposed, is found consistent with the standards of Subsection 1005.03(E).**

- 3. If a development has frontage on more than one street, Subsection 1005.03(E) must be met on only one frontage, as follows:*
  - a. If one of the streets is a major transit street, the standard shall be met on that street.*

*b. If neither or both are a major transit street, then the standard shall be met on the street with the higher functional classification.*

*c. If neither 1005.03(E)(a) or (b) applies, then the standard shall be met on the longest frontage.*

**Finding:** The requirement of 3.b. applies to this project because none of the street frontages are designated as transit streets and the functional classifications differ between Luther Rd. and 79th Ave. Luther Road has a higher street classification of minor arterial than SE 79th Ave., which is designated as a collector roadway, per the City Engineer. **The standard, therefore, applies to SE Luther Rd. and as proposed is met.**

**Subsection 1005.03(F)** 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:** The development site as calculated is providing 2.69 acres of parking area spread out over the 13 acre development site with seven parking areas that are interconnected throughout the site. The applicant's site plan demonstrates compliance with these requirements by providing on-site vehicular circulation ways that include raised sidewalks, curbs, and landscape strips with trees. **Due to the parking area size, this condition does not apply however the sight has been designed in accordance with this standard.**

**Subsections 1005.03(H)**

*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:** Per Clackamas County's Comprehensive Plan Map 5-8a, the subject site is not located on a lot that has frontage on a major transit street. **This standard does not apply.**

**Subsections 1005.03(K)**

*Where a minimum floor area ratio (FAR) is required by the standards of the applicable zoning district, it shall be calculated pursuant to Table 510-3.*

**Finding:** The parcel is zoned HDR and CC. In the CC zoning residential development is subject to standards as outlined in the HDR Zone and floor area ratio requirements are not required for the HDR zone. **This standard does not apply.**

**Subsections 1005.03(L)(1-4)**

The following standards apply in the HDR, RCHDR, and SHD Districts: Shading Requirements as outlined items 1-4 apply to adjacent development and solar access.

**Finding:** This standard only applies to residential buildings abutting the project. Because no single family residential developments abut this site, **this standard does not apply.** The shading requirements are not applicable inside the project area.

***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.*

***Subsection 1005.04(A)(2) – Architectural Emphasis***

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

***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.*

***Subsection 1005.04(A)(4) – Human Scale***

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

***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.*

***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.*

***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.*

***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:** a. All of the proposed residential buildings are designed with pitched roofs. The applicant stated that the eaves on north and south sides of the multifamily buildings will project at

least 24 inches. All eaves on all buildings are required to project 24 inches. The development shall be modified to indicate compliance with this requirement. b. At this time roof venting has not been indicated in the plan detail. **A condition to these standards 1005.04(D)(a,b) is warranted.**

***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*

***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 development includes 10 residential buildings that will have one of four building types A, B, C and D. The four multifamily building types incorporate a variety of textures, plane changes, materials, and colors, which will all be high grade, commercial quality materials that are warranted and easy to maintain. The project utilizes horizontal lap siding in a variety of neutral colors, which is consistent with the exterior siding predominantly utilized on existing housing stock in the neighborhood and several commercial buildings. Utilizing these materials enables the attractive contemporary architectural style to maintain a compatibility with older existing buildings that present a different architectural style, but share similar building materials. Additionally, building A1 and C4 provide balcony projections that further subdivide the wall, and ground floor patios that create visual interest for pedestrians at the street level. Buildings that have the shorter façade facing the street, achieve visual interest through continued use of varying colors of exterior lap siding and window openings.

The project achieves a human scale and proportion throughout the four multifamily building types by maintaining a continuous pattern of architectural elements in a balanced manner across the wall planes. The location of exterior staircases, window placement, and balconies are distributed and repeated in a balanced manner for all building type variations. The larger building styles A, B & C have multiple entries and there is no, upper level, shared interior or exterior connection, creating smaller 12 unit three story sections, in all building types. Ground floor entries for each section on the multi-family structures are visible, partially enclosed exterior staircases located on the ground level elevations each section. The partially enclosed exterior staircases are covered, creating a shelter with a depth that is greater than 4 feet.

On the clubhouse building, the projecting breezeway and patio create the most visually prominent architectural feature of the building and serve to direct visitors to the covered main entrance to the office that is accessed through the breezeway. The majority of the building is proposed with fiber cement panel, the isolated character of this feature is uniform, however staff finds the included landscaping can create compliance with this standard for the Club House Building.

**As such, the proposed development is found to be consistent with 1005.04(A, B, E & I). Condition of approval requiring the development be constructed consistent with the plans, drawings, and narrative submitted with this application has been adopted.**

***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.*

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

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

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

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

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

*Design landscaping to allow for surveillance opportunities.*

**Finding:** Windows are provided on all sides of the proposed building allowing significant surveillance of site. Parking and automobile circulation areas are distributed throughout the site to facilitate close parking options for each building. The circulation areas connecting the parking bays on the west side of SE 79 th Ave. are all internally connected, with public access taken from a driveway on SE 79th Ave. and a driveway on SE Luther Rd. Buildings C4, C5, and D, on the east side of 79th Ave. all contain smaller parking and circulation areas, which are easily accessed by driveways along 79th Ave. Building C4 and C5 parking areas are also accessible by a proposed driveway onto SE 80th/Cornwell St. The site entries site has accessibility the will permit easy access and police patrol. The majority of these parking areas are visible from the vantage point of Luther Road or SE 79th Ave. The lighting plan and Photometric Plan as proposed demonstrate that these areas will be well lit for surveillance. Proposed landscaping, primarily proposes shrub species that will not exceed four feet in height at maturity, allowing visibility across the landscaped areas. Trees are distributed at the standard spacing required by the code. **The project, as proposed, is found consistent with Section 1005.04(G)(1) through (4). A condition of approval requires the installation of all parking areas, walkways, landscaping and lighting prior to issuance of a certificate of occupancy for the proposed buildings.**

***Subsection 1005.04(G)(5)- Locate mail boxes where they are easily visible and accessible.***

**Finding:** The mail room is in the north most section of the Club House adjacent to the primary site entrance off of Luther Rd. The mail room is located at the farthest point from the 286 units proposed with one 5 foot walkway and an internal connection. This location is easily accessible by the Post Master but is not easily accessible by the residents of the 286 unit development. Staff recommends that the mail room be relocated to the southern portion of Club House or that the pedestrian access to the mail room is increased. **As such a condition to this standard is warranted.**

**Subsection 1005.04(G)(6)** - Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of 30 inches in height.

**Finding:** A modification to this standard has been requested to allow for 6 foot fencing between the parking area to the north of Cornwell Rd associated with buildings C4 and C5. See the modifications section of this decision located herein.

**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.*

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

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

**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 complies as much as possible with the function and layout of the building orientation in addition to complying with site constraints. Projecting awnings and tree plantings are indicated in the drawings to help shield from summer heat gain. Additionally, large windows are provided along the full extent of both the north and south elevations of building types A, B, and C1 through C3, which serve as the primary wall for window openings for the dwelling units. The other buildings (e.g. Type C4, C5, and D) are oriented with the long sides facing east/west due to constraints of the lot shape. Concentrating windows on the southern façade of these buildings would not provide a warming benefit to the overall building, because the southern exposure would concentrate sun exposure on only the six dwelling units distributed across the end of the three-story structure. **The project, as proposed, is found consistent with Section 1005.04(H) (1) through (3).**

**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.*

**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.*

**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.*

**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: Finding:** The proposed project the site abuts Johnson Creek. The Springwater Corridor Trail is a public recreational trail that is situated on the west side of the creek from the site. All buildings proposed for this project are pushed back at least 100 feet from the top of creek bank to allow a buffer between the natural and built environment. To provide a transitioning between Johnson Creek and the development, a Wrought Iron fence is proposed at the 50 foot WES creek buffer boundary along with additional landscaping. Passive recreational areas for the residents such as the walking path adjacent to Johnson Creek and two larger law area with a picnic area and community garden is also proposed within this area.

The housing types proposed under this project align with the high density residential zoning designation of the project site. The 286 dwelling units are distributed among 10 buildings. The separated multifamily buildings are proposed to be three-story envelopes. The proposed building massing and height is similar to the existing multi-family structures on the south side of Lindy Ln. (e.g. The Creek Apartments). On the east side of the project, commercial uses are established by the Castparts Credit Union, Clackamas Service Center, Society of St. Vincent de Paul-Portland Council, and Fred Meyer.

The site has been laid out to orientate all loading and delivery service areas to the Club House with the mail room meeting the above criteria. The proposed three-story buildings (e.g. 36'-7" tall) with building footprints that are approximately 250 feet wide by 64 feet deep, help reduce the visual impact of development at this density. The site design has incorporated landscaping, building design features, and neutral exterior finishes and materials that will break up the visual impact and of the buildings and will function to blend in with the surrounding pattern of development. **As such, the project, as proposed, is found consistent with Section 1005.04(I)(2) through (6).**

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

- 1. Rooftop mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building's architectural design.*
- 2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that*
- 3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a façade that faces a street. Wall mounted mechanical equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through*

*one of the screening techniques used in 1005.04(J)(1) or (2).*

**Finding:** The applicant has stated that mechanical equipment is not yet specified for the development. The project must demonstrate compliance with the above standards prior to building permit issuance. **A condition requiring compliance with this standard is warranted.**

***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 a lighting plan including a photometric study with information regarding the lighting fixtures selected for the site that demonstrates compliance with the criterion listed above. The proposed outdoor lighting is architecturally integrated with the character of the associated structures, site design and landscape as well as downwardly focused to prevent the projection of light vertically or laterally. The proposed lighting fixtures will not exceed 25 feet in height on the site or 12 feet at the entrance.

**Therefore, the criteria of Section 1005.05(A) 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:** Staff finds that in relation to the size and scope of this development five additional requirements are required. The applicant has selected requirements B, D, G, N and E. Each condition and finding is listed below.

***B. Use passive solar heating or cooling techniques to reduce energy consumption. Examples of techniques:***

- 1. Modulate building masses to maximize solar access.*

2. *For developments with more than one structure, locate taller structures to minimize negative impacts on solar access for the development site and adjacent sites.*
3. *Locate buildings to maximize windbreaks.*
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.*
5. *Utilize deciduous trees to provide summer shade and allow winter sun.*
6. *Utilize deciduous vines on fences, trellises, and arbors to provide summer shade.*
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.*

**Finding:** The low building design in combination with breezeway design for each building type, eave overhangs, building spacing and landscaping plan as stated by the applicant and demonstrated on the site plan has been designed to provide for maximum solar access for buildings within the site and on adjacent lots. **This criterion is meet.**

*D. Place major outdoor use areas such as plazas, playgrounds, gardens, etc. on the south side of buildings.*

**Finding:** The largest outdoor areas on the site are provided to the south of the residential buildings. These occur to the south of building A1, to the south of building B2, and to the south of building C1. The outdoor area adjacent to the clubhouse is located to the west but is relatively unaffected by shading from the single-story clubhouse. **This criterion is meet.**

*G. Provide additional landscaping area at least 10 percent above the requirements for the site pursuant to Table 1009-1. For example, if the minimum area requirement is 20 percent, then 22 percent shall be provided. Credit shall be given for green roofs or other areas of vegetation that exceed the minimum area requirements.*

**Finding:** The project is required to have a minimum of 25% overall sight landscape as the base requirement of Table 1009-1 and 35% landscaping to meet the requirement of Option G. Per Subsection 1009.02.A.1, the minimum landscaped area shall be calculated after subtracting any public dedications. Since 67,820 square feet of ROW dedications are required for this project and the gross site area is currently 574,176 square feet, the site area by which this standard is applied is equivalent to 506,356 square feet. To achieve a minimum of 35% landscaped area, the project must provide at least 177,224.6 square feet of landscaping. With 195,450 square feet of total landscaped area proposed, the project achieves 38% landscaping and complies with the standard. **This criterion is meet.**

*N. Enhance the pedestrian connection between the development and neighborhood shopping areas, nearby transit, trails, bikeways or parks. Examples include additional width or pedestrian amenities.*

**Finding:** The 13 acre development site is located directly adjacent to a Fred Meyer shopping center. Four pedestrian gates, as well as a crosswalk on 79th provide residents with easy, walkable access to the shopping center and other commercial businesses located on 82nd. Additionally, the project is sited adjacent to Johnson's creek and the Springwater Corridor trail. From the site entry on Luther there is convenient bike and pedestrian access to the multi-use trail. Additionally, the landscape design to the east of the clubhouse merges into the natural area adjacent to the creek, using the existing site features as an amenity for the residents. **This criterion is meet.**

*T. Locate and design structures to protect scenic views or vistas from adjacent properties and public thoroughfares. Setbacks, building height, and bulk should be considered.*

**Finding:** The structures on the site are sized and located in a way that have minimum visual impact on adjacent properties all required setbacks as outlined herein are meet. The proposed 3-story buildings are in scale with adjacent residential and commercial developments such as the existing four story multi-family development on the south side of Lindy Ln. or the two story commercial structures that are developed on the commercial properties that abut the east portion of the site. The development as proposed distributes the dwelling units between several three story buildings, rather than one or two large buildings which provides compatibility with the surrounding development as it transitions from single dwelling residential uses to more intense commercial uses on the east. **This criterion is meet.**

#### **E. 1005.07 Modifications**

*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.*

***A Modification is requested to ZDO Section 1005.04.G.6, which limits fence height between a parking lot and a street for the purpose of increasing safety and surveillance.***

***Modification request:*** *The proposal seeks to allow fencing up to 6 feet in height between a street and a parking lot. To maintain the ability for safety and security for the parking area to the north or Cornwell Road adjacent to the parking provided for buildings C4 and C5, fencing will not be sight-obscuring and landscaping will generally comply with the 30 inch height limit in these areas, except for a limited area along the SE Cornwell street frontage, south of Buildings C4 and C5. The line of sight from the street and the windows of dwelling units will provide high visibility of the parking areas, despite the taller fence height, because of the low sight obscuring nature of wrought iron material.*

*The applicant proposes a limited area where the landscaping will exceed 30 inches in order to provide screening of the residential spaces from the adjacent commercial building and the parking area. Vehicles in this area are often parked along the street frontage awaiting service from the adjacent commercial facility, and the Fred Meyer parking lot. Softening the visual*

*impacts of these abutting uses by screening this area more extensively will improve the living conditions for residents in Buildings C4 and C5. Safety and surveillance for the parking lots adjacent to Buildings C4 and C5 should not be impacted by taller landscaping in this area because of the high visibility provided of the parking area through the driveway gates located on SE Cornwell St. and SE 79th Ave. (see Applicant's site plan sheet L4.20).*

**Finding:** As proposed the development site will be surrounded by wrought iron fencing. There are several vehicle and pedestrian ingress and egress points identified on the applicant's site plan. At the point where the fence height modification is requested the applicant is proposing gates to allow ingress and egress to the parking lot from SE Cornwell Road with a vehicle entrance at the fence line approximately 40 feet north of Cornwell road and an addition pedestrian gate for the walking path approximately 30 feet east of the vehicle ingress and egress. This can be seen on sheet 4.20 of the applicant's site plan. Staff finds that the request for a modification to fence height for the wrought iron fence adjacent to parking for buildings C4 and C5 meets the standards outlined in 1005.01 by maintaining residential access to the sites urban amenities, and maintains security for future residents. Natural features will be enhanced with additional landscaping and will continue to support community interaction, **as such this modification request is approved.**

**F. Subsection 1006 Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control.**

1006.03 Water Supply

1006.04 Sanitary Sewer Service

***Section 1006.6 Surface Water Management and Erosion Control***

*Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.*

**Finding:** In compliance with Subsection 1006.03, 1004,04 and 1006.6 the applicant submitted a signed Preliminary Statement of Feasibility from WES to acknowledge that adequate surface water treatment and conveyance may be available on the site. As outlined in the April 17, 2019 Water Environment Services (WES) Memo (Attachment 3) further WES review is required to ensure specific compliance with the standards of this section. **As such, Conditions C 1-41 are required to ensure that the proposed project as developed and maintained meets Section 1006.**

*Section 1006.02 Street Lights: Street lights are required for all development inside the Portland Metropolitan Urban Growth Boundary. The following standards apply:*

*A. Street lighting shall be installed pursuant to the requirements of Clackamas County Service District No. 5 and the electric company serving the development. A street light shall be installed*

where a new road intersects a County road right-of-way and, in the case of subdivisions, at every intersection within the subdivision.

**Finding:** Staff finds that preliminary plans have been provided which indicate the location and fixture specifications for street lights along SE Luther Rd. and 79th Ave. **A condition requiring lighting is installed in compliance with that standard prior to final occupancy is warranted.**

#### **G. Section 1007 Roads and Connectivity**

*Subsection 1007.1 through 1007.05, 1007.07 & 1007.10 addresses general provisions, public and private roadways, private roads and access drives, pedestrian and bicycle facilities, transit amenities transportation facilities concurrency and vacations.*

**Finding:** As outlined in the April 23, 2019 Traffic Engineering and Development Review Memo (see attachment 2) the proposed project has been designed in compliance with Section 1007. Specifically, the proposed project demonstrates compliance with the requirements of ZDO Section 1007, as shown on the civil plans master plan amendment adopted November 2018. Right-of-way dedications are required along SE Luther. To accommodate sidewalk and bike lane improvements. Dedication is also required to align and extend SE 79th Ave. to provide connections to Lindy Ln. and SE 79th Pl. The proposed road improvements include two travel lanes, bike lanes, curb, landscape strips and sidewalk. The applicant's preliminary plans reflect this planned improvement. Engineering review is required to ensure specific compliance with the standards of this section. **As such, Special Conditions outlined in the aforementioned memo No. 1-19 are required to ensure that the proposed project meets all applicable standards outlined in Section 1007.**

#### ***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.*

**Finding:** The applicant has submitted a landscaping plan identifying street trees which demonstrate compliance with requirements of ZDO Section 1007.06. The submitted landscape plan proposes 125 street trees, 286 trees to be planted on the site, and the retention of 42 existing perimeter trees. The proposed landscaping plan coordinates planting of street trees with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters, and bus stops. Additionally, the street trees are of appropriate size and scale to fit within the required planter strips. The entire landscape plan, including the street trees, will be condition to ensure installment prior to final occupancy of the proposed buildings. **As conditioned, the proposed street trees will comply with the requirements of 1007.06.**

## **H. Section 1009 – Landscaping**

### ***Subsection 1009.01(A-H) – General Provisions: Selection of Plants, Use of Landscaped Area, and Design of Landscape***

#### ***Subsection 1009.02 – Minimum Area Standards***

*Per table 1009-1, a minimum of 25% landscaping is required for sites in the HDR district and in the CC district as it is development with multifamily residential in concurrence with HDR standards.*

**Finding:** Plant species have been selected for the site conditions and will be irrigated to ensure proper establishment as proposed on 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. The landscape plan submitted with the application clearly indicates that a significant portion, approximately 38% of the site is proposed for landscaping. **This criterion is meet.**

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

*Twenty-five(25) square feet of landscaping per parking space, excluding perimeter parking spaces, shall be provided, except that the standard shall be reduced to twenty (20) square feet for each parking space developed entirely with porous pavement.*

#### ***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.*

#### ***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.*

***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.*

***Subsection 1009.03(B) -Perimeter landscaping requirements for surface parking and loading areas adjacent to abutting lots or rights-of-way***

***Findings:*** The site has been designed to satisfy the above criteria. The proposed landscape plan exceeds the 25% landscape requirement for provided interior parking spaces as stated above. The configuration of parking on this site does not create the ‘rows’ of parking and as such, no parking lot swales are required. The proposed landscape plan shows that the minimum one tree for every eight interior parking spaces requirement was satisfied. A total of seven (7) parking areas are proposed throughout the development site and approximately 96 trees are proposed per the requirements above. A minimum 5-ft wide landscape strip is proposed for all perimeter parking. The proposed landscape plan shows sufficient low shrubs to be planted along/within these landscape strips. The proposed landscape plan shows a minimum of one (1) tree to be planted every 30 linear feet along/within these landscape strips. The proposed landscape plan shows all remaining landscaped areas along/within these landscape strips to be fully covered. As such, the proposed project is found consistent with the standards of Section 1009 above. **This criterion is meet.**

***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, RFFF-5, FF-10, FU-10, or HR District; and*
- 5. Any other area or use, as required by this Ordinance.*

***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.*

***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:** The proposed landscape plan shows a variety of landscape elements such as a 6 foot wrought iron fence surrounding the perimeter of the development with continuous rows of shrubs and evenly spaced tree lines to be planted as screening for the site. The proposed landscape plan and additional trash enclosure details provided show that the five located facilities for solid waste and/or recyclable materials shall be enclosed within an architectural structure with sight-obscuring walls at least six (6) feet in height. However, the applicant has not submitted a landscaping plan with sufficient detail to determine that all ground mounted mechanical equipment or service areas and facilities is sufficiently screened. As such, as proposed, the project does not comply with the standard. **This standard can be met with Condition of Approval, which will require the applicant to submit landscaping plans that demonstrate compliance with this code section.**

***Subsection 1009.04(D) and (E) – Methods of Buffering***

*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 buffering between residential uses and commercial or industrial uses, and in visually sensitive areas. Buffering shall be accomplished by 1009.04(E)(1), (2), or (3).*

**Finding:** The five (5) proposed solid waste receptacles are located within enclosures that screen and eliminate their visual impacts. Additionally, maintenance equipment is proposed to be located within its own building to the west of building C3 (see site plan on page XX). No adverse visual impacts, dust, noise or pollution is anticipated from the proposed development that would necessitate requiring further buffering. **This criterion is meet.**

***Subsection 1009.06 - Landscaping Strips***

C. In all other zoning districts, except SCMU, a landscaping strip a minimum of five feet wide shall be provided abutting front lot lines. (See Subsection 1005.10(L) for additional SCMU landscaping requirements.)

**Finding:** A five foot landscape strip is identified along all street abutting lot lines except in areas that provide ingress and egress. The landscaping as proposed exceeds this standard. **This criterion is meet.**

***Subsection 1009.07- Fences and Walls***

A. *Fences and walls shall be of a material, color, and design complementary to the development.*

**Finding:** The applicant has proposed black wrought iron fencing the surround the entire site. The fencing as proposed will be placed along the 50 foot Water Environment Services Johnson Creek buffer and continue surrounding all proposed development to the west of 79<sup>th</sup> Ave. Addition fencing is proposed to the east of 79<sup>th</sup> ave that will surround the development associated with buildings C4 and C5 also surrounding the development for building D. Eleven ingress/egress points are identified for, vehicle and pedestrian flow through, throughout the 3 fenced areas. The vertical black wrought iron fencing style will match the railing style of the balconies on the building and will match the overall color and design of the development. The surrounding properties have a verity of mixed fencing from chain link with razor wire to plastic picket style fencing. **As proposed the fencing meets the above outlined criterion.**

***Subsection 1009.09 – 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.*

***Subsection 1009.10(A) – Weed Barriers***

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

***Subsection 1009.10(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.*

***Subsection 1009.10(C) – Plant Interference with Utilities***

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

***Subsection 1009.10(D) – Nursery Installation Standards***

*Plants shall be installed to current nursery industry standards.*

***Subsection 1009.10(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.*

***Subsection 1009.10(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.*

***Subsection 1009.10(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:*** Graded areas will be replanted with suitable plants for erosion control. No plantings are proposed over walkways, sidewalks, pedestrian pathways, or seating areas. Currently the proposed landscaping has deep rooting trees proposed over the 20 foot City of Portland Exclusive Lents Sewer main easement these trees will have to be relocated. Plants are to be installed to nursery standards, including guying and staking where appropriate and

such to avoid interference with vehicular and pedestrian traffic. Plantings proposed in the submitted landscape plan are appropriate to the conditions in which they will be planted. The submitted materials indicate that plantings are to be maintained and replaced if not alive for two years. **However, the applicant has not submitted a signed maintenance contract, or provided financial guarantee pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs during the guarantee period. As such, Condition is required to bring the proposed project into compliance with subsection 1009.10(C &F). All other landscaping standards listed above are met.**

***Subsection 1009.10(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.

***Subsection 1009.10(I) – Branching and Height of Evergreen Trees***

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

***Finding:*** Staff finds that trees are required to be minimum 8 feet in height, the trees identified in submitted landscape plan are indicated as being of 5-6 feet in height.

**Condition is required to bring the proposed project into compliance with subsection 1009.10(H &I).**

***Subsection 1009.10(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.*

***Subsection 1009.10(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.*

***Subsection 1009.10(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.*

***Subsection 1009.10(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:*

***Subsection 1009.10(N) – Care and Maintenance of Landscaping***

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

***Subsection 1009.10(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:*** The preliminary landscape provided with narrative identify that the applicant recognizes these requirements however the landscape plan as provided does not meet the outlined standards for Deciduous trees and Evergreen trees. The trees are required to be minimum 8 feet in height, the trees identified in submitted landscape plan are indicated as being of 5-6 feet in height. Shrubs identified in submitted landscape plan meet these dimensional standards. The landscape plan indicates that spacing of plants is to be at not less than 30 inches staggered to as to comply with ordinance standards. The submitted landscape plan does not currently indicate that plantings shall be such that 90% groundcover will be achieved within three years of planting. The submitted landscape drawings indicate that automatic watering will be used. **As such, the standards of Section 1009 above are met.**

**I. Section 1010 Signs**

***Section 1010.02 General Provisions***

*B. Along State Highways: All off-premises signs which are visible from a state highway are subject to approval by the Oregon State Highway Division pursuant to the Oregon Motorists Information Act.*

*C. Oregon State Structural Specialty Code Compliance: All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in Section 1010.*

*[...]*

*E. Sign Clearances: A minimum of eight feet above sidewalks and 15 feet above driveways shall be provided under freestanding and projecting signs.*

*F. Sight Distance: All signs shall comply with the intersection sight distance standards of the Department of Transportation and Development.*

*G. Setbacks: Unless otherwise specified, all signs shall observe the yard setback requirements of the zoning districts in which they are located.*

*H. Blanketing: No sign shall be situated in a manner which results in the visual obstruction from an adjoining roadway or pedestrian way of an existing sign on adjacent property.*

***I. Illuminated Signs:***

*1. Internally illuminated signs, or external lights used to illuminate signs, shall be placed, shielded, or deflected so they do not shine into dwellings or impair the vision of the driver of any vehicle.*

2. *The light intensity of an illuminated sign shall conform to or be less than the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.*
3. *Except for an electronic message center sign approved pursuant to Subsection 1010.14, no sign or illuminating devices shall have blinking, flashing, or fluttering lights.*

*N. Hazards: No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.*

*O. Sign Structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign.*

#### ***Subsection 1010.05 Design Review***

*The size, materials, design, color, lighting, and location of signs and supporting structures for all permanent signs greater than 60 square feet in area, shall be subject to design review pursuant to Section 1102 and the following criteria:*

*A. Design: Signs shall be designed to be compatible with other development on the site, other nearby signs, other elements of street and site furniture, and adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.*

#### ***Subsection 1010.06 Residential sign in urban and rural residential districts and future urban districts***

*C. Freestanding signs for multifamily developments or subdivisions:*

1. *Maximum total sign area: 32 square feet per side.*
2. *Maximum number: No more than one freestanding sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, except as follows:*
  - a. *When an additional sign is located at a major public access point located on a different public road, or*
  - b. *When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign, or*
  - c. *In mixed-use developments, a separate monument sign, not to exceed 32 square feet, may be allowed for the multifamily portion of the development.*
  - d. *In the case of signs permitted under Subsection 1010.06(C)(2)(a) or (b), neither sign shall exceed the maximum sign size allowed.*

**Findings:** The proposed project includes five (5) 4f x 6f, two sided monument signs, located at each entrance to the Heirloom residential development area. The five monument signs could be permitted under 1010.06(2)(a) above, since they are oriented at different public access points of the development. Additionally, the proposed project includes four (12) wall mounted building signs, identifying each building and the 2 buildings, identified as building type A, have the required directional signage identifying the bike parking areas. **At this time only the signage location with some dimensional detail has been provided. Prior to installation of signage the applicant shall apply for a separate sign review providing**

addition signage details to ensure that the proposed signs are consistent with Section 1010.06(C)(2)(a). As conditioned, the project is found consistent with Section 1010.

**J. Section 1012 Lot Size and Density**

***Subsection 1012.04 – 1012.05 & 1012.08-***

***Maximum Density*** *If this Ordinance establishes a district land area (DLA) for the applicable zoning district, the proposed development shall be limited to a maximum density. Except as necessary to implement a minimum lot size exception granted pursuant to Subsection 1012.02 or as established by Subsections 1012.06 and 1012.07, maximum density shall be calculated as follows: {GSA – [NR + HRA + (MRA x 0.5)]} / DLA = BD\**

***Minimum Density*** *A minimum density standard applies in the Urban Low Density Residential, HDR, MR-1, MR-2, PMD, RCHDR, SHD, and VA Districts. Minimum density shall be calculated as follows:*

*A. Calculate the land area of the subject property. The result is gross site area (GSA).*

*B. Subtract the following land area from GSA to determine net acreage:*

- 1. New county, public, or private roads and strips of land dedicated adjacent to existing road rights-of-way;*
- 4. Areas in the Floodplain Management District regulated by Section 703, Floodplain Management District;*
- 6. Habitat Conservation Areas (HCA) regulated by Section 706, Habitat Conservation Area District (HCAD), provided that the HCA, or portion thereof, to be subtracted is protected from development by a restrictive covenant or a public dedication, and provided that the subject property was inside the Portland Metropolitan Urban Growth Boundary on January 1, 2002;*

**Finding:** Staff has verified the provided calculations identifying the Maximum density of 323 units and the minimum density of 221 units. The applicant has proposed 286 total residential units, 158 one bedroom, 101 two bedroom and 27 three bedroom within the maximum and minimum range allowed. As defined above the development is in compliance with the required density calculations. **This criterion is meet.** See calculation tables below

<b>Minimum Density Calculation - Section 1012.08</b> <b>{{[GSA-(NR+HCA)/DLA]}*0.90 ~ (a.k.a. [NSA/DLA]*0.90)}</b>	
Gross site area (GSA)	574,175.75
Deductions for Net Site Area	
ROW New & Dedications (NR)	67,820
Partial HCA (Only undisturbed area within HCA deducted)	76,776
Min Density Net Site Area (NSA) GSA-HRA	429,579.75
District Land Area (DLA) for HDR/CC per Section 315	1,742.00
Multiplication factor for HDR zone	0.90
<b>Minimum Density (NSA/DLA)*0.90</b>	<b>221.94</b>

<b>Maximum Density Calculation - Section 1012.05</b> <b>{GSA-[NR+HRA+(MRA*0.5)]/DLA = BD ~ (a.k.a. NSA/DLA)}</b>	
Gross site area (GSA)	574,175.75
Deductions for Net Site Area	
ROW New & Dedications (NR)*	-
Highly Restricted Area (HRA) Only disturbance within HCA is deducted	12,300
Moderately Restricted Area (MRA)*	-
Max Density Net Site Area (NSA) GSA-HRA	561,875.75
District Land Area (DLA) for HDR/CC per Section 315	1,742.00
<b>Maximum Density: NSA/DLA</b>	<b>322.55</b>

*\*Not applicable for maximum density calculation on this site*

## **K. Section 1015 Parking and Loading**

### ***1015.01 General Standards***

*A. Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, loading, and maneuvering areas shall be hard-surfaced, unless a permeable surface is required for surface water management pursuant to the regulations of the surface water management authority or in order to comply with Subsection 1006.06.*

*E. Required parking spaces and loading berths shall not be:*

- a. Rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.02(D)(2)(a) for shared parking or Subsection 1015.04(C) for shared loading berths.*

*b. Used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering the space(s) useless for parking or loading operations.*

*c. Occupied by the conducting of any business activity, except for permitted temporary uses (e.g., farmers' markets).*

### **1015.02 Motor Vehicle Parking Area Standards**

*A. Off-street parking areas shall be designed to meet the following requirements:*

- 1. Off-street motor vehicle parking areas shall be provided in defined areas of the subject property. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose and has required maneuvering area for vehicles. Required backing and maneuvering areas shall be located entirely onsite.*
- 2. Automobile parking spaces shall be a minimum of 8.5 feet wide and 16 feet long, except that parallel spaces shall be a minimum of 8.5 feet wide and 22 feet long.*
- 3. A minimum of 25 percent of required parking spaces shall be no larger than 8.5 feet wide and 16 feet long.*
- 4. Parking areas shall comply with minimum dimensions for curb length, stall depth, and aisle width established by the Clackamas County Roadway Standards; these dimensions are based on the orientation (e.g., 45-degree, 90-degree), length, and width of the spaces.*
- 5. Double-loaded, ninety-degree angle parking bays shall be utilized where possible.*
- 6. A minimum of one parking space or five percent of the required spaces, whichever is greater, shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the closest employee automobile parking spaces to the building entrances normally used by employees, but shall not take priority over any spaces required for individuals with disabilities.*
- 7. In parking lots greater than one acre, major onsite circulation drive aisles and lanes crossing to adjacent developments shall not have parking spaces accessing directly onto them.*
- 8. Where feasible, shared driveway entrances, shared parking and maneuvering areas, and interior driveways between adjacent parking lots shall be required.*
- 9. Except for parallel spaces, parking spaces heading into landscaped areas or along the perimeter of a parking lot shall be provided with a sturdy tire stop at least four inches high and located two feet within the space to prevent any portion of a car within the lot from extending over the property line. For parking spaces heading into a landscaped area, the area in front of the tire stop that is included in the parking space dimension may be landscaped instead of paved or graveled according to the following standards:
  - a. Landscaping shall be ground cover plants only;*
  - b. The area in front of the tire stop that is included in the parking space dimension shall be in addition to the required minimum dimension for a landscape planter; and*
  - c. The landscaped area in front of the tire stop may count toward overall site landscaping requirements established in Table 1009-1, Minimum Landscaped Area. However, it may not count toward perimeter landscaping requirements established in Section 1009.03(B)(1).**

**Findings:** The applicant provided an updated Transportation Impact Analysis (TIA) prepared by Global Engineering on March 1, 2019 and it was approved by Clackamas County Engineering. The site has been designed to satisfy the above criteria. The orientation of the proposed property, associated main access points and circulation areas, and parking requirements. All 90° parking stalls are shown to be at a minimum stall size of 8.5'x16' as advised above. Parallel parking spaces are not proposed. The site was designed to have approximately 439 on site vehicle parking stalls measuring 8.5' wide by 16' in length. A total of 31 spaces are located adjacent to the Club House identified as visitor parking spaces. 6-inch curbs are provided wherever parking spaces head into landscaped areas. The applicant has provided a signage and pavement marking plan to ensure proper access to, and circulation within, the parking areas. Conditions of approval have been adopted requiring.....**As conditioned, the proposed project can meet the requirements of 1015.01.**

**B. Parking Minimums:** *The minimum number of parking spaces listed in Table 1015-1, Automobile Parking Space Requirements, applies unless modified in Subsection 1015.02(D).*

**C. Parking Maximums:**

*1. Within the UGB, the parking maximums listed in Table 1015-1, Urban Zone A, apply when an area has 20-minute peak hour transit service within one quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit.*

**Findings:** The site has been designed to satisfy the minimum parking space requirements as stated in Table 1015-1 below

**Minimum Parking For Unit Mix**

Land Use Category	Classification	Minimum Parking Spaces	Units Proposed	Minimum Spaces Required
Multifamily Dwelling	One-bedroom	1.25	158	197.5
	Two-bedroom	1.5	101	151.5
	Three-bedroom	1.75	27	47.25

**Total Minimum Required: 397 spaces**

As shown in the Parking Information Table on Sheet C2.00, Layout and Paving Plan, a total of 439 parking stalls are proposed using the following breakdown:

- 408 resident parking spaces, ten are ADA compliant.
- 31 parking spaces for visitors outside of the clubhouse, two are ADA compliant.

As indicated in Table 1015-1, there are no parking maximums for either Urban Zone A or B for multifamily dwellings.

**1015.03 Bicycle Parking Standards**

**A. Bicycle parking areas shall meet the following on-site locational requirements:**

- 1. Bicycle parking racks shall be located in proximity to an entrance but shall not conflict with pedestrian needs.*

2. *At least 75 percent of the bicycle parking spaces shall be located within 50 feet of a public entrance to the building.*
3. *Bicycle parking may be provided within a building, if the location is easily accessible for bicycles.*
4. *Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered in one or several locations within 50 feet of each building's entrance.*
5. *If the bicycle parking is not easily visible from the street or main building entrance, then a sign must be posted near the building entrance indicating the location of the parking facilities.*

**Findings:** Staff finds that the different building design types, A, B and C, are designed with between two and four primary entrances. The bicycle parking area for

-**Building Type A** includes a ground floor bike room located on the Left of the building that will accommodate 22 bicycle parking spots within 50-feet of the left entrance with addition 2<sup>nd</sup> and 3<sup>rd</sup> floor bicycle parking for 12 bicycles located at the right entrance.

- **Building Type B and C** include bicycle parking designed only on the right side of the building and is not within 50 feet the primary entrances on the left or the center of the buildings.

**As such the bike parking as proposed in buildings A, B and C does not meet the standards 1015.03(A)(3-5). A condition to this standards is warranted requiring the applicant to provide a revised bicycle parking plan that demonstrates compliance with ZDO Section 1015.03.**

*B. Bicycle parking shall be designed to meet the following requirements:*

4. *Required bicycle parking spaces shall be illuminated.*
5. *Required bicycle parking areas shall be clearly marked and reserved for bicycle parking only.*
6. *Bicycle parking space dimensions and standards:*
  - a. *Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet.*
  - b. *An aisle a minimum of five feet wide must be provided for bicycle maneuvering.*
  - c. *Bicycle racks must hold bicycles securely by the frame and be securely anchored.*
  - d. *Hanging bicycle racks and/or enclosed, stackable bike lockers may be substituted for surface racks if comparable dimensions, maneuvering, and clearance are provided to the user.*
  - e. *Bicycle racks must accommodate both:*
    - i. *Locking the frame and one wheel to the rack with a high-security Ushaped shackle lock; and*
    - ii. *Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.*
7. *The minimum number of bicycle parking spaces listed in Table 1015-2, Minimum Required Bicycle Parking Spaces, are required. If a listed use is located with the Portland Metropolitan Urban Growth Boundary (UGB), it shall have a minimum of two bicycle parking spaces or the number required by Table 1015-2, whichever is greater.*

**Findings:** The site has been designed to satisfy the above criteria as identified in table 1015-2 requiring 0.5 bike parking spaces per each dwelling unit. The proposal is for 286 units requiring a total of 153 bike parking spaces are required with 166 proposed. Seven of bicycle parking areas located adjacent to the Club House. Site lighting has been designed to satisfy the above lighting criteria and is shown on the applicant's site plan. Proposed bicycle parking areas have been shown on the plans to be located in secure, covered locations. All required bicycle parking spaces will be 2 feet wide by 6 feet long. The proposed Club House bicycle parking has been designed to be located adjacent to a pedestrian walkway/sidewalk area for maneuverability purposes. The required bicycle parking racks were designed to be metal framed Inverted-U sections installed securely into a standard concrete pad. Conditions are required to ensure installation of bicycle parking prior to issuance of occupancy for the buildings. **As conditioned these criterion can be meet.**

#### ***1015.04 Off-Street Loading Standards***

- A. No area shall be considered a loading berth unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for vehicles.*
- D. The minimum off-street loading berths listed in Table 1015-3 are required.*

**Finding:** Three loading berths are required. The three loading berths directly abut the proposed pedestrian pathways and are located at the ends of rows of parking stalls. They are significantly larger than the proposed parking stalls (12 feet x 25 feet as opposed to 8.5 feet x 16 feet) and can therefore provide adequate accessibility, function, and room for maneuvering for standard vehicles. One is located in the parking area southwest of Building A1, one is located in the parking in between Building B2 and C1, on the west side. The third loading space is located in the parking area southwest of Building C2.

### **L. Section 1021 Solid Waste and Recyclable Material Collection**

#### ***Section 1021 – General Standards***

- A. Pads: Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum four inches thick, at ground level or other location compatible with the local collection service franchisee's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding*
- B. Recycling and Solid Waste Service Areas*
- C. Special Wastes or Recyclable Materials*

#### ***Section 1021.04 Enclosure and Gate Standards***

- A. Gate Access: Gates shall be designed to permit sufficient service access for the local collection service franchisee's equipment and personnel.*
- B. Gate Swing: The gate swing shall be free of obstructions and have restrainers in the open and closed positions.*
- C. Bumper Curb: Enclosures constructed of wood or chain link fencing material shall contain a two- to four-inch high bumper curb at ground level located 12 inches inside the perimeter walls of the enclosure or fencing to prevent damage from container impacts.*

- D. Bumper Rail: Enclosures constructed of concrete, brick, and masonry block or similar materials shall contain a bumper curb described in Subsection 1021.04(C) or a bumper rail to prevent damage from container impacts. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with the receptacle. E.*
- E. Obstructions and Accumulations: All areas around the receptacles shall be kept free of obstructions and accumulations of waste matter, grease, oil, water, and standing water.*

### **Section 1021.05 Receptacle Standards**

*A. Containers: Enclosures shall be designed consistent with the following standards:*

- 1. Length and width of the service container.*
- 2. A minimum of two feet, including pad area, shall be provided around the sides and rear of each container.*
- 3. A minimum three feet, including pad area, shall be provided in front of each container for maneuverability in depositing solid waste or recyclable materials. In cases where the containers face each other, a minimum four feet shall be provided.*
- 4. Containers two cubic yards or less in size shall be provided with a minimum nine feet of unobstructed overhead or vertical clearance for servicing. 5. Containers greater than two cubic yards in size shall be provided with a minimum 20 feet of unobstructed overhead or vertical clearance for servicing.*

### **Section 1021.06 Vehicle Access**

### **Section 1021.07 Signs**

**Finding:** The recycling areas and garbage containers are located within the same facilities around the site. There is a total of five trash enclosures that provide access to the tenants in each of the buildings. All of the proposed refuse areas are located within enclosures that provide security to the equipment. The trash enclosures will be constructed of concrete masonry unit blocks with corrugated metal roofs and wood or composite wood doors, as shown on the Trash Enclosures Elevations (Sheet AT3.01). The gates used by the tenants and the waste collection service provider to access the trash enclosures measure to approximately 8.9 feet wide. The gates used by the tenants to access the trash enclosures measure to approximately 8 1/2 feet wide and are located separately from any other development on the site and have all been designed to allow the gates to open and close without any obstructions.

Additionally, the trash enclosure will be designed with a hard-surfaced pavement area and adequate maneuverability. The percent grade for access to the pad or enclosure will not exceed 3%. The applicant has recognized the condition to install 'no parking' signs in a prominent location around the trash enclosure, pursuant to the applicable standards of Section 1021. However, it is unclear if the applicant is proposing to install them.

Upon staff review of the proposed trash enclosures it is clear that no facilities are proposed at the Club House or in its associated parking area. To provide adequate trash collection for the proposed intensity of use at the Club House with, the community pool and recreations areas as

well as mail location for all 286 units, is strongly recommended to add a trash facility adjacent to the Club House.

**A condition is warranted requiring the installation of No Parking signs prior final occupancy. The proposed project, as conditioned, is consistent with all applicable standards of Section 1021.**

#### **M. Section 1102 – Design Review**

##### ***1102 – DESIGN REVIEW 1102.01 Purpose and Applicability***

*Section 1102.01 (A-G) is adopted to provide standards, criteria, and procedures under which design review may be approved. Design review is required for the proposed development.*

**FINDING:** Staff finds the proposed development includes lots within a Corridor Commercial (CC) district and a High Density Residential (HDR) district. Therefore, design review is required for this development.

***1102.02 (A-L), 1102.05 Submittal Requirements:*** *In addition to the submittal requirements identified in Subsection 1307.07(C), an application for design review shall include submittal requirements as outlined in items 1102.02 A-L, including but not limited to: a narrative, statements of feasibility, a transportation impact study, density calculation as outlined in 1012, a scaled (1" = 50') development plan set identifying the property in relation to surrounding conditions, 2 foot contours, slope designation, drainage, natural features, wooded areas, overlay zoning, noise sources, sun and wind exposure, structures and impervious surfaces existing and proposed development, a transportation plan, drainage plan, a landscape plan, a signage plan, mail box locations, a lighting plan, service area locations, etc.:*

**FINDING:** Staff finds that the pre-application conference requirements of Section 1102.05 have been met by the applicant. The applicant has provided plan set and appendices submitted December 28, 2018, updated March 12, 2019 and deemed complete April 5, 2019. The provided documents include all of the submittal requirement to satisfy the submittal requirements detailed in Subsection(s) 1102.02. **This criterion is met.**

#### **N. 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:*** The applicant has not submitted a signed maintenance contract, or provided financial guarantee pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs during the guarantee period. **A Condition of approval is required to bring the proposed project into compliance. As conditioned this criterion can be met.**