



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Design Review

File No. Z0121-24

Applicant's Proposal: The applicant is requesting design review approval to convert an existing dwelling into an office building to better accommodate the existing business on the property and to conduct associated site improvements, including paving, stormwater facilities and other work to bring the site into compliance with current development standards.

Decision Date: October 23, 2024

Deadline for Filing Appeal: November 4, 2024, at 4:00 pm.

Issued By : Erik Forsell, Senior Planner, EForsell@clackamas.us

Applicant: Adam Lowery

Owner of Property: ALJC Holdings LLC

Zoning: RC, Rural Commercial

Assessor's Map & Tax Lot(s): T2S R2E Section 08 Tax Lot 600 and 700

Site Address: 14577 and 14677 Anderson Road, Damascus, OR 97089

Location Map



Community Planning Organization (CPO) for Area:

Damascus CPO, Thomas Griswold, damascusoregoncpo@gmail.com, 971-263-5183

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at 503-655-8751.

Opportunity to Review the Record and Decision: The complete decision, including findings and conditions of approval, and the submitted application are available for review online at <https://accela.clackamas.us/citizenaccess/>. Select the **Planning** tab and enter the file number to search. Select **Record Info** and then select **Attachments** from the dropdown list, where you will find the submitted application. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

Appeal Rights: **This decision will not become final or effective until the period for filing an appeal with the County has expired without the filing of an appeal.** Any person who is adversely affected or aggrieved or who is entitled to written notice of the decision pursuant to Subsection 1307.09(C) of the Clackamas County Zoning and Development Ordinance may appeal this decision to the Clackamas County Land Use Hearings Officer by filing a written appeal. An appeal must include a completed Appeal Form available at www.clackamas.us/planning/supplemental.html and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified above.

Appeals may be submitted in person during office hours (8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays). Appeals may also be submitted by email or US mail.

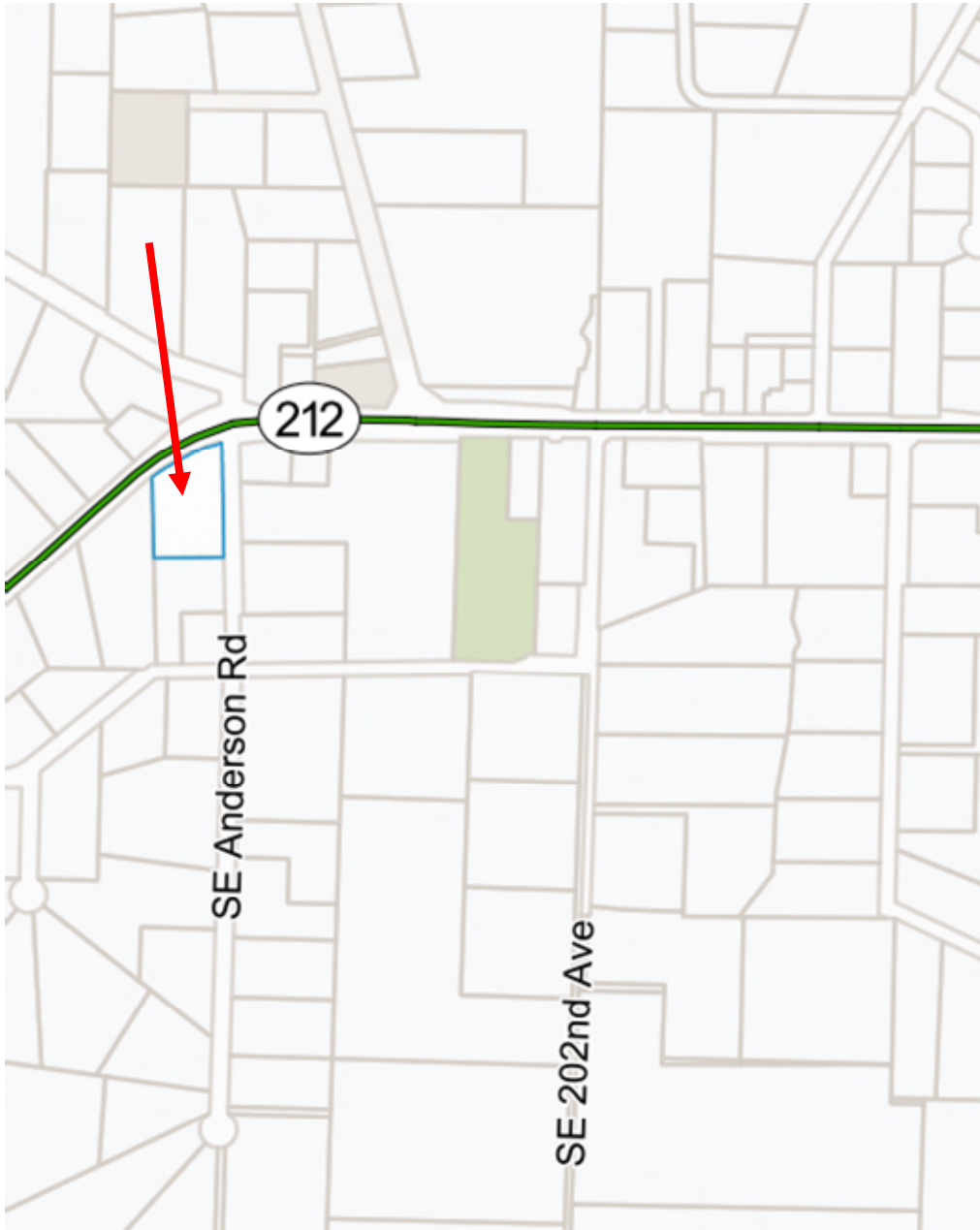
A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

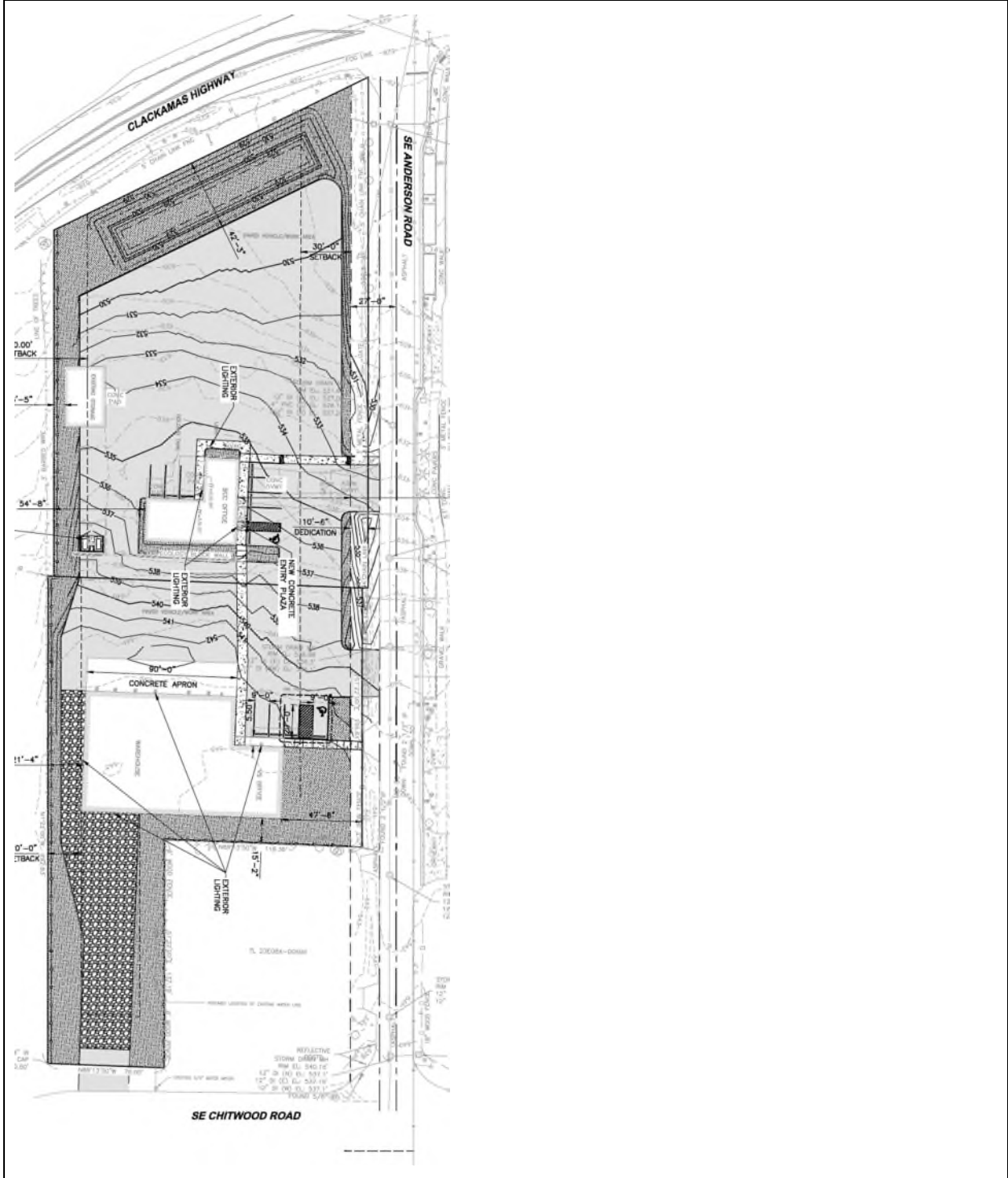
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통?

Location Map



Site Plan



CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 3/21/2024 and 6/5/2024. 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 these documents and the limitation of any approval resulting from the decision described herein.
2. Approval of design review is valid for four years from the date of the final decision. If the County's final 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. (ZDO 1120.05)
3. All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*. (ZDO 1007.01.A)
 - a. The applicant shall grant an 8-foot wide easement for sign, slope and public utilities along the entire SE Anderson Road right-of-way frontage. (ZDO 1007.01.B)
 - b. The applicant shall dedicate approximately 4 feet of additional right-of-way along the entire site frontage of SE Anderson Road site frontage and verify by a professional survey that a 24-foot wide, one-half right-of-way width exists. (ZDO 1007.01.B)
4. Drainage facilities for the site and street improvements shall be constructed in conformance with Clackamas County Roadway Standards Chapter 4. (ZDO 1006.06.B)
 - a. Provide a stormwater Management Plan. The proposal must be in conformance with the rules and regulations of Clackamas County Roadway Standards, Chapter 4. (ZDO 1006.06.I)
5. The applicant shall enter into a Developer/Engineer Agreement for primary inspection services per Section 180 of the Roadway Standards. This form will be provided to the applicant and shall be signed and returned to County Plans Reviewer.
6. The previous conditions under Z0233-20 for frontage improvements along SE Anderson Road are superseded by this land use decision and conditions. That frontage work shall be to rural local roadway standards, consistent with Standard Drawing C110. (ZDO 1007.02.F)

7. Previous conditions for screening and protecting the Historic Site shall be verified with photos and/or a staff site visit for the previous Design Review decision Z0233-20.
8. The applicant shall ensure that all waste is stored and disposed with according to County, State and Federal regulations. (ZDO 1021.03.C)

Prior to any earth disturbing activity and building permit issuance, the applicant/property owner shall complete/provide the following to the Clackamas County Engineering Office:

1. The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
 - a. An erosion control permit from DTD Engineering is required for site work related to the construction of the parking and maneuvering area. (ZDO 1006.06)
 - b. A set of 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.
2. Written approval from ODOT for access and work within the SE Highway 212 right-of-way, including an ODOT State Highway Approach Permit and Indenture of Access.
3. 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.
4. Written approval from Sunrise Water Authority 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.
5. 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 Development Engineering Office and obtain written approval, in the form of a Development Permit.

Prior to issuance of final occupancy (Certificate of Occupancy) the applicant/property owner shall complete the following:

1. The applicant shall design and construct safety improvements at the intersection of SE Anderson and HWY 212. **(Also refer to ODOT advisory notes, it is the applicant's responsibility to coordinate with ODOT and County Engineering on HWY 212 improvements)**

These improvements shall consist of the following:

- a. The applicant shall design and construct a raised pork chop at the SE Highway 212/SE Anderson Road intersection restricting access to right-in/right-out turning movements. The pork chop design shall include striping and signing to ODOT standards.
 - b. Dedicate right-of-way to ODOT as necessary to accommodate any needed improvements associated with the 'pork chop design'
 - c. The applicant shall grant a minimum 8-foot wide public easement for signs, slope and public utilities along the entire Hwy 212 site frontage.
 - d. All traffic control devices on private property, located where private driveway intersect Hwy 212 shall be installed and maintained by the applicant, and shall meet standards set forth in the Manual on Uniform Traffic Control
2. The applicant shall design and construct on-site parking and maneuvering areas as follows (ZDO 1015):
- a. Adequate on site circulation shall be provided for the parking and maneuvering of all vehicles anticipated to use the site. All parking and maneuvering areas shall be paved and constructed per Standard Drawing R100.
 - b. Parking spaces shall meet minimum dimensional requirements of ZDO Section 1015, and Roadway Standards Drawing P100 or P200, as applicable. The plans shall list the number of parking spaces required and the number of parking spaces provided.
 - c. Minimum drive aisle width when not adjacent to parking spaces shall be no less than 18 feet.
 - d. 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.
 - e. The applicant shall show the paths traced by the extremities of anticipated large vehicles (delivery trucks, fire apparatus, garbage and recycling trucks), including off-tracking, on the site plan to insure adequate turning radii are provided.
 - f. 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.
 - g. The applicant shall provide and maintain adequate sight lines for minimum intersection sight distance of 280 feet at the driveway intersection with SE Anderson Road.

3. The applicant shall design and construct improvements along the entire site frontage of SE Anderson Road to rural local roadway standards, consistent with Standard Drawing C110. These improvements shall consist of the following:
 - a. 5-foot wide gravel shoulder, per Rodway Standards Drawing C130.
 - b. Roadside drainage ditch, per Rodway Standards Drawing C130
 - c. A minimum 28-foot wide concrete driveway approach, per Standard Drawing D500.
 - d. Drainage facilities for the site and street improvements shall be constructed in conformance with Clackamas County Roadway Standards Chapter 4.
4. Substantial Completion shall be met, per Roadway Standards Section 190.2. For any other unfinished improvements required by conditions of approval, a performance surety shall be provided per Roadway Standards Section 190.3, based on an Engineer's cost estimate. 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.
5. Provide written approval from the Clackamas RFPD #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. (ZDO 1006)
6. Provide written approval from the Sunrise Water Authority for adequate water supply. Approval should be in the form of utility plans approved by the water district representative. (ZDO 1006)
7. The developer shall either submit a signed maintenance contract for a one-year period or provide a performance surety pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs for the one-year period. (ZDO 1009.10.F)
8. All landscaping on site must be installed and inspected prior to issuance of a final certificate of occupancy (ZDO 1009).
9. The trash enclosure and associated screening and fencing must be installed and inspected prior to issuance of a final certificate of occupancy (ZDO 1000.04)
10. All on-site walkways and lighting shall be installed and inspected prior to issuance of final certificate of occupancy (ZDO 1005)
11. The parking, loading and maneuvering areas must be fully completed, installed, striped and inspected for compliance prior to issuance of a final certificate of occupancy. (ZDO 1015)
12. The bicycle parking areas shall be installed, including all elements described in the narrative and plan prior to issuance of a final certificate of occupancy. (ZDO 1015.03)

13. All required improvements shall be constructed and inspected, or financially guaranteed in the form of a performance bond per Roadway Standards Section 190.
14. The applicant shall provide a Certificate of Compliance signed by the Engineer of Record stating all materials and improvements have been installed per approved plans and manufacturer's specifications.
15. Pursuant to 1006.03, the developer shall abandon any existing wells on the site in accordance with the requirements of state law and the water district. (ZDO 1006.03)

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 513, applicable portions of the 1000s (*Development Standards*), 1102 and 1307.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 500 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. Comments from the following were received:

- Oregon Department of Transportation
- Clackamas County DTD Engineering
- Two members of the public

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. **Background/Overview of Applicant's Proposal:** The applicant is pursuing site redesign to better accommodate two existing businesses, a landscape business, *Valleyscape Solutions and Bridge City Concrete* located at 14667 and 14577 SE Anderson Road. In September of 2020, the County approved a change of use and design review for the southern adjacent property (23E08A 00600) and County File (Z0233-20-D) to construct a new office building and warehouse structure. It is important to note that the two units of land held in common ownership (23E08A 00600 and 00700) operate as one site with shared elements but that this application's focus is primarily on the northern lot (TL 700). The applicant's specific request is for design review approval to convert an existing residential structure into a

commercial office building with associated improvements such as parking, stormwater facilities, and other elements customarily associated with a commercial office building.

ZDO Section 513, RC – Rural Commercial Zone

FINDING: Table 513-1 describes a variety of uses which allow the businesses to operate on the site as *primary uses*. The proposed use is primarily an office for the purpose of supporting a commercial construction and maintenance business with allowed accessory uses.

Table 513-1: Permitted Uses in the RTC and RC Districts




Use	RTC	RC
Accessory Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	
Services, Commercial—Construction and Maintenance , including contractors engaged in construction and maintenance of buildings, electrical systems, and plumbing systems	P	
Offices , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	P	

Table 513-2: Dimensional Standards in the RTC and RC Districts, Except in Government Camp

Standard	RTC	RC
Minimum Lot Size	None	None ¹
Minimum Front Setback	25 feet ²	30 feet ²
Minimum Rear Setback	10 feet ^{3,4,5}	10 feet ^{4,6}
Minimum Side Setback	10 feet ^{3,4,5}	10 feet ^{4,6}
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet ⁷	
Maximum Building Floor Space per Commercial Use outside an Unincorporated Community	Not Applicable	3,000 square feet ⁸
Maximum Building Floor Space per Industrial Use in an Unincorporated Community	40,000 square feet ⁹	

FINDING: Table 513-2 lays out the base zone development standards. The proposed conversion of the existing dwelling to an office building structure will occupy 1,430 square feet of floor area. The applicant states that the converted office structure will be used for the Bridge City Concrete business which is a separate use from the previously approved Valleyscape business which was approved under County File Z0233-20 – that use and development was approved on a separate legal lot, adjacent south (TL 23E08A 00600).

The converted office structure, is existing and no expansion of footprint is proposed – regardless it meets the setbacks of the zone.

An existing storage building (6.5-feet from side property line) non-conforming to the setback is present on the site. That structure was permitted under County Building Permit No. B0214303.

These base zone dimensional criteria are met.

ZDO Section 1002, Protection of Natural Features

FINDING: Section 1002 sets forth standards for natural features which are site specific – among these are steep slopes, tree protection in the Urban Growth Boundary, river and stream corridors, and significant goal 5 associated natural resources. The subject site has none of these features that have been identified and there are no trees within the site. Section 1002.03 is more of a general guidance section for the applicant to be aware of. However, the applicant is not proposing significant tree removal.

These criteria are met.

ZDO Section 1003, Hazards to Safety

FINDING: Similar to Section 1002 above Section 1003 sets forth standards for hazards such as landslide potential, flooding, unstable soils (liquefaction subsidence), and fire hazard areas all of

which are site specific. The subject property is not identified to have any of these features; additionally, the applicant has contracted with a civil engineer to provide guidance on site work and stormwater treatment. Should the applicant discover hazardous features subject to Section 1003, it is their responsibility to adequately conduct development to meet those standards.

These criteria are met.

ZDO Section 1004, Historic Protection

FINDING: *The project site is relatively close to a historic feature. The property at 14711 SE Anderson Rd. (Tax lot: 23E08A 0500) is a County designated Historic Landmark and is also included in the National register of Historic Places (Damascus School, #80003304). The potential impacts and discussion of protecting that historic feature were included in the prior land use approval Z0223-20 (mentioned previously in this report). As part of the Hearing's Officer Decision approving that land use case, the applicant was required to provide a revised site plan and install landscaping, fencing and buffering as conditions of approval.*

If during construction and site preparation, items that appear to be of archaeological or historical significance are discovered, the applicant shall contact the State Historic Preservation Office (SHPO) to report the discovery and request guidance.

As a condition of approval, staff will need to verify that the protective measures required by the previous land use decision are in place as stated by the applicant. This can be accomplished by the applicant providing photo evidence to staff or by a site visit to the site.

These criteria can be met as conditioned.

ZDO Section 1005, Site and Building Design

FINDING: *It is important to note that the proposal is to convert an existing residential structure into an office structure – no expansion of footprint is proposed. The structure generally fits the character of the area, is suitable for the proposed use, and is not highly visible from the street. Requiring redevelopment of the site to strictly meet the site and building design standards in the ZDO is not practical according to the applicant and the applicant states that requiring them to do so it would result in expensive redevelopment of the site that is not needed to accommodate the existing use and business.*

Staff believe that while this statement is likely true to some degree, it is also important to note that the code and comprehensive plan are clearly written in such a manner, that commercially zoned properties with substandard development should be required to meet the current code or otherwise seek relief via a variance or in the case of this application the built in modification standards of ZDO 1005.6. If all properties were to remain the same simply to avoid the code standards, there are either issues with the codes implementing measures and/or that the use (business) bears some burden of responsibility for meeting the code, which in this case means improvements to the site consistent with the ZDO 1005 standards.

In this case, the proposed and required improvements to the parking areas, stormwater functionality, and screening to adjacent, non-compatible uses, and improved safety measures at

the intersection with the highway do provide some of the important code required upgrades that would otherwise not happen unless taken by the applicants own volition.

Furthermore, the ZDO requires that new development and redevelopment in the RC, Rural Commercial zone is processed through a design review application. Discussion regarding consistency with the applicable development standards is a requirement for design review – that information is found below in this decision.

Rather than a line-by-line finding for each substandard, the decision describes the general consistency with the overarching subsections of ZDO 1005.

ZDO Section 1005.02, Site and Building Design – General Site Design Standards

The following site design standards apply:

A. 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.

B. 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 proposal is to convert an existing structure to a new use and purpose. To cluster the development or reorient the structures on the site, it would require the applicant/owner to demolish and redevelop the site. The criteria above contain a statement, ‘where feasible’, the applicant suggests this is not a feasible criteria to meet without significant cost to the owner. Staff agree with this assertion and deem it appropriate to not require strict adherence to these criteria.*

Strict adherence to these criteria is not feasible or practical.

C. Minimum setbacks may be reduced by up to 50 percent as needed to allow improved solar access when solar panels or other active or passive solar use is incorporated into the building plan.

FINDING: *Not applicable; the applicant is not requesting a reduction to the setbacks standards.*

D. 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.

FINDING: *The applicant's revised site plan submitted in response to an incomplete letter demonstrates that the proposed walkways connect building entrances to sidewalks, to the previously approved warehouse structure on the adjoining lot and to the frontage of SE Anderson Street. The walkway is made of differentiated material from the proposed asphalt parking areas and exterior wall mounted lighting will provide sufficient illumination to the walkway areas.*

As a condition of approval, the applicant shall demonstrate that the walkways are installed as proposed prior to final certificate or occupancy for the conversion of the dwelling to the new office structure.

These criteria can be met as conditioned.

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.

FINDING: *The applicant's plans and statement indicate that the walkways traversing the parking area will be constructed with concrete to clearly differentiate the walkway areas from the asphalt paving.*

The subject property is within the Portland Metro UGB; however, the distance between the building public entrance and the street is less than 75-feet according to the revised site plan submittal.

There is insufficient detail in the submittal to determine if the walkways bordering the proposed striped and marked parking spaces contain the elements described at 1005.2.D.5.e above. Therefore as a condition of approval, the applicant shall demonstrate prior to final certificate of occupancy for the conversion of the dwelling that the walkways in these areas are at least 7-foot wide or contain the other protective elements described.

These criteria can be met as conditioned.

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 1005.02(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 interconnected walkway system provides access to the frontage to the east (SE Anderson Road) which connects sidewalks to the adjacent properties. The internal walkways provide linkages to the adjacent property (TL 00600) held in common ownership providing interconnection within the site as a whole.*

The provision of sidewalks to HWY 212 is impractical; there are no existing sidewalks within the frontage and the proposal is to place a large buffered vegetated stormwater facility in this location. There are no plans for the installation of new sidewalks along the frontage of HWY 212

which further adds to the impracticality of installing walkways/sidewalks to the frontage of the highway.

These criteria are met.

E. 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 setback line.

FINDING: The applicant has requested a modification to this standard which is discussed later in this decision.

These criteria can be met as modified by request of the applicant.

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.

G. 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.

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: *Not applicable the subject site is not located on a major transit stop and the proposed parking areas on the site are not larger than 3 acres.*

I. In the PMU District, there shall be no vehicular parking or circulation within the front setback area.

J. In the OC District, the design and siting of structures shall control public access points into office buildings, utilizing a central lobby design, entrance

courtyard, internal pedestrian walkway or mall, or similar designs that protect business/professional uses from the disturbances of direct public access.

FINDING: *Not applicable; the subject site is not within one of the zoning districts mentioned above.*

K. Where a minimum floor area ratio (FAR) is required by the standards of the applicable zoning district, it shall be calculated as follows:

FINDING: *Not applicable the subject site is not subject to Floor to Area ratio standards.*

L. The following standards apply in the HDR, RCHDR, and SHD Districts:

FINDING: *Not applicable; the subject site is not within one of the zoning districts mentioned above.*

ZDO Section 1005.03, Site and Building Design – Building Design

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

B. 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.

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

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

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

F. 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.

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

FINDING: *The proposal is to convert the dwelling into an office structure. The future office structure has preexisting and inherent architectural elements that generally meet the standards above. The structure has articulation, change in color from roof (blue metal) to wall (tan and white large lap siding) and there is a proposed concrete 'plaza entryway' that faces SE*

Anderson. The applicant has supplied images of the structure below that also provide visual evidence in the record to demonstrate the structure meets the criteria above.



Figure 6. Front, or east-facing, façade of existing structure



Figure 7. North-facing façade of existing structure

Additionally, the applicant makes an argument that since there is a request to modify ZDO 1005.02(E) which requires that the structures are located so that 50% of the structure area is constructed/placed at the minimum front setback line, the architectural features described above become impractical and unreasonable. The need and utility for retrofitting the structure to provide a variety of treatments to the façade to meet what are essentially architectural components that are intended to provide generally understood and accepted 'structure on the street' attributes becomes less pragmatic. Staff generally agree with this argument – the

requirement to redesign the entire structure to emphasize architectural components that are largely not visible to the public does not appear to meet the intent of the code.

These criteria are met with the understanding that the modification to ZDO 1005.02.E is modified.

B. Requirements for 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 1005.02(E) shall have public entries that face streets and are open to the public during all business hours.**

FINDING: *The applicant is proposing to construct a new concrete entry plaza on the eastern portion of the future converted office structure according to the revised site plan. The area will be well lit and have a clearly defined public entry location to the site with parking providing direct access to the public entry area. The existing roof eaves extend two-feet over the entrance area providing a covered entryway.*

As mentioned above, the applicant has request to modify the requirements of ZDO 1005.02.E so by that reasoning they contend that strict adherence to the sub categories and standards found under that heading should also be modified (1005.03.B.2.)

These criteria are met.

C. The street-facing facade of commercial, mixed-use and institutional buildings sited to comply with 1005.02(E) shall meet the following requirements:

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

FINDING: *As mentioned above, the applicant has request to modify the requirements of ZDO 1005.02.E so by that reasoning they contend that strict adherence to the sub categories and standards found under that heading should also be modified (1005.03.B.2.)*

Since the modification request removes the need to site the building within the minimum front setback area, the need for large glazing floor to ceiling windows is not necessitated by this

development proposal. ZDO 1005.03.C.3 above is not applicable because the proposal is not for a large format retail building.

These criteria are not applicable.

D. Requirements for roof design:

1. For buildings with pitched roofs:

- a. Eaves shall overhang at least 24 inches.
- b. Roof vents shall be placed on the roof plane opposite the primary street.

2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.

FINDING: *The applicant's submittal which includes pictures of the existing structure which demonstrate that the roof is compliant with these standards.*

These criteria are met.

E. Requirements for exterior building materials:

- 1. Use architectural style, concepts, colors, materials, and other features that are compatible with the neighborhood's intended visual identity.**
- 2. Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.**
- 3. Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, metal, or a combination of these materials.**
- 4. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion**

FINDING: *The applicant's submittal and drawing sets demonstrate consistency with the architectural standards mentioned above. The exterior of the structure is made of wood lap siding and the roof material is a coated metal which is resistant to the elements, damage and wear and tear.*

These criteria are met.

F. Additional building design requirements for multifamily dwellings and middle housing, except middle housing developed pursuant to Section 845, Triplexes, Quadplexes, Townhouses, and Cottage Clusters:

FINDING: *Not applicable; the proposed development is not middle housing.*

G. Requirements to increase safety and surveillance:

1. Locate buildings and windows to maximize potential for surveillance of entryways, walkways, and parking, recreation, and laundry areas.
2. Provide adequate lighting for entryways, walkways, and parking, recreation, and laundry areas.
3. Locate parking and automobile circulation areas to permit easy police patrol.
4. Design landscaping to allow for surveillance opportunities.
5. Locate mail boxes where they are easily visible and accessible.
6. Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of 30 inches in height.
7. Locate play areas for clear parental monitoring.

FINDING: *The site development proposal includes adequate lighting and additional wall mounted lighting, the nature of the development necessitates buffering and screening from incompatible uses rather than being highly visible. The need for buffering neighboring properties outweighs the criteria that provide for a highly visible site.*

These criteria are met.

H. Solar access requirements:

1. 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.
2. Provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.
3. 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 proposed converted structure will have a minimum of 24-inch eaves which provide shade from excessive heat gain during the summer months. Since the structure is*

existing any significant orientation changes are impractical to meet the strict criteria described at (1) and (3) above.

These criteria are met.

I. Requirements for compatibility with the intent of the design type or with the surrounding area. For purposes of Subsection 1005.03(I), design types are Centers, Station Communities or Corridor Streets as identified on Comprehensive Plan Map IV-8, Urban Growth Concept; X-CRC-1, Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community; X-SC-1, Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location; or X-MC-1, McLoughlin Corridor Design Plan, Design Plan Area. The intent of these design types is stated in Chapter 4 or 10 of the Comprehensive Plan.

FINDING: *Not applicable; the site is not within any of these identified areas.*

J. Requirements for screening 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 blocks at least 80 percent of the view;

3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a facade 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 Subsection 1005.03(J)(1) or (2).

FINDING: *No wall mounted equipment is proposed. Rooftop equipment will be located 20 feet behind exterior parapet walls. Ground mounted equipment is proposed to be located more than 100-feet away from the intersection of two streets. As a condition of approval the applicant shall install screening that meets the standards that meet subsection (2) above. The installation of the equipment shall be verified prior to final certificate of occupancy for the alteration of the residential structure.*

These criteria can be met as conditioned.

K. Requirements for specialized structures in industrial zoning districts:

FINDING: *Not applicable; the site is not zoned for industrial uses.*

L. Facades in the OA District: In the OA District, facades are subject to the following standards:

FINDING: *Not applicable; the site within an OA zoning district.*

ZDO Section 1005.04, Site and Building Design – 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. The 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.**

FINDING: *The applicant's revised site plan shows new and existing wall mounted lighting that appears to be architecturally integrated with the structures and site design. No new pole mounted lighting is proposed.*

These criteria are met.

ZDO Section 1005.05, Site and Building Design – Additional Requirements

FINDING: *The preapplication conference (ZPAC0057-23) stated that because of the small amount of site area and the conversion of an existing structure that only one (1) of the additional requirements stated in ZDO Section 1005.04 would apply. The site is approximately 1.16 acres or 50,500 square feet and therefore two (2) additional requirements would apply. The applicant states and staff notes that the proposal will meet:*

- *ZDO 1005.05.G – Providing approximately 25% of the site in landscaping, exceeding the minimum of 15%*
- *ZDO 1005.05. J – Coordinated on-site storm water treatment with the regulating authority*

These criteria are met.

ZDO Section 1005.06, Site and Building Design – Modifications

FINDING: *As mentioned previously in this decision, the applicant has requested modifications to ZDO 1005.02.E. The modification is to the site design standards that requires 50 percent of the street frontage of the site is occupied by buildings at the minimum setback line. That modification has somewhat of a ‘crescendo effect’ in which it negates other requirements of ZDO 1005 section.*

The minimum front setback of the RC zoning district is 30-feet and according to the applicant’s submitted plans and narratives, the existing structure to be converted is setback approximately 67-feet from the property line. The applicant states that strict adherence with the standard would require demolishing an existing structure, moving it or enlarging the structure to meet the standard.

*The standards for modifications are that the development proposal will meet the purpose standards of ZDO 1005.01 **as well or better than** the listed requirement proposed for modification.*

The purpose statements are:

ZDO Section 1005.01, Purpose

Section 1005 is adopted to ensure sites are developed and buildings designed to:

- A. Efficiently utilize the land used in development, particularly urban land in centers, corridors, station communities and employment areas;**
- B. Create lively, safe, attractive and walkable centers, corridors, station communities, employment areas and neighborhoods;**
- C. Support the use of non-auto modes of transportation, especially pedestrian trips to and between developments;**
- D. Support community interaction by creating lively, safe and attractive public use spaces within developments and on the street;**
- E. Reduce impacts of development on natural features and vegetation;**
- F. Utilize opportunities arising from a site’s configuration or natural features;**
- G. Encourage use of green building technologies and green site development practices, energy conservation and use of renewable energy resources;**
- H. Design illumination so that dark skies are maintained to the extent possible, balanced with the lighting needs of safe and functional developments; and**

I. Accommodate the needs of the users to be located in developments

FINDING: *The applicant asserts that only A, B, G and I above are applicable to the modification of ZDO 1005.02.E. Staff find that assertion is debatable in terms of applicability. Staff contends that D above also applies as the standard is related to locating the built environment close to the street which facilitates the 'creat(ion) of lively, safe and attractive public use spaces within developments and on the street.*

ZDO 1005.01.A – *Regardless, the applicant asserts that (A) is met because maintaining the location of the existing building more efficiently uses land within the development by not allocating vacant area to development. The applicant states that it is more efficient to retain an existing structure and retrofit it than to construct a new one to meet the standard.*

Staff agrees with this statement – this criterion is met.

ZDO 1005.01.B – *The applicant states that retaining the existing structure on the site and repurposing it promotes the attractiveness and safety of the neighborhood as well as requiring its removal, reconstruction or expansion. The applicant states that this would degrade the safety, surveillance and interactivity along SE Anderson. The applicant states that this is the case because deeper views would not be possible on the site with structures constructed at the minimum setback line.*

Staff agree with this statement. *Constructing new development along the frontage is likely **more** conducive to creating a lively and attractive area with more engagement with the public realm than reconstructing/repurposing an existing structure that is recessed on the site, largely hidden from view and does not provide interactivity or liveliness on the site. The placement of the structures at the minimum setback line enhances human scale and contributes to more interactive and lively corridors – SE Anderson Street and/or HWY 212 (Clackamas Highway).*

However, the retention of the existing structure and providing upgrades to it and the site improve the aesthetics and functionality between the public and private real as well. The site is an actively used landscaping and cement business not a 'main street boutique shop' and there are significant differences between the intent of the code and the reality of the sites uses which is a reasonable argument in this application.

ZDO 1005.01.G – *The applicant states that allowing the repurposing of an existing structure rather than demolishing and rebuilding a new structure to meet the standards is a far superior green building practice and saves on resources, energy and construction impacts.*

Staff agrees with this statement.

ZDO 1005.01.I – *The applicant states that allowing the user to develop the site as proposed is more functional to the user.*

Staff agrees with this statement. *The user of the site has ownership in the adjoining lot, adjacent south and has gone through a previously approved design review process. The applicant knows how to operate their business and although there are some impact issues which should be mitigated to some extent by the required improvements on the site.*

The user is a landscape/contracting company so the usage of the site is not something similar to a bank, office, or shop where some of the more standards requirements of the code make as much as sense as this modification allowance.

ZDO Section 1006, Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control

ZDO Section 1006.01 – General Standards

A. The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of the surface water management regulatory authority.

B. All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground.

C. Coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities is required.

D. Easements shall be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency.

FINDING: *The applicant has stated that the proposed development will be constructed and developed in coordination with the utility providers. No easements have been identified as necessary for utility provision. The applicant has provided signed statements of feasibility for storm, water, and septic provision.*

These criteria are met.

ZDO Section 1006.02 – Street Lights

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.

B. Areas outside Clackamas County Service District No. 5 shall annex to the district through petition to the district.

FINDING: *The subject property is within the UGB and shall install lighting as a condition of approval to satisfy these standards.*

These criteria can be met as conditioned.

ZDO Section 1006.03 – Water Supply

FINDING: *The applicant has provided a signed statement of feasibility from the Sunrise Water Authority, indicating the site has adequate water supply and that there is an existing metered service on the site.*

The applicant has stated that there may be an existing well on the site.

As a condition of approval, the applicant shall abandon any existing wells on the site in accordance with the requirements of state law and the water district.

These criteria can be met as conditioned.

ZDO Section 1006.04 and 1006.05 – Sanitary Sewer Service and Onsite Wastewater Treatment

FINDING: *The applicant has provided a statement of feasibility from the County Soils Department. The site is not within a sewer district and does not have the opportunity to annex into a district at this time.*

ZDO Section 1006.06– Surface Water Management and Erosion Control

FINDING: *The applicant has provided a signed statement of feasibility from County Engineering staff for storm water treatment and detention of all impervious surface areas on the site. The proposal is for a new vegetated stormwater facility on the north end of the site as shown on the applicant's plans. The applicant has provided calculations demonstrating that the infiltration pond can fully accommodate a 10-year rain event and a 24-hour storm event.*

There are no identified waterways, streams, channels or other natural features that have been identified on available mapping on the site and the applicant does not plan on significantly altering the natural contour of the site – which could have a deleterious effect on the natural drainage route to the southern portion of the property.

Comments from neighbors indicated issues with stormwater ponding and water trespass onto adjoining property. The new stormwater system proposed with this land use application should help to alleviate and reduce storm runoff onto adjacent private properties as the new proposed system will be a significant upgrade to the site's stormwater functionality.

These criteria are met.

ZDO Section 1007, Roads and Connectivity

FINDING: *Planning staff notes that significant requirements are set forth by ODOT and DTD engineer staff for the reconstruction of the intersection of SE Anderson and HWY 212 and that Planning staff largely defer to those comments, requirements and advisory notes. Coordination between the applicant, ODOT and Clackamas County engineering is of paramount importance for timely reconstruction of the right-of-way.*

These criteria are met.

ZDO Section 1007.01 General Provisions

A. The location, alignment, design, grade, width, and capacity of all roads shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.

B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, detached single-family dwellings, and commercial, industrial, and institutional uses, consistent with

Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

FINDING: *The subject property has frontage along HWY 212, an ODOT owned and maintained facility and SE Anderson Road, a Clackamas County owned and maintained road. The frontage improvements have been coordinated with ODOT and County transportation planning staff. A dedication may be required to accommodate safety improvements along HWY 212 which has been made an advisory condition. A right of way-dedication of approximately 4-feet is required along the entire site of SE Anderson Road, a survey shall be prepared that demonstrates that the entire 24-foot wide of half right-of-way width is provided to the County as a condition of approval.*

These criteria can be met as conditioned.

C. New developments shall have access points connecting with existing roads.

FINDING: *No new access points are proposed onto HWY 212 or SE Anderson Road, all accesses are existing.*

These criteria are met.

D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.

E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.

F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate

G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.

FINDING: *The proposed reconstruction of the frontage elements of both SE Anderson Road and HWY 212 is consistent with the roadway design standards and applicable sections of the Zoning and Development Ordinance. Those improvements shall be done under appropriate permitting and prior to the issuance of building permits.*

FINDING: *ODOT is requesting and Clackamas County Development Engineering has supported restricted access onto HWY 212 because of safety considerations. There are serious safety concerns and known issues with traffic movements in this area. The traffic analysis shows that the crash data is at a relatively high rate along with a relatively high moderate/serious injury occurrence. ODOT and County staff coordinated on addressing the*

safety concerns. In addition, a comment from a neighbor indicated concern with the access from SE Anderson Road onto HWY 212 noting that they had witnessed several serious accidents at the intersection.

The traffic analysis indicated that crashes at OR 212 and SE Sunnyside/SE Anderson Road were identified as having a crash rate of 0.627 compared to the 0.408 rate (90th percentile threshold) which places this particular area is the '90th percentile or higher crash rate for all state highways and roads of similar classification'. Those roads and highways according to ODOT's analysis and procedures manual, should be 'flagged for additional analysis'. As a result, ODOT staff suggested reviewing the intersection for potential treatments that could improve safety to this intersection area and to provide some measure of increased safety considerations. ODOT staff reviewed the proposal, the intersection, traffic data and traffic study and had their technical team provide potential options for this intersection.

ODOT's technical team and engineers proposed a new treatment at this intersection to reduce less safe turning movements. The new proposal for safety is a **modified pork chop treatment with restrictions to right in and out only from SE Anderson to HWY 212.**

Staff provided the applicant with this safety treatment proposal and allowed for response. The applicant appeared to provide some level of agreement with the treatment and acknowledged that the intersection is problematic.

As a result from significant deliberation and coordination between the County and ODOT, the restriction of turning movements at this intersection is deemed appropriate, has a nexus to the development proposal and is a proportional requirement of the applicant. As a condition of approval, based on safety considerations, the applicant shall construct all related improvements to restrict turning movements at the intersection of SE Anderson and HWY 212.

These criteria can bet met as conditioned.

1007.02 Public and Private Roadways

A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.

FINDING: As mentioned above, access is onto SE Anderson Road; additionally, the site has frontage along HWY 212. The applicant has coordinated with ODOT and Clackamas County staff on the construction of the frontage along HWY 212 and SE Anderson Road. Special considerations for turn moving safety were considered for the intersection of HWY 212 and SE Anderson Road, aforementioned above. The roadways (SE Anderson and HWY 212) are being developed to the appropriate classifications and Roadway Standards.

As part of this application and subsequent decision, the applicant is requesting to address prior conditions under the previous land use approval Z0233-20-D which in part conditioned that the south lot in adjoining ownership which is part of this application, construct urban level frontage improvements along SE Anderson Road (Tax Lot 23E08A 00600).

The standards are now changed and SE Anderson Road is considered a rural road and to redress those prior conditions the applicant requested and staff agreed that an appropriate mechanism would be to include those changes as part of this land use approval process.

As a condition of approval, the applicant shall construct the entirety of SE Anderson frontage to the rural standards including the portion under the previous land use approval Z0233-20-D. All

necessary permits, right-of-way dedication, plans and inspections shall be conducted as required by Clackamas County Development Engineering.

These criteria can be met as conditioned.

B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.

FINDING: Not applicable there is no new road proposed; all work will be reconstruction of existing frontages.

These criteria are met.

C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads.

FINDING: Not applicable there is no new road proposed; all work will be reconstruction of existing frontages.

These criteria are met.

D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:

- 1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and**
- 2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.**

FINDING: As part of permitting with ODOT and Clackamas County Development Engineering, the applicant will be required to demonstrate that adequate sight distance is provided from the SE Anderson approach onto HWY 212.

These criteria are met as conditioned.

E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way, consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

FINDING: As a condition of approval, the applicant is required to dedicate sufficient frontage over to Clackamas County for SE Anderson Road and as necessary to the State of Oregon for the purposes of reconstructing the frontage along HWY 212.

These criteria are met as conditioned.

F. Road frontage improvements within the UGB and in Government Camp, Rhododendron, and Wemme/Welches shall include:

FINDING: *Not applicable; the subject property is not located within these areas.*

1007.03 Private Roads and Access Drives

A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:

- 1. When easements or “flag-pole” strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district’s Fire Marshal;***
- 2. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;***
- 3. Access easements or “flag-pole” strips may be used for utility purposes in addition to vehicular access;***
- 4. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and***
- 5. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.02(D).***

FINDING: *There are no new private roads, flag poles or other private roads and drives proposed. An existing 24-foot wide driveway is proposed to be modified to a commercial 28-foot wide approach onto SE Anderson Road. As a condition of approval, the improved approach must be constructed to Roadway Standards and all necessary permits must be acquired.*

These criteria can be met as conditioned.

1007.04 Pedestrian and Bicycle Facilities

A. General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

FINDING: *The rural cross section of SE Anderson Road does not require sidewalks. There are existing sidewalks on the other side of the street that were constructed during the time when*

Damascus was an incorporated city. The applicant is required to construct all frontage areas to the current standards through required permits.

These criteria are met.

B. Pedestrian and Bicycle Facility Design:

FINDING: The frontage along HWY 212 will include a new bike lane along the travel surface as part of the required improvements. No bike lanes or pedestrian amenities are required on SE Anderson Road. The new bicycle lane shall be constructed with ODOT permits and approval process.

These criteria are met.

C. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB), except if the subject property is in the AG/F, EFU, FF-10, RA-1, RA-2, RC, RI, RRF-5, or TBR District, sidewalks, pedestrian pathways, and accessways shall be constructed as required in Subsection 1007.04 for subdivisions, partitions, multifamily dwellings, triplexes, quadplexes, cottage clusters, townhouses where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet.

D. Requirement for Sidewalk Construction: Within the UGB, except if the subject property is in the AG/F, EFU, FF-10, RA-1, RA-2, RC, RI, RRF-5, or TBR District, sidewalks shall be constructed, as required in Subsection 1007.04(F), for duplexes, detached single-family dwellings, townhouses where two dwelling units are attached to one another, and manufactured dwellings outside a manufactured dwelling park.

FINDING: Not applicable; the subject property is zoned RC.

E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, quadplex, triplex, townhouse where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed.

FINDING: Damascus is not a mapped 'unincorporated community'; these criteria are not applicable.

These criteria are not applicable.

F. Sidewalk Location: Sidewalks required by Subsection 1007.04(C) or (D) shall be constructed on

FINDING: Not applicable; the subject property zoned RC and is not subject to these standards.

G. Pedestrian Pathways: *Within the UGB, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local, connector, or collector road when it is recommended by the Department of Transportation and Development; the surface water management regulatory authority approves the design; and at least one of the following criteria is met:*

FINDING: *Not applicable; DTD did not recommend a pedestrian pathway.*

H. Sidewalk and Pedestrian Pathway Width: *Sidewalks and pedestrian pathways shall be constructed to the minimum widths shown in Table 1007-1, Minimum Sidewalk and Pedestrian Pathway Width, and be consistent with applicable requirements of Chapters 5 and 10 of the Comprehensive Plan.*

FINDING: *Not applicable no pedestrian pathways or new sidewalks are required with this development proposal.*

These criteria are met.

I. Accessways: *Accessways shall comply with the following standards:*

J. Accessways in Sunnyside Village.

FINDING: *Not applicable; no access ways are required or warranted in this development proposal and the subject property is not within Sunnyside Village.*

K. Bikeways:

FINDING: *No bikeways or required as part of this proposal.*

These criteria are met.

L. Trails: *Trail dedications or easements shall be provided and developed as shown on Comprehensive Plan Map IX-1, Open Space Network & Recreation Needs; the Facilities Plan (Figure 4.3) in NCPRD's Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.*

M. Trails and Pedestrian Connections in Sunnyside Village: *The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.04(M) shall take precedence.*

FINDING: *Not applicable; no trails or pedestrian connections are required or warranted in this development proposal and the subject property is not within Sunnyside Village.*

1007.05 Transit Amenities

FINDING: *Not applicable; the subject property is not identified as a transit route and does not necessitate transit related improvements.*

1007.06 Street Trees

FINDING: To the extent that street tree requirements apply, those are reviewed and evaluated as part of ODOT's dedication and frontage improvement requirements for HWY 212. No street trees are required for the frontage along SE Anderson.

These criteria are met.

1007.07 Transportation Facilities Concurrency

FINDING: The subject site is zoned rural commercial and is required to request design review approval for the proposed work and establishment of the business operations. Therefore, this land use application is subject to transportation facilities for concurrency based on capacity of the adjoining network and the safety thereof.

The traffic analysis provided by the applicant's consultants demonstrates that the business operations do not cause the study intersections to exceed volume/capacity (V/C), the county's established metric for intersection failure.

While the transportation impacts to V/C were calculated to be .97, this did not surpass the identified threshold of .99. As determined by the traffic analysis, safety remains a principle concern with the intersection of SE Anderson and HWY 212. Findings were included above about ODOT's requested conditions for a restricted turn movement from this intersection to support safety and reduce potential turning conflicts at the intersection.

As a condition of approval, the applicant shall have the engineer of record provide a certificate of completion verifying that all of the requirements of ODOT and Clackamas County have been completed and inspected.

These criteria can be met as conditioned.

1007.08 Fee in Lieu of Construction

FINDING: Not applicable; no fee-in-lieu has been requested or is warranted.

1007.09 Streets and Sidewalks in Sunnyside Village and Vacations

1007.10 Vacations

FINDING: Not applicable; the site is not within Sunnyside village nor are right-of-way or easement vacations requested.

ZDO Section 1009, Landscaping

1009.01 General Provisions

FINDING: The applicant team has consulted with a landscape architect to create a landscape plan that demonstrates consistency with the general provisions of the landscaping section of the development standards. The plan includes: using native plants appropriate for the area, maintaining large trees, and placing landscaping in appropriate locations relative to sidewalks, planter strips and around the proposed structure. As a condition of approval, all landscaping must be installed prior to issuance of a final certificate of occupancy.

These criteria can be met as conditioned.

1009.02 Minimum Area Standards

FINDING: The RC base zone requires a landscaped area of 15% of the total site area (post right-of-way dedication). The applicant has stated that roughly 25% of the site will either be landscaped or remain largely undisturbed.

Landscaping implies actively managed and altered for the purposes of meeting and objective, in this application, compliance with the ZDO. Regardless, when evaluating the entire site including future improved landscaping, some turf lawn, recreational areas, and the remaining native area, that the site well exceeds the required minimum area standards required in ZDO 1009.02.

These criteria are met.

1009.03 Surface Parking and Loading Area Landscaping

Surface parking and loading areas shall be landscaped as follows:

A. Surface parking areas that include more than 15 parking spaces shall comply with the following landscaping requirements:

- 1. Twenty-five square feet of landscaping per parking space, excluding perimeter parking spaces, shall be provided, except that the standard shall be reduced to 20 square feet for each parking space developed entirely with porous pavement.***
- 2. 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.***
- 3. Interior landscaping not developed as swales pursuant to Subsection 1009.03(A)(2) shall comply with the following standards:***
- 4. 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.***

FINDING: The proposed parking area is 9 parking spaces so sub (1) through (4) above do not apply.

These criteria are not applicable.

B. Perimeter landscaping requirements for surface parking and loading areas adjacent to abutting lots or rights-of-way are as follows

1. A landscaping strip with a minimum width of five feet shall be provided adjacent to the perimeter of the surface parking or loading area, except:

a. In the OA, VA, VCS, and VO Districts, the minimum width shall be 10 feet;

b. In the BP and LI Districts, the minimum width shall be 15 feet abutting a front lot line; and

c. In the GI District, the minimum width shall be 10 feet abutting a front lot line.

2. The required landscaping strips shall comply with the following standards:

a. Sufficient low shrubs shall be planted to form a continuous screen three feet high and 95 percent opaque, year-round; or a three-foot-high masonry wall or berm may be substituted for the shrubs. When applied along front lot lines, the screen or wall is to be placed along the interior side of the landscaping strip and shall be 30 inches high instead of three feet high.

b. In addition, one tree is required for every 30 linear feet of landscaping strip, or as otherwise required to provide a tree canopy over the landscaping strip.

c. Ground cover plants must fully cover the remainder of the landscaped area.

FINDING: *The applicant's landscaping plan demonstrates compliance with the 5-foot minimum width landscaping strip and will contain a continuous 30-36 inch evergreen hedge with a tree at least every 30 linear feet along the landscape strip. As a condition of approval the applicant must install all landscaping shown in the landscaping plan and the indicated in the supporting narrative prior to issuance of a final certificate of occupancy.*

These criteria can be met as conditioned.

1009.04 Screening and Buffering

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

B. Screening shall be accomplished by the use of sight-obscuring evergreen plantings, vegetated earth berms, masonry walls, sight-obscuring fences, proper siting of disruptive elements, building placement, or other design techniques.

C. 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 in height shall be required around the material or equipment

FINDING: The applicant states that a 6-foot fence along the entirety of the western property line which combined with evergreen plantings will obscure views from adjoining residentially zoned properties. The sight obscuring plantings and sight obscuring fencing must be installed and inspected prior to final certificate of occupancy. As noted by the previous land use decision and comments received by neighbors screening and buffering are of high importance to reduce impacts to adjoining uses. The screening and landscaping must be installed prior to final occupancy of the proposed office structure conversion.

These criteria can be met as conditioned.

D. 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.

FINDING: The subject property adjoins residential zoned property and given the intensity of the use and prior complaints from the neighbors, buffering adverse impacts should be of high importance. The applicant's landscape plan meets 1009.04.E.3 for buffering standards. As a condition of approval the landscaping, fencing and other screening and buffering measures shall be completed prior to final certificate of occupancy for the conversion of the office structure.

These criteria can be met as conditioned.

1009.06 Landscape 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 1005.09(L) for additional SCMU landscaping requirements.)

FINDING: The applicant's site plan demonstrates that a 5-foot front landscape strip is provided as part of the planted stormwater swale area. As a condition of approval, the landscaping must be installed prior to issuance of a final certificate of occupancy.

These criteria can be met as conditioned.

1009.07 Fences and Walls

FINDING: The applicant is proposing fencing as part of the screening and buffering requirements described above. The fences and walls will be complimentary to the development and their principle purpose is to screen and buffer from non-compatible adjacent uses.

These criteria are met.

1009.10 Planting and Maintenance

FINDING: The majority of the standards found in sub (1009.10.A through L as well as N and O) are planting requirements related to materials, spacing standards, plant types and generally accepted landscaping best management practices that will be made conditions of approval.

M. 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:

- 1. An automatic irrigation controller shall be required for irrigation scheduling.***
- 2. The system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto***

non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

4. Narrow or irregularly shaped areas, including turf lawn, less than eight feet in width in any direction shall be irrigated with subsurface or low volume irrigation.

5. Overhead sprinkler irrigation is prohibited within two feet of any impervious surface unless:

a. The landscaped area is adjacent to permeable surfacing and no runoff occurs; or

b. The adjacent impervious surfaces are designed and constructed to drain entirely to landscaping; or

c. The irrigation designer specifies an alternative design or technology that complies with Subsection 1009.10(M)(2).

FINDING: *The installation of an automatic irrigation system meeting the standards above has been made a condition of approval to be verified prior to issuance of final certificate of occupancy for the proposed structure.*

These criteria can be met as conditioned.

ZDO Section 1010, Signs

FINDING: *The applicant has not requested any signage be reviewed as part of this design review application. Any future proposed signage shall be in compliance with the applicable sections of ZDO Section 1010 and any building or trade permitting requirements.*

ZDO Section 1011, Open Space and Parks

ZDO Section 1012, Lot Size and Density

ZDO Section 1013, PUDs

FINDING: *The above sections (ZDO 1011-1013) have no applicability to this design review application and therefore are omitted from this staff report.*

ZDO Section 1015, Parking and Loading

1015.01 General Standards

FINDING: *The subject site is inside the UGB and is required to install asphalt parking areas. Additionally, other maneuvering and design standards are set forth by DTD engineering and have been included as advisory notes to this staff report.*

As a condition of approval, the parking, loading and maneuvering areas must be fully completed, installed, striped and inspected for compliance prior to issuance of a final certificate of occupancy.

These criteria can be met as conditioned.

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.

FINDING: *The parking layout is a clearly defined portion of the development, accessory to the proposed structure with adequate maneuvering ability. The applicant is proposing a total of thirteen (13) spaces, two (2) of which are ADA spaces. A minimum of 9 spaces is required for the office and warehouse use per Table 1015-1 which requires 2.7 spaces per 1,000 square feet of office space and 0.3 spaces per 1,000 square feet of warehouse space.*

The proposed parking layout meets the parking area standards above. Additionally, as mentioned above, DTD engineering will also review the parking area subject to the roadway standards described at 1015.02.A.4 – this has been included as an advisory note.

These criteria can be met as conditioned.

5. Double-loaded, 90-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

FINDING: The primary parking area is a 90 degree single loaded layout; the location of the structures and the amount of required parking does not necessitate the need for a double loaded layout. A carpool parking space is not shown on the plans and at least one space must be marked and provided for on the plans. The applicant, as a condition of approval, shall indicate on future plan sets the required carpool/vanpool parking location.

These criteria can be met as conditioned.

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.

FINDING: The parking area is less than one acre in size. The parking and drive areas are shared between the two lots that are in common ownership. The head in parking spaces are designed with wheel stops and will be well within 5' interior of property lines.

These criteria are met.

10. 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).

FINDING: The applicant has indicated that the full depth of the parking spaces will be paved with adequate room for vehicles to park without intruding into the provided landscaped area.

These criteria are met.

B. Parking Minimums: The minimum number of parking spaces listed in Tables 1015-1, Automobile Parking Space Requirements, and 1015-2, Minimum Automobile Parking Space Requirements for Dwellings, applies unless modified in Subsection 1015.02(D).

1. In case of expansion of a building or use that, prior to the expansion, does not meet the minimum parking space requirements in Table 1015-1 or 1015- 2, the following provisions shall apply:

a. The minimum number of additional parking spaces required shall be based only on the floor area or capacity added and not the area or capacity existing prior to the expansion.

b. If the enlargement covers any of the pre-expansion parking spaces, lost parking spaces shall be replaced, in addition to any required additional spaces.

2. In the event more than one use occupies a single structure or parcel, the total minimum requirement for parking shall be the sum of the minimum requirements of the several uses computed separately

FINDING: The applicant is required to place 9 parking spaces minimum for an office/warehouse use according to Table 1015-1; this is based on the 1,000 sq./ft. of area per use.

Table 1015-1: Automobile Parking Space Requirements¹

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Office Uses (includes Office Park, "Flex-Space", Government Office and Miscellaneous Services)	2.7	3.4	4.1

The applicant is proposing to provide 13 parking spaces total which meets the minimum requirements.

These criteria are met.

C. Parking Maximums:

1. Within the UGB, the parking maximums listed for Urban Zone A in Table 1015-1 and Note 4 of Table 1015-2 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.

2. Within the UGB, areas not meeting the requirements of Subsection 1015.02(C)(1), are subject to the parking maximums listed in Table 1015-1, Urban Zone B.

3. In case of expansion of a building or use with more parking spaces than the maximum allowed by Table 1015-1:

a. Existing parking spaces may be retained, replaced, or eliminated, provided that after the expansion, the total number of remaining spaces complies with the minimum parking space requirement of Table 1015-1 for the entire development; and

b. Additional parking spaces are allowed only if required to comply with the minimum parking space requirement of Table 1015-1 for the entire development after the expansion.

FINDING: *The subject property is within the UGB; therefore, the parking maximum standards apply at this time. There is no maximum parking standards for warehouses that are under 150,000 square feet of floor area.*

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.

FINDING: *The applicant was required to place two staple bike racks as part of the prior land use decision near the warehouse structure, these meet the standards required for this development.*

These criteria are met.

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

1. When more than seven bicycle parking spaces are required, a minimum of 50 percent of the spaces shall be covered. All of the required bicycle spaces for schools, park-and-ride lots, congregate housing facilities, quadplexes, and multifamily dwellings shall be covered.

2. Cover for bicycle parking may be provided by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings, or freestanding shelters.

3. When more than 15 covered bicycle parking spaces are required, 50 percent of the required covered spaces shall be enclosed and offer a high level of security, e.g., bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.

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:

FINDING: The prior land use decision for the warehouse required the installation of bicycle spaces according to that plan set and narrative. Those parking spaces were approved as part of the land use decision and the construction of the new structure.

These criteria are met.

1015.43 Off-Street Loading Standards

FINDING: A large portion of the site is dedicated to the staging, maneuvering and use of fleet vehicles associated with the businesses. There are a number of loading berth sized areas present on the site as they are inherent to the development operations.

These criteria are met.

ZDO Section 1021, Solid Waste and Recyclable Material Collection

1021.03 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.

FINDING: The applicant has stated that the existing trash facilities meet current standards and were reviewed during the previous land use decision. The applicant will be required to bring all pads to this standard.

These criteria can be met as conditioned.

B. Recycling and Solid Waste Service Areas:

FINDING: The proposed enclosure appears to meet the above standards according to the applicant's plans and submittal. The recycling and solid waste containers will be located in the same enclosure and both will be fitted with weather resistant lids. The preliminary proposal (site plan) was approved by Clackamas Fire District 1.

These criteria are met.

C. Special Wastes or Recyclable Materials:

FINDING: The proposed use at the site is a landscaping an office use – no special or hazardous wastes are anticipated with this type of use. The applicant previously had a 'dump pit' for landscaping materials that is proposed for removal and will be paved over. Any special wastes or recyclable materials that need special consideration, storage or transfer shall meet all applicable local, state and federal regulations. A neighbor commented that the applicant may have been dumping hazardous materials or not properly storing special or hazardous materials. The applicant shall ensure that all waste is stored and disposed with according to County, State and Federal regulations.

These criteria can be met as conditioned.

1021.04 Enclosure and Gate Standards

1021.05 Receptacle Standards

FINDING: The proposed enclosure will be constructed of wood with an 8-foot wide opening for the bins and a 3-foot opening for staff to access the enclosure. A 4-inch high concrete bumper is proposed for installation to protect the inside of the enclosure from damage.

These criteria are met.

1021.06 Vehicle Access

FINDING: A 28-foot wide driveway to the approach onto the highway is proposed. The driveway is paved with less than a 3% average grade. The parking and driveway layout allows for adequate maneuvering for a truck to turn around on site and exit the property in a forward motion. The applicant has stated that they site is currently serviced with a trash provider and no issues have been identified with that current functionality.

These criteria are met.

1021.07 No Parking Signs

FINDING: The applicant states that 'No Parking' signs will be mounted on the exterior of the enclosure and will be clearly visible.

These criteria are met.

ZDO Section 1102, Design Review

FINDING: The subject property is zoned RC which requires design review for development in the zone. The applicant has supplied the following documents to satisfy the submittal requirements of design review:

- Narrative in response to code criteria
- An existing conditions plan

- *Vicinity map*
- *Site plan*
- *Architectural drawings*
- *Landscape plans*
- *Preliminary statements of feasibility*
- *Civil Drawings*

1102.03 Approval Criteria

Design review requires review as a Type II application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

A. The proposed development shall be subject to Section 1000, Development Standards, and the standards of the applicable zoning district.

B. As part of design review in the PMU and RCO Districts, a master plan shall be required if the proposed development does not meet the minimum floor area ratio for the entire site (where phased compliance is permitted by Table 510-2, Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts) or if compliance with Table 510-3: Site-Specific Requirements for the PMU District, is not being achieved for the entire PMU site. The master plan shall demonstrate that it is feasible to achieve full compliance with a future phase of development that is not reliant upon adding additional stories to existing or proposed structures or demolishing structures built after the PMU or RCO District was applied to the subject property.

C. As part of design review of development of any portion of the OA District, a master plan shall be required for the subject property and all contiguous lots with a Comprehensive Plan land use designation of Office Apartment. The master plan shall include a plan for consolidation of motor vehicle accesses for the entire Office Apartment site that complies with the access targets of Comprehensive Plan Map X-SC-5, Sunnyside Corridor Community Plan Sunnyside Road Access Management Targets.

FINDING: *As discussed in this decision above, the applicant has either met the standards of Section 1000 and if not explicitly met conditions are applied to ensure compliance with the standards.*

The subject property is not within the PM and RCO districts or any portion of the OA district.

These criteria are met.

ADVISORY NOTES

Advisory notes are not a part of the decision on this land use permit. The items listed below are not conditions of land use approval and are not subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments in order to complete your proposed development.

1. Oregon Department of Transportation has reviewed the proposal and has provided the following advisory notes. It is important that the applicant coordinate with ODOT staff to ensure compliance with these requirements.

Contact the ODOT Development Review Planner (Melissa Gonzalez, melissa.gonzales@odot.oregon.gov) for further coordination or questions regarding ODOT comments and requirements during the land use process.

State Highway Frontage Improvements

- a) The applicant shall restrict vehicular traffic movements on SE Anderson onto OR 212 to Right in/Right out only.
- b) Right of way shall be donated to ODOT as necessary to accommodate the planned cross section on the ODOT owned facility. The donation deed must be to the State of Oregon – Oregon Department of Transportation and shall be recorded with the County. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site before the property is transferred to ODOT. The ODOT District Contact will assist in coordinating the transfer. ODOT should verify with the local jurisdiction that this requirement has been fulfilled prior to final permitting.

Note: All public frontage improvements on State owned facilities must be within State owned right of way. Donation of additional property to ODOT may be necessary to construct required improvements.

Permits and Agreements to Work in State Highway Right of Way

- c) An ODOT Miscellaneous Permit must be obtained for all work in the State highway. When the total value of improvements within the State highway is estimated to be \$100,000 or more, a Cooperative Improvement Agreement (CIA) with ODOT is required. A CIA will address the transfer of the improvements to ODOT and any associated technical and administrative costs for projects that meet this improvement threshold. Agreements shall

address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

Note: If a CIA is required, it may take 6 months or longer to process.

- D) The applicant must obtain an ODOT Miscellaneous Permit to place trees in the State right of way. Tree placement must be consistent with the ODOT Highway Design Manual section 406.1.

If the proposed tree placement does not meet ODOT Highway Design Manual criteria, a Design Exception must be prepared by an Oregon-registered Professional Engineer (P.E.) for review by the Region 1 Technical Center. The preparation of a Design Exception request does not guarantee its ultimate approval.

Note: It may take 6 months or longer to process a Design Exception.

- e) An ODOT Miscellaneous Permit is required for new or modified connections to State highway drainage facilities. Connections will only be considered if the site's drainage naturally enters the State highway drainage facility. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the State highway drainage facility.

A drainage study prepared by an Oregon-registered Professional Engineer (P.E.) is usually required by ODOT if:

1. Modification to site development or State highway facility trigger the need for treatment, detention and drainage modifications per both local and state standards; or
2. Total peak runoff entering the State highway drainage facility is more significant than 1.77 cubic feet per second; or
3. The improvements increase the impervious surface area to greater than 10,758 square feet.

Note: If a drainage study is required, it shall be prepared to meet the requirements of the ODOT Hydraulics Manual. The applicant is advised that ODOT standards may differ from the local jurisdiction.