



City of Happy Valley
**Mandatory Adjustment Exemption
 Request Application**

Thank you for the opportunity to submit the City of Happy Valley's Senate Bill 1537 Mandatory Adjustment Exemption Request application. Enclosed, you will find a summary of the request along with supporting information on the City's ongoing commitment to housing production. For any questions or further clarification during the review process, please do not hesitate to contact Laura Terway, AICP, Assistant Economic and Community Development Director, at 503.886.8445 or lterway@happyvalleyor.gov.

Section 38 Citation	Design or Development Adjustment	Exemption Requested?
(4)(a)	Side or rear setbacks	Yes
(4)(b)	For an individual development project, common area, open space or area that must be landscaped on the same lot or parcel as proposed housing	Yes
(4)(c)	Parking minimums	Yes
(4)(d)	Minimum lot sizes	Yes
(4)(e)	Maximum lot sizes	No (N/A)
(4)(f)	Building lot coverage	Yes
(4)(g)(A)(i)*	Bicycle parking (minimum spaces)	Yes
(4)(g)(A)(ii)*	Bicycle parking (location)	Yes
(4)(g)(B)*	Building height maximums (excluding cottage clusters)	Yes
(4)(g)(C)*	Unit density maximums	Yes
(4)(g)(D)(i)*	Prohibitions on ground floors of mixed use buildings against residential uses (except for one face of the building facing the street & within 20 ft of the street)	Yes
(4)(g)(D)(ii)*	Prohibitions on ground floors of mixed use buildings against nonresidential active uses that support the residential uses of the building	Yes
(5)(a)	Facade materials, color or pattern	Yes
(5)(b)	Facade articulation	Yes
(5)(c)	Roof forms and materials	Yes
(5)(d)	Entry and garage door materials	Yes
(5)(e)	Garage door orientation unless adjacent to or across from school/public park	Yes
(5)(f)	Window materials except bird-safe glazing requirements	No (N/A)
(5)(g)	Total window area	Yes
(5)(h)(A)*	Building orientation requirements, not including transit street orientation requirements	Yes
(5)(h)(B)*	Building height transition requirements	No (N/A)
(5)(h)(C)*	Requirements for balconies and porches	Yes
(5)(h)(D)*	Requirements for recesses and offsets	Yes

The City of Happy Valley has a variety of opportunities for adjustments including:

- **Class B or Class C Variance.** As described in [chapter 16.71](#) of the Land Development Code, applicant's may apply for a variance, *"except that a variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use district"*. There are two types of variances (Class B or Class C).

[Class B variances](#) may be granted for sections [16.2](#) (Land Use Districts), [16.3](#) (Specific Area Plan Districts and Overlay Zones), [16.4](#) (Community Design Standards), [16.5](#) (Public Facilities), or other development standards as specified in [Title 16](#) per [16.71.040.A](#). Class B allows a variance of up to 20% from any dimensional or development review standard except for lot area which is limited to 10% per [16.71.040.C](#). Class B variances are processed using a Type II administrative procedure, which requires public notice and an opportunity for written comment, per [16.61.030](#). The criteria for a Type B variance may be found in [16.71.040.C-G](#). The general criteria may be found in LDC [16.71.040.C](#), with criteria specific to vehicular access and circulation in [16.71.040.D](#), parking and loading standards in [16.71.040.F](#), and maximum/minimum setbacks to avoid or reduce impacts to floodplains, significant trees, wetlands, or other natural features in [16.71.040.G](#). Criteria in 16.71.040.C limits the ability of an unconstrained lot from obtaining an approval so the type B variance would not be a reasonable avenue for approval in all situations.

[Class C variances](#) apply to all housing types in all situations applicable to SB 1537 with no limitation on the percentage or amount of variance that may be requested. All housing situations identified in SB 1537 have a reasonable opportunity for approval. The criteria for a Type C variance may be found in 16.71.050.B.6 & 7 and is essentially that "the variance will result in a development that better meets the intent of the standard being varied". The variance criteria were recently changed by the City Council and became effective June 3, 2025. The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided. Class C variances are processed using a Type III quasi-judicial procedure, which requires public notice and an opportunity for written and/or verbal comment at a public hearing before the Planning Commission, per [16.61.040](#).

- **Modifications to Design Standards.** On June 3, 2025, the City adopted section 16.40.030 which allows for exceptions to be granted to a variety of standards for all housing types for vehicular and bicycle parking (16.41.030), landscaping (16.42.030), shared outdoor recreation areas (16.42.080), and mobile home parks (16.44.045). Per 16.40.030, exceptions are processed as part of the underlying application (a Type II or III review is required). The Type II administrative procedure requires public notice and an opportunity for written comment per [16.61.030](#). A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing before a Hearings Officer, Planning Commission, or Design Review Board, per [16.61.040](#). The criteria for an exception may be found in 16.40.030.B which does not have a limit to the extent of the exception. However, the criteria require a physical constraint and thus the modifications would not be a reasonable avenue for approval in all situations.
- **Exceptions to Design Standards for Multi-Family.** As described in [16.44.010.B.12](#), exceptions may be granted to a variety of multi-family standards including roofs, entries, building façade design, landscape/hardscape, offsets, private outdoor areas, parking lots, individual storage areas, carports/garages, shared outdoor recreation areas, safety/security, and/or service delivery screening. Per [16.44.010.B.13](#), exceptions are processed as part of the underlying application (Type II or III design review) or separately as a design review II application. The Type II administrative

procedure requires public notice and an opportunity for written comment per [16.61.030](#). A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing before a Hearings Officer or Design Review Board, per [16.61.040](#). The criteria for an exception to a design standard for multi-family may be found in [16.44.010.B.12](#) which does not have a limit to the extent of the exception. However, the criteria require a physical constraint and thus the modifications would not be a reasonable avenue for approval in all situations.

- **Affordable Housing Adjustment.** Section [16.44.060](#) offers adjustments to incentivize affordable housing that complies with the income and other restrictions in [16.44.060.B](#). The adjustments include density bonus up to 50%, any amount of reduction in development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements, public works improvements, and/or parking requirements), approval of a mixed-use component in conjunction with the housing project, other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable cost reductions, and any waiver or reduction of planning application fees, building permit application fees, Transportation SDCs and/or Parks SDCs. The adjustments are processed with the development review application. Type II administrative procedure requires public notice and an opportunity for written comment per [16.61.030](#). A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing, per [16.61.040](#). The criteria for an adjustment may be found in [16.44.060.F.1](#).
- **Planned Unit Development.** As described in [16.63.130](#), the purpose of a planned unit development is to *“allow an alternative to the traditional subdivision that encourages conservation of natural features by relating design to the existing landscape; through the efficient use of land and public services ... and the creation of public and private common open space”*. Section [16.63.130.H.2.e](#) allows for a reduction in minimum area, width, depth, frontage and setback requirements to a threshold and density transfers are also allowed from environmentally constrained areas to other locations within the development [16.63.130.H.2.a](#). A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing before the Planning Commission, per [16.61.040](#). Approved PUDs may be modified through a Type II administrative procedure requires public notice and an opportunity for written comment per [16.61.030](#), if they qualify for a minor modification in [16.66.040](#), or a major modification in [16.66.030](#) would apply.
- **Master Plan** As described in [16.65.040](#), standards in Articles 16.2 (Land Use Districts), 16.3 (Specific Area Plan Districts and Zones), 16.4 (Community Design Standards) and 16.5 (Public Facilities) may be modified through a Master Plan “if the proposal will be consistent with the purpose of the standard for which a modification is requested”. The modification applies to all housing with no limitations. A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing before the Planning Commission, per [16.61.040](#). The master plan language was recently changed by the City Council and became effective June 3, 2025.

The City of Happy Valley is proud to be one of the State’s fastest growing cities for over two decades. The population reflects a steady commitment to producing housing, with nearly three-quarters of the housing stock constructed since 2000. This accelerated rate of growth far outpaces that of the nearby jurisdictions, the County, the region, and the State as a whole. A [Johnson Economics study](#) noted that Happy Valley saw the highest population growth from 2010-2020 with 89%, significantly higher than all other quoted jurisdictions which were as low as 8% and as high as 20%.

Figure 1: City of Happy Valley Population, 1983-2024

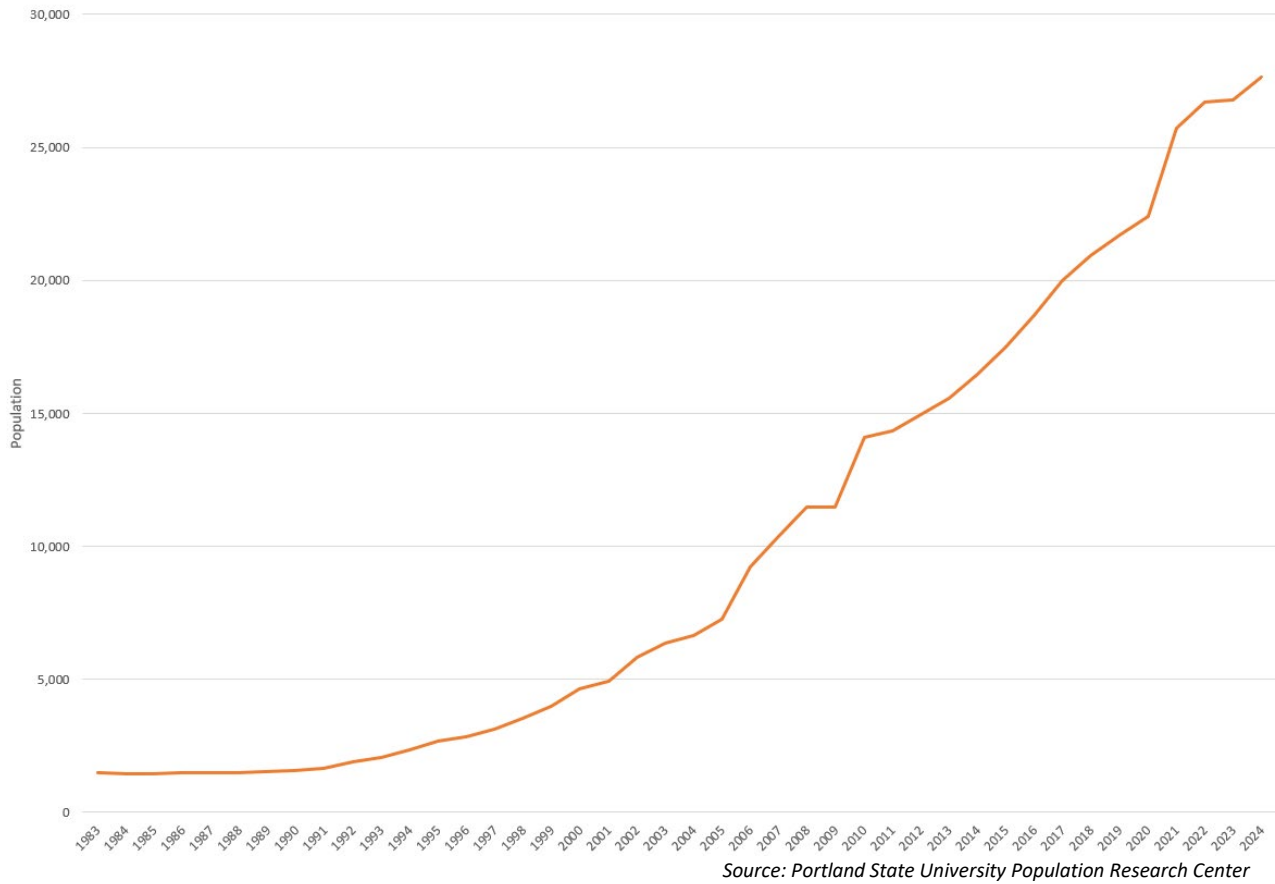
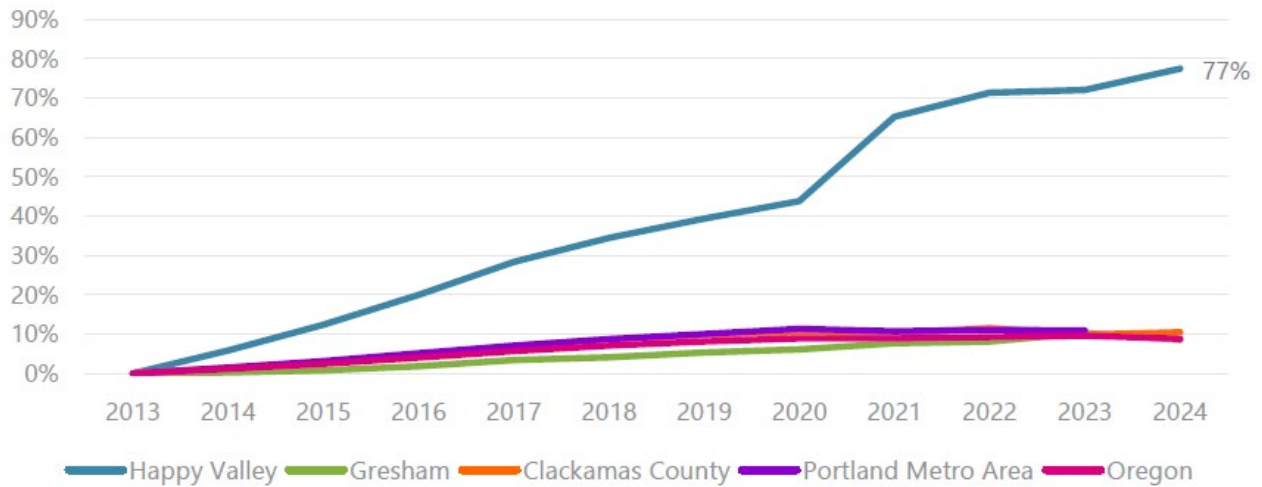
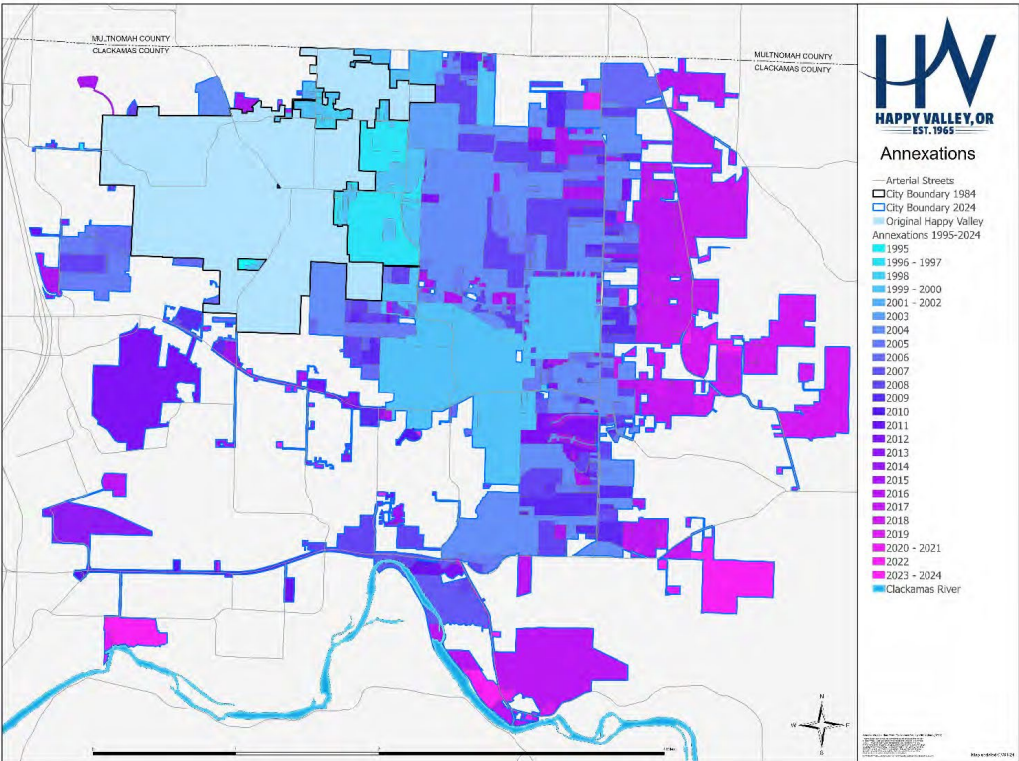


Figure 2: City of Happy Valley Cumulative Population Growth, 2013-2024



This change has been a product of commitment by the City Council to create an environment that promotes growth. The Council has annexed nearly every year, most of which has been followed with a swift approval of development and construction at a rapid pace.

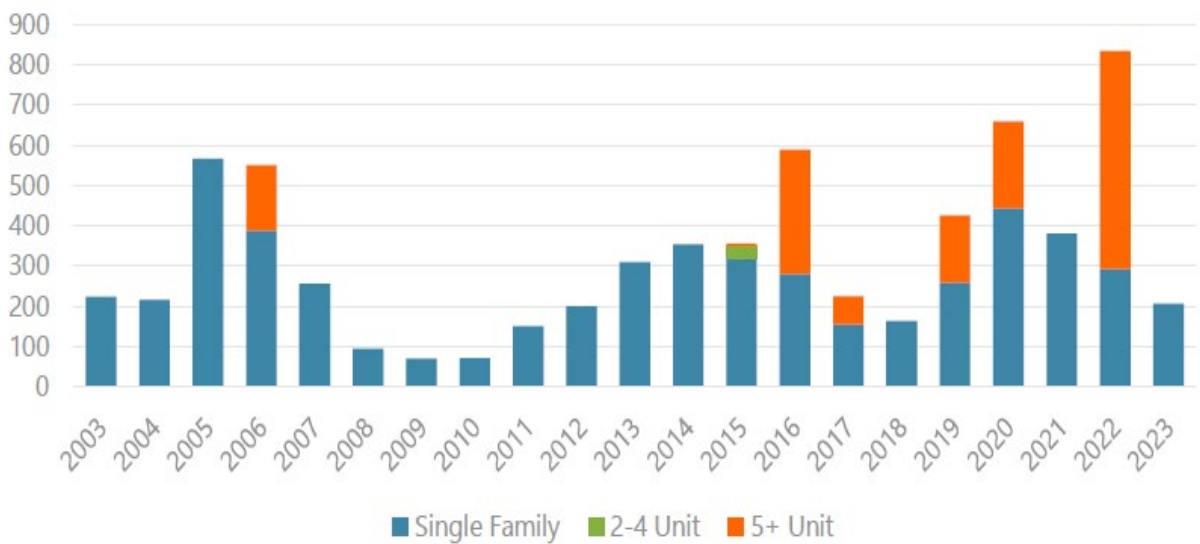
Figure 3: City of Happy Valley Cumulative Population Growth, 2013-2024



Source: Downtown Happy Valley Planning Division

Though the code has long since allowed a variety of housing types, the market has shifted. Planned unit developments with a range of lot sizes and have dominated the market and produced a significant amount of single-family detached and attached units, however, multi-family development has begun to be constructed at large rates in the past ten years with (ADD) units in that timeframe.

Figure 4: Units Permitted by Type in Happy Valley, 2003-2023



Source: Downtown Happy Valley Market Analysis, April 2025

This growth is not coincidental but a direct result of deliberate planning and policy action by the City Council. Happy Valley has consistently annexed land and approved development at an accelerated pace. While the city has long supported diverse housing types through its code, recent years have seen a rise in multifamily development. Some key accomplishments and commitments include:

- **Permitting Efficiency:** A [Johnson Economics study](#) found Happy Valley has the shortest residential permit review timeline among the studied jurisdictions in the Portland metro region. We have accelerated review times with clear application forms, checklists, a more robust website, permitting technology, and coordination.
- **Comprehensive Planning:** The City adopted a number of Comprehensive Plans to support housing and jobs within the urban growth boundary. Most recently, the East Happy Valley Comprehensive Plan created a framework for approximately 2,100 acres highlighting industrial land development and creation of a mix of 4,717 dwelling units. The Pleasant Valley/ Nort Carver Comprehensive Plan planned for approximately 2,700 acres with an additional 7,500 dwelling units, including a range of housing types from single-family detached units, middle housing, and multifamily developments, in excess of the 20-year demand for the city.
- **Downtown Development:** Although not required under the 2040 Growth Concept, the community envisioned a modest downtown to serve the community and provide housing opportunities (including approximately 1,155 multi-family dwellings and 50-60 townhomes). Over the last two years, the city has purchased about 35 acres and is working on street improvements, community benefit agreements, and a visionary zoning code.
- **Continuous Code and Process Improvements:** The Land Development Code and land development processes have been updated improve to streamline the development process and add transparency.
- **High Service Standards:** The City prioritizes professional, solution-oriented customer service and maintains strong interdepartmental coordination to streamline the development process. High levels of customer service and coordination within city divisions and outside agencies.
- **Housing Production Strategy:** Adopted and partially implemented, A Housing Production Strategy which outlines clear, actionable steps for meeting local housing needs.
- **Vertical Housing Development Zone:** The City Council adopted a Vertical Housing Development Zone program and applied the zone to a 38-acre mixed use development to encourage more mixed use development at higher residential densities.
- **Infrastructure Investment:** Proactive public infrastructure extensions and partnerships with service providers continue to unlock developable land at the city's edges.

The City of Happy Valley is proud of its long-standing track record of supporting housing development through meaningful action. We believe our application aligns with both the intent and technical requirements of Senate Bill 1537, and we appreciate your review. Please feel free to reach out with any questions or requests for additional materials.

Mandatory Adjustment Exemption Request Application

Section 38 Citation	Design or Development Adjustment	Requested
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(4)(d)	Minimum lot sizes	Yes
(4)(e)	Maximum lot sizes	No (N/A)
(4)(f)	Building lot coverage	Yes
(4)(g)(A)(i)*	Bicycle parking (minimum spaces)	Yes
(4)(g)(A)(ii)*	Bicycle parking (location)	Yes
(4)(g)(B)*	Building height maximums (excluding cottage clusters)	Yes
(4)(g)(C)*	Unit density maximums	Yes
(4)(g)(D)(i)*	Prohibitions on ground floors of mixed use buildings against residential uses (except for one face of the building facing the street & within 20 ft of the street)	Yes
(4)(g)(D)(ii)*	Prohibitions on ground floors of mixed use buildings against nonresidential active uses that support the residential uses of the building	Yes
(5)(a)	Facade materials, color or pattern	Yes
(5)(b)	Facade articulation	Yes
(5)(c)	Roof forms and materials	Yes
(5)(d)	Entry and garage door materials	Yes
(5)(e)	Garage door orientation unless adjacent to or across from school/public park	Yes
(5)(f)	Window materials except bird-safe glazing requirements	No (N/A)
(5)(g)	Total window area	Yes
(5)(h)(A)*	Building orientation requirements, not including transit street orientation requirements	Yes
(5)(h)(B)*	Building height transition requirements	No (N/A)
(5)(h)(C)*	Requirements for balconies and porches	Yes
(5)(h)(D)*	Requirements for recesses and offsets	Yes

Appendix A. Application Submittal: City of Happy Valley

Submittal Date: January 19, 2025

Part A: Process for Requesting Adjustments

Q1

City Name: City of Happy Valley

Q2

Please describe the local process for reviewing requests to adjust development and design standards for applications for the

development of housing. Include links or references to code sections of application review procedures. If procedures for requesting adjustments vary between development and design standards under Section 38 (4) & (5), please indicate so and explain which procedures apply for different standards.

The City of Happy Valley has a variety of opportunities for adjustments including:

- **Class B or Class C Variance.** As described in chapter 16.71 of the Land Development Code, applicant's may apply for a variance, *"except that a variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use district"*. There are two types of variances (Class B or Class C).

Class B variances may be granted for sections 16.2 (Land Use Districts), 16.3 (Specific Area Plan Districts and Overlay Zones), 16.4 (Community Design Standards), 16.5 (Public Facilities), or other development standards as specified in Title 16 per 16.71.040.A. Class B allows a variance of up to 20% from any dimensional or development review standard except for lot area which is limited to 10% per 16.71.040.C. Class B variances are processed using a Type II administrative procedure, which requires public notice and an opportunity for written comment, per 16.61.030. The criteria for a Type B variance may be found in 16.71.040.C-G. The general criteria may be found in LDC 16.71.040.C, with criteria specific to vehicular access and circulation in 16.71.040.D, parking and loading standards in 16.71.040.F, and maximum/minimum setbacks to avoid or reduce impacts to floodplains, significant trees, wetlands, or other natural features in 16.71.040.G. Criteria in 16.71.040.C limits the ability of an unconstrained lot from obtaining an approval so the type B variance would not be a reasonable avenue for approval in all situations.

Class C variances apply to all housing types in all situations applicable to SB 1537 with no limitation on the percentage or amount of variance that may be requested. All housing situations identified in SB 1537 have a reasonable opportunity for approval. The criteria for a Type C variance may be found in 16.71.050.B.6 & 7 and is essentially that "the variance will result in a development that better meets the intent of the standard being varied". The variance criteria were recently changed by the City Council and became effective June 3, 2025. The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided. Class C variances are processed using a Type III quasi-judicial procedure, which requires public notice and an opportunity for written and/or verbal comment at a public hearing before the Planning Commission, per 16.61.040.

- **Modifications to Design Standards.** On June 3, 2025, the City adopted section 16.40.030 which allows for exceptions to be granted to a variety of standards for all housing types for vehicular and bicycle parking (16.41.030), landscaping (16.42.030), shared outdoor recreation areas (16.42.080), and mobile home parks (16.44.045). Per 16.40.030, exceptions are processed as part of the underlying application (a Type II or III review is required). The Type II administrative procedure requires public notice and an opportunity for written comment per 16.61.030. A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing before a Hearings Officer, Planning Commission, or Design Review Board, per 16.61.040. The criteria for an exception may be found in 16.40.030.B which does not have a limit to the extent of the exception. However, the criteria require a physical constraint and thus the modifications would not be a reasonable avenue for approval in all situations.
- **Exceptions to Design Standards for Multi-Family.** As described in 16.44.010.B.12, exceptions may be granted to a variety of multi-family standards including roofs, entries, building façade design, landscape/hardscape, offsets, private outdoor areas, parking lots, individual storage areas, carports/garages, shared outdoor recreation areas, safety/security, and/or service delivery screening. Per 16.44.010.B.13, exceptions are processed as part of the underlying application (Type II or III design review) or separately as a design review II application. The Type II administrative procedure requires public notice and an opportunity for written comment per 16.61.030. A Type III quasi-judicial procedure requires public notice and an opportunity for

written and/or verbal comment at a public hearing before a Hearings Officer or Design Review Board, per 16.61.040. The criteria for an exception to a design standard for multi-family may be found in 16.44.010.B.12 which does not have a limit to the extent of the exception. However, the criteria require a physical constraint and thus the modifications would not be a reasonable avenue for approval in all situations.

- **Affordable Housing Adjustment.** Section 16.44.060 offers adjustments to incentivize affordable housing that complies with the income and other restrictions in 16.44.060.B. The adjustments include density bonus up to 50%, any amount of reduction in development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements, public works improvements, and/or parking requirements), approval of a mixed-use component in conjunction with the housing project, other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable cost reductions, and any waiver or reduction of planning application fees, building permit application fees, Transportation SDCs and/or Parks SDCs. The adjustments are processed with the development review application. Type II administrative procedure requires public notice and an opportunity for written comment per 16.61.030. A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing, per 16.61.040. The criteria for an adjustment may be found in 16.44.060.F.1.
- **Planned Unit Development.** As described in 16.63.130, the purpose of a planned unit development is to *“allow an alternative to the traditional subdivision that encourages conservation of natural features by relating design to the existing landscape; through the efficient use of land and public services ... and the creation of public and private common open space”*. Section 16.63.130.H.2.e allows for a reduction in minimum area, width, depth, frontage and setback requirements to a threshold and density transfers are also allowed from environmentally constrained areas to other locations within the development 16.63.130.H.2.a. A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing before the Planning Commission, per 16.61.040. Approved PUDs may be modified through a Type II administrative procedure requires public notice and an opportunity for written comment per 16.61.030, if they qualify for a minor modification in 16.66.040, or a major modification in 16.66.030 would apply.
- **Master Plan** As described in 16.65.040, standards in Articles 16.2 (Land Use Districts), 16.3 (Specific Area Plan Districts and Zones), 16.4 (Community Design Standards) and 16.5 (Public Facilities) may be modified through a Master Plan “if the proposal will be consistent with the purpose of the standard for which a modification is requested”. The modification applies to all housing with no limitations. A Type III quasi-judicial procedure requires public notice and an opportunity for written and/or verbal comment at a public hearing before the Planning Commission, per 16.61.040. The master plan language was recently changed by the City Council and became effective June 3, 2025.

Q3

N/A

As an alternative to providing a response in the comment box, this information may be provided in a PDF attachment. Additionally, the PDF attachment may (but is not required to) include a cover letter.

Part B: Design and Development Adjustments – Section 38 (4)(a)

Side or rear setbacks: Must allow an adjustment up to 10% of required setback distance.

Q4

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q5

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q6

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q7

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Setbacks may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments in certain situations including the following:

- 16.71 A Type II Variance process applies to housing for up to a 20% adjustment for setbacks which meet certain conditions (16.71.040.C or 16.71.040.G).
 - 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
 - 16.63.130.H.2.e Adjustments for all housing types via the Type III planned unit development process (or a Type II for a PUD minor modification). There is no limit to the extent to which an applicant may request a setback reduction, though not all lots qualify for a reduction.
 - 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.
-

Part B: Design and Development Adjustments – Section 38 (4)(b)

For an individual development project, common area, open space or area that must be landscaped on the same lot or parcel as proposed housing: Must allow a reduction up to 25%

Q8

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q9

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard?

Yes**Q10**

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q11

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Common area and open space landscaping may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.010.B.12 Type II adjustment process for multi-family development standards provides an opportunity to adjust landscaping/hardscaping design (16.44.010.B.3.c), private outdoor areas (16.44.010.B.5), and shared outdoor recreation areas (16.44.010.B.9). There is no limit to the extent to which an applicant may request a reduction.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.
- On June 3, 2025, the City adopted 16.40.030 which allows for exceptions for all housing types for landscaping (16.42.030),

shared outdoor recreation areas (16.42.080), and mobile home parks (16.44.045). Exceptions are processed with the underlying Type II or III application. The criteria for an exception may be found in 16.40.030.B which does not have a limit to the extent of the exception require a physical constraint and thus cannot be obtained in all situations.

Part B: Design and Development Adjustments – Section 38 (4)(c)

Parking minimums: Must be eligible for a full adjustment

Q12

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q13

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q14

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q15

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Parking minimums may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to parking minimums in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.060 Adjustments to minimum parking are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.
- On June 3, 2025, the City adopted 16.40.030 which allows for exceptions for all housing types for vehicular parking (16.41.030). Exceptions are processed with the underlying Type II or III application. The criteria for an exception may be found in 16.40.030.B which does not have a limit to the extent of the exception require a physical constraint and thus cannot be obtained in all situations.

Part B: Design and Development Adjustments – Section 38 (4)(d)

Minimum lot sizes: Must allow an adjustment up to 10%, and including up to a 10% adjustment to lot widths or depths

Q16

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q17

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q18

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q19

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Minimum lot size, widths, or depths may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to minimum lot size, widths, or depths in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.060.C.2.a Adjustments to minimum lot sizes are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.63.130.H.2.e Adjustments to minimum lot size, widths, or depths of all housing types, though there are some limitations, via the Type III planned unit development process (or a Type II for a PUD minor modification). The "*minimum lot size for single-family detached lots shall not be less than 5,000 square feet within 80% of the net developable area of the subject development. Within the 20% remainder area, lot sizes may decrease by a maximum of 10%. Lots which are located on the perimeter of a proposed development in all residential zones which are adjacent to lots in an R-10, R-15, R-20, or R-40 zone upon which are constructed single-family dwellings, may not be less than 75% of the average lot area per unit of the immediately abutting lots, or the development district minimum lot size of the subject parcel, whichever is less*". The lot sizes remain limited by the density of the zoning designation in conjunction with density transfers.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (4)(e)

Maximum lot sizes: Must allow an adjustment up to 10%, including up to a 10% adjustment to lot widths or depths, if the adjustment results in more dwelling units than would be allowed without adjustment, and the adjustment does not result in reduction of density below the minimum applicable density

Q20

Do existing land use regulations apply this development or design standard to housing?

No

Q21

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard?

N/A

Q22

Does the existing local process provide a pathway for an

adjustment to this standard everywhere it applies to
housing, consistent with SB 1537?

N/A

Q23

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

N/A

Part B: Design and Development Adjustments – Section 38 (4)(f)
Building lot coverage: Must allow an adjustment up to 10%

Q24

Do existing land use regulations apply this development or
design standard to housing?

Yes

Yes

Q25

If 'yes' to the above, is the city applying for an exemption to
the Section 38 mandatory adjustment for this standard?

Q26

Does the existing local process provide a pathway for an
adjustment to this standard everywhere it applies to
housing, consistent with SB 1537?

Yes

Q27

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Lot coverage may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to lot coverage in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.060.C.2.a Adjustments to lot coverage are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (4)(g)(A)(i)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential

Bicycle Parking: Must allow an adjustment to the minimum number of spaces for use by residents, provided the application includes at least one-half space per residential unit

Q28

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q29

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q30

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q31

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and

does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Bicycle parking may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to minimum bicycle parking in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.
- On June 3, 2025, the City adopted 16.40.030 which allows for exceptions for all housing types for bicycle parking (16.41.030). Exceptions are processed with the underlying Type II or III application. The criteria for an exception may be found in 16.40.030.B which does not have a limit to the extent of the exception require a physical constraint and thus cannot be obtained in all situations.

Part B: Design and Development Adjustments – Section 38

(4)(g)(A)(ii)*

Yes

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential

Bicycle Parking: Must allow an adjustment to the location of bike parking spaces, provided lockable, covered bike parking spaces are within or adjacent to the residential development

Q32

Do existing land use regulations apply this development or design standard to housing?

Q33

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard?

Yes

Q34

Does the existing local process provide a pathway for an

adjustment to this standard everywhere it applies to housing, consistent with SB 1537?

Yes

Q35

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Bicycling parking may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to bicycle parking in certain situations including the following:

- 16.71 Any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.
- On June 3, 2025, the City adopted 16.40.030 which allows for exceptions for all housing types for bicycle parking (16.41.030). Exceptions are processed with the underlying Type II or III application. The criteria for an exception may be found in 16.40.030.B which does not have a limit to the extent of the exception require a physical constraint and thus cannot be obtained in all situations.

Part B: Design and Development Adjustments – Section 38 (4)(g)(B)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential
Building height maximums (excluding cottage clusters): Must allow an adjustment in addition to any existing applicable height bonuses. Must allow an adjustment up to the greater of "one story" or 20% of the base zone height

Q36

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q37

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q38

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537?

Yes

Q39

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Maximum building height may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to maximum building height in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (4)(g)(C)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential
Unit density maximums: Must allow an amount necessary to account for other adjustments under this section

Q40

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q41

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q42

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q43

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city

provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Density may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to density for certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.63.130.H.2.e Adjustments to of all housing types via the Type III planned unit development process (or a Type II for a PUD minor modification). The *"minimum lot size for single-family detached lots shall not be less than 5,000 square feet within 80% of the net developable area of the subject development. Within the 20% remainder area, lot sizes may decrease by a maximum of 10%. Lots which are located on the perimeter of a proposed development in all residential zones which are adjacent to lots in an R-10, R-15, R-20, or R-40 zone upon which are constructed single-family dwellings, may not be less than 75% of the average lot area per unit of the immediately abutting lots, or the development district minimum lot size of the subject parcel, whichever is less"*.

Part B: Design and Development Adjustments – Section 38 (4)(g)(D)(i)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential Prohibitions on ground floors of mixed use buildings against residential uses (except for one face of the building facing the street & within 20 ft of the street): Must be eligible for a full adjustment

Q44

Yes

Do existing land use regulations apply this development or design standard to housing?

Q45

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes.**

Q46

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes.**

Q47

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and

does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Ground floor residential may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to ground floor residential in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Note: The City has multiple zoning designations which limit ground floor residential. However, unlike all of the other zoning designations, the Employment Center (EC) zone only identifies multifamily as a permitted use on the upper floors and does not list multifamily as a permitted in the use table (16.25.010.B). The City believes that the Mandatory Adjustments in SB 1537 do not apply in EC because it would change the allowable uses in the zone and thus the City is not applying for a Mandatory Adjustment to the EC zone. The Mandatory Adjustments and local variance processes apply to all other zones with a ground floor limitation. The City has no objection to a condition of approval that specifies the Mandatory Adjustment Exemption is not applicable to the EC zone.

The Mandatory Adjustments and local variance process applies to all other zones with a ground floor limitation. Changes to the EC zone indicated in the previous application intended to protect opportunities for Title 4 industrial and employment land were withdrawn and no longer are proposed. Please do not hesitate to reach out with any questions.

Page 14: Part B: Design and Development Adjustments – Section 38 (4)(g)(D)(ii)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential Prohibitions on ground floors of mixed use buildings against nonresidential active uses that support the residential uses of the building: Must be eligible for a full adjustment

Q48

Yes

Do existing land use regulations apply this development or design standard to housing?

Q49

Yes

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard?

Q50

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537?

The City adopted amendments to the code on June 3, 2025 that included nonresidential activities associated with multifamily within the definition of multifamily, and thus subject to the ground floor limitations on some zones.

Dwelling, multiple-family (multifamily). A building on a single lot designed and used for occupancy by five or more families, all living independently of each other, and having separate housekeeping facilities for each family. Multifamily does not include cottage cluster housing. Multifamily dwellings include condominiums and apartment units without regard to ownership status. **Ancillary uses associated with residential development and within the same tenant space as the residential use such as lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces are considered part of the residential use.**

Dwelling, multifamily—Senior housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary. Includes independent care and assisted care facilities for the elderly, but excludes nursing homes, convalescent care and institutional type living arrangements unless it is part of a congregate/assisted-living complex, and the congregate care portion does not make up more than 25% of the total gross area of the facility. Senior housing can consist of a combination of apartments, rowhouses and other types of housing units. Units may be connected to each other by

hallways or breezeways. **Ancillary uses associated with residential development and within the same tenant space as the residential use such as lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces are considered part of the residential use.**

There are no other limitations in the code for such uses.

Ground floor nonresidential active uses that support the residential uses may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to ground floor residential in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Q51

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

N/A

Part B: Design and Development Adjustments – Section 38 (5)(a)

Facade materials, color or pattern: Must be eligible for a full adjustment

Q52

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q53

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q54

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q55

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Facade materials, color or pattern may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to facade materials, color or pattern in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.010.B.12 Type II adjustment process for multi-family development standards provides an opportunity to adjust façade design (16.44.010.B.3). There is no limit to the extent to which an applicant may request a reduction.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (5)(b)

Façade articulation: Must be eligible for a full adjustment

Q56

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q57

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q58

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q59

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Facade articulation may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to facade articulation in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.010.B.12 Type II adjustment process for multi-family development standards provides an opportunity to adjust offsets (16.44.010.B.4) and façade design (16.44.010.B.3). There is no limit to the extent to which an applicant may request a reduction.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (5)(c)

Roof forms and materials: Must be eligible for a full adjustment

Q60

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q61

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q62

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q63

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Roof forms and materials may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to roof forms and materials in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.010.B.12 Type II adjustment process for multi-family development standards provides an opportunity to adjust roof requirements (16.44.010.B.1). There is no limit to the extent to which an applicant may request a reduction.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (5)(d)

Entry and garage door materials: Must be eligible for a full adjustment

Q64

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q65

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q66

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q67

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Entry garage door materials may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to entry and garage door materials in certain situations including the following:

- 16.71 Any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.010.B.12 Type II adjustment process for multi-family development standards provides an opportunity to adjust garages (16.44.010.B.8). There is no limit to the extent to which an applicant may request a reduction.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (5)(e)

Garage door orientation unless adjacent to or across from school/public park: Must be eligible for a full adjustment

Q68

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q69

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q70

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q71

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Garage door orientation may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to garage door orientation in certain situations including the following:

- 16.71 Any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (5)(f)

Window materials except bird-safe glazing requirements: Must be eligible for a full adjustment

Q72

Do existing land use regulations apply this development or design standard to housing? **No**

Q73

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **N/A**

Q74

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **N/A**

Q75

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

N/A

Part B: Design and Development Adjustments – Section 38 (5)(g)

Total window area: Must allow up to 30% adjustment if application includes at least 12% of total façade as window area

Q76

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q77

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q78

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q79

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Window material may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to total window area in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (5)(h)(A)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential
Building orientation requirements, not including transit street orientation requirements: Must be eligible for a full adjustment

Q80

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q81

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q82

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q83

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Building orientation may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to building orientation including the following:

- 16.71 Any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.010.B.12 Type II adjustment process for multi-family development standards provides an opportunity to adjust entry (16.44.010.B.2) and orientation (16.44.010.B.14). There is no limit to the extent to which an applicant may request a reduction.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (5)(h)(B)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential
Building height transition requirements: Must be eligible for a full adjustment

Q84

No

Do existing land use regulations apply this development or design standard to housing?

Q85

N/A

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard?

Q86

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537?

N/A

Q87

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

N/A

Part B: Design and Development Adjustments – Section 38 (5)(h)(C)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential
Requirements for balconies and porches: Must be eligible for a full adjustment

Q88

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q89

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q90

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q91

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Balconies and porches may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to balconies and porches in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.010.B.12 Type II adjustment process for multi-family development standards provides an opportunity to adjust entry (16.44.010.B.2) and private outdoor areas (16.44.010.B.5). There is no limit to the extent to which an applicant may request a reduction.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part B: Design and Development Adjustments – Section 38 (5)(h)(D)*

* Only applicable to manufactured dwelling parks, middle housing, multifamily, and mixed use residential
Requirements for recesses and offsets: Must be eligible for a full adjustment

Q92

Do existing land use regulations apply this development or design standard to housing? **Yes**

Q93

If 'yes' to the above, is the city applying for an exemption to the Section 38 mandatory adjustment for this standard? **Yes**

Q94

Does the existing local process provide a pathway for an adjustment to this standard everywhere it applies to housing, consistent with SB 1537? **Yes**

Q95

Describe the local process or processes which allows an applicant to request an adjustment, and the extent to which the city provides an adjustment to the standard. Include links or references to applicable code sections. Where the local process or processes either do not allow or only partially allow adjustments to the standard, please indicate precisely how it does and does not conform to SB 1537. If the applicant has selected "not applicable" to any of the questions above, write "N/A" in the text box below.

Recesses and offsets may be adjusted through a Type III variance for all housing types in all situations identified in SB 1537 with no limitation. The variance criteria were recently changed (effective June 3, 2025) and all housing situations identified in SB 1537 have a reasonable opportunity for approval (16.71.050.B.6 & 7). The changes have not been incorporated into the online code and thus a copy of the adopted amendments has been provided in addition to the unamended portions of the code in 16.71.

In addition, applicants have a number of other opportunities for adjustments to recesses and offsets in certain situations including the following:

- 16.71 A Type II Variance process for housing which meet certain conditions for up to a 20% adjustment (16.71.040.C) is available, though any reduction may be requested for all types of housing in a Type III/Type C Variance process (16.71.050.A). Changes to the applicable approval criteria are expected to be effective June 3rd.
- 16.44.010.B.12 Type II adjustment process for multi-family development standards provides an opportunity to adjust offsets (16.44.010.B.4). There is no limit to the extent to which an applicant may request a reduction.
- 16.44.060.C.2.a Adjustments are allowed for all housing types consisting of five or more dwelling units through the land use approval for the development per 16.44.060.F (Type II or III depending on the proposal) to incentivize affordable housing. There is no limit to the extent to which an applicant may request a reduction. The development must meet the eligibility requirements in 16.44.060.B.
- 16.65.040 Adjustments for all housing types via the Type III Master Plan process. There is no limit to the extent to which an applicant may request an adjustment.

Part C: Previous 5 years of Adjustments - Option 1 (90% Approval) & Option 2 (Testimonial)

Q96

Please submit either five-year permit history using the HAPO-provided spreadsheet (reminder: the Excel spreadsheet needs to be exported to PDF) or collated developer testimonials.

The City selected option 1 to demonstrate 90% approval of received adjustment requests over the previous five years. See the following page for the attachment documenting five-year permit history.

[illegible]

Amendments to the Happy Valley Municipal Code

EXCERPTS Adopted June 3, 2025

Title 16 LAND DEVELOPMENT CODE

16.12.030 Definitions

Dwelling, multiple-family (multifamily). A building on a single lot designed and used for occupancy by five or more families, all living independently of each other, and having separate housekeeping facilities for each family. Multifamily does not include cottage cluster housing. Multifamily dwellings include condominiums and apartment units without regard to ownership status. **Ancillary uses associated with residential development and within the same tenant space as the residential use such as lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces are considered part of the residential use.**

Dwelling, multifamily—Senior housing. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary. Includes independent care and assisted care facilities for the elderly, but excludes nursing homes, convalescent care and institutional type living arrangements unless it is part of a congregate/assisted-living complex, and the congregate care portion does not make up more than 25% of the total gross area of the facility. Senior housing can consist of a combination of apartments, rowhouses and other types of housing units. Units may be connected to each other by hallways or breezeways. **Ancillary uses associated with residential development and within the same tenant space as the residential use such as lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces are considered part of the residential use.**

16.40 Design Standards Administration

16.40.030 Modifications that will better meet requirements.

The review body shall consider modification of certain site related development standards of this Article specified below. These modifications may be approved in conjunction with a Type II, III or IV review process.

A. Applicability.

1. This process shall apply to modifications to:

- a. Vehicular access and circulation in 16.41.030;**
- b. Pedestrian access and circulation in 16.41.040;**
- c. Landscaping standards in 16.42.030;**
- d. Fencing, walls, and screening in 16.42.060;**
- e. Shared outdoor recreation areas in 16.42.080;**
- f. Off-street loading facilities in 16.43.050;**
- g. Mobile home parks in 16.44.045;**
- h. Special standards for neighborhood commercial uses in 16.44.080; or**
- i. Industrial design standards in 16.48.010**

2. Modifications that are denied may be requested as a variance process pursuant to 16.71 as applicable.

3. Rather than a modification, applicants may choose to apply for a variance through the variance process pursuant to 16.71 as applicable.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- 1. The physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical.**
- 2. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.**
- 3. The modification will result in a development that better meets the intent of the standard.**

16.50.015 Modifications that will better meet requirements.

The City Engineer shall consider modification of certain site related development standards of this Article specified below. These modifications may be approved in conjunction with a Type II, III or IV review process.

A. Applicability.

- 1. This process shall apply to modifications to 16.50 not otherwise identified in this chapter.**
- 2. Modifications that are denied may be requested as a variance process pursuant to 16.71 as applicable.**
- 3. Rather than a modification, applicants may choose to apply for a variance through the variance process pursuant to 16.71 as applicable.**

B. The City Engineer may approve requested modifications if it is determined that the applicant has shown that the physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical.

Chapter 16.65 Master Planned Developments

16.65.040 Modification of district standards (Article 16.2), ~~and~~ community design standards (Article 16.4), **and Public Facilities (Article 16.5).**

The district standards in Article 16.2, ~~and design standards of Article 16.4,~~ **and public facilities of Article 16.5** may be modified through the master plan approval without the need for variances **if the proposal will be consistent with the purpose of the standard for which a modification is requested.** ~~except that~~

~~†The following standards within Articles 16.2 and 16.4 shall not be modified:~~

~~A. Public improvement standards and engineering design criteria shall not be modified without variance to such standards approved by the City Engineer. The City may grant such variances concurrently with other planned development approvals;~~

~~AB. Residential densities, as allowed under the Comprehensive Plan; and~~

~~BC. Industrial and commercial uses, if not otherwise allowed in a residential district, shall not be allowed in a residential district master plan.~~

16.71 Variances

16.71.050 Class C variances.

[...]

B. Approval Criteria. The City shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria:

1. **For non-residential uses,** ~~†~~The variance requested is required due to the lot configuration, or other conditions of the site;

2. **For non-residential uses,** ~~That~~ the condition requiring the variance has not been intentionally created to circumvent the Land Development Code;
3. **For non-residential uses,** ~~That~~ the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the appropriate use or development of adjacent property;
4. **For non-residential uses,** ~~That~~ the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the development provisions which are in question;
5. **For non-residential uses, the City Administrator or appropriate and designated body or agent may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this title.**
6. ~~The variance will not result in violation(s) of any other adopted ordinance or Code standard; each Code standard to be modified shall require a separate variance request;~~
7. **For the development of housing, the variance will result in a development that better meets the intent of the standard being varied.**
6. ~~In granting the variance, the City Administrator or appropriate and designated body or agent may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this title.~~

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Appendices

Appendix A – Land Use Application

Appendix B – Pre-Application Conference Notes

Appendix C – Technical Reports

- Exhibit 1: Transportation Impact Analysis, Lancaster Mobley, February 16, 2023
- Exhibit 2: Preliminary Drainage Report, 3J Consulting, Inc,
- Exhibit 3: Preliminary Geotechnical Engineering Report, GeoPacific, August 5, 2019
- Exhibit 4: Supplemental Geotechnical Engineering Report, GeoPacific, March 21, 2022
- Exhibit 5: Arborist Report, Portland Tree Consultancy, December 16, 2022
- Exhibit 6: Natural Resource Assessment, Schott and Associates, August 2020

Appendix D – Land Use Plans

Civil Drawings:

- C000 Cover Sheet
- C100 Existing Conditions and Demolition Plan
- C101 Existing Conditions and Demolition Notes
- C200 Overall Site Plan
- C220 Fire Access Plan
- C221 Circulation Plan
- C230 Grading and Erosion Control Plan
- C300 Composite Utility Plan
- L100 Overall Landscape Plan

Landscape Drawings:

- L101 Planting Plan
- L102 Planting Plan
- L103 Planting Details & Notes

Architectural Drawings:

- A3.01 Building Massing
- A3.02 Building Massing
- A3.11 Building Elevations
- A4.01 Building Sections
- A0.00 Exterior Materials
- A2.01 Level 1 Floor Plan
- A2.02 Level 2 Floor Plan
- A2.03 Level 3-4 Floor Plan

Photometric Drawings:

- EL1 Private Lighting Plan

Appendix E – Site Photographs

GENERAL INFORMATION

Property Owner and Applicant: **I&E Construction, Inc**
27375 SW Parkway Avenue
Wilsonville, OR
Contact: Cory Riedel
Phone: (503) 655-7933
Email: cory@iecon.com

Planning Consultant: **3J Consulting, Inc.**
9600 SW Nimbus Avenue, Suite 100
Beaverton, OR 97008
Contact: Mercedes Serra
Phone: (503) 946-9365x211
Email: mercedes.serra@3j-consulting.com

SITE INFORMATION

Parcel Number: 13E30C00300
Address: 9757 SE 172nd Ave, Happy Valley, OR 97086
Gross Site Area: 3.11 Acres
Zoning Designation: MUR-M2 Zoning District
Existing Use: Single Family Home
Surrounding Zoning: The properties to the north are zoned MUR-M2 and R-5. The properties to the south are zoned MUR-M2. The properties to the east are zoned EC. The properties to the west are zoned R-10 / R-20.

Street Classification: SE 172nd Avenue is classified as an arterial street. Wooded Heights Drive, Eastern Street and Northern Drive are all classified as local streets.

INTRODUCTION

APPLICANT'S REQUEST

I&E Construction ("the Applicant") seeks approval of a concurrent application for a Type III Major Design Review Application and a Class B Variance to construct a 105-unit multi-family development. This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of Happy Valley Municipal Code ("HVMC") Title 16 Land Development Code, Chapters "16.22 Residential Land Use Districts", "16.41 Access and Circulation", "16.42 Landscaping, Street Trees, Fences and Walls, Recreation Areas", "16.43 Parking and Loading", "16.44 Special Standards for Certain Uses", "16.50 Public Facilities", "16.61 Types of Review Procedures", "16.63 Land Divisions and Property Line Adjustments", "16.62 Land Use Review and Design Review", and "16.71 Variances".

Major Design Review Applications are evaluated under the Type III Quasi-judicial decision process. The Design Review Board will render the Type III decision after a public hearing on the application is held.

SITE DESCRIPTION/SURROUNDING LAND USE

The site is located at 9757 SE 172nd Ave, within the City of Happy Valley. The site is currently vacant and consists of tax lot 13E30C00300. The site will be recorded as part of the Erickson Subdivision (SUB-01-20) and is identified on the plat as tax lot 13E30C00300. The subject site is 3.11 acres and is zoned MUR-M2 Mixed-Use Residential Multi-family. The site has frontage on SE 172nd Avenue, an arterial street. The Erickson Subdivision will create three local frontage streets surrounding the property, Wooded Heights Drive, Northern Drive, and Eastern Street. An existing house in the southwest corner will be retained as part of the Erickson Subdivision (LOT #1). The site generally from west to east.

PROPOSAL

The applicant proposes to construct a new multi-family residential building on the site. The proposed building will have a total of 105 units. The housing mix will consist of 15 studio apartments, 51 one-bedroom apartments and 39 two-bedroom apartments. Parking will be provided on the ground level with a combination of parking garage spaces and surface parking spaces. A total of 160 vehicle stalls and 105 bicycle parking space have been provided for residents. The proposed buildings will be four stories, with three residential stories above the ground level parking. The building height will be 61 feet 2-3/8 inches.

The primary access to the site will be from Northern Drive from the north and Eastern Street, which take access from 172nd Avenue. The main building entrance will be located in the northeast corner, fronting on Northern Drive. The main entrance has been designed with enhanced landscaping and an entry plaza. The main lobby will include a leasing office, mail room, and the main resident bicycle parking room. Secondary building entrances are located in the western building and in the southern end of the east building. Sidewalks will connect the northern building entrances with the public sidewalk along Northern Drive and on-site parking. The southern entrance will connect to on-site parking and the resident garbage and recycling area. Each unit will have a private balcony, with shared common deck on level 2.

APPLICABLE CRITERIA

The following sections of Happy Valley's Land Development Code ("LDC") have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Major Design Review and a Class B Variance.

Happy Valley Title 16 Land Development Code

ARTICLE 16.2 LAND USE DISTRICTS

CHAPTER 16.22 RESIDENTIAL LAND USE DISTRICTS

16.22.060 Mixed use residential—Multifamily (MUR-M and MUR-X).

B. Permitted Uses. Table 16.22.060-1 identifies the land uses that are allowed in the MUR-M and MUR-X Districts.

Table 16.22.060-1 Mixed Use Residential—Multifamily (MUR-M and MUR-X) Permitted Uses

Land Use	MUR-M Multi-family
Residential	
Multi-family Dwellings	
Low	P
Medium	P
High	P

Finding: The proposed development will provide 105 multi-family dwelling units. Multi-family dwellings are permitted in the MUR-M multi-family zone. This standard is met.

C. Development Standards. The development standards in Table 16.22.060-2 apply to all uses, structures, buildings, and development in the MUR-M and MUR-X Districts.

Table 16.22.060-2 Development Standards for MUR-M1, MUR-M2 and MUR-M3 Districts

Standard	MUR-M2
Residential density (maximum) ¹	34 du/net acre
Residential density (minimum) ¹	25 du/net acre
Lot size (minimum)	Variable ²
Lot width (minimum)	Variable ²
Lot depth (minimum)	Variable ²
Lot coverage (maximum)	Variable ^{2,3}
Landscaping (minimum)	Variable ³
Building setbacks (minimum)	Variable ²
Building height (maximum)	65 feet ⁴
NOTES:	
¹ Density calculations shall be made pursuant to Section 16.63.020(F).	
² Standards are flexible and shall be determined through the master plan process or design review application.	

³ Pursuant to Section 16.42.030, twenty (20) percent of the net developable area must be usable open space.

⁴ Building height is measured pursuant to Chapter 16.12 Definitions. Maximum building height for single-family (attached) is forty-five (45) feet at the front elevation; the building height may not exceed forty-nine (49) feet at the side and rear elevations.

Finding: The subject site has a gross area of 135,501 square feet. The site does not have areas identified as constrained or partially constrained land. The proposed roadways surrounding the subject site will be fully developed as part of the Erickson Subdivision and will not require further right-of-way dedication. The stormwater detention facility will be located on the property and will not be located in a separate tract. The site does not require area for infrastructure improvements. The net area of the site is 135,501 square feet, or 3.11 acres. Per the maximum allowed density in the MUR-M2 zone of 34 dwelling units per acre, a total of 105.7 units are allowed outright on the site. Per the minimum density in the MUR-M2 zone is 25 dwelling units per acre, a total of 77.75 units are required. Per the density calculation table in 16.63.020(F), unit percentages above the midway mark between two numbers are rounded up to the next unit number, therefore the maximum density of the site is 106 units.

Density Calculation	
Gross Area	135,501 sq.ft. (3.11 acres)
Unconstrained land	135,501 sq.ft. (3.11 acres)
Partially Constrained Land	0 sq. ft.
Transition Slope	0 sq. ft.
High Value HCA	0 sq. ft.
Medium Value HCA	0 sq. ft.
Land For Infrastructure	0 sq. ft.
Net Area	135,501 sq.ft. (3.11 acres)
Potential Min. Density	78 units
Potential Max Density	105.7 units

The proposed development will not create a new lot or parcel; therefore, the minimum lot size, width, and depth requirements are not applicable.

The proposed building will be four stories, with parking on the ground floor level and dwelling units on the above ground levels. The building will have a maximum height of 61 feet 2-3/8 inches, which does not exceed the maximum allowed height of 65 feet.

The dimensional standard requirements are variable through the design review process. The proposed dimensional standards have been provided in the table below.

The landscaping calculation is based on the gross developable site area. The gross developable site area is the area of unconstrained land. Per the landscaping requirement, 20 percent of the gross developable site area shall be landscaped. The required landscaping on the site is 135,501 square feet. x 20 percent = 27,100 square

feet. The total landscaping area provided on site is 46,536 square feet, which exceeds the minimum requirement.

Standard	Dimension
Lot Coverage (Structures)	38,560 sq. ft. (28.5%)
Landscaping (27,100 sq. ft. required)	62,510 sq. ft.
Building Setbacks - Front (Northern Drive) - Rear (Wooded Heights Drive) - Side (Eastern Street) - Side (172nd Avenue)	8 ft. 6 in. 58 ft. 7 in. 12 ft. 9in 57 ft. 9 in.
Surface Parking Setbacks - Front (Northern Drive) - Rear (Wooded Heights Drive) - Side (Eastern Street) - Side (172nd Avenue)	8 ft. 3 in. 14 ft. 18 ft. 31 ft. 9 in.
Building Height	61 ft. 2-3/8 in.

ARTICLE 16.4 COMMUNITY DESIGN STANDARDS

Chapter 16.41 ACCESS AND CIRCULATION

16.41.030 Vehicular access and circulation.

A. Access to Arterial and Collector Streets.

- 1. Location and design of all accesses to and/or from arterials and collectors (as designated in the transportation system plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street shall be required.**
- 2. Accesses to arterials or collectors shall be in accordance with the City's Transportation System Plan. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.**
- 3. No development site that abuts an arterial or collector street shall be allowed more than one access point to that street (as designated in the transportation system plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.**
- 4. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in subsections (B)(1) and (B)(2) of this section. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.**

5. **When a partition, subdivision or a planned unit development abuts or contains an existing or proposed arterial street as defined within the Comprehensive Plan, the review body shall require reverse frontage lots, thereby precluding access to the parkway streets.**

Finding: The proposed development will not take access to and/or from an arterial or collector. Access will be provided from Northern Drive and Eastern Street, which are both local roads. This standard is met.

B. Driveways.

1. **A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive but in either case not less than the full width of the standard approach for the first twenty (20) feet of the driveway.**

Finding: The two proposed driveways have been designed to accommodate two-way traffic and will be 24 feet wide. This standard is met.

2. **Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.**

Finding: Access to and from the off-street parking areas will not require backing onto a public street. This standard is met.

3. **A driveway for a single-family dwelling or an accessory structure serving as a garage or home occupation shall have a minimum width of twelve (12) feet. Driveway approaches and vehicular maneuvering areas must be constructed in accordance with applicable City standards and the entire drive must be paved with asphalt or concrete or an approved permeable or semi-permeable surface.**

Finding: The proposed development is not a single-family dwelling or accessory structure. The requirements of this section are not applicable. This standard is met.

4. **A driveway for a two-family dwelling shall have a minimum width of twenty (20) feet. A driveway approach must be constructed in accordance with applicable City standards and the entire driveway must be paved with asphalt or concrete or an approved permeable or semi-permeable surface.**

Finding: The proposed development is not a single-family dwelling or accessory structure. The requirements of this section are not applicable. This standard is met.

5. **Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.**

Finding: All driveways, aisles, turnaround areas and ramps will have a minimum vertical clearance of 12 feet for their entire length and width. This standard is met.

6. **No driveway shall traverse a slope fifteen (15) percent or greater at any point along the driveway length.**

Finding: The proposed development is not a single-family dwelling or accessory structure. The requirements of this section are not applicable. This standard is met.

- 7. The location and design of the driveway within the lot frontage shall provide for unobstructed sight pursuant to the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the public works director considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.**

Finding: The proposed driveways will be designed to provide unobstructed sight pursuant to the vision clearance requirements. The vision clearance triangles are shown on the Overall Landscape Plan (Sheet L100). This standard is met.

- 8. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City Engineer may require joint access and/or shared driveways.**

Finding: The proposed development will include a driveway on Northern Drive and a driveway on Eastern Street. Both driveways are necessary for egress. Shared driveways are not proposed. This standard is met.

- 9. A driveway must line up with surrounding streets and meet the connectivity standards for full street connections in Section 16.50.030(B)(9)(a) if it meets one or more of the following:**
 - a. Intersects with a public street that is controlled, or is to be controlled in the planning period, by a traffic signal;**
 - b. Intersects with an existing or planned arterial or collector street; or**
 - c. Would be an extension of an existing or planned local street, or of another major driveway.**

Finding: The proposed driveways do not intersect with a public street that is controlled by a traffic signal. The connecting roads are both local streets. The driveways do not take the place of an existing or planned local street. This standard is met.

16.41.040 Pedestrian access and circulation.

To ensure safe, direct and convenient pedestrian circulation, all developments, shall provide a continuous pedestrian and/or multi-use pathway system consistent with the City's TSP and Happy Valley Parks Master Plan. (Pathways only provide for pedestrian circulation; multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections A through E of this section.

A. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathways(s) to adjacent streets and private property.

Finding: The proposed pathways on site connect to the adjacent public sidewalk which provides connection to the surrounding development, public parks and adjacent trails. This standard is met.

B. Safe, Direct and Convenient Pathways. Pathways within all developments, except single-family detached housing (i.e., on individual lots), single-family attached housing, duplexes, triplexes, quadplexes, and cottage cluster housing, shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets. For purposes of this Code section, the “primary entrance” of commercial, industrial, mixed use, public and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance. For residential buildings, the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling. A determination of whether or not a bicycle or pedestrian route is safe, direct, and convenient will be based on the following criteria:

1. Planned bicycle and pedestrian routes do not deviate unnecessarily from a straight line and will not involve a significant amount of out-of-direction travel for likely users.
2. Bicycle and pedestrian routes are reasonably free from hazards and provide safe access to destinations.

Finding: The proposed pathways will provide a safe, reasonably direct and convenient connection from the primary entrance and the street. This standard is met.

C. Connection within Development. For all developments subject to site design review, pathways shall connect to all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

Finding: Continuous pathways extend through the proposed development site that connect in a safe, reasonably direct and convenient connections between primary building entrances and all adjacent street, as shown the Site Plan (Sheet C200) provided in Appendix D. For this proposal, the “primary entrance” is considered the office. All building entrances are connected together through pathways to each of the proposed building entrances as well as all parking areas and recreational facilities. This standard is met.

D. Connections to Transit.

1. New multi-family, retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the use of the continuous pathway system outlined in subsections A and B above. “At a major transit stop” means a parcel or ownership that is adjacent to or includes a major transit stop, generally including portions of such parcels or ownerships that are within two hundred (200) feet of a major transit stop. “Near a major transit stop” means a parcel or ownership that is within three hundred (300) feet of a major transit stop.

2. In addition to other requirements in this section, sites that are located at a major transit stop shall provide the following:
 - a. Either locate buildings within twenty (20) feet of the transit stop, a transit street or an intersection street, or provide a pedestrian plaza at the transit stop or a street intersection;
 - b. A reasonably direct pedestrian connection between the transit stop and building entrances on the site;
 - c. A transit passenger landing pad accessible to disabled persons;
 - d. Lighting at the transit stop;
 - e. An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by the public transit provider; and
 - f. Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops.

Finding: The subject site is not located within 300 feet of a major transit stop. The requirements of this section are not applicable.

E. Design and Construction. Pathways shall be designed and built in accordance with City public works standards.

Finding: All pathways have been designed and will be built in accordance with City public works standards. This standard is met.

Chapter 16.42 LANDSCAPING, STREET TREES, FENCES AND WALLS, RECREATION AREAS

16.42.030 Landscaping standards.

A. General Requirements for Landscaping.

1. Where landscaping is required by this code, a detailed landscape design plan in accordance with Section 16.42.030(C) shall be submitted for review with development applications. No development may commence until the Planning Official or designee has determined the plans comply with the specific standards of this section. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a certificate of occupancy.

Finding: A detailed Planting Plan (Sheets L101-L102) has been provided in Appendix D of this application. This standard is met.

2. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the joint and several right and responsibility of the property owner, tenant, and their agent, if any, unless otherwise provided by the lease agreement, or City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within four months. Landscaping shall be maintained in a condition which presents a healthy, neat, and orderly appearance and shall be kept free of refuse and debris.

Finding: The Applicant understands that care and maintenance of the landscaping on-site and in the adjacent public right-of-way is the responsibility of the property owner, tenant or agent. This standard is met.

3. **Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees that are six inches or greater in diameter measured at a height of four and one-half feet above grade are considered significant pursuant to Section 16.42.050. Plants to be saved and methods of protection shall be indicated on the detailed landscape plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area five feet outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located five feet outside the drip line.**

Finding: The existing trees that will be preserved with this development will be protected by construction fence located outside of the drip line by five feet. The trees to be removed and the trees to be preserved are shown on the Site Plan (Sheet C200) provided in Appendix D. This standard is met.

4. **In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. All plant growth in landscaped areas shall be controlled by pruning, trimming, or otherwise so that it will not interfere with the maintenance or repair of any public utility.**

Finding: No shrubs or trees will interfere with the vision clearance area of the driveway, and all plant material near the vision clearance area will be trimmed and pruned accordingly. This standard is met.

5. **Landscaped areas may include stormwater detention facilities, architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas interspersed with planted areas, and on-site natural features which are retained and improved. The exposed area developed with such features shall not exceed twenty-five (25) percent of the required landscaped area. This area may be developed into pedestrian amenities, including, but not limited to, sidewalk cafés, seating, water features and plazas, as approved by the Planning Official or designee or the Design Review Board. Artificial plants are prohibited in any required landscaped area.**

Finding: A Planting Details and Notes (Sheet L103) has been submitted with this application and is shown in Appendix D, where the details and notes show the percentage of landscaped area and the percentage of the above architectural features and artificial groundcovers. This standard is met.

6. **Balconies required for entrances and exits should not be considered as landscaped areas except where such exits and entrances are for the sole use of the unit.**

Finding: Balconies are not utilized for entrances and exits. The requirements of this section are not applicable.

7. **Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.**

Finding: The proposed open space will not include any roofed structures. This standard is met.

8. **Driveways and parking areas shall not be included as landscaped area.**

Finding: The driveways and parking areas have not been included as landscaped area. This standard is met.

9. **All areas not occupied by paved roadways, parking areas, loading areas, driveways, walkways, patios, or buildings shall be landscaped.**

Finding: All areas not occupied by paved roadways, parking areas, loading areas, driveways, walkways, patios, and buildings will be landscaped. This standard is met.

10. **Topsoil and Cover Planting.**

- a. **During construction, sufficient topsoil and overburden shall be stored on the property in a stabilized condition at an isolated location to restore graded or backfilled areas. Such areas shall be covered with not less than eight inches of topsoil of at least equal quality to that removed, provided that if the average depth of the topsoil prior to excavation was less than eight inches, then the depth required need not exceed such lesser average.**
- b. **Upon replacement of topsoil, the developer shall provide groundcover selected by the developer adequate to control erosion, prevent undue runoff and restore the surface in a manner suitable for its future development. Such groundcover will be identified by the developer on the site plan at the time of site plan review or preliminary approval of a partition, subdivision, PUD, or nonresidential development.**

Finding: All areas will be covered topsoil at whatever the average depth of the topsoil prior to excavation of the site. Following the replacement of topsoil, groundcover will be provided for erosion control on site.

This standard is met.

11. **Final public infrastructure inspection and authorization to submit building permits may occur prior to the landscaping requirements having been met, provided that the City has received bonding or other assurances to cover the cost of required public improvements, in accordance with Section 16.50.080.**

Finding: The Applicant acknowledges bonding or other assurances to cover the costs of public improvements may be required should final public infrastructure inspection and

authorization to submit building permits occur prior to the landscaping requirements being met.

B. Area Required. The following minimum gross developable lot area of the greater proposed development shall be landscaped for the following uses:

- 1. Single-family detached, single-family attached dwellings, duplexes, triplexes and fourplexes: twenty (20) percent. A minimum of fifty (50) square feet of landscaping shall be located in front of the dwelling(s);**
- 2. Multifamily dwellings containing five or more units: twenty (20) percent;**
- 3. Nonresidential uses, e.g., commercial, industrial, institutional, or civic: fifteen (15) percent.**

Finding: The proposed development will provide multi-family dwellings containing five or more units; therefore, twenty percent of the gross developable lot area is required to be landscaped. The table below provides the gross developable area of the site, the required landscape area and the total landscape area provided.

Developable Area	Required Landscaping (20%)	Provided Landscaping
135,501 sq.ft.	27,100 sq.ft.	62,510 sq.ft.

This standard is met.

C. Landscaping Plan Requirements.

- 1. The applicant shall submit a preliminary landscape design plan which includes:**
 - a. Location of underground irrigation system sprinkler heads where required by the City;**
 - b. Location and height of fences, buffers and screening;**
 - c. Location of terraces, decks, shelters, play areas, accessory structures and facilities, and common open areas;**
 - d. Location, type, size and species of existing and proposed plant materials;**
 - e. A narrative which addresses soil conditions and erosion control measures that will be used;**
 - f. Proposed location(s) and design of trash receptacles, clustered mailboxes per the provisions of the Americans with Disabilities Act and implementing federal regulations as well as the accessibility provisions of the Oregon Structural Specialty Code, newspaper boxes, and entry features or signs;**
 - g. Any trees over six inches in diameter at four feet in height proposed to be removed;**
 - h. The approval standards shall be the applicable standards contained in this section.**

Finding: The Landscape Plans (Sheets L101-L103) provided in Appendix D demonstrate compliance with this standard. The above standards are met.

D. Parking Lot Landscaping.

1. **Except for a residential development that has landscaped yards, parking facilities shall include landscaping to cover not less than fifteen (15) percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and groundcovers.**

Finding: The proposed development will include a combination of surface parking and garage parking. Landscaping has been provided in the surface parking lot; however, the parking structure has been excluded from the landscaping calculation. The parking structure area is covered and shaded from the sun, meeting the general intent of providing landscaping throughout the parking area. The total parking area including the garage area is 63,791 square feet. The required landscaping for all parking, including the garage would be 9,569 square feet (15%). The provided parking lot landscaping exceeds the requirement.

Parking Lot Area	Required Landscaping (15%)	Provided Landscaping
35,206 sq.ft.	5,483.7 sq.ft.	20,380 sq.ft.

This standard is met.

2. **Screening of all parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall be required. Where not otherwise specified by district requirement, screening along a public right-of-way and the parking area perimeter shall include a minimum ten (10) feet depth of buffer plantings adjacent to the right-of-way and along the perimeter of the parking area except when the perimeter of the parking area is within a commercial center or part of shared parking area, where a buffer is not required.**

Finding: The proposed parking area has been designed with a perimeter screen of 10 feet along the property boundary and public right-of-way.

This standard is met.

3. **When parking in a commercial or industrial district adjoins a residential zoning district or use that is not comprised of a landscaped open space tract owned and maintained by the public or a Homeowner's Association providing for sight obscuring screening along the length of the subject site, a sight-obscuring screen that is at least eighty (80) percent opaque when viewed horizontally from between two and eight feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening. Screening options may include landscaped earthen berms, solid wood fences or masonry walls with landscaping, or a combination of landscaping and construction materials that provide sight and sound abatement at the time of building occupancy.**

Finding: The proposed development does not include parking in a commercial or industrial district that adjoins a residential zoning district, therefore this standard is not applicable.

4. **Parking areas shall be divided into bays of not more than eight spaces in parking areas with twenty (20) or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of five feet and a minimum length of seventeen (17) feet for a single depth bay and thirty-four (34) feet for a double bay. Each planter shall contain one major structural tree and groundcover. Truck parking and loading areas are exempt from this requirement.**

Finding: The proposed surface parking area has been divided into bays of no more than eight spaces. Planters with a minimum width of five feet and length of seventeen feet for a single bay and 34 feet for a double bay have been provided between bays. The proposed structure parking spaces have not been divided into bays.

This standard is met.

5. **In parking lots three acres and larger intended for use by the general public, the walkway shall be raised or separated from parking, parking aisles and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans with Disabilities Act (ADA) Accessibility Guidelines.**

Finding: The parking area proposed with this application is not larger than three acres, therefore this standard is not applicable. However, all raised walkways proposed comply with the Americans with Disabilities Act (ADA) Accessibility Guidelines. This standard is met.

E. Required Tree Plantings.

1. **Planting of street trees is required for all public street frontages. Planting of street trees along private roadways is at the discretion of the developer, builder or property owner. Private street trees shall be located within a private street easement or combined private street tree/public utility easement. Trees shall be planted outside the right-of-way except where there is a designated planting strip or City-adopted street tree plan. (See Section 16.42.040(B) for standards.)**
2. **The City maintains a list of appropriate trees for street tree and parking lot planting situations in Table 16.42.040-1. Selection of species should be made from the City-approved list. Alternate selections may be approved by the Planning Official or designee following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief. Street trees shall be planted at thirty (30) feet on center except where planting a tree would conflict with existing trees, retaining walls, utilities and similar barriers.**
3. **Trees may not be planted:**
 - a. **Within five feet of a permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the Planning Official or designee are used;**
 - b. **Within ten (10) feet of fire hydrants and utility poles;**
 - c. **Within five feet from a curb face when not in a planter strip or island;**

- d. **Where the Planning Official or designee determines the trees may be a hazard to the public interest or general welfare.**
4. **Trees shall be pruned to provide a minimum clearance of eight feet above sidewalks and twelve (12) feet above street and roadway surfaces.**

Finding: Public street improvements on all adjacent public streets, including street trees will be installed as part of the Ericksons Subdivision development (SUB-01-20). Additional improvements are not proposed with the proposed development. The requirements of this section are not applicable.

F. Irrigation. Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life, or shall submit a xeriscaping landscape plan based on drought tolerant plantings for review and approval of the Planning Official and/or Design Review Board. Any development, redevelopment, or street improvement or installation project that results in the requirement of more than one standard residential meter ($\frac{5}{8} \times \frac{3}{4}$, rated at twenty (20) gallons per minute) to be dedicated to the irrigation of publicly accessible green space and/or planter strips shall be required to install irrigation systems that utilize evapotranspiration (ET) based controllers if the green spaces are to be irrigated at any time during peak demand season. Subdivisions, planned unit developments (PUDs) and road projects requiring more than two standard residential meters ($\frac{5}{8} \times \frac{3}{4}$, rated at twenty (20) gpm) to be dedicated to the irrigation of publicly accessible green space and/or planter strips shall utilize central control systems with active connection to weather stations and flow monitoring sensors. The developer or project owner will be required to pay the cost for initial set-up and programming with the contractor selected by Sunrise Water Authority to manage the irrigation control system. Sunrise Water Authority will retain responsibility for engaging the contractor to operate any and all irrigation management systems installed under this program. Annual operational costs for the management of the system shall be collected from the homeowners within the subdivision or planned unit development as a surcharge on their water bill. Industry standard charges for operation and management of ET based irrigation control systems are based upon the number of valves in the irrigation system. This charge shall be equitably distributed amongst all home sites within the subdivision or PUD or, in the case of road projects, borne by the project owner, such as the County, City or State.

Finding: The proposed landscaping and vegetation will be irrigated with an automatic system, as noted on the Planting Plan (Sheet L101). The proposed irrigation system will be designed to meet the requirements of this section. The standard residential meter will be sufficient for the irrigation needs proposed. This standard is met.

G. Types and Size of Plant Material.

1. **At least seventy-five (75) percent of the required landscaping area (at maturity) shall be planted with a suitable combination of trees, shrubs, or evergreen groundcover.**

Finding: The applicant has provided a Planting Plan (Sheets L101-L102) showing that seventy-five percent of the required landscape area will be planted with a combination of trees, shrubs, and evergreen groundcover at maturity. This standard is met.

2. Plant Materials. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.

Finding: The applicant has provided a site plant materials list of the proposed plantings on site on the Planting Details and Notes Plan (Sheet L103). The proposed plant materials include the use of native plant materials and plants acclimatized to the Pacific Northwest. This standard is met.

3. Deciduous trees shall be species having an average mature spread of crown greater than fifteen (15) feet and having trunks, which can be maintained in a clear condition with over five feet of clear wood (without branches). Trees having a mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.

Finding: The proposed deciduous tree species have been selected to conform with the requirements of this section and have been listed in the site plant materials list on the Planting Details and Notes Plan (Sheet L103). This standard is met.

4. Deciduous trees shall be balled and burlapped, and a minimum of seven feet in overall height or one and one-half inches in caliper measured six inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.

Finding: The proposed condition of the trees (balled and burlapped *B&B) and plant size of the deciduous tree species have been listed in the site plant materials list on the Planting Details and Notes Plan (Sheet L103). All deciduous trees will be a minimum of one and one-half inches in caliper. This standard is met.

5. Coniferous trees shall be a minimum five feet in height above ground at time of planting.

Finding: The proposed coniferous tree species have been listed on the Planting Details and Notes Plan (Sheet L103). The coniferous trees will be a minimum of five feet tall at time of planting. This standard is met.

6. Shrubs shall be a minimum of one gallon in size or two feet in height when measured immediately after planting.

Finding: The proposed shrubs have been listed on the Planting Details and Notes Plan (Sheet L103). The shrubs will be a minimum one gallon in size or two feet in height at time of planting. This standard is met.

7. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within two years after planting.

Finding: Where hedges are proposed to screen and buffer off-street parking from adjoining properties, will be planted with an evergreen species and maintained so as to form a continuous, solid visual screen within two years after planting. This standard is met.

8. **Vines for screening purposes shall be a minimum of one gallon in size or thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. English Ivy is not permitted.**

Finding: The proposed development does not include vines for screening purposes. The requirements of this section are not applicable.

9. **Vegetated groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, groundcovers shall be planted in such a manner as to provide complete coverage in two years.**

Finding: The proposed groundcovers have been listed on the Planting Details and Notes Plan (Sheet L103). The groundcovers will be fully rooted and well branched or leafed. This standard is met.

10. **Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrasses and fescues used within the local landscape industry. Artificial turf/lawn/grass may substitute for vegetative turf/lawn/grass as part of an approved landscape plan illustrating high-quality product that is generally natural in appearance as approved by the Planning Official or designee.**

Finding: The proposed lawn will be seeded with a species normally grown as permanent lawns in western Oregon. This standard is met.

H. Revegetation in Unlandscaped or Natural Landscaped Areas.

1. **Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted as required by the City or by applicable conditions of approval.**
2. **Plant material shall be watered at intervals sufficient to assure survival and growth.**
3. **The use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.**

Finding: All natural vegetation areas removed for construction activity are affected by the landscaping requirements as addressed in this narrative. The plant material will be irrigated, and the use of native plant materials is included in the proposed landscape plans as shown in the Planting Plan (Sheet L101-L102) provided in Appendix D. This standard is met.

I. Landscaping Between Public Right-of-Way and Property Lines. Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

Finding: The landscaping between the Public right-of-way and the property line is proposed to be landscaped as shown in Planting Plan (Sheet L101-L102) provided in Appendix D. The

portion of landscaping within the street right-of-way will not be counted towards the lot area percentage to be landscaped. This standard is met.

J. Buffer Planting—Parking, Loading and Maneuvering Areas.

- 1. Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than to block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.**
- 2. Any use which is required to provide off-street parking for five or more vehicles shall provide buffering of the parking areas on all sides which face directly upon and are within one hundred (100) feet of any property line of the subject site. Buffering shall include, in addition to required street trees for the project as a whole, fencing, sound walls (if deemed necessary by the review authority) or plantings at the immediate perimeter of the parking area which shall be of sufficient height and density, year around, to obscure sight lines to the parked vehicles and negate the impacts of headlights.**
- 3. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying groundcover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities.**
- 4. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements.**

Finding: Buffer plantings are proposed adjacent to the proposed surface parking areas where the parking will be visible from adjacent roadways or properties. The proposed buffer planting is shown on the Planting Plan (Sheet L101-L102) provided in Appendix D. Buffer planting will include a mix of groundcover, shrubs, and trees as well as decorative fencing and walls. This standard is met.

K. Assurance Required. Landscaped areas shall provide assurance to the City for one hundred twenty-five (125) percent of the estimated cost of the project through a bond, escrow account or certified letter of credit. Landscaped areas shall be completed as shown in the approved plans and inspected and approved by the City prior to final approval (“walk-through”), or shall be provided for by financial guarantee. The City will require a maintenance bond or other financial guarantee for the landscaped areas which will be held for two years after improvements are made to ensure plant survival. Plants that do not survive shall be replaced by the applicant during the first two years after the landscaped area is improved. The amount of the maintenance bond shall be twenty-five (25) percent of the construction cost of the landscaped areas as approved by the Planning Official or designee. The City may, at its option, require the maintenance bond to be extended should the need arise to finalize inspections or determine plant health.

Finding: The applicant understands that an assurance will be required for the landscaped areas at 125 percent of the estimated cost of the project through a bond, escrow account or certified letter of credit. The applicant understands that other assurances including a

landscape maintenance bond may be required to be made to the City. This standard is met.

16.42.040 Street trees and planter strips.

A. Applicability. All partitions, subdivisions, planned unit developments (PUDs), and any individual uses within any district, whether permitted by right or conditional approval, shall be required to provide street trees and, where applicable, planter strips on all public roadways within the project area, in accordance with the standards in subsection B below. Planting of street trees along private roadways is at the discretion of the developer, builder or property owner. Private street trees shall be located within a private street easement or combined private street tree/public utility easement.

Finding: Public street improvements on all adjacent public streets, including street trees will be installed as part of the Ericksons Subdivision development (SUB-01-20). Additional improvements are not proposed with the proposed development. The requirements of this section are not applicable.

16.42.050 Tree cutting and preservation.

A. Purpose. The purpose of this section is to regulate the removal and preservation of trees and to protect trees as a natural resource of the City. It is the intent of this section to allow the prudent management of trees by individual property owners and developers where such management is in keeping with the purposes of this section.

B. Tree Removal Permits Applicability.

1. No person shall remove a tree that is six inches or more in diameter at four and one-half feet above ground level, without first obtaining a tree removal permit from the City. Permits shall be either a Type A permit or a Type B permit.
2. All tree removal permit fees shall be determined by resolution of the City Council.
3. The City may impose additional conditions in writing upon approval of a Type A or B tree removal application such as the time and nature of the removal, mitigation measures, erosion control or other reasonable conditions.
4. Tree removal fees (per tree) for trees determined to be located within the development envelope and associated tree impact zone around development not associated with subdivision construction, planned unit development (PUD) construction, land partition construction or nonresidential construction, and for hazard trees (dangerous, diseased or dying) shall be waived. This waiver shall not include the filing fee.
5. Trees that exist within an existing lot of record, parcel or lot that are not part of preliminary subdivision or PUD may be removed for the creation or preservation of view corridors in the City. Applications to remove trees for the creation or preservation of view corridors shall be made upon forms prescribed by the City. Application type shall be dependent upon whether the applicant meets Type A or Type B permit criteria.
6. Tree removal from forested lands outside of commercially viable tree farms pursuant to the definition of "tree farm" preceding building construction or land development

activities is prohibited. Tree farms and fruit or nut orchards that can demonstrate current commercial growing and harvesting operations shall be excluded from the provisions of this title, except where the removal of trees would create a significant increase in erosion as determined by the City Engineer, in which case a Type A or Type B permit shall be required.

Finding: This application is submitted concurrently with a Type B Tree Removal Permit. These standards are met.

C. Type A Permits.

1. Type A permits are required if all of the following criteria are met:
 - a. The applicant proposes to remove a maximum of three trees;
 - b. The property does not contain areas subject to Chapter 16.32 or Chapter 16.34 of the LDC; and
 - c. The property does not contain trees protected as a condition of approval of development pursuant to the LDC.

D. Type B Permits.

1. Type B permits are required for all circumstances where the criteria for a Type A permit are not met.
2. Type B permit applications shall contain all information required for a Type A application as provided in subsection C above. In addition, a Type B application shall include:
 - a. A tree survey prepared by a certified arborist, or other qualified landscape specialist as approved by the City, which describes size, species, health and condition of trees, and a map at a minimum scale of one inch equals one hundred (100) feet, that locates trees on the property. An arborist-prepared survey is not required for trees determined to be located within the development envelope and associated tree impact zone around the development area not associated with subdivision construction, planned unit development (PUD) construction, land partition construction or nonresidential construction, or if the Planning Official or designee can easily determine that the tree(s) in question are dead or dying. Drainageways, wetlands and surface water features shall also be identified on the map, unless waived by the Planning Official or designee;

Finding: The applicant will submit a Type B Tree Removal Permit under a separate application. An Arborist Report (Exhibit 5), including a tree inventory and assessment has been provided in Appendix C. The trees proposed for removal have been shown on the Site Plan (Sheet C200), provided in Appendix D. These standards are met.

- b. **A Tree Removal Plan.** The plan shall identify each tree to be removed, describe protective fencing or markings around other trees or spaces to protect surrounding vegetation, and shall map proposed mitigation and erosion control measures. In addition, the plan shall designate grade changes, if any, proposed for the property. Individual trees that are to be removed during construction of a development shall be clearly identified on the tree removal plan, and must

receive approval from the City. The plan shall illustrate typical building envelopes as allowed by the required yard setbacks of the underlying development district or actual building envelopes at the discretion of the Planning Official or designee, particularly for multifamily, institutional, commercial or industrial developments; easements; or any other structural development constraints, and shall be based on the final grading plan. All trees proposed for removal must exist within grading areas for public rights-of-way and public infrastructure and utility areas, pursuant to Section 15.12.050 of the Happy Valley Municipal Code, including stormwater detention facilities pursuant to Section 16.50.060 of this Code; and, within the potential or actual building envelope. At the discretion of the Planning Official, tree removal from individual lots may also be proposed for removal or may be subject to a separate Type A or Type B permit as described in subsection B. Removal of trees outside of the areas approved as part of the original subdivision, PUD, partition or nonresidential tree removal plan shall be permitted only upon demonstration by a certified arborist that retention of trees within these areas represents a significant hazard to public health, safety and welfare (including potential damage to structures), or maintains a "view corridor." Review and approval of said arborist report shall be the responsibility of the Planning Official and City Engineer (or designees). The Planning Official or designee shall determine the tree mitigation ratio for all tree removal as detailed within subsection D of this section, with a maximum ratio of three trees to one removed.

- i. **Optimal Tree Protection Zone.** The minimum distance from the center of a tree to the disturbance line shall be one foot of radius per inch of diameter at breast height (dbh), as measured four and one-half feet above the uphill side of the tree. Within these parameters, no more than thirty-three (33) percent of the area may be disturbed, though with healthy vigorous trees, up to fifty (50) percent of the area may be disturbed if supported by a certified arborist.
- ii. A tree that is adjacent to a public right-of-way, public infrastructure and utility area, or potential or actual building footprint shall be retained only if protected within the optimal tree protection zone as defined above. Within the portion of the optimal tree protection zone that is being protected, a substantial fence or barrier shall exist. Within the fenced area, no soil disturbance, including stripping, is permitted. The natural grade is to be maintained, and no storage or dumping of materials, parking, etc. will be allowed within this protection area. The protection area fence or barrier shall remain in place through the construction of the structure. If excavation is proposed within the optimal tree protection zone (outside of the fenced off protection area), tree roots shall be pruned along excavation lines in the following manner:
 - (A) Excavation in the top twenty-four (24) inches of the soil in the critical root zone area should begin at the excavation line that is closest to the tree;

- (B) Excavation is to occur with a hand shovel or a backhoe accompanied by a person with a shovel, pruning shears and a pruning saw;
- (C) When shoveling, all roots one inch diameter or larger shall be pruned at the excavation line. When a backhoe is utilized, the operator starts the cut at the excavation line and if encountering roots or resistance, has the person with the shovel/shears/saw prune any roots that are larger than one inch diameter;
- (D) Backhoes are to remain off the roots that are to be saved at all times; and
- (E) All excavation work within the optimal tree protection zone (outside of the fenced protection area) shall be accomplished under the supervision of a certified arborist.

Finding: The applicant will submit a Type B Tree Removal Permit under a separate application. An Arborist Report (Exhibit 5), including a tree inventory and assessment has been provided in Appendix C. The trees proposed for removal have been shown on the Site Plan (Sheet C200), provided in Appendix D. These standards are met.

- c. **The review body shall determine the tree mitigation ratio for all tree removal as detailed within subsection D (except for partitions), with a maximum ratio of three trees to one removed. The Planning Official or designee shall determine the tree mitigation ratio for all tree removal in conjunction with a partition application, as detailed within subsection D, with a maximum ratio of three trees to one removed. Mitigation requirements shall not apply to trees removed that are identified by a certified arborist as dead or dying. An arborist report is not required if the Planning Official or designee can easily determine that the tree(s) in question are dead or dying. For Type B permits, the City may require that replacement trees have shade or erosion control potential or other characteristics comparable to or greater than the removed trees. Replacement trees shall be appropriately chosen for the site from an approved tree species list supplied by the City (see Appendix A), or as approved by a representative of the City, and shall be nursery Grade No. 1 or better. All replacement trees shall be at least one and one-quarter to one and one-half inches (bag and burlap) in diameter at breast height (dbh), as measured by caliper method for non-wetland, non-riparian corridor mitigation area, or non-slope re-vegetation sites. Within wetland, or riparian corridor mitigation sites, trees may be bare-root or greater. The preparation of lands for tree planting (e.g., removal and control of non-native species via a submitted management plan) may count for up to two-thirds of the required mitigation ratio. Within slope re-vegetation areas identified in a Native Vegetation Report prepared pursuant to Section 16.32.070(B)(2)(c), native trees and/or shrubs proposed consistent with the recommendations contained in said report may satisfy the required mitigation ratio. The City may review and modify tree replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. Where it is not feasible or desirable to relocate**

or replace trees on site, relocation or replacement may be made at an approved alternate public or private property in the City, or the property owner, builder or developer may make financial contribution to the City's "Tree Bank" equal to two hundred fifty dollars (\$250.00) per tree, for the actual number of trees removed. If weather/irrigation conditions do not support planting of the mitigation trees, the builder or developer may secure the mitigated number of trees with a City-approved financial security (bonds, irrevocable letters of credit, bank set-asides, cash, etc.).

Finding: This applicant understands that the review body shall determine the tree mitigation ration for all trees to be removed, and that proper mitigation shall take place before the trees removed as part of this application, including the option to make a financial contribution to the City's "Tree Bank". These standards are met.

3. **The following procedure shall be followed for Type B permits:**
 - a. **By submission of an application, the applicant shall be deemed to have authorized City representatives access to the property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit have been followed. All trees are to be clearly marked by the applicant for inspection by a City representative, prior to removal;**
 - b. **No property for which a Type B permit has been granted may be the subject of an application for a subsequent Type B permit for a period of twelve (12) months; provided, however, that this limitation may be waived by the City upon a showing of extreme hardship or exigent circumstances. If tree removal work has not been completed within ninety (90) days, a new permit must be applied for. By submittal of a written request, the Planning Official may extend this period up to two additional ninety (90) day periods.**
4. **Type B permits shall be evaluated based upon the following criteria:**
 - a. **It is the intent of this section to allow the prudent management of trees where such management is in keeping with the purposes of this section. Type B permits shall be granted upon a showing that tree removal is either:**
 - i. **Necessary for the construction of a building, addition, structure or other approved site improvement, and there is no feasible or reasonable alternative option for such improvement which would not require removal of trees; or**
 - ii. **Necessary to remove a tree or trees that is/are diseased, damaged or in danger of falling, or which present(s) a hazard to people or adjacent property; or**
 - iii. **Necessary to provide safe and adequate access to utility service, utility drainage or right-of-way.**
5. **An applicant for a Type B permit is responsible for obtaining all necessary State and Federal permits that may, in addition to City approvals, be required for a tree removal proposal. This includes abiding by State and Federal wildlife protection laws.**

Finding: The applicant will submit a Type B Tree Removal Permit under a separate application. This applicant understands and acknowledges the review procedures and criteria for this Type B Tree Removal Permit. The criteria are met for the Type B Permit because the trees to be removed are necessary for the construction of a building and there is no feasible or reasonable alternative that would not require removal of trees. These standards are met.

E. Tree Removal from Open Spaces and Areas Adjacent to Drainageways.

1. At no time shall trees be removed from open spaces in a development, except under circumstances of danger, or threat to life and property as determined by a representative of the City.
2. Removal of trees will not be allowed within thirty (30) feet of the high water mark on either side of an identified drainageway. An identified drainageway shall be one that is identified on a United States Department of the Interior Geological Survey 7.5 Minute Quadrangle Map ("U.S. Geological Survey Map"). No tree may be removed from an identified drainageway unless such tree is determined by a City representative to be a dangerous tree. For any drainageway that is not identified upon the United States Geological Survey Map, the permittee shall have the burden of demonstrating that the tree removal sought will not cause or contribute to erosion. The City may require that added erosion control measures be implemented to prevent erosion. The City may require additional documentation substantiating a claim of dangerous circumstances alleged to necessitate the removal of trees from within an identified drainageway. This request for information may include, but is not limited to, a certified arborist report confirming the danger posed by the tree(s) in question.

Finding: No trees in open spaces and areas adjacent to drainageways are proposed to be removed with this Type B Tree Removal Permit. These standards are met.

F. Emergency Permits. If any tree presents an immediate danger of collapse, posing a clear and present hazard to persons and/or property, such tree may be removed without formal application for a Type A or B permit and the payment of a tree removal permit fee may be waived by the Planning Official or designee. For the purposes of this section, "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage before a tree removal permit can be obtained through the nonemergency process. The tree owner should photograph the tree showing emergency conditions and then may proceed with the removal of the tree to the extent necessary to avoid the immediate hazard. Within seven days after such removal, the tree owner shall apply for a retroactive emergency tree removal permit. If the evidence and information presented by the tree owner do not meet the criteria for an emergency tree removal permit set forth in this section, the owner shall be subject to penalties as set forth in subsection H of this section. Tree removal permit application fees may also be waived by a representative of the City after the emergency condition has been adequately verified.

Finding: This application does not contain an emergency permit; therefore, this standard is not applicable.

G. Mitigation of Tree Removal within Annexation Areas. Previously unincorporated areas within Clackamas County that have annexed within the City of Happy Valley and have caused significant removal (greater than fifty (50) percent) of the “forest canopy” that are not part of a “tree farm” pursuant to City definitions, shall be evaluated at the time of land division or site design review application for past tree removal. For discernible mass tree removal by remaining stumps, logging permit records, survey data or any other means authorized by the Planning Official that has occurred within a previous five-year period from submittal of a complete land use application, tree mitigation at a ratio of 2:1 shall be required. If on or off-site tree mitigation efforts are not accomplished pursuant to the auspices of this chapter, the applicant may make payment to the City’s Tree Bank in lieu of tree planting mitigation.

Finding: This application does not pertain to Annexation Areas as described in this subsection of the code, therefore this standard is not applicable.

H. Topping, Thinning and Pruning of Trees.

1. Trees severely damaged by storms or other uncontrollable natural causes, trees under utility wires or other obstructions making normal pruning practices impractical, trees that are being made into “habitat trees” that are outside of a fall area that could damage persons or property and trees that have been continually topped and trimmed over time to be maintained as a visual screen or to perform a similar function may be topped without a tree removal permit. All other tree topping is prohibited.
2. Trees shall not be limbed in any manner that removes more than thirty (30) percent of the existing limbs. This requirement is intended to allow for normal tree pruning, but eliminate the consecutive limbing of trees from top to bottom.

Finding: This application does not contain any proposals to top, thin, or prune existing trees, therefore this standard is not applicable.

I. Violation and Penalties.

1. If a tree is removed without a tree removal permit, a violation may be determined by measuring the stump. A stump that is six inches or more in diameter at four and one-half feet above ground level, or as close to four and one-half feet above ground level as can be determined from remaining evidence, shall constitute prima facie evidence of a violation of this chapter.
2. Failure to follow any requirements or conditions of an approved tree cutting permit shall constitute a violation of this section.
3. Removal of the stump of a tree cut without a tree removal permit prior to the determination provided for in subsection (H)(1) of this section is a separate, additional violation of this section.
4. Each day’s violation of any provision of this section constitutes a separate offense. Each individual tree removed in violation of the requirements of this section shall be a separate offense hereunder. Failure to comply with a condition of approval shall be a separate infraction each day the failure to comply continues. Each offense or infraction is subject to a civil penalty as prescribed in Section 16.13.020 of this title.

5. A person who removes a tree subject to this section without first obtaining a valid tree removal permit may obtain a retroactive permit by demonstrating that the removal complied with the applicable criteria for obtaining a tree removal permit. No person may obtain more than one retroactive permit. In addition, the applicant may be subject to additional mitigation requirements as determined by the City.
6. Upon request of the City Manager or at the direction of the City Council, the City Attorney may institute appropriate legal action to enjoin the removal of trees in violation of this section, or to otherwise enforce the provisions of this section.
7. The City shall have authority to issue a stop-work order, withhold approval of a final plat and/or withhold issuance of a certificate of occupancy, permit or inspection until the provisions of this section have been fully complied with.
8. A builder, developer or tree service holding a City business license who is convicted of violating any provision of this section shall constitute grounds for revocation of the license, at the discretion of the City Council.
9. Any arborist, landscaper, contractor or tree service that has performed any tree removal in violation of this section or submitted a falsified report in connection with any tree removal or application for any tree removal covered by this section, shall not be considered a responsible bidder for any City contracts for a period of five years from the date of violation and/or penalty, whichever is later. The City Council may, at its discretion, waive this provision upon a showing of good cause.
10. Removal of a tree in violation of this section is declared to be a public nuisance, and may be abated by appropriate proceedings pursuant to City Charter Section 21.
11. The owner of the property upon which tree removal takes place is subject to enforcement and penalties pursuant to this section regardless of whether such owner personally conducts activities in violation of this section.

Finding: This applicant understands and acknowledges the above violations and penalties.

16.42.060 Fencing, walls and screening.

A. Walls and earthen berms along arterial or collector streets in residential districts have significant visual impacts, particularly with respect to traffic safety, site visibility and design aesthetics affecting major transportation corridors. Accordingly, prior to the issuance of a certificate of occupancy for a dwelling in a partition, subdivision, PUD or multifamily project, one of the following, or a combination thereof, is required to be installed along an arterial or collector street in a residential district. A recorded Contract, Covenants and Restrictions (CC&Rs) is required to assure ongoing maintenance.

1. **Front Façade or Main Entrance Facing an Arterial or Collector Street.** Dwellings with the front façade or main entrance facing an arterial or collector street must construct up to a four-foot-tall barrier along the associated frontage consisting of:
 - a. Masonry or brick walls treated with anti-graffiti sealant; or
 - b. Decorative metal fence with masonry or brick columns; or
 - c. Solid earthen berms no greater than twenty-five (25) percent in slope and both faces of the slope with groundcover, shrubs, and trees covering the berm.

Finding: The main entrance of the proposed development will face Northern Drive, a local street. The building will not have an entrance or front façade facing SE 172nd Avenue, an arterial road. The requirements of this section are not applicable to the proposed development.

- 2. Front Façade or Main Entrance Not Facing an Arterial or Collector Street. Dwellings with the front façade or main entrance not facing an arterial or collector street must construct up to a six-foot-tall barrier along the associated frontage consisting of:**
 - a. Masonry or brick walls treated with anti-graffiti sealant; or**
 - b. Decorative metal fence with masonry or brick columns; or**
 - d. Solid earthen berms no greater than twenty-five (25) percent in slope and both faces of the slope with groundcover, shrubs, and trees covering the berm.**

Finding: This application will include a small retaining wall along the stormwater detention pond on SE 172nd. The proposed retaining wall will vary in height, with a maximum height of approximately 4.75 feet, with a fence above the retaining wall. The proposed wall will be installed in accordance with all requirements. This standard is met.

- 3. Fences taller than two and one-half feet are not allowed in a clear vision area.**

Finding: The main entrance of the proposed development will face Northern Drive, a local street. The building will not have an entrance or front façade facing SE 172nd Avenue, an arterial road. The requirements of this section are not applicable to the proposed development.

- 4. If a fence or wall is located in a utility easement, a minimum five-foot-wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title.**

Finding: The proposed development does not include a wall or fence within a utility easement. The requirements of this section are not applicable.

- 5. Fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping at least every twenty-five (25) feet.**

Finding: Landscaping will be provided along all proposed walls and fences and has been designed to prevent visual monotony. This standard is met.

- 6. Wall height within the Rock Creek Employment Subdistrict shall comply with the height limitation identified in Section 16.25.010.F.4.**

Finding: The proposed development is not located in the Rock Creek Employment Subdistrict. The requirements of this section are not applicable.

B. Screening.

- 1. Height and Opacity. Where landscaping is used for required screening, it shall be at least six feet in height and at least eighty (80) percent opaque, as seen from a perpendicular line of sight, within two years following establishment of the primary use of the site. Landscaping that provides a buffer between a commercial or industrial structure that is within one hundred (100) feet of the property line of a residential zone or use shall**

provide solid sight and sound elements such as earthen berms, or masonry walls. Chain-link fencing with slats shall not qualify as a solid sight and sound element.

Finding: The trash and recycling area has been designed with a sight-obscuring fence material. The proposed mechanical systems will not be visible from adjacent properties. The requirements of this section are not applicable.

2. Chain Link Fencing. A chain link fence with slats shall qualify for screening only if a landscape buffer is also provided in compliance with this section.

Finding: Chain link fencing is not proposed. The requirements of this section are not applicable.

3. The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within vision clearance areas.

Finding: The height of all hedges, fences, walls and berms have been measured from the lowest adjoining finished grade except where used to comply with the screening requirements for parking, loading, or storage. Fence and wall heights have been shown on the Overall Landscape Plan (Sheet L100) provided under Appendix E. A fence varying in height from 4-6 feet tall will be provided along SE 175nd Avenue in conjunction with the stormwater detention facility. This standard is met.

4. Earthen berms up to six feet in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with groundcover, shrubs, and trees.

Finding: Earth berms are not proposed.

5. Fencing along open space tracts and conservation easements shall comprise of either split rail vinyl or stained cedar. Fencing along stormwater detention facilities shall be six-foot-tall, black, vinyl-coated chain link or the most current requirement of Clackamas County Service District No. 1.

Finding: The subject site will not have open space tracts or conservation easements. The requirements of this section are not applicable.

6. Screening of Service Facilities. Site-obscuring shrubbery or a berm, wall or fence shall be placed along a property line between residential and commercial and industrial zones and around unsightly areas including trash and recycling areas, gas meters, ground level air-conditioning units, disc antennas exceeding thirty-six (36) inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials.

Finding: The trash and recycling area has been designed with a sight-obscuring fence material. The proposed mechanical systems will not be visible from adjacent properties. This standard is met.

7. **Outdoor Storage.** All outdoor storage areas for commercial, industrial, public and semi-public uses are to be entirely screened by a sight obscuring fence, vegetative materials, or other alternative deemed appropriate by the Planning Official or designee. Exceptions to this requirement include: new or used cars, cycles and trucks sales (but not including car parts or damaged vehicles); new or used boat sales; recreational vehicle sales; new or used large equipment sales or rentals; manufactured home sales, florists and plants nurseries.

Finding: The proposed development is for private residential use. The requirements of this section are not applicable.

16.42.070 Lighting.

A. Purpose.

1. This section has been formulated to allow for the provision of street lighting for reasons of safety, health, peace and general welfare of all users and the citizens of and visitors to Happy Valley. It is the intent of this section that such lighting shall be provided by and through annexation of the City to Clackamas County Service District No. 5 or its successor.
2. The rules and regulations set forth in this section are jointly established by the City, Clackamas County Service District No. 5, or its successor, and Portland General Electric Co. (PGE) for all street lighting installation and service within the City.

Finding: Public street improvements on all adjacent public streets, including street lighting will be installed as part of the Ericksons Subdivision development (SUB-01-20). Additional improvements are not proposed with the proposed development.

16.42.080 Shared outdoor recreation areas.

A. Applicability. The standards of this section apply to subdivisions of thirty (30) or more units.

Finding: The proposed development is not a subdivision. The requirements of this section are not applicable.

Chapter 16.43 PARKING AND LOADING

16.43.030 Automobile parking standards.

A. General Requirements for Off-Street Parking and Loading.

1. **Provision and Maintenance.** The provision of required off-street parking for motor vehicles and bicycles, and loading facilities for motor vehicles, is a continuing obligation of the property owners. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.

Finding: The applicant acknowledges that the provision of required off-street parking of motor vehicles and bicycles and loading facilities for motor vehicles is a continuing obligation of the property owners.

2. **An area shall not be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Engineering Manager or designee based on the City's Engineering**

and Design Standards Manual. Parking and maneuvering areas, including drive-through aisles, will be reviewed to ensure the design provides for the safe and adequate movement of all vehicles, pedestrians and service providers per the Engineering and Design Standards Manual.

Finding: All proposed parking spaces are accessible and usable and have maneuvering areas for vehicles based on the City's development code and design standards. This standard is met.

3. **New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with subsection B of this section or as otherwise modified through a planned development or specific area plan.**

Finding: As shown on the Site Plan (Sheet C200), on-site vehicle and bicycle parking spaces have been provided in accordance with subsection B of this code section. This standard is met.

4. **Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.**

Finding: The proposed development will not include the alteration of any existing structures. The requirements of this section are not applicable.

5. **Increased Intensity. When increased intensity requires no more than two vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than two spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.**

Finding: The proposed development will be a new use and is not an increased intensity of an existing use. The requirements of this section are not applicable.

6. **Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in subsection B of this section, and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.**

Finding: The proposed development will be a new use, not a change of an existing use. The requirements of this section are not applicable.

- 7. Time of Completion.** Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection.

Finding: All required parking spaces will be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection. This standard is met.

- 8. Inoperative Motor Vehicles.** In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space, garage, or carport.

Finding: The proposed development will not have motor vehicles incapable of movement under their own power or lacking legal registration located on site. This standard is met.

- 9. Truck Parking.** In residential zoning districts, no overnight parking of commercial vehicles shall be permitted except as allowed through the provisions of a home occupation permit. Vehicles and equipment necessary for farming and truck gardening on the premises where such use is conducted are exempt from the restrictions of this subsection.

Finding: The proposed development will not have overnight parking of commercial vehicles located on site. This standard is met.

- 10. Availability of Parking Spaces.** Required vehicle and bicycle parking spaces shall be unobstructed and available for the parking of vehicles and bicycles of residents, customers, patrons, and employees only. Parking spaces shall not be used for the storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use, and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

Finding: All required vehicle and bicycle parking spaces will be unobstructed and available for the parking of vehicles and bicycles of the residents, visitors and employees. Parking spaces will not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use, and will not be used for sale, repair, or servicing of any vehicle or bicycle. This standard is met.

- 11. Shared Bicycle Parking.** Multifamily dwelling units with more than ten (10) required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least fifteen (15) percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.

Finding: A total of 105 bicycle parking stalls are provided on site. A total of 16 shared outdoor bicycle parking stalls are required. 25 shared bicycle parking stalls have been provided on site. This standard is met.

- 12. All dwellings shall have direct, unimpeded access from the required off-street parking spaces to the nearest public street, road or accessway.**

Finding: The proposed development will provide direct unimpeded access from the required off-street parking spaces to the nearest public street. This standard is met.

B. Minimum Off-Street Parking Space Requirements and Calculations.

- 1. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter may be determined by the Planning Official based upon the requirements for similar specified uses.**

Finding: The proposed use has been specified in this chapter; therefore, the requirements of this section are not applicable.

- 2. Tandem parking (where two spaces are directly behind one another) may be counted as two parking spaces.**

Finding: Tandem parking spaces are not being proposed.

- 3. On-street parking within three hundred (300) feet of a use along its property frontage may be counted as part of the minimum spaces required.**

Finding: The proposed development will have 160 parking stalls provided on site for residents and visitors. The proposed parking exceeds the minimum requirement for the site. On-street parking is not necessary to meet the minimum number of parking spaces required. This standard is met.

- 4. Structured parking, fleet parking, spaces that are user paid (at a market rate approved by the City), on-street parking spaces and market rate surface parking lots are exempt from the maximum parking ratios.**

Finding: The proposed development will include structured and surface parking. The proposed parking does not exceed the maximum parking ratio.
This standard is met.

- 5. If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.**

Finding: A total of 160 parking stalls have been provided. This exceeds the minimum requirement of 105 stalls. This standard is met.

- 6. Mixed Uses. In the case of mixed uses, shared parking between uses is encouraged. Where shared parking is not an option, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.**

Finding: The proposed development will not be a mixed use. The requirements of this section are not applicable.

7. **Transit.** Existing development shall be allowed to redevelop a portion of their existing parking area for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, and similar facilities, where appropriate. The redevelopment shall not result in greater than ten (10) percent reduction in the number of required on-site vehicle parking spaces.

Finding: The proposed development will be a new use and will not include redevelopment of an existing parking area. The requirements of this section are not applicable.

8. **Where uses are mixed in a single building,** parking shall be a blend of the ratio required less ten (10) percent for the minimum number of spaces. The maximum number of spaces shall be ten (10) percent less than the total permitted maximum for each use.

Finding: The proposed development will not be a mixed use. The requirements of this section are not applicable.

9. **Fractions.** When the sum of the required vehicle or bicycle parking spaces is a fraction of a space less than one-half, the fraction shall be rounded down to the nearest whole number. When the fraction of the space is greater than one-half, the fraction shall be rounded up to the nearest whole number.
10. **Maximum Parking Allowed.** A maximum number of vehicular parking spaces allowed exists if provided for in Table 16.43.030-1.
11. **Parking Table.** The following parking table shall be interpreted with the following notation: All square footage measurements are gross square feet of total floor area. Eighteen (18) lineal inches of bench shall be considered one seat.

Table 16.43.030-1 Automobile Parking Standards

Proposed Use	Minimum Parking space	Bicycle Spaces	Percentage of Bicycle Spaces to be Long-Term Bicycle Parking
Multifamily dwellings	1 per dwelling	1 space/unit	75

Finding: The proposed multi-family development will provide a total of 105 units. Based on the parking requirements for the city, one parking space is required per unit. The applicant has provided 160 on-site parking spaces, including 41 compact spaces (25.6%)

Unit Type	Number of Units	Parking Ratio	Parking Required
Multi-family	105	1 space/unit	105 spaces

One bicycle space is required per unit. A total of 105 bicycle parking spaces have been provided on site. The primary building entrance has been designed with 60 long-term bicycle parking spaces located within a secured area. 10 short-term bike stalls have been provided outside of the main building entrance. The west wing building entrance will have 20 long-term bike stalls within a secured area in the parking garage. The southern building entrance will have 20 short-term bike stalls for use of residents and visitors. This standard is met.

C. Shared Use of Parking Facilities.

- 1. Except for residential uses, required parking facilities may be located on an adjacent parcel of land or separated by a maximum of two hundred (200) feet (measured as a direct pedestrian route).**
- 2. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement or similar written instrument.**
- 3. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) or typically provide services to many of the same patrons within the same development, and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument establishing such joint use.**
- 4. Any change in use which would produce a need for additional parking in a shared situation shall require additional review pursuant to Section 16.62.040.**

Finding: All required parking will be provided on site. The requirements of this section are not applicable.

D. Carpool, Hybrid/Electric Car and Vanpool Parking. New industrial, commercial, and institutional uses with more than twenty (20) employee parking spaces on site shall meet the following minimum requirements for carpool, hybrid/electric car and vanpool parking.

Finding: The proposed development residential. The requirements of this section are not applicable.

E. Parking Location.

1. Vehicle parking required for residential uses shall be provided on the development site of the primary structure. Required parking for all other uses shall be provided only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code.
2. No off-street parking shall be allowed in the landscaped yard areas of any lot.
3. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Table 16.43.030-1 of this section.
4. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.
5. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single-family detached, duplexes, triplexes, quadplexes, and townhomes, required parking may be located in front of a garage.
6. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of ten feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

Finding: All required parking has been provided on site. Off-street parking has not been provided within landscaped yard areas or within required front or side yard setbacks abutting a public street. Bicycle parking has been provided on site. All proposed parking will be located at least 10 feet from the property line and will conform to all required setbacks. These standards are met.

F. Parking Area Design, Size, Layout and Access. All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

1. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete or other approved impervious, permeable, or semi-permeable surface, and shall provide for suitable drainage.
2. The following table states the minimums for parking space size:

**Table 16.43.030-2 Off-Street Parking Matrix
Required Space and Aisle Dimensions in Feet**

Standard Size Vehicles						Compact Size Vehicle				
Angle	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang
90°	9.0	18.5	24.0	61.0	2.5	8.0	16.0	20.0	52.0	1.5

Finding: As shown on the attached Site Plan (Sheet C200), all areas used for parking and maneuvering of cars will be surfaced with asphalt, concrete or other approved surfaces and will provide suitable drainage. All dimensional standards have been met.

3. **Parking Lot Layout.** Parking area setbacks shall be landscaped with major trees, shrubs, and groundcover as specified in Section 16.42. Wheel stops, bumper guards, or other method to protect landscaped areas shall be provided. No vehicle may project over a property line or a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of five feet for safe pedestrian circulation is required. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas.

Finding: As shown on the attached landscape plan, all setbacks will be landscaped with major trees, shrubs and groundcover as specified in Section 16.42. Landscaping will be protected through the use of wheel stops or bumper guards. Vehicle parking will not allow for the projection over a property line or public right-of-way. A minimum of five feet clearance has been provided where parking abuts pedestrian circulation. Parking areas, driveways and aisles will be paved and constructed to City standards for off-street vehicle areas. This standard is met.

4. **Groups of more than three parking spaces shall be permanently marked.**

Finding: All on-site parking spaces will be permanently marked. This standard is met.

5. **Backing and Maneuvering.** Except for a single-family dwelling or two-family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the Public Works Director. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

Finding: All on-site parking spaces will be provided with adequate aisles and turnaround areas so that vehicles enter the right-of-way in a forward manner. This standard is met.

6. **Parking Lot Lighting.**

- a. **Artificial lighting shall be provided in all required off-street parking areas.**
- b. **The "Lighting Zone" (LZ) shall determine the limitations for lighting. The Lighting Zones shall be specified as follows:**
 - i. **LZ0: No Ambient Lighting.** Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted

to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

- ii. **LZ1: Low Ambient Lighting.** Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After operating hours, most lighting should be extinguished or reduced as activity levels decline.
- iii. **LZ2: Moderate Ambient Lighting.** Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.
- iv. **LZ3: Moderately High Ambient Lighting.** Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.
- v. **LZ4: High Ambient Lighting.** Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.
- c. **The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using LZ-2 for either the Parking Space Method (Table A) or the Hardscape Area Method (Table B). Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires:**
- d. **Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. All luminaires shall be rated and installed according to Table C, lighting zone 2:**
- e. **Light elements shall be fully shielded and shall have no light emitted above ninety (90) degrees. Examples of acceptable lighting elements, or fixtures, can be found below:**
- f. **Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.**

Finding: As shown on the attached Private Lighting Plan (Sheet E02) provided in Appendix D, artificial lighting has been provided in all required off-street parking areas. Lighting will be directed onto the site and has been designed to not produce direct glare on

adjacent properties. Lighting has been provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use. This standard is met.

- 7. Parking stalls for compact vehicles shall not exceed thirty-five (35) percent of the total parking stalls required by Table 16.43.030-1. Stalls in excess of the number required by Table 16.43.030-1 can be compact stalls.**

Finding: The site will have a total of 160 parking spaces on site, with 41 compact stalls (25.6%), which does not exceed the 35 percent maximum. This standard is met.

- G. Accessible/Handicapped Parking Facilities. Disabled person accessible parking shall be provided for all uses consistent with the requirements of the Oregon State Structural Specialty Code and/or Federal requirements, whichever is more restrictive.**

Finding: Disabled person accessible parking shall be provided for all uses consistent with the requirements of the Oregon State Structural Specialty Code. This standard is met.

- H. Recreation facilities are public or private facilities used for active recreation activities. They may be indoor or outdoor and include facilities such as athletic fields, swimming pools, miniature golf, and skateboard parks.**

- 1. Parking requirements for athletic fields shall be computed based on the square footage of the area of sport activity (i.e., the field of play not including any sidelines, etc.).**
- 2. In no case shall the number of parking spaces required for an athletic field exceed thirty (30) spaces per field except where the field is part of a stadium or sports arena.**
- 3. Parking requirements recreation facilities other than athletic fields shall be computed based on gross square footage of the building and/or improved or fenced area.**

Finding: The proposed development does not feature any public or private recreation facilities. This standard is met.

16.43.040 Bicycle parking standards.

- A. Required Number and Type.**

- 1. Bicycle parking requirements are provided in the parking Table 16.43.030-1.**
- 2. For specific uses listed in Table 16.43.030-1 under the following categories a portion of the required bicycle parking shall be provided as long-term bicycle parking spaces: Multi-family Dwellings; Schools; Community Services, Institutional and Semipublic Uses; Commercial Uses; and Industrial Uses.**
 - a. Long-term bicycle parking is defined as parking that is secure for longer stays (more than four hours). Long-term bicycle parking may be provided through lockable enclosures, a designated bicycle storage area inside a building on-site, a covered rack, or another form of sheltered parking where the bicycle can be stored.**

- b. For major transit stops and park-and-ride lots that are proposed for commuter use only, at least four bicycle parking spaces shall be required; one hundred (100) percent of all required bicycle parking spaces shall be long-term spaces.**

Finding: Per Table 16.43.030-1, one bicycle space is required per unit. A total of 105 bicycle parking spaces have been provided on site. The primary building entrance has been designed with 60 long-term bicycle parking spaces located within a secured area. 10 short-term bike stalls have been provided outside of the main building entrance. The west wing building entrance will have 20 long-term bike stalls within a secured area in the parking garage. The southern building entrance will have 20 short-term bike stalls for use of residents and visitors. This standard is met. This standard is met.

B. Location and Design.

- 1. Bicycle parking shall be located on-site, convenient to building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal structure.**
- 2. Bicycle parking should be no further from the main building entrance than the distance to the closest vehicle space, or fifty (50) feet, whichever is less. Long-term bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.**
- 3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.**
- 4. Bicycle parking shall not impede or create a hazard to pedestrians. The location of bicycle parking facilities shall not conflict with vision clearance standards.**
- 5. Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to the approval of the appropriate governing official and provided it meets the other bicycle parking requirements.**
- 6. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.**
- 7. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.**

Finding: The required bicycle parking has been provided throughout the site to provide for convenient use of residents. The primary building entrance has been designed with 60 long-term bicycle parking spaces located within a secured area. 10 short-term bike stalls have been provided outside of the main building entrance. The west wing building entrance will have 20 long-term bike stalls within a secured area in the parking garage. The southern building entrance will have 20 short-term bike stalls for use of residents and visitors. All bicycle parking has been provided on site and has direct access to both public right-of-way and the main entrance of the building. This standard is met.

C. Bicycle Parking Space Dimensions.

1. Each required bicycle parking space shall be at least two and one-half feet by six feet. If covered, vertical clearance of seven feet must be provided.
2. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.

Finding: All bicycle parking spaces will meet the dimensional requirements of this section. This standard is met.

D. Security.

1. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a “rack”) upon which the bicycle can be located.
2. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks. Racks shall be designed and installed to permit the frame and both wheels to be secured, with removal of the front wheel, or the frame and one wheel to be secured, if both wheels remain on the bicycle.
3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely by means of the bicycle frame.
4. Required bicycle parking inside a building shall be provided in a well illuminated, secure location within fifty (50) feet of a building entrance.
5. Outdoor bicycle parking spaces shall be clearly visible from the building entrance or the public right-of-way and shall be located within fifty (50) feet of the public entrance to the building unless clustered pursuant to Section 16.31.030, in which case the parking spaces shall be no more than one hundred (100) feet from a public entrance.
6. If the outdoor vehicle parking area for a use has lighting, then the bicycle parking areas associated with that same use are required to be lit to the same extent.

Finding: Short-term bicycle parking has been provided through the use of racks which accommodate both cable and U-shaped locks. Racks will be securely anchored to the ground and shall be designed to hold bicycles securely by means of the bicycle frame. All outdoor bicycle parking has been located within 50 feet of a public entrance. All outdoor bicycle parking will be lighted to the same extent as the vehicle parking. Long-term bicycle parking will be provided within the building and will connect to the parking garage for use of the residents. This standard is met.

E. Signing. Where bicycle facilities are not directly visible and obvious from the public right-of-way, entry or directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility.

Finding: The proposed short-term bicycle parking will be visible from a public right-of-way. Signage is not proposed. This standard is met.

16.43.050 Off-street loading facilities.

A. The minimum area required for commercial and industrial loading spaces is as follows:

- B. Uses Not Specifically Mentioned.** In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above-mentioned use which, as determined by the Planning Official or designee, is most similar to the use not specifically mentioned.
- C. Concurrent Different Uses.** When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the Planning Official or designee but in no event shall the loading requirements be less than the total requirement for each use based upon its aggregate floor area.
- D. Loading berths shall conform to the following minimum size specifications:**
1. Type "A" berths shall be at least sixty (60) feet long by twelve (12) feet wide by fifteen (15) feet high, inside dimensions, with a sixty (60) foot maneuvering apron.
 2. Type "B" berths shall be at least thirty (30) feet long by twelve (12) feet wide by fourteen (14) feet six inches high, inside dimensions, with a thirty (30) foot maneuvering apron.
- E. Loading areas shall be screened from public view from public streets and adjacent properties except in industrial districts and shall require the same screening as parking lots. Screening may be waived in commercial districts if the applicant can demonstrate the type and size of loading vehicles will not detract from the project's aesthetic appearance and the timing of loading will not conflict with the hours and operation of the surrounding uses.**
- F. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the Public Works Director.**
- G. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.**
- H. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.**
- I. The off-street loading facilities shall in all cases be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.**
- J. School Loading Requirements.** A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school (other than a pre-school) having a capacity greater than twenty-five (25) students.
- K. Exceptions and Adjustments.** Loading areas within a street right-of-way in areas zoned mixed-use commercial in the Regional Center or Town Center may be approved when all of the following conditions are met:
1. Loading areas must be signed to limit the duration of the activity, which may not exceed one hour for each loading operation.
 2. Proposed loading areas must support a use that requires infrequent loading activity. Infrequent loading activity is defined as less than three operations that occur daily between 5:00 a.m. and 12:00 a.m., or all operations that occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone.

3. The proposed loading area:

- a. Does not unreasonably obstruct traffic;**
- b. Does not obstruct a primary emergency response route; and**
- c. Is acceptable to the applicable roadway authority.**

Finding: The proposed development is residential. Off-street loading spaces are not proposed. The requirements of this section are not applicable.

Chapter 16.44 SPECIAL STANDARDS FOR CERTAIN USES

16.44.010 Design standards for multifamily housing.

A. The purpose of this section is to provide for additional review to encourage the development of multifamily residential buildings that are visually engaging and compatible with one another and with the surrounding district.

Finding: The proposed development will be multi-family residential. The requirements of this section are applicable.

B. Multifamily residential developments shall comply with the requirements of this chapter and the following additional requirements.

1. Roofs. Roofs shall meet the following additional requirements:

- a. Roofs shall be gabled or hip type roofs (minimum pitch 3:12) with an overhang that is commensurate with the pitch of the roof and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within three hundred (300) feet have roofs similar to what is proposed.**

Finding: The building has been designed with gable type roofs with a pitch of 12:12 for the main roofs and 6/12 dormer shed roofs. All overhangs are commensurate with the pitch of the roof. As shown on the Exterior Materials Sheet (A0.00), the roofing material will be shingles. This standard is met.

- b. Modulation of the building mass shall distinguish individual units and break down the scale of the building through one or more of the following between units:**

- i. Vertical offsets that provide breaks in the roof line;**
- ii. Horizontal offsets that provide variation in the façade plane; and/or**
- iii. Variations of the roof form, such as dormers or street facing gable ends that provide breaks of the roof line.**

Finding: The modulation of the building mass has been designed to provide both vertical offsets that provide breaks in the roof line, horizontal offsets that provide variation in the façade plane and variations in the roof forms using dormers. This standard is met.

2. Entries.

- a. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.
- b. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.
- c. Multiple Units. Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.
- d. Secondary entries may face parking lots or loading areas.

Finding: The primary building entry will be sheltered with an overhang. The primary entrance is oriented to face Northern Drive. The ground floor of the proposed building will not have any residential units, as structured parking has been provided at the ground floor. The upper story units will share entries. Secondary entries have been provided at the west wing and at the southern end of the east wing and have been oriented to face parking lots. This standard is met.

3. Building Façades Design.

- a. Detailed Design. Detailed design shall be provided by using at least eight of the following fourteen (14) architectural features on all elevations as appropriate for the proposed building type and style (see Figure 16.44.010-4; may vary features on rear/side/front elevations):
 - i. Dormers;
 - ii. Gables;
 - iii. Recessed entries;
 - iv. Covered porch entries;
 - v. Cupolas or towers;
 - vi. Pillars or posts;
 - vii. Eaves (minimum of six-inch projection);
 - viii. Offsets in building face or roof (minimum of sixteen (16) inches);
 - ix. Window trim (minimum four inches wide);
 - x. Bay windows;
 - xi. Balconies;
 - xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation or similar features);
 - xiii. Decorative cornices and roof lines (e.g., for flat roofs);
 - xiv. An alternative feature providing for visual relief, similar to options i through xiv.

Finding: The building facades have been designed to provide eight of the listed architectural features including dormers, gables, covered porch entries, eaves, offsets in building face or roof, window trim, balconies, decorative patterns on exterior finishes, and decorative cornices and rooflines. This standard is met.

- b. **Residential Mixed Use Structures.** The residential portion of a mixed use structure shall be differentiated through the use of design elements such as decks, balconies, landscaping, chimneys, dormers, gable or hipped roofs or step backs above the second story to provide upper story deck areas. Masonry should be used for chimney construction.

Finding: The proposed development is not mixed use. The requirements of this section are not applicable.

- c. **Landscape/Hardscape Design.** The following standards apply in addition to the landscaping standards in Chapter 16.42.

- i. **Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.**

Finding: The proposed building has not been set back from the property line. The primary building entrance has been oriented towards Northern Drive. An outdoor amenity has been provided at the main entry and will connect to the adjacent sidewalk to invite the public in to the building. This standard is met.

- ii. **Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.**

Finding: Benches have been provided along the sidewalk along Northern Drive and Eastern Street to enliven the sidewalk. This standard is met.

- iii. **Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.**

Finding: The subject site is not located adjacent to any public open spaces. The requirements of this section are not applicable.

- iv. **Hardscaping or landscaping shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade or a change in paving materials.**

Finding: Hardscaping has been provided at the main building entry. The outdoor amenity has been designed to provide an enclosed area for stopping. This standard is met.

- v. **Decorative iron gates and hangers for signs, flags and hanging baskets may be required as part of the landscape plan.**

Finding: The proposed development does not include iron gates or hangers, flags or hanging baskets.

- vi. **Miscellaneous solid wood materials such as fences, decks, balconies, pergolas, etc. that are not painted in conjunction with the greater development color palette shall be uniformly stained any variety of the color brown and be required by the development's Codes, Covenants and Restrictions (CC&Rs) to be maintained over time.**

Finding: The proposed design will include Red Cedar posts which will be clear-coated to maintain the color of the wood. This standard is met.

- 4. **Offsets. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every twenty-four (24) feet by providing any two of the following (see Figure 16.44.010-6):**
 - a. **Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of four feet;**
 - b. **Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of four feet, with a maximum length of an overhang not to exceed twenty-five (25) feet;**
 - c. **If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is four feet deep and at least one hundred twenty-five (125) square feet in area.**

Finding: The building has been designed to provide offsets at a minimum of every 24 feet by providing recesses, including balconies at a minimum depth of four feet, and by providing extensions of the building floor area and balconies. This standard is met.

5. Private Outdoor Areas.

- a. **A separate outdoor area of not less than forty-eight (48) square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences, or shrubs.**
- b. **A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces, or porches shall be provided for each dwelling unit located above the ground level.**

Finding: The proposed development will not have any ground floor units. All upper floors will have balconies with a minimum area of 48 square feet. This standard is met.

6. Parking Lots. Parking lots in multifamily developments shall not occupy more than fifty (50) percent of the frontage of any public street abutting the lot or building.

Finding: The proposed parking will be a combination of surface level and garage parking. The surface level parking will not occupy more than 50 percent of the frontage on Northern Drive, Eastern Street, or 172nd Avenue.

The subject site will have a stormwater detention pond along the frontage of SE 172nd Avenue which will require a maintenance access drive from Northern Drive. The proposed maintenance access drive will not be utilized as off-street parking and will only be used to provide necessary maintenance to the stormwater facility. Per the City's definition of off-street parking as *"off-street areas designed, used, required or intended to be used for the parking of motor vehicles"*, the access drive does not meet the definition of a parking lot and has not been included in the calculation of parking along the frontage of 172nd Avenue.

The proposed parking lot will occupy approximately 52 percent of the frontage along Wooded Heights Drive in order to provide a fire turnaround.

Street	Frontage	Parking Length	Percentage
Northern Drive	326.5 ft.	129 ft.	39.5%
Eastern Street	248 ft.	41 ft.	16.5%
Wooded Heights Drive	334 ft.	175 ft.	52%
172 ND Avenue	418 ft.	0 ft.	0%

The applicant is requesting an exception to this standard for Wooded Heights Drive per Section 16.44.010.B.12 to allow for the on-site fire turnaround. The requirements of 16.44.010.B.12 have been addressed within this narrative.

7. **Individual Storage Areas.** Enclosed storage areas shall be required and may be attached to the exterior of the dwelling unit to accommodate garden equipment, patio furniture, barbeques, bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking areas required.

Finding: Individual storage areas will be provided within the parking garage in mounted storage lockers above the vehicle parking areas. This standard is met.

8. **Carports and Garages.** If carports and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

Finding: The proposed development will include a parking structure under the building. Stand-alone carports and garages are not proposed. The requirements of this section are not applicable.

9. **Shared Outdoor Recreation Areas.** Multifamily residential development shall provide usable recreation areas for developments containing more than five dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, natural resource buffer areas, and other natural site features, however, at least fifty (50) percent of the recreation area must be located outside the boundaries of such areas and slopes may not exceed ten (10) percent in the

fifty (50) percent usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as one and one-fourth square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:

- a. Provides approximately the same accessibility to the maximum number of dwelling units possible;**
- b. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room, or other activity rooms (bedrooms or bathrooms are not included);**
- c. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten (10) feet wide;**
- d. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;**
- e. Provides a usable surface materials such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).**

Finding: The proposed development will have 105 units. The required recreation space on site is 21,000 square feet. A total area of 26,469 square feet of landscaped recreation area has been provided. Additionally, an outdoor common deck has been provided on Level 2 of the building with a total area of 557 square feet. The onsite pond accounts for 50 percent of the on-site recreation area. The recreational areas provide the same accessibility to the maximum number of dwelling units possible. Windows have been located to encourage watching over the entry areas, shared recreational areas and walkways and parking areas.

The applicant has requested a Type B variance to allow for an eight (8) foot separation from the parking area and driveway areas and on-site open space. On-site parking has been separated from the recreation areas through the use of landscaping. Usable surfaces have been provided including lawns and hard surface materials.

This standard is met.

10. Safety and Security.

- a. Provide an outdoor lighting system that facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.**
- b. Establish a directory for apartment complexes of five or more units, which clearly orients visitors and emergency service providers as to the location of residential**

units. Where possible, this system should be evident from the primary vehicle entryway.

Finding: As shown on the attached Private Lighting Plan (Sheet E01) provided in Appendix D, outdoor lighting has been provided to facilitate observation through location, orientation and brightness without being obtrusive. A directory will be provided at the entry to orient visitors and emergency service providers. This standard is met.

11. Service, Delivery and Screening.

- a. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.**

Finding: Postal delivery areas will be located in the main lobby. All delivery areas have been designed in accordance with U.S. Postal Service requirements. This standard is met.

- b. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.**

Finding: On-site pathways will provide connections from individual unit entries to postal delivery areas, the garbage and recycling collection areas, shared activity areas and parking areas. This standard is met.

- c. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.**
- d. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.**
- e. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:**
- i. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas;**
 - ii. Evergreen plant materials that will retain their screening ability year-round and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.**

Finding: The garbage and recycling area has been located in the southwest corner of the site. The location will provide for convenient collection for service providers. The collection areas will have a concrete floor surface and a gate on the truck loading side with a separate pedestrian access. The garbage area will be screened from view with an enclosure of concrete masonry with a metal shed roof and metal doors. The masonry finish will match the base of the building and the doors and roof will be painted to match building finishes. This standard is met.

- f. Electrical and Mechanical Equipment.** On and above-ground electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be completely screened with sight-obscuring fences, walls or landscaping.

Finding: The electrical and mechanical equipment will be located within the buildings and will be screened from view. This standard is met.

12. The Planning Official or designee may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 16.71 provided at least one of the following circumstances is met:

- a. The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical (e.g., they include, but are not limited to, steep slopes, wetlands, other bodies of water, trees or other nature features of the site, buildings or other existing development, utility lines and easements, etc.); or**
- b. The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of design review standards for multifamily developments in Section 16.44.010.**

13. A request for exception under this provision may be processed as part of the underlying application or separately as a Design Review II application.

Finding: The applicant is requesting an exception to Section 16.44.010.B.6 to allow for parking along 52 percent of the frontage on Wooded Heights Drive. The proposed exception is necessary to provide an on-site fire turnaround. An on-site fire turnaround is necessary for the proposed design, as Wooded Heights Drive is not yet constructed. A temporary fire access from the site on to SE 172nd Avenue was explored as an option, however this option would have created a turning conflict with a neighboring driveway, requiring consolidation with a neighboring property owner's private driveway. This option was not preferred by Clackamas County Public Works Department. The on-site physical characteristics and proposed future development necessitate the need for an on-site fire turnaround which requires an exception to Section 16.44.010.B.6. This standard is met.

14. Lighting Standards.

- a. For residential properties including multiple residential properties not having common areas all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, column LZ2 and row 2.**
- b. Exceptions to this standard include the following: one partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G, column LZ2 and row 1; any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G, column LZ2 and**

row 3; low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row; shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G, column LZ2 and row 5; open flame gas lamps; Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than fifteen (15) minutes after the area is vacated; and, lighting within the public right-of-way or easement for the principal purpose of illuminating streets or roads.

Finding: As shown on the attached Private Lighting Plan (Sheet E01) provided in Appendix D, the lighting will not exceed the allowed lumen output in Table G, column LZ2 and row 2. This standard is met.

ARTICLE 16.5 PUBLIC FACILITIES

Chapter 16.50 PUBLIC FACILITIES

16.50.020 General public facilities standards.

A. Any property that is developed within the City will be required to improve or upgrade the public facilities and services which directly serve the subject property. The required public improvements shall be paid for directly by the landowner or developer or by other means as arranged between the developer and the provider. Where physical or topographical condition, or other factors, make the extension of a public facility concurrent with development impractical, the Planning Official or designee may require a cash payment to the City in lieu of the facility design and construction. The amount of the payment shall be equal to one hundred twenty-five (125) percent of City determined or agreed upon value for the design and construction of the facility, or the developer's proportional share thereof as calculated by the City.

B. The improvement and/or upgrading of public facilities shall be done in conformance with the design criteria, standard construction specifications and details maintained by the City Engineer, or any other authority with jurisdiction. The City's specifications, standards, and details are hereby incorporated into this code by reference. See Section 16.50.030(A)(1).

C. The need to improve or upgrade the public facilities and services as a result of the development of property shall be determined solely by the City or supplier of the facility or service. If the City makes such a determination for a City provided facility or service, such determination may be appealed to the City Council only if the council itself did not make the determination. Decisions on other determinations made by public or private utility companies, service districts, commercial businesses or other companies, agencies or organizations are outside the jurisdiction of the City and cannot be appealed to the Council nor held binding by this section.

D. A developer may also be held responsible for a "fair share" part of the larger local improvement which is required as a result of the development of which the developer's proposal is a part and the resultant pressures for increased, extended or improved facilities and services. Such "fair share" may be assessed and collected by the appropriate company, agency, organization or governmental unit.

E. The City shall be held harmless in any improvement or upgrading activity carried on by the developer, even though such activity was required or approved by the City. The developer shall sign such an agreement as provided by the City Attorney.

F. New individual subsurface sewage disposal systems may be installed at any time to replace an existing but failing system within an existing lot of record. A new individual subsurface sewage disposal system may be installed on a previously undeveloped lot of record formerly within unincorporated Clackamas County, but may not be utilized to serve parcels or lots created by any land division, or to serve any new nonresidential development. However, if public sanitary sewer service is available within three hundred (300) feet of any property line of the existing system and capable of serving the site of the failing system or undeveloped lot of record with a regular or gravity hookup, sanitary sewer service shall be utilized rather than a new replacement individual onsite subsurface sewage disposal systems.

Finding: All public facilities that are not adequate to serve this site will be upgraded accordingly. Any upgrades necessary to develop the site will be completed prior to occupancy of the site. The applicant acknowledges “fair share” and “hold harmless” provisions. This standard is met.

16.50.030 Transportation standards.

A. Purpose. The purpose of this chapter is to establish design standards and performance requirements for all streets and roads and other transportation facilities constructed or reconstructed within the City, as well as to establish a process for variation from the streets standards. For transportation facilities not under City jurisdiction, the applicable jurisdiction’s permitting standards may apply.

- 1. All streets which are to be constructed must be designed by a professional engineer registered in the State of Oregon, and must conform to the Engineering Design and Standard Details Manual developed by the City of Happy Valley.**
- 2. The public residential streets standards shall be considered as minimum design requirements under ideal circumstances. All public residential streets in the City shall be designed to one of the typical cross-sections found within the City’s Transportation System Plan (TSP), except as provided in subsection B. The typical street cross-section shall be approved by the City Engineer (based on consultation with the City’s Traffic Engineer) as part of the review process as provided in this title and shall be based on the following considerations:**
 - a. Street function needed within the existing proposed and future neighborhood and the City circulation networks;**
 - b. Anticipated daily traffic volumes;**
 - c. Individual property access requirements;**
 - d. Topographic variations and the amount of cut and fill required for the proposed street;**
 - e. Soil and other field conditions.**
- 3. New residential and mixed-use development proposals subject to site plan review must demonstrate consistency with Figure 8-2 Local Street Connectivity in the**

Transportation System Plan by providing a site plan that shows proposed new or extended street(s).

B. Street and Road Standards.

1. Horizontal and vertical street alignment shall be designed in accordance with the City's Engineering Design and Standard Details Manual.
2. Street Design Variations. Alternate design variations from the standards found within the Engineering Design and Standard Details Manual and Transportation System Plan (TSP) or this chapter may be considered for approval by the City Engineer if one of the following conditions are found to be present:
 - a. Existing local conditions create unusual circumstances where standards must be exceeded such as excessive or unstable slopes, mixed land uses to utilize the same street, or a pedestrian or bikeway link is needed;
 - b. Existing local conditions create unusual circumstances, including, but not limited to, where standards must be reduced such as reducing sidewalks to one side of the street only, reducing street widths, reconstruction of a street in an existing neighborhood for reduction of excessive cuts and fills, or where steep cross slopes exist making reduced widths advisable and parking turnouts recommended;
 - c. Variation is necessary to the overall design objectives of a particular proposed development such as green street design elements that are consistent with federal regulations for stream protection, parking turnouts, and landscaped islands and circles for traffic control.
3. Specifications and Design Standards. Unless otherwise required by the Engineering Design and Standard Details Manual, the City Engineer, or this chapter, road specifications shall conform to the most recent issue of the Oregon State Highway Division's "Standard Specifications for Highway Construction."
4. Structural Section.
 - a. Purpose. The typical structural sections that are to be used for each street classification are shown in the City's Standard Details found in the Engineering Design and Standard Details Manual. The City Engineer may increase the structural section to conform to projected traffic loads or unstable soil conditions.
 - b. Variation. Sections utilizing other methods of construction than shown in the standard drawings (i.e., lime or cement treated subgrade, or Portland cement or asphaltic cement treated base, etc.) may be submitted for review and approval by the City Engineer.
 - c. Structural Design. In areas determined unstable by the City Engineer, the Design Engineer will be required to submit a structural design for approval. Included in the submittal shall be the soils analysis on which the design was based.
5. Asphalt Pavement Design.

- a. The wearing surface of asphalt concrete (AC) streets shall be HMAC, designed and placed in accordance with the requirements outlined in the Engineering Design and Standard Details Manual.
 - b. In areas requiring a specialized pavement design, the asphalt pavement may be designed using any nationally recognized procedure approved by the City Engineer.
 - c. The minimum paving temperature limits for placement of HMAC shall be in accordance with the requirements outlined in the Engineering Design and Standard Details Manual.
 - d. The City's Engineering Division shall be notified forty-eight (48) hours in advance of intent to place HMAC.
 - e. The project geotechnical engineer shall be present while HMAC is being placed and shall perform compaction testing on each lift of HMAC.
 - f. The compacting testing results shall meet the requirements of Section 00745.9, Compaction QC, "Oregon Standard Specifications for Highway Construction."
 - g. Failure to comply with the minimum compaction testing requirements may result in the removal of the substandard pavement surface upon direction of the City Engineer or designee.
6. **On-Street Parking Restrictions.** On-street parking restrictions shall be per the most recent iteration of the Oregon Fire Code Applications Guide, as determined by Clackamas Fire District No. 1.
7. **Private Streets.** Private streets shall conform to the typical cross-sections found within the Engineering Design and Standard Details Manual, and the City's Transportation System Plan. Private streets within single-family detached, duplex, triplex, quadplex, and cottage cluster developments shall be designed to provide access to no more than five lots (excluding middle housing child lots resulting from a middle housing land division). Private streets serving multifamily housing developments shall provide commercial drives in conformance with the City's Transportation System Plan and Engineering Design and Standard Details Manual.
8. **Rights-of-Way.** Prior to issuance of building permits or recordation of final plat, the City shall require dedication of rights-of-way in accordance with the City's Transportation System Plan. All dedications shall be recorded with the County Assessor's office.
- a. When a tract of land is divided into parcels of more than one acre each, the commission may require an arrangement of lots and streets such as to permit a re-dividing into smaller lots in conformity with the street and lot requirements specified in this chapter.
9. **Connectivity and Block Length.** The following shall govern the design and layout for blocks within all subdivisions or planned unit developments:
- a. **Block Length.** The blocks shall be consistent with the requirements of topography and the needs for convenient access, circulation, control and safety of street traffic and the type of land use proposed. Block lengths shall

not exceed five hundred thirty (530) feet or be less than two hundred (200) feet in length, except if prevented by barriers such as topography, water resources or significant natural resources, freeways, pre-existing development, leases, easements or covenants that existed prior to May 1, 1995. In a Water Quality Resource or Habitat Conservation Area (HCA) the distance between streets may be increased to eight hundred (800) to one thousand two hundred (1,200) feet where protected natural features are present.

- b. **Block Width.** Except for reverse frontage lots, the width of blocks shall be sufficient to allow for two tiers of lots of depth consistent with the type of land use proposed.
- c. **Pedestrian Paths and/or Multi-Use Paths.**
 - i. Spacing between pedestrian connections shall be no more than two hundred sixty-five (265) feet.
 - ii. Pedestrian paths shall be provided when full street connections are not possible because of topography, barriers such as freeways or railroads, or environmental constraints.
 - iii. Pedestrian access to schools, playgrounds and other community facilities shall be provided from the public right-of-way.
 - iv. Path design and construction shall be in accordance with the Engineering Design and Standard Details Manual and the City's Transportation System Plan.
 - v. Pedestrian paths shall be encompassed in a public access easement.
 - vi. Pedestrian and multi-use paths shall have an all-weather surface to City standards and will include removable bollards to prevent use by unauthorized motorized vehicles.
 - vii. In developments incorporating pedestrian paths within steep slopes, paths twenty (20) percent or greater in grade are required to incorporate stairs.
 - viii. In natural resource areas, surfaces may include gravel or bark chip; in all other scenarios, pedestrian and multi-use paths shall be constructed of improved, all weather surface.
 - ix. Pedestrian and multi-use paths are required to be maintained by a homeowner's association or equivalent maintenance organization.
 - x. Multi-use paths shall be constructed in conformance with the definition of a multi-use path within Section 16.12.030 of this title.
- d. **Cul-de-Sacs and Loop Turn-Around Streets.** A cul-de-sac or loop turn-around street shall only be proposed where the City Engineer recommends to the appropriate review body that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a

cul-de-sac or loop turn-around street is allowed, all of the following standards shall be met:

- i. The cul-de-sac or loop turn-around street shall not exceed a length of two hundred (200) feet, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, wetlands, drainageways, creeks or streams, that prevent future street extension and connection. A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design. No more than ten (10) dwelling units shall take access to a new cul-de-sac or loop turn-around street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of ten (10) or fewer units. All other dimensional standards of cul-de-sac or loop turn-around streets shall be governed by the Engineering and Design Standards Manual and are based on the recommendation of the City Engineer. The length of the cul-de-sac or loop turn-around street shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the street;**
- ii. No more than ten (10) dwelling units shall take access to a new cul-de-sac or loop turn-around street;**
- iii. Cul-de-sac or loop turn-around streets shall terminate in a configuration that meets Clackamas Fire District No. 1 guidelines and is consistent with Figure 8-8 of the City of Happy Valley Transportation System Plan; and**
- iv. Cul-de-sac or loop turn-around streets shall provide pedestrian connections from the end of the street to adjacent developed and developable lands, and shall provide or not preclude the opportunity to later install bicycle access way between it and adjacent developable lands. Such access ways shall conform to Section 16.41.040.**

Finding: The proposed development is located on a developed lot with an established roadway system. Public street improvements on all adjacent public streets will be installed as part of the Ericksons Subdivision development (SUB-01-20). Additional improvements are not proposed with the proposed development.
This standard is met.

10. Subsurface Drainage.

- i. Subsurface street drainage shall be an integral part of street design. Subsurface drains shall be designed and constructed to properly address the affected soil. In the event that no subsurface drainage is required based on a soils report, a transverse perforated drain pipe shall be installed below the sub-base rock at the point of each sag vertical curve. The subsurface drains are for the purpose of collecting and conveying**

- subsurface water only, not surface runoff. They are not to be considered part of the storm drainage system for storm drainpipe sizing purposes;
- ii. **Subsurface drains shall connect and drain into the storm drainage system at catch basins, curb inlets, gutter inlets, manholes or roadside ditches. Surcharge from the storm drainage system shall not be allowed to back up into the subsurface drains. Alternative subsurface drainage measures may be used if approved by the City Engineer.**

Finding: Public street improvements are not proposed for the project. The requirements of this section are not applicable.

11. Guardrails. The following specifies the minimum requirements for the location and type of guardrails:

Finding: Guardrails are not proposed. The requirements of this section are not applicable.

12. Transitions. Street width transitions shall be designed in accordance with the Engineering Design and Standard Details Manual.

Finding: The proposed development will not require any improvements to the existing streets. The requirements of this section are not applicable.

13. Superelevation Cross-sections. Off-set crown cross-sections are not acceptable as superelevation sections.

Finding: The proposed development will not require any improvements to the existing streets. The requirements of this section are not applicable.

14. Stub Streets. Stub streets allow for future street extensions. A barrier will be required at the end of a stub street. Notification that the street is planned for future extension shall be posted where the street improvement ends.

Finding: The proposed development is located on a developed lot with an established roadway system. Public street improvements on all adjacent public streets will be installed as part of the Ericksons Subdivision development (SUB-01-20). Additional improvements are not proposed with the proposed development. This standard is met.

15. Utilities.

- a. **On all phased (interim) road improvements, the necessary utilities shall be stubbed across the interim improvement to assure cuts are not necessary when the road is expanded to its full width.**
- b. **Underground utilities being constructed along existing paved streets shall not be located under the existing pavement unless approved by the City Engineer. Underground utilities that must cross an existing paved street shall be bored rather than open cut, unless approved by the City Engineer.**
- c. **Underground utilities shall be buried a minimum depth of thirty (30) inches as measured from finished grade to top of utility.**

- d. **Street lights shall be located as required to provide proper illumination but shall not physically or visually interfere with vehicle or pedestrian traffic.**

Finding: The proposed utilities will be undergrounded in accordance with the requirements of this section. The proposed development does not include street lights. This standard is met.

- 16. **Raised Medians. Raised medians are allowed on certain streets in accordance with the City's Transportation System Plan. Where raised medians are allowed, they shall be designed in conformance with the Engineering Design and Standard Details Manual.**

Finding: Raised medians are not proposed. The requirements of this section are not applicable.

- 17. **Sight distance at intersections shall meet the minimum requirements set by AASHTO A Policy of Geometric Design of Highways and Streets, latest edition, based upon the design speed. When a sight distance easement is needed at an intersection, an open space tract shall be dedicated to obtain the correct sight visibility. Plantings or structures in the open space tract/sight distance easement shall conform to the Engineering Design and Standard Details Manual.**

Finding: New intersections are not proposed. The requirements of this section are not applicable.

- 18. **Corner or Clear Vision Areas.**

- a. **A clear vision area shall be maintained on each corner of property at the intersection of any two streets, or a street and a driveway in accordance with the Engineering Design and Standard Details Manual. No structures, plantings or other obstructions that would impede visibility between the height of thirty (30) inches and ten (10) feet shall be allowed within such area. Measurements shall be made from the top of the curb or when there is no curb, from established street centerline grade. However, the following items shall be exempt:**
 - i. **Light and utility poles with a diameter less than twelve (12) inches;**
 - ii. **An existing tree, trimmed to the trunk, ten (10) feet above the curb;**
 - iii. **Official warning or street sign;**
 - iv. **Natural contours where the natural elevations are such there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.**
- b. **Driveways constructed on streets without curbs shall meet the minimum intersection sight distance requirements.**

Finding: A clear vision area will be maintained at each corner of the property and at each driveway in accordance with this section. This standard is met.

- 19. Vertical Clearance. A minimum clearance of fourteen (14) feet above the pavement surface shall be maintained over all streets and access drives.**

Finding: A vertical clearance of 14 feet above the pavement will be maintained at all streets and access drives. This standard is met.

- 20. Interim Improvement Standards. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases existing and short-term projected traffic volumes do not warrant improvements to full standards. Therefore, unless otherwise specified by the review body, interim standards as determined by the City Engineer shall apply.**

Finding: Interim improvements are not proposed. The requirements of this section are not applicable.

- 21. In order to provide adequate travel lanes and stormwater drainage, roadway improvements that are constructed within areas abutting multiple properties are required to construct “three-quarter” streets along the applicable frontage of a subject site (curb, gutter, sidewalk, planter strip and a full paved section designed to accommodate stormwater drainage pursuant to CCSD#1 specifications).**

- a. A Reserve or Access Control Strip. In cases where unimproved (gravel) or under-improved (paved section width less than that required by street classification) public rights-of-way serve a proposed development, off-site improvements shall, at a minimum, include the construction of a full paved section pursuant to the applicable street standard, designed to accommodate stormwater drainage pursuant to CCSD#1 specifications. Said improvements shall continue to an adequately improved public right-of-way, as determined by the City Engineer.**

Finding: The proposed development is located on a developed lot with an established roadway system. Public street improvements on all adjacent public streets will be installed as part of the Ericksons Subdivision development (SUB-01-20). Additional improvements are not proposed with the proposed development.
This standard is met.

- 22. Miscellaneous Information. The expense related to modification of an existing street to accommodate proposed access, including all traffic control devices and lighting, shall be paid for by the developer.**

Finding: The applicant acknowledges that the expense relating to the modification of an existing street to accommodate access shall be paid for by the developer.

C. Street and Road Access Control.

Finding: The proposed development is located on a developed lot with an established roadway system. Public street improvements on all adjacent public streets will be installed as part of the Ericksons Subdivision development (SUB-01-20). Additional improvements are not proposed with the proposed development.
This standard is met.

D. Appeals.

1. **Any person aggrieved by a decision of the City Engineer or other staff person under this chapter may appeal to the Hearings Officer.**
2. **Any person aggrieved by a decision of the Hearings Officer under this chapter may appeal to the City Council.**

Finding: The applicant acknowledges that any person may appeal decisions by City Engineer or staff person made under this chapter. This standard is met.

E. Street Names. No proper street names shall be used which will duplicate or be confused with the name of an existing street or a connecting cul-de-sac or turn-around loop street. Street names shall conform to the established patterns of the City and surrounding area and are subject to the review and approval of emergency services organizations.

Finding: The proposed development is located on a developed lot with an established roadway system. Public street improvements on all adjacent public streets will be installed as part of the Ericksons Subdivision development (SUB-01-20). Additional improvements are not proposed with the proposed development.
This standard is met.

F. Traffic Controls.

1. **Purpose. For any development, the City Engineer may require that the owner provide an engineering traffic analysis by a registered engineer to determine the number and types of traffic controls (traffic lights, signs, turn lanes, etc.) as may be necessary to accommodate anticipated traffic flow of the development. The recommendations reached in the engineering traffic analysis will be required by the City as a condition of issuance of a building permit and shall be approved by the City Engineer.**
2. **Traffic Control Devices and Street Signs. All required street name signs, traffic control signs, and traffic control devices shall be installed at the expense of the developer.**
3. **Variances. Variances may be granted for the conditions of this section when, in the judgment of the City Engineer, strict compliance would impose an undue hardship on the developer. (See Chapter 16.71.)**

Finding: The applicant acknowledges that any necessary traffic control devices shall be installed at the expense of the developer.

G. Location of Utility Lines.

1. To the maximum extent feasible, utilities shall be placed underground.
2. Water mains shall be located on the south and east sides of the road.
3. Power, natural gas and telephone shall be located within an eight-foot public utility easement (PUE) adjacent to the right-of-way line, or within the right-of-way, if approved by the city engineer, and shall be joint occupancy whenever possible.
4. Pedestals for Buried Cable. Pedestals installed as part of a buried cable installation are to be located within an eight-foot public utility easement (PUE) adjacent to the right-of-way line, or within the right-of-way, if approved by the city engineer. In no case shall the pedestals be located within the road maintenance operating area, including mowing operations, or nearer the pavement edge than any official road sign in the same general location.
5. Service crossings shall maintain the same depth as the main pipeline or buried cable to a point two feet behind the curb or center of the road or ditch, but in no case shall there be less than one foot cover from the bottom of the curb or ditch to the top of the service line.
6. Storm sewer lines shall be located five feet south or east of centerline of street.
7. Sanitary sewer lines shall be located five feet north or west of centerline of street.
8. The depth of utilities on improved roads shall be thirty (30) inches minimum, forty (40) inches minimum on unimproved roads, and thirty (30) inches minimum below subgrade on proposed construction or reconstruction. All depths are to top of pipe lines or buried cable.
9. Locations other than those noted above must be approved by the City Engineer.

Finding: The proposed utility lines have been designed in accordance with this section and have been shown on the Composite Utility Plan (Sheet C300) provided in Appendix D. This standard is met.

H. Sidewalks and Bikeways.

1. Requirements for sidewalks and bikeways shall be as delineated within the Transportation System Plan.
2. Sidewalks.
 - a. Sidewalks may be either private or public, depending on their location inside or outside of the public right-of-way.
 - b. Sidewalks shall tie to public streets at locations determined by the City Engineer.
 - c. Sidewalks shall be constructed of concrete in accordance with the City's Engineering Design and Standard Details Manual. Other materials must be specifically approved by the City Engineer.
 - d. Sidewalks shall have a maximum grade of fifteen (15) percent.
 - e. Ramps for handicapped use are required on all sidewalks used by the public at all points where a sidewalk or path intersects a curb.
 - f. Sidewalks must be constructed in such a way as to allow the surface drainage to sheet flow across them, and not follow them longitudinally.

- g. Public sidewalks shall be located either in a public easement or over land dedicated to the public.
 - h. Sidewalks may meander within the right-of-way with City Engineer approval.
 - i. Alternate Sidewalk Location. It is the general policy of the City to place sidewalks off the traveled portion of any roadway. In areas where the placement of the sidewalk would result in the removal of significant trees or the construction of significant fill or cut slopes or in other cases deemed appropriate by the City Engineer, the sidewalk may be placed elsewhere with a design reviewed and approved by the City Engineer.
 - j. Sidewalks must be constructed free of impediments within a minimum width of at least five feet.
3. Bikeways.
- a. Bikeways shall be public.
 - b. Bikeways facilities shall meet the requirements of this document and the American Association of State Highway and Transportation Officials publication, "Guide for Development of New Bicycle Facilities," as amended and adopted by the Oregon Department of Transportation.
 - c. Bikeways must be constructed in such a way as to allow the surface drainage to sheet flow across them, and not follow them longitudinally.
 - d. A bikeway may be constructed adjacent to the curb within the pavement area.
 - e. The design of bikeways shall conform to City standards.
 - f. Structural sections of bikeway facilities on streets shall conform to that of the street or be integral with the curb. Bikeway facilities off street shall be constructed over a sterilized, compacted subgrade with a surface that meets the requirements set out in the Engineering Design and Standard Details Manual.
 - g. Design standards regarding horizontal alignment, grade, sight distance, intersections, signing, marking, structures, drainage and lighting shall conform to the AASHTO standards. When bikeways are integrated with a curb, all inlet grates shall be designed to protect the bicyclist from the grate or opening.
 - h. Bikeways shall be located either in a public easement or over land dedicated to the public.

Finding: As detailed on the attached site plan, the proposed sidewalks are compliant with the City's Transportation System Plan and the standards of this section. No bikeways are proposed. These standards are met.

16.50.050 Sanitary sewer, storm drainage and water service improvements.

A. Sanitary Sewerage Disposal and Storm Drainage Requirements.

- 1. The sanitary sewerage disposal requirements for any development within the City shall be in accordance with standards established by the State of Oregon,

Department of Environmental Quality (DEQ) as administered by Clackamas County. Any variances or waivers to these standards shall be granted only in accordance with established standards, criteria and procedures of DEQ.

2. All sanitary sewers shall be designed and constructed in accordance with the requirements of the Clackamas County Service District No. 1 or its successor.
3. All storm sewers shall be designed and constructed in accordance with the requirements of Clackamas County Service District No. 1 or its successor.

B. Domestic Water and Fire Protection Service Requirements.

1. All subdivisions or planned unit developments shall be served by a community or public water supply as defined and governed by state regulations. All design and construction shall be in accordance with the requirements of the water service provider.
2. All subdivisions or planned unit developments shall have an adequate water supply for fire protection purposes as required by the fire district, and shall have fire hydrants located as required by the fire district.
3. Any proposed public or private road shall be reviewed by the appropriate fire district for compliance with all applicable and appropriate standards, and a statement of compliance shall accompany the application for any subdivision or PUD (See Section 16.50.030 and any other applicable sections).

Finding: The proposed sanitary sewer, storm drainage and water services are proposed in compliance with all State, City and Service District Standards, as shown on the submitted utility plan. This standard is met.

16.50.070 Utilities.

A. Purpose. Approval of a partition, subdivision, planned unit development, as well as all multifamily, commercial, industrial and institutional developments and pertinent capital improvement projects within the City shall include an express condition that requires all utility lines, including, but not limited to, those required for electric, communication, street lighting and cable television services and related facilities, to be placed underground. Whether the underground facilities have supporting containers or are buried in the earth shall be determined by the utility involved in compliance with all applicable safety regulations.

B. Variances. Subsection A of this section shall not apply to surface mounted transformers, surface mounted connection boxes and the meter cabinets which may be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operated at fifty thousand (50,000) volts or above.

C. Procedure. The developer shall be responsible for and shall make all necessary arrangements with the serving utilities to provide the underground services as required in subsection A of this section along the entire linear frontage of the subject site. All such underground electric and communication facilities as described above shall be constructed in compliance with the rules and regulations of the Public Utility Commissioner of the State of Oregon, relating to the installation and safety of underground lines, plant, system, equipment

and apparatus. When any public or private property, including, but not limited to, streets and parks is disrupted by the installation, hookup or provision of services or facilities, the developer shall insure that the public or private property is returned as nearly as possible to the condition existing prior to the disruption. In addition, existing structures that may need to be rewired with undergrounding are also the responsibility of the developer. A bond, security agreement or cash deposit with the City for the estimated cost of repair of the public or private property shall be deposited with the City prior to the commencement of any work. The developer shall sign a statement supplied by the City Attorney which will hold the City harmless for all disruption, repair and liability involved with such project.

D. Availability. If sufficient public right-of-way is not available to accommodate undergrounding, public utility easements or utility strips satisfactory to the serving utilities shall be provided for by the developer and shall be set forth on the plat before recording in the County records or in the records of any other governmental agency entitled to recordation by law or agreement.

E. Exemptions. Developments, including capital improvement projects, with less than six hundred (600) feet of overhead utility frontage.

Finding: The proposed utility services are proposed in compliance with all State, City and Service District Standards, as shown on the submitted utility plan. This standard is met.

ARTICLE 16.6 ADMINISTRATION OF LAND USE AND DEVELOPMENT

Chapter 16.62 LAND USE REVIEW AND DESIGN REVIEW

16.62.030 Design review.

O. General Design Review Criteria.

- 1. Applicability.** The following criteria apply to design review projects except for single-family detached, single-family attached (townhome), duplex, triplex, quadplex, and cottage cluster residential development.
- 2. Relationship to Other Standards.** The criteria of this section apply in addition to other standards of this title. Where requirements conflict with standards in other sections of this title, the standards of this section shall govern; except that Happy Valley Style Design Review standards in Chapter 16.46 shall supersede, and where applicable, the multifamily standards in Section 16.44.010 shall supersede.
- 3. Criteria.**
 - a.** The proposed development preserves significant natural features such as natural drainageways, wetlands, and trees outside the construction area as defined in Section 16.42.050, to the maximum extent feasible, and conforms to the provisions of Sections 16.35.050 and 16.35.020.

Finding: The subject site does not have any identified drainageways or wetlands. The trees proposed for removal are located within the construction area as defined by Section 16.42.050. The criteria found in Section 16.42.050 have been addressed within this narrative. The subject site is not located in a Flood Management Overlay Zone, therefore the provisions of Sections 16.35.050 and 16.35.020 are not applicable. This standard is met.

- b. Phased projects shall be designed to the greatest degree possible so that each phase, in and of itself, is complete in its functional, traffic, parking, visual, drainage and landscaping aspects.**

Finding: The proposed project is not proposed to be constructed in phases. The requirements of this section are not applicable.

- c. Where appropriate, the design includes a parking and circulation system that includes a pedestrian and vehicular orientation including separate service area(s) for delivery of goods.**

Finding: The proposed site design includes a parking and circulation system that includes pedestrian and vehicular orientation. Based on the residential nature of the site, a separate service area for the delivery of goods is not proposed. This standard is met.

- d. The location, size, shape, height and spatial and visual arrangement of the uses and structures are compatible, with the consideration given to increased setbacks, building heights, shared parking, common driveways and other similar considerations.**

Finding: The subject site is located on SE 172nd, an arterial road. Nearby land uses and development includes a mix of residential housing types and employment lands. Adequate services are available to serve the proposed development. The location of the development is compatible with the surrounding neighborhood and is appropriate for the zone. The development meets the dimensional requirements for the zone, including density, building height, setbacks, and parking requirements. The impact of parking on the site has been minimized by providing parking within a garage structure under the building and surface parking landscaping. The massing of the building has been broken up into three connecting structures, providing compatibility with the scale of the surrounding single-family residential development. This standard is met.

- e. That there is desirable, efficient and functional interrelationship among buildings, building entrances, existing and proposed transit stops, transit facilities and routes, parking, loading area, circulation, open spaces, landscaping and related activities and uses on the site.**

Finding: The subject site is not currently located adjacent to transit stops, facilities, or routes. The building has been designed and located to provide efficient parking, pedestrian circulation, landscaping and open spaces for the use of the residents. This standard is met.

- f. Utilize landscaping in parking areas to direct and control vehicular movement patterns, screen headlights from adjacent properties and streets, and lessen the visual dominance of pavement coverage.**

Finding: The proposed development will feature garage parking under the building as well as surface parking. The combination of the landscaping and garage parking will lessen the visual dominance of the pavement coverage. This standard is met.

g. The proposed development meets all other applicable provisions of this Land Development Code.

Finding: The proposed development meets all other applicable provisions of this LDC, except where a variance has been requested. This standard is met.

h. The proposed development can be adequately served by Level 1 services.

Finding: The proposed development can be served by Level 1 fire service. The primary access to the site will be provided from Eastern Drive. This standard is met.

i. Provide safe pathways for pedestrians to move from parking areas to building entrances.

Finding: Pedestrian pathways will be separated from parking areas by a raised curb. Where pedestrian pathways cross vehicular traffic, paved markings have been provided. This standard is met.

j. All building exterior improvements approved through the design review process shall be continually maintained including necessary painting and repair so as to remain substantially similar to the original approval through the design review process.

Finding: The proposed development is new construction. The requirements of this section are not applicable.

k. A landscape plan shall be approved consistent with design standards in Chapter 16.42 in a manner that will assure the maintenance and visual integrity of the site.

Finding: A landscape plan consistent with the design standards in Chapter 16.42 has been provided with this application. This standard is met.

l. All plans shall comply with the purpose statement in Section 16.62.010.

Finding: *16.62.010 Purpose.*

The purpose of this chapter is to:

A. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;

B. Implement the development patterns described in the City's Land Development Code and Comprehensive Plan;

C. Promote the public health, safety and general welfare;

D. Provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;

- E. Encourage the conservation of energy resources; and*
- F. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.*

Subsections A and B address the administration and implementation of the chapter and are not directly applicable to the proposed development. The proposed development has been designed to meet the City's codes as they relate to public health, safety and general welfare. Adequate facilities and services are available to serve the proposed development. The proposed development is located on an undeveloped site, which is surrounded by a mix of residential and employment zones which are accessible by both vehicle and pedestrian connections to the site. All plans comply with the purpose statement in Section 16.62.010. This standard is met.

ARTICLE 16.7 EXCEPTION TO CODE STANDARDS

Chapter 16.71 VARIANCES

16.71.040 Class B variances.

A. Applicability Class B variances may be granted in the following areas:

- 1. Sections within Article 16.2, Land Use Districts, including setbacks; dimensional standards including lot width, depth and coverage; street frontage requirements; structure height;**
- 2. Sections within Article 16.3, Specific Area Plan Districts and Overlay Zones;**
- 3. Sections within Article 16.4, Community Design Standards, including access and circulation, landscaping, street trees, fencing and screening, parking and loading, signs and the Happy Valley Style design standards;**
- 4. Sections within Article 16.5, Public Facilities;**
- 5. Other development standards as specified by the Land Development Code.**

Finding: The Applicant is requesting a Type B variance to the standard provided in Section 16.44.010.B.9.c which requires *a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten (10) feet wide*. The proposed variance would adjust the required separation from the parking and driveway areas to measure eight (8) feet wide instead of ten (10) feet wide. The proposed variance is a 20 percent variance to a dimensional standard found in Article 16.4, therefore a Class B variance is appropriate.

B. Procedures. Class B variances are reviewed using a Type II procedure, as governed by Chapter 16.61, using the approval criteria in subsections C through G below. Staff may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting relief.

Finding: The applicant acknowledges that Class B variances are a Type II procedure, and that staff may impose conditions as deemed necessary to mitigate any adverse impact which may result from granting relief.

C. Variance to Development Standards. The Planning Official or designee may grant a Class B variance of up to twenty (20) percent from any dimensional or development review standard except for lot area which shall be limited to ten (10) percent for a Class B variance if the applicant demonstrates compliance with all of the following criteria:

- 1. The variance requested is required due to the lot configuration, or other conditions of the site;**

Finding: The Applicant is requesting a Type B variance to the standard provided in Section 16.44.010.B.9.c which requires *a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten (10) feet wide*. The proposed variance would adjust the required separation from the parking and driveway areas to measure eight (8) feet wide instead of ten (10) feet wide.

The subject site is encumbered by a regional storm detention facility which serves the surrounding residential development. The storm detention pond, access drive and associated grading occupy 27,558 square feet of the 135,501 square foot site, or 20.3 percent. The large storm detention facilities and associated grading and access areas and the need for an on-site fire turnaround severely impact the area available for recreation space on the site.

This standard is met.

- 2. That the condition requiring the variance has not been intentionally created to circumvent the Land Development Code;**

Finding: The location of the stormwater detention pond and associated improvements located on the development site were not intentionally created to circumvent the Land Development Code. This standard is met.

- 3. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property;**

Finding: The proposed variance will adjust the landscaping buffer required between the recreation areas and the parking from ten feet to eight feet. These landscape areas have been planted with a variety of plant materials which will provide visual interest and screening. If granted, the two-foot variance will likely not be noticeable visually. The variance will not alter the essential character of the neighborhood or district and will not substantially or permanently impair the appropriate use of adjacent properties. This standard is met.

- 4. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the development provisions which are in question;**

Finding: The Applicant is requesting a Type B variance to the standard provided in Section 16.44.010.B.9.c which requires *a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten (10) feet wide*. The proposed variance would adjust the required separation from the parking and driveway areas to measure eight (8) feet wide instead of ten (10) feet wide. This variance is 20 percent, or two feet. The variance is the minimum number necessary to meet the area requirements for the shared outdoor recreation requirement Section 16.44.010.B.9. The required recreation on site is 21,000 square feet. A total area of 26,469 square feet has been provided.

This standard is met.

5. The variance will not result in violation(s) of any other adopted ordinance or Code standard; each Code standard to be modified shall require a separate variance request;

Finding: The proposed variance will not result in violations of other adopted ordinances or code standards. This standard is met.

6. In granting the variance, the Planning Official or designee may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this title.

Finding: The applicant acknowledges that the Planning Official or other designee may attach reasonable conditions or safeguards as it may deem necessary to implement the purposes of this title. This standard is met.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of Happy Valley's Planning Department for a concurrent Major Design Review and Class B Variance applications.

Mayor
Honorable Tom Ellis



City Manager
Jason A. Tuck, ICMA-CM

November 1, 2023

File No. DR-05-23/VAR-01-23

Design Review and Variance for Erickson Multi-Family

NOTICE OF DECISION

This is official notice that the City of Happy Valley Development Review Board conditionally approved a request for a 105 unit multi-family development at a public hearing on October 25, 2023. The request for property located at 9747 and 9757 SE 172nd Avenue, Happy Valley, Oregon 97086, was reviewed under file numbers DR-05-23/VAR-01-23.

The Design Review Board made their decision based on information in the record including the applicant's submittal, staff report, and public testimony. Copies of the Staff Report are available upon request.

This action of the Design review Board is subject to appeal to the City Council per 16.61.045 of Title 16 (Land Development Code) of the City of Happy Valley Municipal Code. Per these provisions, an appeal of this decision must be filed within fourteen working days of this letter. City Planning Department staff (503-783-3800) can provide information regarding forms, fees, and the appeal process. Issues which may provide the basis for an appeal to the City Council shall be submitted in writing, accompanied by a filing fee, prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the City to respond to the issue. If no appeal is filed by November 15, 2023, at 4:00 p.m., this decision shall be deemed final the next day.

A handwritten signature in black ink, appearing to read 'L. Terway', is positioned above the printed name of the Planning Manager.

Laura Terway, AICP
Planning Manager

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

Preserving and enhancing the safety, livability and character of our community

**BEFORE THE DESIGN REVIEW BOARD
FOR THE CITY OF HAPPY VALLEY, OREGON**

**“Erickson Multi-Family”
Design Review and Variance
Permits**

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DESIGN REVIEW BOARD

File No. DR-05-23/VAR-01-23

Pursuant to Happy Valley Land Development Code (LDC) §16.61.040, the City provided notice of a public hearing before the Design Review Board. An affidavit of the notice of hearing is a part of the record. The Staff Report was prepared and available to the public seven days prior to the public hearing as required by state law.

After providing notice and a staff report, the Design Review Board conducted an evidentiary hearing providing an opportunity to submit oral testimony and written evidence. The approval criteria for the application for a Design Review and Variance is provided in applicable sections of the City of Happy Valley Municipal Code, Title 16-Land Development Code, including Chapters 16.22 (Residential Land Use Districts); 16.34 (Natural Resources Overlay Zone); 16.41 (Access and Circulation); 16.42 (Landscaping, Street Trees, Fences and Walls, Recreation Areas); 16.43 (Parking and Loading); 16.44 (Special Standards for Certain Uses); 16.50 (Public Facilities); 16.61 (Types of Review Procedures); 16.62 (Land Use Review and Design Review); and 16.67 (Variances).

After discussion and deliberation, the Design Review Board voted to approve the application with amended conditions.

I. DESCRIPTION OF THE APPLICATION

The City of Happy Valley submitted an application for Design Review and a Variance (File No. DR-05-23/VAR-01-23).

The subject site consists of two tax lots located at 9747 and 9757 SE 172nd Avenue, Happy Valley, Oregon 97086, which is further described as Clackamas County Assessor Map Number: 13E30C, Tax Lots 300 and 500.

The City provided notice of the proposed application to all affected governmental entities and has crafted specific conditions of approval detailing the requirements and conformance with regulations provided by said entities.

II. ADOPTION OF FINDINGS

The Design Review Board specifically adopts the findings within the Staff Report to the Design Review Board with the revised condition proposed by staff in the hearing in support of this Order approving the Design Review application for file DR-05-23/VAR-01-23.

III. ORDER

The Design Review Board hereby approves and orders as follows: the application by City of Happy Valley for the Design Review and Variance application based on the findings provided herein and specifically adopted under Section II. This order requires compliance with the conditions set out in the Conditions of Approval from the Staff Report to the Design Review Board, including any amended language.

ORDER OF THE DESIGN REVIEW BOARD dated the 25 day of October, 2023.

DESIGN REVIEW BOARD, CITY OF HAPPY VALLEY

By: Bjorn Clouten, DRB

Final Conditions of Approval
File Number: DR-05-23/VAR-01-23

General

1. The applicant shall construct the development as proposed with the following conditions of approval. No changes, including color, design, etc. are permitted without approval.
2. Prior to occupancy of any building:
 - a. The associated subdivision (SUB-01-20/SUBA-01-23) is platted;
 - b. Receive approval of a Natural Resources Overlay District and complete all associated mitigation or complete all conditions of approval including purchases from any wetland bank associated with ERP-02-20); and
 - c. No street light removal is proposed. The applicant shall comply with the street lighting requirements in 16.42.070.
3. Comply with all requirements of Clackamas County Department of Transportation and Development (DTD), unless amended by the City Engineer.
4. Comply with all requirements of Clackamas County Services District #5 (CCSD #5).
5. Comply with all requirements of Sunrise Water Authority (SWA).
6. The applicant may be required to pay Multnomah County a proportionate share fee, based on the number of peak PM trips using the 172nd Foster intersection. The cost per trip through the intersection is \$8,220.50. Please contact County Transportation (row.permits@multco.us) to coordinate review and payment.

Engineering

For the overall project, the following shall apply:

7. That all submitted project construction plans shall conform to the City's "Engineering Design and Standard Details Manual" (Manual) for design and drafting requirements.
8. That project design and construction shall meet the standards as stated in the City of Happy Valley Municipal Code (Code).
9. That construction plan review is subject to these conditions of approval. Plan Submittal shall be in electronic format. Submit electronic construction plans and supporting information in PDF format to the Engineering Division per the current submittal requirements at the time of application.

For grading, erosion and sediment control, the following shall apply:

10. That the applicant's engineer shall provide documentation and plans for the review and approval of the City Engineer demonstrating compliance with the Conclusions and Recommendations found within the Geotechnical Engineering Report from GeoPacific dated March 21, 2022. A stamped and signed letter from the Geotech of Record stating the plans are designed in accordance with the recommendations will be required prior to final plan approval.
 - a. Undocumented fill should be completely removed from the site and replaced with engineered fill. Compaction reports will be required to be submitted to the City.
 - b. Water runoff may be encountered from neighboring properties upslope (to the west). This surficial water should be intercepted and routed in a controlled manner to the storm drain system.
 - c. Recommendations for the treatment of expansive fat clay should be determined in the field by the Geotechnical Engineer. Inspection reports for the treatment of expansive materials will be required to be submitted to the City.
11. That the applicant is responsible for erosion control inspections that meet the requirements of the Erosion Control Permit and, if required, the 1200-C permit. Inspections shall be conducted and submitted to the City on a weekly basis, or as required by the 1200-C. If over an acre is disturbed, the applicant is required to submit a separate application to the state for permitting under the DEQ 1200-C permit.

For on-site improvements, the following shall apply:

12. That the design exception DE23-16 approved on September 6, 2023, for parking lot grades and landings shall be excepted from the Design Manual requirements as approved and conditioned in the exception. All other requirements from the Engineering Design Manual shall be met or excepted by the city engineer through the design exception process.
13. That the parking lot layout must provide enough space for vehicles to fully fit into, and back out of, every parking stall. Vehicles are required to enter the public ROW facing forward. The layout shall provide for vehicle bumper overhangs per City Code Section 16.43.030. Sidewalks adjacent to parking spaces shall provide a minimum of 5' of clear space beyond the bumper overhang.
14. That all current accessibility requirements for parking lots, streets and intersections shall be met.
15. That a 5-ft wide accessible pedestrian connection from each building entrance to the public right of way shall be provided per 16.41.040. An ADA landing shall be provided in the public sidewalk where the onsite pedestrian connection is made.
16. That the applicant shall provide a signing and striping plan prepared by a registered engineer for all streets and internal parking lots to be approved by the City. The plan shall be submitted for approval as part of the construction plan set. The applicant shall be responsible for the installation and maintenance of all on-site traffic control signs, and any parking restriction signs or curb painting delineating parking restrictions, per 16.43.030 and Chapter 5 of the Engineering Design Manual.
17. That the minimum AASHTO sight distance requirements shall be met at all streets and internal site intersections and driveways. AASHTO requires sight distance to be measured at a point 14.4 feet from the edge of the traveled way with a driver's eye height of 3.5 feet and an object height of 3.5 feet. The applicant shall provide an exhibit or study demonstrating adequate intersection sight distance is met at all site driveways per 16.50.030 and the Design Manual. Any required 'clear vision' areas outside the standard area described in the LDC 16.50.030.B.18, shall be placed in an easement with restrictions, per 16.50.030.17 and 18, and maintained by the property management company.
18. That City Standard Drawing 275 shall be used for the commercial driveway entrance to the project unless an alternative is approved by the City Engineer.
19. That cutoff trenches may be required adjacent to property lines. The Design Engineer shall work with the City Engineer to determine the extent of cutoff trenches required.

For public street and pathway improvements, the following shall apply:

20. That all utilities along the project's frontages and within the site, including electrical power, telephone, cable TV, gas and others, shall be installed underground.
21. That an eight-foot public utility easement (PUE) shall be dedicated adjacent to the public right of way along the project frontages.
22. That all current accessibility requirements for streets and intersections shall be met.
23. That Wooded Heights Drive is classified as a 3-lane collector street in the City's Transportation System Plan (TSP). Half street improvements will be required along the southern edge of the development, and will include sidewalk, planter strip landscaping, street trees and street lights. Wooded Heights Drive shall be constructed with a 24-foot paved section where available right of way allows and signed as No Parking on both sides. A fee in lieu (FILO) for construction will be paid for any portion of Wooded Heights Drive that cannot be constructed to the property line due to topographic or other constraints. The FILO amount shall be 125 percent of the engineer's estimate.
24. That Northern Drive is classified as a local facility. It shall be constructed with a minimum 24-foot wide paved section and signed as No Parking on both sides. All construction and sight distance easements shall be recorded prior to plan approval and release of building permits.
25. That Eastern Street shall be classified as a local street with parking on both sides of the 32-foot paved section. If this street is not constructed by the subdivision prior to occupancy of the apartments, a minimum 24-ft wide paved section, with no parking on both sides of the street, and half street frontage improvements with landscape planter, street trees, streetlights, and sidewalk will be required prior to occupancy.
26. That 172nd Avenue is classified as a 5-lane Major Arterial in the City's TSP. The applicant shall coordinate with Clackamas County DTD and the City for the final requirements of 172nd Avenue frontage improvements required for the project.

27. That the path shown along the eastern side of the site adjacent to 172nd Avenue shall be hard surfaced, with asphalt, concrete, or other surfacing approved by the city engineer.
28. That a FILO will be required for any portion of the required public improvements that cannot be constructed for the full property frontage due to topographical or other constraints that make the construction impractical. Any allowed FILO shall be 125 percent of the engineer's estimate and must first be approved by the City Engineer.
29. That existing accesses for adjacent tax lots shall be maintained at all times and any necessary impacts to adjacent access shall be coordinated with the property owner in advance of the impact.
30. That a signing and striping plan shall be included in the public improvement plans that meets MUTCD and City standards.

For transportation improvements, the following shall apply (from DKS Traffic Consultant):

31. That the connection of Northern Drive to 172nd Avenue does not meet the full access spacing requirements of the City's TSP. The intersection may operate with temporary full access but will be reconfigured in the future to be restricted access once an alternative public street connection is made to the proposed project through adjacent development.
32. That a northbound left turn lane shall be constructed on 172nd Avenue at Northern Drive prior to occupancy. The turn lane shall be constructed consistent with Clackamas County Roadway Standards.
33. That minimum AASHTO sight distance requirements shall be met at all intersections and site driveways. Sight distances on the internal local street system shall be approved by the city engineer prior to final site plan approval.
34. The following City permits will be required:
 - a. That a Right-of-Way Permit through the Engineering Division will be required for the project.
 - b. That a Site Development Permit through the Engineering Division will be required for the project.
 - c. That an Engineering Erosion Control Permit will be required for the project. The Erosion Sediment Control Plan shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the dates of October 1st and April 30th.
 - d. That the total disturbed area for this project exceeds 1 acre, therefore an NPDES 1200-C permit from DEQ will be required. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.

The additional following items are required prior to permit issuance:

35. That fire district approval of the proposed improvements be obtained prior to engineering permit issuance.
36. That all easements and off-site ROW dedication required for the proposed project will need to be approved prior to engineering plan approval and recorded prior to occupancy.
37. That the applicant shall provide a signed copy of the U.S. Postal Services "Mode of Delivery Agreement". Submittal of this agreement shall be required prior to establishing a time and date for the pre-construction meeting. MOD.pdf (happyvalleyor.gov)
38. That the applicant shall sign the Development Guarantee Agreement, which will be provided by the City. The original wet-signed Agreement shall be submitted to the City prior to establishing a time and date for the pre-construction meeting.
39. That the applicant shall provide a letter of approval from the garbage provider for the parking lot layout and trash enclosure location to the City.
40. That prior to scheduling of the Pre-Construction meeting, submittal to the City of all required performance bonds, insurance certificates, engineer's agreements, and sureties shall occur. Review and acceptance by the City Recorder of these instruments shall be required prior to establishing a time and date for the pre-construction meeting.

41. That prior to the scheduling of the Pre-Construction meeting, or beginning any site work, the applicant shall have service provider letters for both Stormwater and Sanitary Sewer services from Water Environment Services (Clackamas County), Sunrise Water Authority and Clackamas County DTD.
42. That prior to Occupancy, the applicant shall pay a proportionate share fee contribution towards planned capacity improvements at the 172nd Avenue/Troge Road intersection per the Happy Valley Transportation System Plan. This proportionate share shall be paid directly to Happy Valley and shall be paid to the City prior to Building Permit Issuance.
43. That prior to Occupancy, the applicant shall pay a proportionate share fee contribution of \$361,702 toward planned capacity improvements at the 172nd Avenue/Foster Road intersection per Multnomah County. This proportionate share shall be paid directly to Multnomah County and a receipt of payment shall be submitted to the City prior to Building Permit Issuance.

Engineering Notes:

44. Construction plan review is subject to these conditions of approval. Plan Submittal shall be in electronic format. Submit electronic construction plans and supporting information in PDF format to the Engineering Division via email at plans-engineering@happyvalleyor.gov.
45. That the applicant's engineer is required to provide a site-specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase as recommended by the geotechnical engineer. The construction plans shall specifically identify how the storm drainage system and erosion sediment control (ESC) measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control collection, routing, and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and ESC measures are not installed per plan and functioning properly.
46. That all ESC measures and construction gravel entrances shall be installed and maintained by the applicant and inspected by the City of Happy Valley prior to beginning work on the site.
47. Private water vaults shall be located outside the PUE on private property.
48. Demolition permits from the Building Division will be required for the removal of any structures.
49. A plumbing permit through the Building Division will be required for the private on-site utilities.
50. All construction trucks shall perform transfer of trailers on-site. Surrounding public streets shall not be used as a staging area for dump trucks with transfer trailers without an approved Right-of-Way Permit from DTD or the City.
51. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
52. Noise shall be kept at the minimum level possible during construction. The applicant shall agree to aggressively ensure that all vehicles working on the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
53. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through the use of proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
54. The existing public improvements surrounding the site, including, but not limited to, the existing asphalt surfaces, sidewalks, and ADA ramps, shall be restored to their original condition or better, prior to the City's acceptance of the project as complete.
55. A sign shall be posted conspicuously at the job site entrance prior to site construction and shall be maintained throughout construction. The sign shall conform to City of Happy Valley Drawing Number 350, Construction Hours Notice Sign. The City Manager or the Director of Community Services may allow longer, or require shorter, work hours depending on site-specific conditions. The following holidays are considered as Sundays: New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day.

WES

56. Authority (Rules, Section 2): The proposed development is located within the service area of Clackamas Water Environment Services (WES) and shall be subject to Water Environment Services Rules and Regulations, 2023, Ordinance No. 02-2023. These Rules and Regulations shall apply to any property that discharges or requests to discharge, via connection request, development permit, or change in use, to the District's public sanitary sewer system or public stormwater system, to groundwater, or to surface waters within District boundaries. The District shall have the authority to administer all the requirements, regulations, and provisions set forth in the following Standards.
- a. Water Environment Services Sanitary Standards, April 2023
 - b. Water Environment Services Stormwater Standards, April 2023
57. Connection Permit Required (Rules, Section 4.2): A permit shall be required to connect to the District system, including, but not limited to a Service Connection, pipes, pollution reduction manholes, and detention facilities, whether constructed or natural. Before connecting to the District system, a permit authorizing such connection shall first be secured in writing from the District and all applicable fees paid.
58. Rates, Charges, and Billings (Rules, Section 5)
- a. System Development Charges shall apply on all development that increases usage of the sanitary sewer, storm system or surface water facilities owned, managed, or maintained by WES. SDC payments shall apply at the rates in effect on the date when a complete building permit application is submitted to the applicable Building Code Division.
 - i. The sewer SDC shall be calculated based on the equivalent dwelling unit (EDU) ratios defined in WES Rules, Table 2. The surface water SDC shall be calculated based on the equivalent service unit (ESU) ratios defined in WES Rules, Table 3.
 - ii. Effective July 1, 2023, the SDC rates are:
 1. Sanitary sewer SDC = \$8860.00 per EDU
 2. Surface water SDC = \$240.00 per ESU
 - iii. SDC ESTIMATE: 105 dwelling units * 0.8 = 84 EDU = \$744,240.00
 - b. Plan review fees shall apply at the following rates:
 - i. Sanitary Review: A \$400.00 minimum is due with the first plan submittal.
 - ii. Stormwater Review: The total fee is equal to 4% of the construction cost for all stormwater management related facilities. A \$400.00 minimum is due with the first plan submittal.
59. Use of Public Sanitary Sewers (Rules, Section 6.3): Before connecting to the public sewerage system, a permit authorizing such connection shall first be secured in writing from the District and fees paid.
60. Development Policy (Section 3.2): When development of a property or tract of land is proposed, all residential dwelling units and commercial, and industrial buildings with sewer drains within the boundaries of the proposed tract shall be connected to the Public Sanitary Sewer System as part of an approved plan.
61. Developer's Engineering Policy (Section 3.3): All engineering plans, reports, or documents shall be prepared by a registered professional Developer's Engineer, or by a subordinate employee under the Developer's Engineer's direction and shall be stamped with the Developer's Engineer's seal and signed to indicate the Developer's Engineer's responsibility for the design.
62. Sewer Extension Permit (Section 4.1):
- a. WES will have adequate capacity for sanitary sewer collection and treatment to serve this property once downstream (offsite) extensions of the public sanitary sewer system are completed by other developments. If downstream (offsite) extensions of the public sanitary sewer system, currently in the design and/or construction phases, are not completed by other development projects, an extension of the public sanitary sewer system shall be required in order to adequately serve this development proposal, in accordance with WES Rules, Regulations, and Standards.
 - b. Prior to the commencement of construction of any Public Sanitary Sewer System, a valid Sewer Extension Permit shall be issued by the District in accordance with these Standards. An Extension Permit is required to construct or reconstruct any Public Sanitary Sewer

appurtenances which are owned by, or intended to be conveyed to, the District. All other sanitary sewer piping not intended to be conveyed to the District shall be permitted by the Local Plumbing Authority.

- c. See Section 4.2 for Project Construction requirements and Section 4.3 for Acceptance and Warranty process.

63. Separate Service Connections (Section 5.4.7): A separate and independent Service Connection shall be provided for each tax lot, parcel of property, or lot of record. A reduced number of connection points or a single point of connection may be utilized to serve parcels of properties for projects such as condominiums, multi-family, commercial and industrial projects, whereas the parcels cannot be further divided.

64. Service Connections (Section 5.4):

- a. The diameter of the Service Connection for lots other than residential single family shall be served by a minimum 4-inch diameter pipe, or large if deemed necessary by Oregon Plumbing Specialty Code or permitted at the sole discretion of the District.
- b. Service Connections installed with a new public mainline shall be made by means of a manufactured tee. The Service Connection shall be at least 6-feet deep at the property line crossing. No Service Connection shall be laid on a grade of less than 2-percent.
- c. All service connections shall be marked by curb stamp, as shown on Detail SAN-019.

In accordance with WES Stormwater Standards, the following conditions shall apply:

65. Applicability (Section 2.3): All new Development and Redevelopment activities that result in 5,000-sf or greater of new or replaced impervious surface area, cumulative over the last 3 years, are subject to the requirements of these Standards for all newly proposed and replaced impervious surface areas within the overall project boundary.

- a. This site is included in the design and sizing for a proposed shared stormwater management facility (SMF) with Erickson Subdivision development. As of today's date (10/16/23), the SWM Plans for Erickson Subdivision have not yet been approved by WES. With final plan review for the Multi-family development, the applicant shall submit site plans and storm reports that verify the impervious area assumptions made with the approved surface water management plans for Erickson Subdivision. The applicant shall submit revised plans and reports if the impervious area has been revised, in accordance with the current WES Storm Design Standards.

66. If the Erickson Subdivision SMF is not completed, the Erickson Multi-family development shall be responsible for meeting the requirements of the 2023 WES Rules and Storm Design Standards, including but not limited to the following:

- a. Stormwater Minimum Requirements (Section 2.3):
 - i. Upon land use approval, the Applicant shall submit civil site plans, a stormwater report, and supporting documentation to WES as specified in these standards for plan review and approval. The Applicant shall demonstrate the stormwater management facilities (SMF) meet the technical standards found in the Stormwater Standards, including sizing methods and calculations. See Appendix A for submittal requirements.
 - ii. The applicant shall construct the stormwater management system per the approved plans.
 - iii. The applicant shall execute and record an Operations and Maintenance (O&M) Plan for any stormwater facilities on private property to ensure the long-term functionality of the SMF.
- b. Stormwater Management Performance Standards (Section 6.1):
 - i. Infiltration: SMFs shall be designed with an infiltration component, unless otherwise stipulated by the design professional. The Applicant shall conduct infiltration testing and establish a design infiltration rate, as described in Section 6.2.1. For sites with limiting conditions, Applicants shall document the infiltration limitations and design SMFs that do not use infiltration.
 - ii. Water Quality: Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event. The water quality facility shall

- use either an approved vegetated SMF or an approved Proprietary Stormwater Treatment Device.
- iii. Flow Control: Flow control facilities shall be designed so that the duration of peak flow rates from Post-Development Conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate.
 - iv. Note: The BMP Sizing Tool is available to assist developers in meeting water quality and flow duration matching requirements customized to Clackamas County conditions. The Tool sizes facilities so that post-development peak flow durations will match the pre-development peak flow durations ranging from 42% of the 2-year to the 10-year flows, as determined by HSPF continuous rainfall model simulation.
- c. General Facility Design Requirements (Section 6.4): The following general design requirements shall apply to all SMFs. Additional facility specific design criteria shall apply, in accordance with Section 6.5.
- i. Provide individual plan view and cross section details for each proposed facility. Cross section shall detail all elevations in the flow control as well as elevations of each layer of rock, soil, above ground storage, perf pipe, etc. Show a specific detail for the chamber system with all elevations labeled.
 - ii. Stormwater management facilities shall be accurately sized for the total impervious area resulting from the proposed development, including all onsite structures and hardscape and any offsite road improvements required by the local road authority.
 - iii. Stormwater Facility Signage: All vegetated and porous SMFs, including permeable surfaces such as pervious pavement shall have at least one informational sign that is clearly visible and legible to the public. At a minimum, signs shall provide description of the facility and its purpose, and contact information for maintenance complaints.
 - iv. Soil Mixes: Facilities that include soil, such as swales, planters, curb extensions, and basins, shall use the Blended Soil Specification for Vegetated Stormwater Systems from the most currently adopted City of Portland's Standard Construction Specifications in section 0104.14(d), titled Stormwater Facility Blended Soil.
- d. Stormwater Management Facility Planting Plan (Section 6.4.5 and Appendix A and B): The SWM Plan shall provide planting information for each SMF based on requirements of the Standards, including:
- i. Vegetation shall be installed such that 100 percent vegetative cover is achieved through a mix of herbaceous, groundcover, and shrubs at the end of the warranty period, prior to acceptance.
 - ii. Plans shall identify the temporary irrigation strategy to be used during the plant establishment period.
- e. Points of Discharge (Section 7.2.1): The Applicant shall identify a proposed point of discharge. Any connection to a public or private piped downstream storm drainage system shall be approved by the District.
- f. Upstream Drainage Areas (Section 7.2.3): The upstream offsite stormwater or other nuisance surface water runoff shall be conveyed through the development in a separate system referred to as the "Bypass System". Bypass runoff shall not be mixed with the stormwater collected and treated with onsite SMFs unless the SMFs are designed to include all of the additional flows from the upstream drainage areas(s) assuming full development potential.
- g. Downstream Analysis (Section 7.2.4): A Qualitative downstream analysis shall be required for any project that discharges stormwater runoff to a natural or manmade storm drainage system.
- i. The analysis shall evaluate the offsite storm drainage system to the location where the project site contributes less than 15 percent of the upstream drainage area contributing to a public storm drainage system line or drainage channel, or a location 1,500 feet (approximately ¼-mile) downstream of the discharge point from the project site, whichever is greater.

- ii. The engineer shall physically inspect the existing onsite and offsite storm drainage systems and outfalls in the project area for each discharge location for existing or potential problems and drainage features, in accordance with the criteria of Section 7.2.4.
- h. Emergency Overflow Pathway (Section 6.1.3): For all projects with SMFs, a 100-year overland emergency overflow pathway shall be identified and/or designed that allows runoff from large storm events to discharge without risk of injury or property damage.
- i. Operations and Maintenance Plans (Section 9.2): An O&M Plan shall be required for all permanent SMFs in accordance with the plan elements noted in Section 9.2.2 and the facility design and maintenance specifications in Appendix B. The O&M Plan and associated agreements, covenants, and easements shall be reviewed prior to District approval of the SWM Plan.
- j. Privately Owned and Maintained Facilities (Section 9.3) A Maintenance Covenant shall be recorded into the land record prior to final plan and/or plat approval. The O&M Plan shall be included as an exhibit in the maintenance covenant. The maintenance covenant shall identify private maintenance responsibilities for any shared SMFs and shall provide public access rights to inspect the facility and ensure that it is maintained in proper working condition.
- k. The applicant shall provide documentation of any vegetated buffer delineations and variances approved by the City of Happy Valley. All approved buffers, encroachments, and conservation easements shall be identified on the applicant's stormwater plans.

Fire

- 67. Provide address numbering that is clearly visible from the street.
- 68. Fire apparatus access roads must be within 150 feet of all portions of a building; or, that a higher level of sprinkler protection shall be provided with an NFPA 13 sprinkler system. The Fire Access & Water Supply plan shall show fire access distance and that an NFPA 13 system is being proposed as an alternative.
- 69. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to a fire hydrant) and an unobstructed vertical clearance of 13 feet, six inches.
- 70. "No Parking Fire Lane" signs shall be placed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall have signs placed on both sides. Roads 26 to 32 feet wide shall have signs placed on one side posting as a fire lane. Red painted curbs can be used in lieu of signs.
- 71. The inside turning radius and outside turning radius for a 20-foot-wide road shall not be less than 28 feet and 48 feet, respectively, measured from the same center point.
- 72. Buildings exceeding 30 feet in height shall require extra width and proximity provisions for aerial apparatus.
- 73. The minimum flow and duration for buildings other than one and two-family dwellings shall be determined according to Oregon Fire Code (OFC) Appendix B. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.
- 74. It is the responsibility of the contractor and designer to ensure adequate fire flow is met. Contact the local water authority for assistance.
- 75. Where a portion of the structure is more than 400 feet from a fire hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants shall be provided. This distance may be increased to 600 feet when an approved NFPA 13R fire protection system is installed.
- 76. Fire department connections (FDC) shall be located within 100 feet of a fire hydrant or in an approved location. FDCs shall be remote from the building.
- 77. All FDCs shall be labeled appropriately to which building it serves.
- 78. The minimum number and distribution of fire hydrants shall be in accordance with Table C105.1.
- 79. If private fire hydrants are required, all private fire hydrants shall be painted red.
- 80. Prior to the start of combustible construction, fire hydrants shall be operational and accessible. All fire lines shall be flushed, cleaned, and witnessed by the Building Department and CFD#1.

81. Power lines that cross over an access road must be shown on the site plan.
82. A private road maintenance agreement is required for all private roads.
83. Prior to the start of the project, a pre-construction meeting shall be held with Clackamas Fire District #1. The project manager/contractor is responsible for developing a written fire safety program. This program shall be made available for review by Clackamas Fire District #1. The plan should address the following:
 - a. Good Housekeeping
 - b. On-site security
 - c. Fire protection systems
 - i. For construction operations, installation of new fire protection systems as construction progresses. All Fire hydrants are to be fully operational before vertical construction begins.
 - ii. For demolition operations, preservation of existing fire protection systems during demolition
 - d. Development of a pre-fire plan with the local fire department
 - e. Consideration of special hazards resulting from previous occupancies
 - f. Protection of existing structures and equipment from exposure to fires resulting from construction, alteration and demolition operations.
84. Emergency responder radio coverage must be tested or provided due to the following.
 - a. Any building with one or more basements or below-grade building levels.
 - b. Any underground building.
 - c. Any building more than five stories in height.
 - d. Any building 50,000 square feet in size or larger.
 - e. Any building that, through performance testing, does not meet the requirement of section 510.
85. The applicant must obtain a stamp of approval from Clackamas Fire District #1 indicating all access and water supply requirements have been met.

Planning

86. The applicant shall assure continual maintenance of the site per the LDC.
87. Prior to issuance of building permits associated with the proposed development the applicant shall submit documentation demonstrating compliance with Sections 16.43.030.F and 16.44.010.B.14., including a revised photometric plan.
88. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised site plan and landscaping plan depicting the exterior bicycle spaces and adjacent onsite sidewalk in compliance with the standards in the Land Development Code.
89. Prior to issuance of permits associated with the site the applicant shall submit the design of the bicycle parking racks in compliance with 16.43.040.D.
90. This review is limited in scope, any of the following will require submittal of a separate permit request:
 - a. Tree removal
 - b. Sign Installation
91. Prior to issuance of permits associated with the site the applicant shall submit a revised design of the fencing on top of the retaining wall to the east of the parking lot in compliance with 16.42.060.A. The fence shall be installed prior to final occupancy.



TYPE III
MAJOR DESIGN REVIEW
NARRATIVE



HV172 HAPPY VALLEY APARTMENTS

Cobalt Development

By: Christopher Jones Architects
509 Olive Way, Suite 1416
Seattle, WA 98101
206-899-2939

Prepared for:

Cobalt
8215 SW Tualatin-
Sherwood Rd, Suite 200
Tualatin, OR 97062
971-998-5203

HV172 Happy Valley Apartments
Design Team

Developer	HV172, LLC (Cobalt Development) 8215 SW Tualatin-Sherwood Rd #200 Tualatin, OR 97062 Bart Dickson O: 971-998-5203
Applicant/Architect	Christopher Jones Architects 509 Olive Way, Suite 1416 Seattle, WA 98101 Michael Stapleton, Project Manager michael@studiocja.com O: 206-899-2939
Civil Engineer/Surveyor	Project Delivery Group (PDG) 7938 Crosby Rd NE Woodburn, Oregon 97201 Keith Wisenhunt keithw@pdgnw.com O: 503-364-4004
Landscape Architect	Laurus Designs, LLC 1012 Pine Street Silverton, OR 97381 Laura Antonson laura@laurusdesigns.com O: 503-784-6494
Traffic Consultant	Kittleson Engineering 851 SW 6th Ave, Suite 600 Portland, OR 97204 Chris Brehmer CBREHMER@kittelson.com 800-878-5230
City Planner	City of Happy Valley 16000 SE Misty Drive Happy Valley, Oregon 97086 Chris Alfino, Planner chrisa@happyvalleyor.gov O: 503-783-3821
Geotechnical Engineering	Redmond Geotechnical Services Daniel Raymond Redmondgeotechnicalservices@gmail.com O: 503-545-4004

Project Location:

14933 SE 172nd Avenue, Clackamas Oregon 97015

Zoning Base Zones:

16.23.030 Community Commercial Center District (CCC). CCC is intended to provide locations or “nodes” for a relatively wide range of small businesses, service and mixed use adjacent to residential areas as a convenience to nearby residents.

Lots:

Tax lot 409 & 499

Land Owner:

Timbers Way Retirement Community, LLC
7101 S 82nd St
Lincoln, NE 68616

General Description:

The 7.8 acre site currently has several existing wood frame structures that will be demolished prior to construction. The proposed project will include 168 apartment dwelling units and a single level community clubhouse building as well as 14,700 SF retail. The proposed site will consist of: (5) 3-story apartment buildings and (2) 3-story mixed -use buildings with ground floor retail and apartment units above. Building materials include wood frame construction with fiber cement siding and limited masonry veneer. Housing will include one bedroom, two-bedroom and 3-bedroom units. Surface parking will be provided at a parking ratio of approximately 1.75 parking spaces per unit (294 stalls). The moderately sloped site will be extensively landscaped with multiple outdoor gathering spaces for residents and retail customers.

The site is constrained at all four property lines limiting access, building placement and buildable area. The east, north and west property lines run parallel and adjacent to arterial and collector streets and the proposed extension of Park Lane Drive (respectively). A roughly 50 FT wide Williams Pipeline easement along the south property line. Cobalt development has held several meetings with Williams and has gained support from Williams for the proposed Park Lane Drive extension where it encroaches on and crosses the easement (final approval pending).

Table 16.23.030-1 Community Commercial Center Permitted Uses

Freestanding residential uses at densities greater than the minimum SFA density of 10 du/acre and not to exceed the maximum MUR-M2 density of 34 du/acre (10—34 du/acre) may be permitted in the CCC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the CCC zoned area of the parcel or subject property.

Response: A code text amendment has been requested. The proposed amendment meets the intent of the CCC zone by providing viable and inviting retail that engages the surrounding community. In summary we are requesting a reduction in the required retail component and a slight increase in building height to accommodate retail and retail ceiling height and gable roofs.

Please see Exhibit A for proposed language.

Also reference [08_OR_HV172_Proposed LDC Amendment OSSC Citation.pdf](#)

Table 16.23.030-2 Development Standards for CCC Districts

Residential Density (see table 16.63.020-1 for more information)	10 t 34 du/acre
Lot size (minimum)	None
Lot width/depth (minimum)	None
Floor area ratio	75%
Landscaping (minimum)	None
Building setbacks (minimum)	None (when not abutting a residential zone)
Building Height (maximum)	35 feet maximum, 50 feet proposed

16.41.030 Vehicular Access and Circulation**A. Access to Arterial and Collector Streets.**

1. Location and design of all accesses to and/or from arterials and collectors (as designated in the transportation system plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street shall be required.

Response: Please see Civil sheets C-2.01 through C5.01 for location and design of Access to the proposed Park Lane extension and Rock Creek Parkway.

2. Accesses to arterials or collectors shall be in accordance with the City's Transportation System Plan. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

Response: Please see TIA 04a and 04b included with LU Application Submittal 2. This has been prepared by Kittleson Engineering. Please also see Civil Sheets C-2.01 through C5.01.

3. No development site that abuts an arterial or collector street shall be allowed more than one access point to that street (as designated in the transportation system plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

Response: The proposed development is compliant with Section 3 above with only one access point proposed from Rock Creek BLVD and one proposed from the Park Lane Dr extension.

4. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in subsections (B)(1) and (B)(2) of this section. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

Response: Existing, non-compliant access from both Rock Creek and 172nd will be removed and replaced with compliant access, please see Civil sheets C-2.01 through C5.01, 04A Transportation Impact Analysis as well as 04B Neighborhood Circulation Plan for proposed locations.

5. *When a partition, subdivision or a planned unit development abuts or contains an existing or proposed arterial street as defined within the Comprehensive Plan, the review body shall require reverse frontage lots, thereby precluding access to the parkway streets.*

Response: N/A

B. Driveways.

1. *A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive but in either case not less than the full width of the standard approach for the first twenty (20) feet of the driveway.*

Response: Two driveways provide access to off street parking, both meet the minimum width requirement of 20 feet. (compliant)

2. *Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.*

Response: Proposed access to off-street parking does not require backing onto a public street and meets the requirements of section 2 above. (compliant)

3. *A driveway for a single-family dwelling or an accessory structure serving as a garage or home occupation shall have a minimum width of twelve (12) feet. Driveway approaches and vehicular maneuvering areas must be constructed in accordance with applicable City standards and the entire drive must be paved with asphalt or concrete or an approved permeable or semipermeable surface.*

Response: N/A

4. *A driveway for a two-family dwelling shall have a minimum width of twenty (20) feet. A driveway approach must be constructed in accordance with applicable City standards and the entire driveway must be paved with asphalt or concrete or an approved permeable or semipermeable surface.*

Response: N/A

5. *Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.*

Response: Vertical clearance of 12 feet minimum is provided for all driveways, aisles, and turn-arounds. (compliant)

6. *No driveway shall traverse a slope fifteen (15) percent or greater at any point along the driveway length.*

Response: The proposed development does not require any driveway traverse a slope greater than 15% along the driveway length. (compliant) **Sheet C-1.05**

7. The location and design of the driveway within the lot frontage shall provide for unobstructed sight pursuant to the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the public works director considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

Response: Location and design of each driveway provides for unobstructed sight meeting the vision clearance requirements. Please see sheets **A.1.1-1.3** (compliant)

8. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City Engineer may require joint access and/or shared driveways.

Response: N/A

9. A driveway must line up with surrounding streets and meet the connectivity standards for full street connections in Section **16.50.030(B)(9)(a)** if it meets one or more of the following:

- a. Intersects with a public street that is controlled, or is to be controlled in the planning period, by a traffic signal;
- b. Intersects with an existing or planned arterial or collector street; or
- c. Would be an extension of an existing or planned local street, or of another major driveway.

Response: All connections will be designed to meet this standard.

16.41.040 Pedestrian access and circulation

To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian and/or multi-use pathway system consistent with the City's TSP and Happy Valley Parks Master Plan. (Pathways only provide for pedestrian circulation; multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections A through E of this section.

A. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathways(s) to adjacent streets and private property.

Response: Please see attached site **C-1.01** and landscape plans **L1.1-1.3**. A network of onsite pathways and sidewalks connect all buildings, retail, plazas and other amenity areas. (compliant)

B. Safe, Direct and Convenient Pathways. Pathways within all developments, except single-family detached housing (i.e., on individual lots), single-family attached housing, duplexes, triplexes,

quadplexes, and cottage cluster housing, shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets. For purposes of this Code section, the “primary entrance” of commercial, industrial, mixed use, public and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance. For residential buildings, the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling. A determination of whether or not a bicycle or pedestrian route is safe, direct, and convenient will be based on the following criteria:

- 1. Planned bicycle and pedestrian routes do not deviate unnecessarily from a straight line and will not involve a significant amount of out-of-direction travel for likely users.*
- 2. Bicycle and pedestrian routes are reasonably free from hazards and provide safe access to destinations.*

Response: Please see attached site **C-1.01** and landscape plans **L1.1-1.3**. A network of onsite pathways and sidewalks connect all primary entrances for retail, residential, and amenity uses. (compliant)

C. Connection within Development. For all developments subject to site design review, pathways shall connect to all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

Response: Please see attached site **C-1.01** and landscape plans **L1.1-1.3** A network of onsite pathways and sidewalks connect all parking, storage, and recreational/common areas. (compliant)

D. Connections to Transit.

1. New multi-family, retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the use of the continuous pathway system outlined in subsections A and B above. "At a major transit stop" means a parcel or ownership that is adjacent to or includes a major transit stop, generally including portions of such parcels or ownerships that are within two hundred (200) feet of a major transit stop. "Near a major transit stop" means a parcel or ownership that is within three hundred (300) feet of a major transit stop.

Response: N/A – no major transit stops in the vicinity.

2. In addition to other requirements in this section, sites that are located at a major transit stop shall provide the following:

- a. Either locate buildings within twenty (20) feet of the transit stop, a transit street or an intersection street, or provide a pedestrian plaza at the transit stop or a street intersection;*
- b. A reasonably direct pedestrian connection between the transit stop and building entrances on the site;*
- c. A transit passenger landing pad accessible to disabled persons;*
- d. Lighting at the transit stop;*
- e. An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by the public transit provider; and*
- f. Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops.*

Response: N/A

E. *Design and Construction. Pathways shall be designed and built in accordance with City public works standards.*

Response: Please see attached site **C-1.03**, Civil **C-1.01-C-5.05**, and landscape plans **L1.1-1.3**. Each pathway shall be designed and built in accordance with City and Public Works standards. (compliant)

16.42.030 Landscaping standards

A. *General Requirements for Landscaping.*

1. *Where landscaping is required by this code, a detailed landscape design plan in accordance with Section **16.42.030**(C) shall be submitted for review with development applications. No development may commence until the Planning Official or designee has determined the plans comply with the specific standards of this section. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a certificate of occupancy.*

Response: Please see Landscape plans attached. **L1.1-1.3** (compliant)

2. *Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the joint and several right and responsibility of the property owner, tenant, and their agent, if any, unless otherwise provided by the lease agreement, or City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within four months. Landscaping shall be maintained in a condition which presents a healthy, neat, and orderly appearance and shall be kept free of refuse and debris.*

Response: Landscaping will be maintained in accordance with section 2 above. Landscaping services will be contracted by a professional building management company prior to initial leasing.

3. *Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees that are six inches or greater in diameter measured at a height of four and one-half feet above grade are considered significant pursuant to Section **16.42.050**. Plants to be saved and methods of protection shall be indicated on the detailed landscape plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area five feet outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located five feet outside the drip line.*

Response: Please see Landscape plans attached. **L1.1-1.3** (compliant)

4. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. All plant growth in landscaped areas shall be controlled by pruning, trimming, or otherwise so that it will not interfere with the maintenance or repair of any public utility.

Response: Please see Landscape plans attached. L1.1-1.3 (compliant)

5. Landscaped areas may include stormwater detention facilities, architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas interspersed with planted areas, and on-site natural features which are retained and improved. The exposed area developed with such features shall not exceed twenty-five (25) percent of the required landscaped area. This area may be developed into pedestrian amenities, including, but not limited to, sidewalk cafés, seating, water features and plazas, as approved by the Planning Official or designee or the Design Review Board. Artificial plants are prohibited in any required landscaped area.

Response: Please see Landscape plans attached L1.1-1.3. Areas designed with features such as benches, decorative architectural features, and plazas will not exceed 25% of required landscape area (compliant)

6. Balconies required for entrances and exits should not be considered as landscaped areas except where such exits and entrances are for the sole use of the unit.

Response: N/A

7. Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.

Response: Please see the Architectural Plan attached. A0.0 (compliant)

8. Driveways and parking areas shall not be included as landscaped area.

Response: Please see Landscape plans attached. L1.1-1.3 (compliant)

9. All areas not occupied by paved roadways, parking areas, loading areas, driveways, walkways, patios, or buildings shall be landscaped.

Response: Please see Landscape plans attached. L1.1-1.3 (compliant)

10. Topsoil and Cover Planting.

a. During construction, sufficient topsoil and overburden shall be stored on the property in a stabilized condition at an isolated location to restore graded or backfilled areas. Such areas shall be covered with not less than eight inches of topsoil of at least equal quality to that

removed, provided that if the average depth of the topsoil prior to excavation was less than eight inches, then the depth required need not exceed such lesser average.

Response: Please see Landscape plans attached [L1.1-1.3](#), and Geotech Report attached [05_OR_HV172_Geotech.pdf](#) (compliant)

b. Upon replacement of topsoil, the developer shall provide groundcover selected by the developer adequate to control erosion, prevent undue runoff and restore the surface in a manner suitable for its future development. Such groundcover will be identified by the developer on the site plan at the time of site plan review or preliminary approval of a partition, subdivision, PUD, or nonresidential development.

Response: Please see Landscape plans attached. [L1.1-1.3](#) (compliant)

11. Final public infrastructure inspection and authorization to submit building permits may occur prior to the landscaping requirements having been met, provided that the City has received bonding or other assurances to cover the cost of required public improvements, in accordance with Section [16.50.080](#).

B. Area Required. The following minimum gross developable lot area of the greater proposed development shall be landscaped for the following uses:

1. Single-family detached, single-family attached dwellings, duplexes, triplexes and fourplexes: twenty (20) percent. A minimum of fifty (50) square feet of landscaping shall be located in front of the dwelling(s);

Response: N/A

2. Multifamily dwellings containing five or more units: twenty (20) percent;

Response: Please see landscape plans, the proposed landscape plans provide a minimum of 20% of GDA. [L1.1-1.3](#) (compliant)

3. Nonresidential uses, e.g., commercial, industrial, institutional, or civic: fifteen (15) percent.

Response: N/A (20% met by multi-family residential requirement)

C. Landscaping Plan Requirements.

1. The applicant shall submit a preliminary landscape design plan which includes:

a. Location of underground irrigation system sprinkler heads where required by the City;

b. Location and height of fences, buffers and screening;

- c. *Location of terraces, decks, shelters, play areas, accessory structures and facilities, and common open areas;*
- d. *Location, type, size and species of existing and proposed plant materials;*
- e. *A narrative which addresses soil conditions and erosion control measures that will be used;*
- f. *Proposed location(s) and design of trash receptacles, clustered mailboxes per the provisions of the Americans with Disabilities Act and implementing federal regulations as well as the accessibility provisions of the Oregon Structural Specialty Code, newspaper boxes, and entry features or signs;*
- g. *Any trees over six inches in diameter at four feet in height proposed to be removed;*
- h. *The approval standards shall be the applicable standards contained in this section.*

Response: Please see Landscape plans **L1.1-1.3** attached and Civil **C-1.05** plans for detailed erosion control. (compliant)

D. Parking Lot Landscaping.

1. *Except for a residential development that has landscaped yards, parking facilities shall include landscaping to cover not less than fifteen (15) percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and groundcovers.*

Response: Please see Landscape plans and plant schedule attached. **L1.1-1.3** (compliant)

2. *Screening of all parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall be required. Where not otherwise specified by district requirement, screening along a public right-of-way and the parking area perimeter shall include a minimum ten (10) feet depth of buffer plantings adjacent to the right-of-way and along the perimeter of the parking area except when the perimeter of the parking area is within a commercial center or part of shared parking area, where a buffer is not required.*

Response: Screening of parking areas from the ROW is provided by a combination of building structures and landscaping. Please see Landscape plans attached. **L1.1-1.3** (compliant)

3. *When parking in a commercial or industrial district adjoins a residential zoning district or use that is not comprised of a landscaped open space tract owned and maintained by the public or a Homeowner's Association providing for sight obscuring screening along the length of the subject site, a sight-obscuring screen that is at least eighty (80) percent opaque when viewed horizontally from between two and eight feet above the average ground level shall be required. The screening*

shall be composed of materials that are an adequate size so as to achieve the required degree of screening. Screening options may include landscaped earthen berms, solid wood fences or masonry walls with landscaping, or a combination of landscaping and construction materials that provide sight and sound abatement at the time of building occupancy.

Response: N/A

4. Parking areas shall be divided into bays of not more than eight spaces in parking areas with twenty (20) or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of five feet and a minimum length of seventeen (17) feet for a single depth bay and thirty-four (34) feet for a double bay. Each planter shall contain one major structural tree and groundcover. Truck parking and loading areas are exempt from this requirement.

Response: Please see Landscape plans attached. **L1.1-1.3** (compliant)

5. In parking lots three acres and larger intended for use by the general public, the walkway shall be raised or separated from parking, parking aisles and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans with Disabilities Act (ADA) Accessibility Guidelines.

Response: Please see site landscape plans attached. **L1.1-1.3** (compliant)

E. Required Tree Plantings.

1. Planting of street trees is required for all public street frontages. Planting of street trees along private roadways is at the discretion of the developer, builder or property owner. Private street trees shall be located within a private street easement or combined private street tree/public utility easement. Trees shall be planted outside the right-of-way except where there is a designated planting strip or City-adopted street tree plan. (See Section [16.42.040](#)(B) for standards.)

Response: Please see Landscape plans attached. **L1.1-1.3** (compliant)

2. The City maintains a list of appropriate trees for street tree and parking lot planting situations in Table 16.42.040-1. Selection of species should be made from the City-approved list. Alternate selections may be approved by the Planning Official or designee following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief. Street trees shall be planted at thirty (30) feet on center except where planting a tree would conflict with existing trees, retaining walls, utilities and similar barriers.

Response: Please see Landscape plans attached, selection of tree species were made from the City-approved list. **L1.1-1.3** (compliant)

3. *Trees may not be planted:*
- a. *Within five feet of a permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the Planning Official or designee are used;*
 - b. *Within ten (10) feet of fire hydrants and utility poles;*
 - c. *Within five feet from a curb face when not in a planter strip or island;*
 - d. *Where the Planning Official or designee determines the trees may be a hazard to the public interest or general welfare.*

Response: Please see Landscape plans attached. L1.1-1.3 (compliant)

4. *Trees shall be pruned to provide a minimum clearance of eight feet above sidewalks and twelve (12) feet above street and roadway surfaces.*

Response: Landscaping will be maintained in accordance with section 4 above. Landscaping services will be contracted by a professional building management company prior to initial leasing.

F. Irrigation. Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life, or shall submit a xeriscaping landscape plan based on drought tolerant plantings for review and approval of the Planning Official and/or Design Review Board. Any development, redevelopment, or street improvement or installation project that results in the requirement of more than one standard residential meter ($\frac{5}{8}$ x $\frac{3}{4}$, rated at twenty (20) gallons per minute) to be dedicated to the irrigation of publicly accessible green space and/or planter strips shall be required to install irrigation systems that utilize evapotranspiration (ET) based controllers if the green spaces are to be irrigated at any time during peak demand season. Subdivisions, planned unit developments (PUDs) and road projects requiring more than two standard residential meters ($\frac{5}{8}$ x $\frac{3}{4}$, rated at twenty (20) gpm) to be dedicated to the irrigation of publicly accessible green space and/or planter strips shall utilize central control systems with active connection to weather stations and flow monitoring sensors. The developer or project owner will be required to pay the cost for initial set-up and programming with the contractor selected by Sunrise Water Authority to manage the irrigation control system. Sunrise Water Authority will retain responsibility for engaging the contractor to operate any and all irrigation management systems installed under this program. Annual operational costs for the management of the system shall be collected from the homeowners within the subdivision or planned unit development as a surcharge on their water bill. Industry standard charges for operation and management of ET based irrigation control systems are based upon the number of valves in the irrigation system. This charge shall be equitably distributed amongst all home sites within the subdivision or PUD or, in the case of road projects, borne by the project owner, such as the County, City or State.

Response: Irrigation will be provided in accordance with section F above. (compliant)

G. Types and Size of Plant Material.

1. At least seventy-five (75) percent of the required landscaping area (at maturity) shall be planted with a suitable combination of trees, shrubs, or evergreen groundcover.
2. Plant Materials. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.
3. Deciduous trees shall be species having an average mature spread of crown greater than fifteen (15) feet and having trunks, which can be maintained in a clear condition with over five feet of clear wood (without branches). Trees having a mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.
4. Deciduous trees shall be balled and burlapped, and a minimum of seven feet in overall height or one and one-half inches in caliper measured six inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.
5. Coniferous trees shall be a minimum five feet in height above ground at time of planting.
6. Shrubs shall be a minimum of one gallon in size or two feet in height when measured immediately after planting.
7. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within two years after planting.
8. Vines for screening purposes shall be a minimum of one gallon in size or thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. English Ivy is not permitted.
9. Vegetated groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, groundcovers shall be planted in such a manner as to provide complete coverage in two years.
10. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrass and fescues used within the local landscape industry. Artificial turf/lawn/grass may substitute for vegetative turf/lawn/grass as part of an approved landscape plan illustrating high-quality product that is generally natural in appearance as approved by the Planning Official or designee.

Response: Please see attached landscape plan and plant schedule. **L1.1-1.3** (compliant)

H. Revegetation in Unlandscaped or Natural Landscaped Areas.

1. *Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted as required by the City or by applicable conditions of approval.*
2. *Plant material shall be watered at intervals sufficient to assure survival and growth.*
3. *The use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.*

Response: The site will require regrading; however, plant material will be replaced in accordance with sections 1 & 3 above. Landscaping will be maintained during and after construction in accordance with section 2 above. Please see attached landscape plans. **L1.1-1.3** (compliant)

I. Landscaping Between Public Right-of-Way and Property Lines. Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

Response: Please see attached landscape **L1.1-1.3** and civil **C-1.01-5.05** plans for Landscape design between public ROW and property lines. (compliant)

J. Buffer Planting—Parking, Loading and Maneuvering Areas.

1. *Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than to block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.*

Response: Buffer plantings are provided throughout the site to soften undesirable views as well as provide privacy to grade level residential units and ease transitions between public and private areas. (compliant)

2. *Any use which is required to provide off-street parking for five or more vehicles shall provide buffering of the parking areas on all sides which face directly upon and are within one hundred (100) feet of any property line of the subject site. Buffering shall include, in addition to required street trees for the project as a whole, fencing, sound walls (if deemed necessary by the review authority) or plantings at the immediate perimeter of the parking area which shall be of sufficient height and density, year around, to obscure sight lines to the parked vehicles and negate the impacts of headlights.*

Response: Plantings are provided at the perimeter of the parking area and are sufficient to obscure parked vehicles and negate impacts of headlights. (compliant)

3. *Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying groundcover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities.*

Response: Landscaping approved by Williams Pipeline along the 50-foot-wide easement will provide a buffer to the property directly south of the site. The easement will be landscaped in such a way to provide a walking path and other outdoor space for tenants. (compliant)

4. *Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements.*

Response: Walls and fences may be installed to alleviate grading constraints but they will not serve as buffering required by this code. (compliant)

K. *Assurance Required. Landscaped areas shall provide assurance to the City for one hundred twenty-five (125) percent of the estimated cost of the project through a bond, escrow account or certified letter of credit. Landscaped areas shall be completed as shown in the approved plans and inspected and approved by the City prior to final approval ("walk-through"), or shall be provided for by financial guarantee. The City will require a maintenance bond or other financial guarantee for the landscaped areas which will be held for two years after improvements are made to ensure plant survival. Plants that do not survive shall be replaced by the applicant during the first two years after the landscaped area is improved. The amount of the maintenance bond shall be twenty-five (25) percent of the construction cost of the landscaped areas as approved by the Planning Official or designee. The City may, at its option, require the maintenance bond to be extended should the need arise to finalize inspections or determine plant health.*

Response: Prior to building permit approval, the developer will provide the necessary Bonds for financial guarantee outlined in this section (K). (compliant)

16.42.040 Street trees and planter strips

A. *Applicability. All partitions, subdivisions, planned unit developments (PUDs), and any individual uses within any district, whether permitted by right or conditional approval, shall be required to provide street trees and, where applicable, planter strips on all public roadways within the project area, in accordance with the standards in subsection B below. Planting of street trees along private roadways is at the discretion of the developer, builder or property owner. Private street trees shall be located within a private street easement or combined private street tree/public utility easement.*

B. *Standards.*

1. *All street trees and planter strips shall be installed or financially secured by the developer pursuant to the definition of a "planter strip" found within Section [16.12.030](#) (Definitions). Private*

streets or development areas that do not utilize curbside planter strips shall install street trees beyond the public sidewalk, within a public utility and street tree easement.

2. Street Tree Installation Methodology. The developer and/or builder shall submit a planter strip and street tree plan as part of the construction plan set, detailing to the greatest extent practicable the placement of street trees in conformance with all spacing requirements in regard to street intersections, street lights, driveways, fire hydrants, etc. Based on this street tree plan, the developer shall submit a street tree installation fee or liquid financial guarantee based on the methodology set forth in Section [16.50.080](#).

3. Planting/Removal. Any person desiring for any purpose to plant, remove, destroy, top or treat any tree in or upon any street right-of-way, shall first submit a tree cutting/planting application to the City describing the purpose and scope of work. All work done under such permit must be performed in strict accordance with the terms and provisions of this chapter. The Public Works Director shall base approval of such permit on the health, safety and welfare of both the affected tree(s) and community residents. If any permit required by this section is denied, the applicant may appeal in writing to the City Council within ten (10) days of denial. The council shall proceed and determine the appeal, calling upon the Public Works Director to defend his or her decision.

4. Modified Existing Streets. All proposed changes to existing public street right-of-way widths or any proposed existing street improvement shall, where feasible, include allowances for parking and median strips in accordance with the City's public facilities plan and its new street system final development standards.

5. Clearance Design.

a. Curb and Sidewalk. Parking strip street trees shall be planted midway between curb and sidewalk in parking strips.

b. Center Medians. Center median street trees shall be laterally centered in the medians and an offset placement pattern relative to parking strip street trees is required.

c. Utilities. All digging, including tree planting, must be preceded by underground location of utilities, water lines, sewer lines and transmission lines conducted by the planter.

d. Corners, Driveways, Fire Hydrants and Street Lights. No street trees shall be planted closer than thirty-five (35) feet from any street corner, measured back from the point of intersecting curbs or curb lines. No street tree shall be planted closer than five feet to any drive-way, ten (10) feet to any fire hydrant or utility pole. Vision clearance shall be provided pursuant to standards in Section [16.50.030\(B\)](#) and consistent with Figure 16.42.040-1.

e. Street Tree Spacing. Street trees in parking strips shall be placed at a maximum of thirty (30) feet on-center and located in accordance with the requirements contained in this chapter. Street trees in center medians shall be placed at a maximum of fifteen (15) feet on center.

Trees planted in the center medians shall be staggered with the trees planted in the parking strips. Special plantings shall be allowed with prior approval by the City Manager.

f. Visual Clearance. In order to keep visual zones clear and to protect traffic, pedestrians and bicyclists from running into low limbs, trees within or overhanging the public right-of-way and/or visual clearance zone must be trimmed to at least seven feet above the sidewalk area, eleven (11) feet above streets or alleys, and fourteen (14) feet above neighborhood collector level two and higher level roads (see Figure 16.42.040-1).

g. Median Trees. Center median street trees shall be planted and maintained in a manner that eliminates conflict between vehicle traffic and trees. Pruning of median street trees shall reflect a limb standard sufficient to ensure a fourteen (14) foot clearance above streets.

Response: Please refer to the Landscape plans attached. **L1.1-1.3** (compliant)

6. Consistency. In order to foster distinct and harmonious neighborhoods and encourage smooth transition between different sections of the City, consistency in street tree species shall be encouraged. However, this does not equate to the implementation of a street tree plan that is homogenous in species type for local residential streets. Staff shall review and approve street tree choice based on, but not limited to, the following criteria:

- a. Type and spacing of street trees in adjacent developments/neighborhoods;*
- b. Maintenance of the same species type for the entire length of all collector level streets, including center median groundcover and trees. All new street trees placed on collector level streets must be the identical specie of those street trees already existing on that same street;*
- c. Assist in the establishment of distinct neighborhoods with the use of street tree type.*

Response: Noted

7. Installation Standards.

a. Street Tree List. The species of street trees to be planted shall be chosen from the approved list of street trees in Table 16.42.040-1, or an acceptable alternative as determined by the Planning Official or designee. Planter strip groundcover shall be chosen from the approved list of groundcover in the Happy Valley Plant List (Appendix A). Copies of the Happy Valley Plant List can be obtained from the City. The street tree list is Table 16.42.040-1 in this section.

b. Method of Planting. Planting methods for all public trees shall adhere to the National Arborist Association Revised Standards (NAA) latest edition unless determined otherwise by the City.

c. *Installation Standards.*

i. *Planter Strip Street Trees. Minimum: one and three-quarters to two inches in diameter at a point four feet above existing grade at time of planting;*

ii. *Center Median Street Trees. Minimum: two to two and one-half inches in diameter at a point four feet above existing grade at time of planting.*

d. *Center Median Strips. Center median strips shall be landscaped with vegetative groundcover and/or covered with nonvegetative materials (i.e., interlocking paving stones). Automatic irrigation systems for all center median strips with street trees and/or vegetative groundcover shall be installed by the developer at the time the medians are constructed. Water lines shall be stubbed to center medians prior to the installation of the first street lift. Where possible, the water lines to the center medians shall be laid in series, continuing under the street where median breaks occur. Center median landscape and irrigation plans must be prepared by a landscape architect registered in the State of Oregon and shall be incorporated into the final landscape plan submitted to the City for approval.*

e. *Method of Support. Street trees shall be guyed or supported in an upright position according to accepted arboricultural standards (NAA) and fastened in a manner such that injury to the tree is avoided and public safety is ensured.*

f. *Permission to Plant. No person shall plant or set out any tree in a public place without first obtaining written permission from the Public Works Director. The Public Works Director shall consider the following criteria in determining whether permission should be granted: number of trees to be planted or set out; location, grade, and variety of each tree; method of planting; and any additional information the Public Works Director may reasonably need to make a fair judgment as to permission to plant.*

g. *Replacement. The City may require the replacement of a new tree by the abutting land owner, at the land owner's expense, after permission has been granted to remove an existing street tree.*

h. *Protection. No person may attach any ropes, wires, chains, or other devices to any street tree, or to the guard or stake intended for the protection of such trees, other than a device that will support and/or protect such trees. During the erection, repair, alteration or removal of any structure all street trees shall be adequately guarded and protected to prevent injury to such trees.*

Response: Please see landscape plans for installation standards.[L1.1-1.3](#)

8. *Removal. No person shall remove trees from public places without first obtaining written permission from the Public Works Director. Refer to the City's tree cutting removal regulations in regard to the removal of trees from private property.*

Response: Noted**9. Maintenance Standards.**

a. All street trees within planting strips and medians must be pruned and maintained to National Arborist Association (NAA) standards for shade trees. A copy of the NAA standards is available at the City offices.

b. Care and maintenance of street trees is the continuing duty and routine obligation of the property owner(s) abutting dedicated rights-of-way and utility easements that contain street trees. It is the duty of the owner(s) to keep the sidewalks which abut their property clean from branches, leaves, flowers, fruit or other organic material fallen on such sidewalks.

c. No person shall prevent, delay or interfere with the City or any agent acting on the City's behalf, while such agents are engaged in the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or private trees as authorized by this chapter.

d. Trees on private grounds having limbs projecting into the street right-of-way shall be pruned by the owners of the property to satisfy the clearance requirements set forth in this chapter. Whenever the owner(s) of private grounds neglect to adequately prune such trees, they may be declared a nuisance. Upon declaring a tree a public nuisance, the Public Works Director may order the pruning and/or treatment of such tree(s). All costs associated with the maintenance of nuisance trees as established in this chapter shall be borne by the owner of that property upon which such trees are located.

e. Whenever the owner(s) of private grounds neglect any street tree in the public right-of-way that fronts their property as provided in this chapter, such tree(s) may be declared a nuisance. Upon declaring a street tree a public nuisance, the Public Works Director may order the treatment of such tree(s). All costs associated with the maintenance of nuisance street trees shall be borne by the owner of that property which such trees front.

f. A private utility maintaining its utility system may prune to NAA standards any tree located in the public right-of-way which interferes with any street light, pole, wire, cable, appliance or apparatus used in connection with, or as a part of, the utility system.

g. Topping of street trees and park trees is prohibited unless so ordered by the Public Works Director. Topping is defined as the severe cutting back of limbs larger than three inches in diameter to stubs within the tree's crown to such a degree that the normal canopy is removed and the tree is disfigured. Trees severely damaged by storms or where permanent obstructions make standard pruning practices impractical, may be exempted from this section at the discretion of the Public Works Director. The person(s) responsible for violations of this provision shall be subject to fines and penalties as established in Section [16.42.050\(H\)](#) of this title.

h. In new partitions, subdivisions and planned unit developments, and any individual uses within any district, the developer shall be responsible for the care, maintenance and irrigation costs of all trees and landscaping within the public right-of-ways for a two-year period after the installation and acceptance of the street trees. A final inspection to determine street tree health and long term survivability shall be conducted at the end of the two-year maintenance period. The final street tree inspection shall be conducted by an arborist registered in the State of Oregon with all associated costs borne by the developer. The arborist's report shall be submitted to the City for approval, and subsequent replanting of any noted landscape materials shall occur, prior to the City's final acceptance of public improvements or release of the pertinent maintenance bond.

Response: Noted

16.42.060 Fencing, walls and screening

A. Walls and earthen berms along arterial or collector streets in residential districts have significant visual impacts, particularly with respect to traffic safety, site visibility and design aesthetics affecting major transportation corridors. Accordingly, prior to the issuance of a certificate of occupancy for a dwelling in a partition, subdivision, PUD or multifamily project, one of the following, or a combination thereof, is required to be installed along an arterial or collector street in a residential district. A recorded Contract, Covenants and Restrictions (CC&Rs) is required to assure ongoing maintenance.

- 1. Front Façade or Main Entrance Facing an Arterial or Collector Street. Dwellings with the front façade or main entrance facing an arterial or collector street must construct up to a four-foot-tall barrier along the associated frontage consisting of:*
 - a. Masonry or brick walls treated with anti-graffiti sealant; or*
 - b. Decorative metal fence with masonry or brick columns; or*
 - c. Solid earthen berms no greater than twenty-five (25) percent in slope and both faces of the slope with groundcover, shrubs, and trees covering the berm.*

Response: Please see proposed site plan for berm and retaining wall locations. **C-1.03**

- 2. Front Façade or Main Entrance Not Facing an Arterial or Collector Street. Dwellings with the front façade or main entrance not facing an arterial or collector street must construct up to a six-foot-tall barrier along the associated frontage consisting of:*
 - a. Masonry or brick walls treated with anti-graffiti sealant; or*
 - b. Decorative metal fence with masonry or brick columns; or*
 - c. Solid earthen berms no greater than twenty-five (25) percent in slope and both faces of the slope with groundcover, shrubs, and trees covering the berm.*

Response: N/A

- 3. Fences taller than two and one-half feet are not allowed in a clear vision area.*

4. If a fence or wall is located in a utility easement, a minimum five-foot-wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title.
5. Fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping at least every twenty-five (25) feet.
6. Wall height within the Rock Creek Employment Subdistrict shall comply with the height limitation identified in Section 16.25.010.F.4.

Response: N/A

B. Screening.

1. *Height and Opacity.* Where landscaping is used for required screening, it shall be at least six feet in height and at least eighty (80) percent opaque, as seen from a perpendicular line of sight, within two years following establishment of the primary use of the site. Landscaping that provides a buffer between a commercial or industrial structure that is within one hundred (100) feet of the property line of a residential zone or use shall provide solid sight and sound elements such as earthen berms, or masonry walls. Chain-link fencing with slats shall not qualify as a solid sight and sound element.

Response: Please see attached landscape plans and details. [L1.1-1.3](#)

2. *Chain Link Fencing.* A chain link fence with slats shall qualify for screening only if a landscape buffer is also provided in compliance with this section.

Response: N/A

3. The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within vision clearance areas.

Response: Please see attached landscape plans and details. [L1.1-1.3](#)

4. Earthen berms up to six feet in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with groundcover, shrubs, and trees.

Response: Please see attached landscape plans and details. [L1.1-1.3](#)

5. Fencing along open space tracts and conservation easements shall comprise of either split rail vinyl or stained cedar. Fencing along stormwater detention facilities shall be six-foot-tall, black, vinyl-coated chain link or the most current requirement of Clackamas County Service District No. 1.

Response: N/A

6. *Screening of Service Facilities.* Site-obscuring shrubbery or a berm, wall or fence shall be placed along a property line between residential and commercial and industrial zones and around unsightly areas including trash and recycling areas, gas meters, ground level air-conditioning units, disc antennas exceeding thirty-six (36) inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials.

Response: N/A

7. *Outdoor Storage.* All outdoor storage areas for commercial, industrial, public and semi-public uses are to be entirely screened by a sight obscuring fence, vegetative materials, or other alternative deemed appropriate by the Planning Official or designee. Exceptions to this requirement include: new or used cars, cycles and trucks sales (but not including car parts or damaged vehicles); new or used boat sales; recreational vehicle sales; new or used large equipment sales or rentals; manufactured home sales, florists and plants nurseries.

Response: N/A

16.42.080 Shared Outdoor Recreation Areas

- A. *Applicability.* The standards of this section apply to subdivisions of thirty (30) or more units.
- B. *Exemptions.* The standards of this section do not apply to PUDs subject to the open space requirements of Section [16.63.130\(H\)\(1\)](#), or to multifamily housing subject to the outdoor recreation area requirements of Section [16.44.010\(C\)\(9\)](#).
- C. *Density.* The recreation area requirements of this section shall not affect the number of dwelling units allowed by the density calculations in Section [16.63.020](#). Applicants may include the recreation area tract when applying lot size averaging and the flexible lot size standards in Section [16.63.030\(A\)](#) in order to achieve the permitted density.
- D. *Recreation area tracts required by this section must meet the following standards:*
 - 1. *Size.* Each tract must be at least one hundred (100) feet wide by one hundred (100) feet deep;
 - 2. *Location.* No more than fifty (50) percent of each recreation area tract may be in a Natural Resource Overlay Zone or in a Flood Management Overlay Zone;
 - 3. *Accessibility.* Each recreation area tract must have at least thirty (30) feet of street frontage;
 - 4. *Ownership.* The tracts must be owned in common by all of the owners of the land division site, owned by a homeowners' association, or owned by a public agency; and
 - 5. *Improvements.* The applicant must submit a surety and construction timing agreement prior to final plat approval. The construction timing agreement will specify the installation schedule of all improvements.

Response: N/A

- E. *Required Recreation Area Approval Criteria.* All of the following approval criteria must be met:
 - 1. *Location.* Each recreation area must be located on a part of the site that can be reasonably developed for recreational use;

2. *Accessibility. Each recreation area must be reasonably accessible to all those who will live on the land division site; and*
3. *Improvements. Each recreation area must be improved in order to meet the recreational needs of those who will live on the land division site. Provision for both active and passive recreation must be included. Where there is more than one recreation area, not all areas must be improved for both active and passive recreation. Recreation areas shall include improvements such as children's play equipment, picnic areas, open lawn, benches, paved walkways or trails, gardens, or organized sport fields or courts. Surety may be required which specifies the timing of recreation area improvements. The recreation area improvements should be installed before any of the dwelling units on the site have received final inspection. (Ord. 561 § 1(Exh. A), 2022; Ord. 468 § 1, 2014)*

Response: N/A

16.43.030 Automobile parking standards

A. General Requirements for Off-Street Parking and Loading.

1. *Provision and Maintenance. The provision of required off-street parking for motor vehicles and bicycles, and loading facilities for motor vehicles, is a continuing obligation of the property owners. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.*

Response: Noted

2. *An area shall not be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Engineering Manager or designee based on the City's Engineering and Design Standards Manual. Parking and maneuvering areas, including drive-through aisles, will be reviewed to ensure the design provides for the safe and adequate movement of all vehicles, pedestrians and service providers per the Engineering and Design Standards Manual.*

Response: Please see attached site **C-1.03** and Civil **C-1.01-5.05** plans. (compliant)

3. *New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with subsection B of this section or as otherwise modified through a planned development or specific area plan.*

Response: Please see attached site **C-1.03** and Civil **C-1.01-5.05** plans. (compliant)

4. *Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.*

Response: N/A

5. *Increased Intensity. When increased intensity requires no more than two vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than two spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.*

Response: N/A

6. *Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in subsection B of this section, and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.*

Response: Additional parking is being provided meeting the State of Oregon Parking A Requirements. (compliant)

7. *Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection.*

Response: Noted

8. *Inoperative Motor Vehicles. In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space, garage, or carport.*

Response: Noted

9. *Truck Parking. In residential zoning districts, no overnight parking of commercial vehicles shall be permitted except as allowed through the provisions of a home occupation permit. Vehicles and equipment necessary for farming and truck gardening on the premises where such use is conducted are exempt from the restrictions of this subsection.*

Response: Noted N/A

10. *Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed and available for the parking of vehicles and bicycles of residents, customers, patrons, and employees only. Parking spaces shall not be used for the storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use, and shall not be used for sale, repair, or servicing of any vehicle or bicycle.*

Response: Noted

11. *Shared Bicycle Parking. Multifamily dwelling units with more than ten (10) required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least fifteen (15) percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.*

Response: Please see attached site C-1.03 and Civil C-1.01-5.05 plans. (compliant)

12. *All dwellings shall have direct, unimpeded access from the required off-street parking spaces to the nearest public street, road or accessway.*

Response: Please see attached site C-1.03 and Civil C-1.01-5.05 plans. (compliant)**B. Minimum Off-Street Parking Space Requirements and Calculations.**

1. *Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter may be determined by the Planning Official based upon the requirements for similar specified uses.*

Response: Noted

2. *Tandem parking (where two spaces are directly behind one another) may be counted as two parking spaces.*

Response: N/A

3. *On-street parking within three hundred (300) feet of a use along its property frontage may be counted as part of the minimum spaces required.*

Response: N/A

4. *Structured parking, fleet parking, spaces that are user paid (at a market rate approved by the City), on-street parking spaces and market rate surface parking lots are exempt from the maximum parking ratios.*

Response: N/A

5. *If the applicant demonstrates that too many or too few parking spaces are required, the applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.*

Response: N/A

6. *Mixed Uses. In the case of mixed uses, shared parking between uses is encouraged. Where shared parking is not an option, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.*

Response: A total of 294 parking stalls and 128 bike parking stalls will be provided.

7. *Transit. Existing development shall be allowed to redevelop a portion of their existing parking area for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, and similar facilities, where appropriate. The redevelopment shall not result in greater than ten (10) percent reduction in the number of required on-site vehicle parking spaces.*

Response: N/A

8. *Where uses are mixed in a single building, parking shall be a blend of the ratio required less ten (10) percent for the minimum number of spaces. The maximum number of spaces shall be ten (10) percent less than the total permitted maximum for each use.*

Response: Please see site plan **C-1.03** and parking calculations on sheet **A1.1**. (compliant)

9. *Fractions. When the sum of the required vehicle or bicycle parking spaces is a fraction of a space less than one-half, the fraction shall be rounded down to the nearest whole number. When the fraction of the space is greater than one-half, the fraction shall be rounded up to the nearest whole number.*

Response: Noted

10. *Maximum Parking Allowed. A maximum number of vehicular parking spaces allowed exists if provided for in Table 16.43.030-1.*

Response: Additional parking is being provided meeting the State of Oregon Parking A Requirements. (compliant)

11. *Parking Table. The following parking table shall be interpreted with the following notation: All square footage measurements are gross square feet of total floor area. Eighteen (18) lineal inches of bench shall be considered one seat.*

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces	Percentage of Bicycle Spaces to be Long-Term Bicycle Parking
		Zone A	Zone B		
Residential					
Multifamily dwellings containing five or more units ⁴					75

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces	Percentage of Bicycle Spaces to be Long-Term Bicycle Parking
		Zone A	Zone B		
Studio and one bedroom units Two-bedroom units Three or more bedroom units Visitor parking	1.25 per dwelling 1.5 per dwelling 1.75 per dwelling 0.35 per dwelling unit (if less than 100 total units); 35 spaces or 0.25 per dwelling unit, whichever is greater (if 100 or more total units)			1 space per unit 1 space per unit 1 space per unit	
Commercial Uses					
Retail sales, general and personal services	4.5 per 1,000 sq. ft. of gross floor area	5.1 per 1,000 sq. ft.	6.2 per 1,000 sq. ft.	0.3 per 1,000 sq. ft. of gross floor area	50

Response: Additional parking is being provided meeting the State of Oregon Parking A Requirements. (compliant)

16.44.010 Design standards for multifamily housing

A. The purpose of this section is to provide for additional review to encourage the development of multifamily residential buildings that are visually engaging and compatible with one another and with the surrounding district.

B. Multifamily residential developments shall comply with the requirements of this chapter and the following additional requirements.

1. Roofs. Roofs shall meet the following additional requirements:
 - a. Roofs shall be gabled or hip type roofs (minimum pitch 3:12) with an overhang that is commensurate with the pitch of the roof and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within three hundred (300) feet have roofs similar to what is proposed.

Response: All proposed structures including the clubhouse amenity space will have gabled roofs. See attached Architectural renderings. **A4.0-4.16** (compliant)

- b. Modulation of the building mass shall distinguish individual units and break down the scale of the building through one or more of the following between units:
 - i. Vertical offsets that provide breaks in the roof line;
 - ii. Horizontal offsets that provide variation in the façade plane; and/or
 - iii. Variations of the roof form, such as dormers or street facing gable ends that provide breaks of the roof line.

Response: Vertical and horizontal offsets as well as variable roof forms provide modulation of building masses. See attached Architectural renderings. **A4.0-4.16** (compliant)

2. Entries.

- a. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.*

Response: Retail entries are sheltered with overhangs, individual unit entries are located off a breezeway (recessed). (compliant)

- b. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.*

Response: N/A

- c. Multiple Units. Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.*

Response: Unit entries face a designated pedestrian breezeway with articulated openings accessible from pedestrian pathways along the ROW and parking areas. (compliant)

- d. Secondary entries may face parking lots or loading areas.*

Response: N/A

3. Building Façades Design.

- a. Detailed Design. Detailed design shall be provided by using at least eight of the following fourteen (14) architectural features on all elevations as appropriate for the proposed building type and style (see Figure 16.44.010-4; may vary features on rear/side/front elevations):*

- i. Dormers;*
- ii. Gables;*
- iii. Recessed entries;*
- iv. Covered porch entries;*
- v. Cupolas or towers;*
- vi. Pillars or posts;*
- vii. Eaves (minimum of six-inch projection);*
- viii. Offsets in building face or roof (minimum of sixteen (16) inches);*
- ix. Window trim (minimum four inches wide);*
- x. Bay windows;*
- xi. Balconies;*
- xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation or similar features);*
- xiii. Decorative cornices and roof lines (e.g., for flat roofs);*
- xiv. An alternative feature providing for visual relief, similar to options i through xiii.*

Response: Please see architectural elevations. **A4.0-4.16**

b. Residential Mixed Use Structures. The residential portion of a mixed use structure shall be differentiated through the use of design elements such as decks, balconies, landscaping, chimneys, dormers, gable or hipped roofs or step backs above the second story to provide upper story deck areas. Masonry should be used for chimney construction.

Response: Building 1 & 2 contain retail located on the entry level. Masonry cladding wraps the retail portion of these structures differentiating residential from retail. Upper level residential is further differentiated by balconies, dormers, step backs, and cladding window materials/colors. (compliant)

c. Landscape/Hardscape Design. The following standards apply in addition to the landscaping standards in Chapter [16.42](#).

i. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.

Response: Proposed landscaping where new buildings are set back from the ROW is intended to be inviting. Please see Landscape plans. [L1.1-1.3](#) (compliant)

ii. Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.

Response: N/A due to site slope at ROW-Site

iii. Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.

Response: The NW corner of the proposed development connects the two buildings containing retail (buildings 1 & 2) with a plaza. The plaza will be used as a gathering space for tenants and retail customers and furnished with outdoor seating. (compliant)

iv. Hardscaping or landscaping shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade or a change in paving materials.

Response: Amenity nodes are located along pedestrian circulation routes throughout. (compliant)

v. Decorative iron gates and hangers for signs, flags and hanging baskets may be required as part of the landscape plan.

Response: Noted

vi. Miscellaneous solid wood materials such as fences, decks, balconies, pergolas, etc. that are not painted in conjunction with the greater development color palette shall be uniformly stained any variety of the color brown and be required by the development's Codes, Covenants and Restrictions (CC&Rs) to be maintained over time.

Response: Noted

4. *Offsets. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every twenty-four (24) feet by providing any two of the following (see Figure 16.44.010-6):*
- a. *Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of four feet;*
 - b. *Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of four feet, with a maximum length of an overhang not to exceed twenty-five (25) feet;*
 - c. *If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is four feet deep and at least one hundred twenty-five (125) square feet in area.*

Response: The proposed design combines "a" and "b" above. Recessed entries and deck/patio extensions provide offsets with a depth of 4 feet at a minimum of every 24 feet. Please see architectural elevations/renderings. **A4.0-4.16** (compliant)

5. *Private Outdoor Areas.*
- a. *A separate outdoor area of not less than forty-eight (48) square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences, or shrubs.*

Response: All units have a patio or balcony of at least 64 SF, exceeding the required area. (compliant)

- b. *A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces, or porches shall be provided for each dwelling unit located above the ground level.*

Response: All units have a patio or balcony of at least 64 SF exceeding the required area. (compliant)

6. *Parking Lots. Parking lots in multifamily developments shall not occupy more than fifty (50) percent of the frontage of any public street abutting the lot or building.*

Response: Parking is located on the interior of the site. (compliant)

7. *Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of the dwelling unit to accommodate garden equipment, patio furniture, barbeques,*

bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking areas required.

Response: Individual storage area will be provided at each patio/balcony. (compliant)

8. Carports and Garages. If carports and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

Response: All carports will be designed to be compatible with the proposed complex, no garages are planned.

9. Shared Outdoor Recreation Areas. Multifamily residential development shall provide usable recreation areas for developments containing more than five dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, natural resource buffer areas, and other natural site features, however, at least fifty (50) percent of the recreation area must be located outside the boundaries of such areas and slopes may not exceed ten (10) percent in the fifty (50) percent usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as one and one-fourth square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:

- a. Provides approximately the same accessibility to the maximum number of dwelling units possible;*
- b. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room, or other activity rooms (bedrooms or bathrooms are not included);*
- c. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten (10) feet wide;*
- d. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;*
- e. Provides a usable surface materials such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).*

Response: Please see Landscape plan **L1.1-1.3** and calculations as well as the architectural drawings **A1.1-1.3**. Primary outdoor recreation areas have been placed throughout the site for high visibility and short travel distances from dwelling units. The Williams pipeline easement will also be landscaped and hardscaped with pathways and equipment approved by Williams. (compliant)

10. Safety and Security.

- a. Provide an outdoor lighting system that facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.*

Response: Please see attached photometric site plan [Cobalt HV172_DR Package_Drawing Set_2023-12-21 Pages 44-50](#). To the extent possible light fixtures are oriented away from buildings and nearby properties to limit glare. (compliant)

b. Establish a directory for apartment complexes of five or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

Response: Noted. Appropriate wayfinding and directories will be placed on the site visible from all development vehicular points of entry.

11. Service, Delivery and Screening.

a. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.

Response: Mailboxes and postal delivery will be located in the Clubhouse community building. (compliant)

b. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.

Response: ADA compliant sidewalks connect all buildings and site amenities. Please see site plan [A.1.1](#) for garbage and recycling collection location. (compliant)

c. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.

Response: ADA sidewalks connect all buildings and site amenities. Solid waste and recycling collection area is identified on the site plan at the SW quadrant of the site. [A1.1](#) (compliant)

d. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.

Response: A concrete floor and gates provide screening for solid waste collection areas. (compliant)

e. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:

- i. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas;*
- ii. Evergreen plant materials that will retain their screening ability year-round and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.*

Response: Solid waste/recycling area will be obscured by a 6 FT CMU wall and gate. (compliant)

f. Electrical and Mechanical Equipment. On and above-ground electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be completely screened with sight-obscuring fences, walls or landscaping.

Response: PTHP units will be provided through exterior walls, grills will be flush with exterior walls and painted to match. Electrical meters will be located in the breezeways and will not be visible on the exterior elevations. (compliant)

16.45.020 Permit required.

*A. Permit Required. No sign shall be erected, constructed, maintained, modified, or relocated, except as provided by this section. This permit requirement applies to all signs, except those specifically exempt by a provision of this section and signs existing on the date of adoption of this Zoning Ordinance, which shall be subject to subsection D of this section. **Response:** ADA sidewalks connect all buildings and site amenities. Please see site plan for garbage and recycling collection location. (compliant)*

Response: Noted. (compliant)

16.46.010 Happy Valley Style design standards

A. Purpose. The purpose of the Happy Valley Style design review standards is to guide building siting and design and to promote a comprehensive identity for nonresidential developments within the community that are three stories or below in height through the application of the Happy Valley Style (Appendix B) and the standards of Chapter [16.46](#) so that:

- 1. The location, size, shape, height and spatial and visual arrangement of the uses and among buildings, building entrances, existing and proposed structures are compatible with each other, with consideration given to increased setbacks, building heights, shared parking, common driveways and other similar design considerations; and*
- 2. That there are interrelationships between transit stops, transit facilities and routes, parking and loading areas, vehicular and pedestrian circulation, open spaces, landscaping and related activities and uses on the site.*

B. Relationship to Other Standards. The standards of this section apply in addition to other standards of this title. Where standards in this section conflict with standards in other sections of this Code, the standards of this section shall govern.

C. Applicability.

- 1. The Happy Valley Style design standards apply to all mixed-use commercial, retail commercial, office and institutional office buildings that are three stories in height or less, except as exempted in subsection D of this section.*
- 2. New buildings shall be designed using building design elements of the Happy Valley Style to create distinctive buildings with richly textured, visually engaging façades and that are pedestrian*

friendly. Expansion or substantial exterior remodeling of existing nonresidential development which is greater than fifty (50) percent of the building's gross floor area shall be designed to maintain or increase the building's overall compliance with the Happy Valley Style standards.

Response: This code applies to Buildings 1 and 2 which are mixed-use. Please see Architectural renderings and elevations. **A4.0-4.16**

3. Buildings that are greater than three stories in height are encouraged to utilize practical design elements from the Happy Valley Style.

D. Exemptions to the Happy Valley Style.

*1. Residential dwellings, including residential care facilities, are exempt from the standards of Chapter **16.46**. However, single-family attached and/or multifamily dwellings and residential care facilities are encouraged to utilize the Happy Valley design standards.*

Response: Buildings 3-8 are exempt but will meet multi-family design standards.

2. Master Plan areas over ten (10) acres in size within the employment district of the Rock Creek employment area containing specific design standards.

Response: N/A – the site is within the Rock Creek Employment area but less than 10 acres.

3. Buildings designed for military or related uses; manufacturing or other industrial uses; non-institutional buildings in the Hwy. 212/224 Industrial Corridor (west of 135th Avenue); and small institutional buildings such as maintenance sheds, pump stations, wireless communication facilities shelters, etc., as determined by the Planning Official.

Response: N/A

4. Institutional office buildings and schools are exempted from Section 16.46.010.H.2 (Storefront Appearance for Commercial and Office Buildings).

E. Character of the Happy Valley Style. As described in more detail in Section 2 of Appendix B, the Happy Valley Style promotes a residential character for projects by drawing on features from certain historical architectural styles as well as through the use of complex massing and varied rooflines. Materials of the Happy Valley Style draw on the Pacific Northwest's natural resource heritage. Equally important to incorporating a residential character, the Happy Valley Style also promotes a pedestrian friendly environment, using façade design that creates a storefront appearance at the ground level. The overall development pattern should contribute to a sense of arrival and departure to and from the City core. Happy Valley's unique topography and natural features should be incorporated into project design where feasible. While it is influenced by historic architectural styles, the goal of the Happy Valley Style is not a literal replication of historic residential buildings, but appropriate contemporary interpretation of time-tested and proven design principles. The Happy Valley Style is also flexible enough to allow for variety, acknowledging different needs and preferences of various uses. Projects do not need to include

all features that make up the Happy Valley Style. However, projects should reflect the Style's characteristic elements in varying combinations.

Response: Noted

F. Pedestrian-Oriented Building Siting Standards. In order to orient buildings to the pedestrians walking on the pedestrian network and to activate the pedestrian environment and emphasize pedestrian movements, development shall meet the minimum standards in this section. Additional recommendations for pedestrian-oriented building siting are included in Section 3 of Appendix B:

- 1. Maximum Setback.
 - a. At least fifty (50) percent of the building frontage must meet the maximum setback of eight feet from a property line along a public or private street.*
 - b. Surface parking facilities and vehicular circulation facilities, such as driveways and queues, are prohibited between the fifty (50) percent of the building frontage regulated by this section and the public or private street.**

Response: Please see the proposed site plan. **A1.1-1.3** (compliant)

- 2. Multiple Frontages. In scenarios involving multiple frontages, the developer shall have the option to designate and orient the front, side and rear façades of a structure. In no case shall buildings be required to have dual front façades. However, where development is proposed on a corner lot, buildings shall be located to preserve or create strong building edges at public or private street corners.*

Response: Please see proposed site plan, architectural elements such as the tower on the NW corner of the site and adjacent plazas that make for a strong site corner and the building layout preserves strong building edges along the north and west property lines. **A1.1-1.3** (compliant)

- 3. Exceptions. The Design Review Board may approve an exception to the maximum setback standards in the circumstances described in subsections (a) through (d), below, provided the exception is the minimum necessary and the proposed design accomplishes the intent of the Happy Valley design standards. Where the proposed adjustment will allow parking or vehicle circulation between the building and the street, the building shall include a pitch roof, high quality materials and other design elements to ensure that the intent of the Happy Valley design standards is achieved.
 - a. The proposed building is interior to a development site and the maximum setback is met by other buildings on the site.*
 - b. An increase in the maximum setback is necessary for the protection of natural resource, or to accommodate topographic constraints or required utility easements.*
 - c. To allow for the placement of pedestrian amenities within the maximum setback, including, but not limited to, seating areas, water features, and plazas. Plazas shall include construction materials that differ from the surrounding sidewalk, and shall be approved by the Design Review Board. Materials include (but are not limited to), paving bricks, stamped concrete, etc.**

- d. *The proposed building has been oriented to a private street which has been designed and built to function as a public street.*

Response: No exceptions needed.

G. *Building Massing.*

1. *Complex Massing Required. New buildings shall use massing characteristic of the Happy Valley Style and asymmetrical composition to avoid the monolithic expanse of frontages and roof lines and break up building sections using elements including variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roof line, materials, color, or textures (see 4.1, Appendix B).*

Response: The proposed design of buildings 1&2 (mixed-use) incorporates a combination of canopies, awnings, as well as changes in roof line, materials and color/textures to provide complex massing. Please see attached architectural renderings. **A4.0-4.16** (compliant)

2. *Street Corners. Where development is proposed on a corner lot, the following standards shall be met:*

- a. *Buildings shall be designed to preserve or create strong building edges at public street corners (see 4.2, Appendix B).*
- b. *Buildings shall reinforce street corners by repeating façade elements such as signs, awnings and window and wall treatments on both sides of the building facing the corner.*
- c. *Buildings located on public street corners shall contain an architectural corner element which exceeds the eave height of the primary roof by at least five feet (see Figure 16.46.010-2). If the façade of the corner element exceeds twenty-five (25) feet in height, then windows are required to provide the appearance of a habitable second story (see Figure 16.46.010-3). Additional façade details such as cornice lines and material changes are encouraged.*

Response: The NW corner of the site is dedicated to providing a strong corner, marking the retail, and providing a gathering space for residents and retail customers. Please see proposed architectural renderings **A4.0-4.16** and site plan **A1.1-1.3**. (compliant with sections a, b, and c above)

- d. *Two-story building elements, which shall be located to reinforce the corner, include, but are not limited to:*
- i. *Tower;*
 - ii. *Enclosed porch;*
 - iii. *Entrance pavilion.*

Response: A tower and outdoor seating area (plaza) are located at the retail corner of the site (NW). Please see proposed architectural renderings **A4.0-4.16** and site plan. **A1.1-1.3** (compliant)

3. *Roof Forms.*

- a. Roof forms shall promote architectural diversity and interest (see 4.3, Appendix B). While pitched roofs are desired to support Happy Valley Style's residential character, larger building footprints make flat roofs often the only practical solution. However, the edges of flat roofs can be articulated to make large buildings more compatible with the desired character. To address the wide range of building sizes permissible in nonresidential developments, the roof standards are divided into two distinct types based on building size.
- b. Roofs shall meet the following standards:
- i. Building footprints five thousand (5,000) square feet in size or smaller are required to have pitched (gabled or hipped) roofs or flat roofs with an applied pitch;
 - ii. Building footprints greater than five thousand (5,000) square feet in size may have pitched (gabled or hipped) roof or flat roofs with either an applied pitch or parapet, per the requirements found in subsection d (Requirements for flat roofs), below.

Response: All proposed structures have gabled roofs. Please see proposed architectural renderings [A4.0-4.16](#) and site plan. [A1.1-1.3](#) (compliant)

- c. Requirements for Pitched or Applied Pitch Roofs. Dormers, cupolas and similar roof elements that break up and project from the primary roof shall be provided to create variety to the massing of structures and relieve the effect of a single, long roof. Secondary roof elements shall be provided in the quantity specified below. Secondary roof elements may be located anywhere on the roof, although groupings and orderly arrangements are preferred. Roof length is the longer horizontal distance between the outside faces of the walls supporting the roof. In contrast to roof length, for the purpose of these standards, the roof span is the shortest horizontal distance between the outside faces of the walls supporting the roof.

Roof Length	Number of Secondary Roof Elements
Less than 30 feet	None required
30—45 feet	1
46—90 feet	2
91 feet and greater	4

Response: Please see proposed architectural renderings [A4.0-4.16](#) and site plan. [A1.1-1.3](#) (compliant)

- d. Requirements for Flat Roofs.
- i. All rooflines (span or length) facing a public street or clearly visible from a public right-of-way shall be detailed with either an applied pitch or parapet, as follows:
 - (A) Applied Pitch. An "applied pitch" gives a flat roof the general appearance of a pitched roof in terms of materials, pitch, and overhang, but does not extend all the way from the eave of the building to the ridge of the roof as a typical pitched roof. At a minimum, the applied pitch shall:
 - (1) Extend at least eight feet horizontally from the eave on buildings of five thousand (5,000) square feet in size or smaller.

(2) Extend at least twelve (12) feet horizontally from the eave on buildings greater than five thousand (5,000) square feet in size.

The applied pitch shall extend vertically above the plane of the flat roof sufficiently to effectively screen all roof mounted equipment from public viewpoints. The slope of the applied pitch shall be consistent across the entire span. Breaks in the roof pitch to create a mansard or bonnet roof effect where the lower portion of the roof is steeper or less steep than the upper portion are not permitted.

(B) Parapet. A parapet is a vertical extension of the façade above the plane of a flat roof. The parapet shall extend vertically above the plane of the flat roof sufficiently to effectively screen all roof mounted equipment from public viewpoints. The parapet may have a simple edge or may be adorned with an articulated cornice. The parapet may, but is not required to, be distinct from the façade in terms of materials.

ii. To avoid the effect of a single, long roofline and to create a variety to the massing, variations to any roofline (span or length) facing a public street or clearly visible from a public right-of-way shall be provided at intervals of forty-five (45) feet or less. These variations may be achieved through combination of the following techniques:

(A) Vertical Offset. Change in the height of the eave by at least three feet.

(B) Horizontal Offset. Change in the horizontal position of the eave of at least three feet.

(C) Varying use of parapet and applied pitch roof edges.

(D) Attached or Applied Shed, Gable, or Hip. Building elements that are attached to a building's façade and covered with a shed roof, a gabled roof, or a hipped roof may be used to articulate the roofscape and break up the perceived façade length. Those building elements can be used in combination with parapets or applied pitches and may include covered walkways or porches, vestibules or covered entrances, bays projecting from the building façade, tower elements projecting above the primary roof line.

e. The Design Review Board may approve a modification of this standard only where the building façade otherwise provides the variations and offsets necessary to avoid a monolithic appearance.

Response: N/A

H. Building Design.

1. Entrances.

a. To encourage increased pedestrian activity on public and private streets and sidewalks, primary building entrances should be oriented to, or be at an angle no more than forty-five (45) degrees from the street (public or private), to the maximum extent practicable. For multi-tenanted buildings or buildings with multiple entrances, or both, only one primary entrance must comply with this standard. In addition, for buildings with multiple frontages, only one primary entrance on one building frontage must comply with this standard (see 5.1, Appendix B).

- b. *Primary building entrances shall be architecturally emphasized.*

Response: Please see proposed architectural renderings A4.0-4.16 and site plan. A1.1-1.3 (compliant)

2. *Storefront Appearance for Commercial and Office Buildings. Commercial and office buildings fronting on public or private streets shall create a storefront appearance on the ground floor by implementing the following standards:*

- a. *Changing buildings planes, materials or window patterns, or by creating a break in awning or canopy construction at intervals not exceeding forty (40) feet in length; and*
- b. *Ground Floor Windows. To avoid blank walls and create a storefront appearance at the ground level, exterior building walls facing a public or private street shall incorporate ground floor windows.*
 - i. *Required Window Areas. Windows must be a minimum of forty (40) percent of the length and twenty (20) percent of the ground level wall area. Ground level walls include all exterior walls from three feet above finished grade up to nine feet above the finished grade.*
 - ii. *Qualifying Window Features. Required window areas must either be windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent exterior grade.*

Response: Changes in building materials, color, and window design at grade (retail) accentuate storefronts and eliminate blank walls. Street-facing storefront windows exceed both the length and wall area requirements. Please see proposed architectural renderings A4.0-4.16 and site plan. A1.1-1.3 (compliant)

3. *Façade Design.*

- a. *Buildings shall include changes in relief on façades facing public or private streets for pedestrian interest and scale. Relief changes may include (see 5.2, Appendix B):*
 - i. *Cornices;*
 - ii. *Bases;*
 - iii. *Fenestration;*
 - iv. *Fluted masonry;*
 - v. *Other treatments.*
- b. *Buildings with two or more stories shall have a strong ground floor cornice designed to separate the ground floor functions and materials from the upper story or stories and to provide continuity with cornice placement on abutting buildings (see 5.2, Appendix B).*
- c. *Ornamental Devices. Ornamental devices characteristic of the Happy Valley Style, such as molding, entablature and friezes, are required at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at a thickness in proportion to the height of the wall (see 5.2, Appendix B).*

Response: Please see proposed architectural renderings and elevations. A4.0-4.16 (compliant)

4. *Awnings and Weather Protection.*

- a. Except as required by subsection (H)(4)(b), buildings shall provide awnings or canopies extending a minimum of two feet from window walls (see 5.2, Appendix B). Awnings may have a front valance.
- b. Where window walls are adjacent to walkways, buildings shall provide awnings or canopies for weather protection extending a minimum of six feet from window walls (see 5.2, Appendix B). Awnings may have a front valance.
- c. Weather protection shall be provided at building entries/exits extending a minimum of six feet from the entry/exit.

Response: Please see proposed architectural renderings and elevations. **A4.0-4.16** (compliant)

5. **Materials.** Building materials shall reflect the Happy Valley Style (see 5.3, Appendix B). Exterior colors shall have earth-tone shades, such as gray, tan, brown, rust, green, red, etc.
 - a. **Primary Materials.** A “primary material” is the predominant building material that covers a minimum of sixty (60) percent of the building’s exterior walls. Acceptable primary materials are identified in Table 16.46.010-1.
 - b. **Secondary Materials.** A “secondary material” is not the predominant building material. Any one secondary material shall not cover more than forty (40) percent of the building’s exterior walls. Acceptable secondary materials are identified in Table 16.46.010-1.
 - c. **Base Materials.** The building base shall be defined as the lower portion of a wall just above where it meets ground, often an extension of the foundation wall above grade. For the purpose of these standards, the base shall not extend beyond twenty-four (24) inches above grade. The base typically is exposed to water for extended periods and is at higher risk of physical impacts. Consequently, the base materials may differ from the materials used for the remainder of the façade in order to withstand these conditions. Base materials are identified in Table 16.46.010-1. Use of these materials shall be limited to the building base unless the material is also identified as an acceptable primary or secondary material. Where a foundation wall extends beyond twenty-four (24) inches above grade, for instance on a sloped site, the portion of the foundation wall above twenty-four (24) inches shall be finished with permitted primary and/or secondary materials. In all cases, foundations and base materials shall be designed to match the scale of the building being supported.

Table 16.46.010-1: Building Materials

Materials	Allowed on Façade*		
	Primary	Secondary	Base
<i>Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored concrete blocks that are residential in character and appearance</i>	Yes	Yes	Yes
<i>Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood</i>	Yes	Yes	No
<i>Architectural grade plywood, fiber cement, or wood composite panels (T1-11 plywood or OSB siding are not permitted)</i>	No	Yes	No
<i>Glass (except mirrored glass)</i>	Yes	Yes	No
<i>Typical commercial-grade stucco</i>	No	Yes	Yes
<i>Typical commercial-grade brick</i>	No	Yes	Yes
<i>Vertical, ribbed, non-corrugated, non-anodized aluminum metal or steel siding that is residential in character and appearance through variation in texture, stamping or offsets in elevation or material</i>	No	Yes	No
<i>Cast-in-place or pre-cast concrete</i>	No	No	Yes
<i>Plastic, except when used to replicate old styles (e.g., vinyl clad windows, polyurethane moldings, plastic columns, etc.)</i>	No	No	No
<i>Vinyl siding</i>	No	No	No
<i>Mirrored glass</i>	No	No	No
<i>Corrugated metal or fiberglass</i>	No	No	No
<i>Standard form concrete block (not including split-faced, colored or other block designs that mimic stone, brick or other similar masonry)</i>	No	No	No
<i>Back-lighted fabrics, except that awning signs may be backlit fabrics for individual letter or logos</i>	No	No	No

* Materials for architectural accents and details (e.g., window frames, trim) are exempt from this requirement.

d. *Multiple-Story Buildings.* When buildings have two or more stories, the material used at the ground level shall differ from that used at upper levels in order to create a clear distinction between the ground and upper levels.

- e. *Roof. New buildings or substantial remodeling that involve modifications to the roof shall use the following roofing materials:*
- i. *Slate, tile, shakes or wood shingles, or synthetic materials (e.g., concrete, pressed wood products, metal or other materials) that are designed to and do appear to be slate, tile, shake or wood shingles.*
 - ii. *If a new or remodeled building utilizes a flat roof, materials that will not cause roof repairs (patching) to be readily visible.*

Response: N/A

6. *Enclosure or Screening of Mechanical Equipment and Other Appurtenances.*
- a. *Roof mounted mechanical equipment on flat roofed structures shall be screened by parapet walls to the maximum degree possible. Site located mechanical equipment shall be installed in below grade vaults where possible or screened by a site obscuring fence or landscaping. Other building mounted mechanical equipment shall be screened from view to the maximum degree possible.*

Response: N/A

- b. *Trash enclosures shall be located away from the primary vehicular and pedestrian entries and shall be screened by a site obscuring fence or landscaping.*

Response: A 6 foot high CMU wall with a gate with screen Trash enclosure. See Architectural drawings for images of similar designs. **A4.2 1**

7. *Parking Structures. A proposed parking structure or garage shall comply with the following design standards:*
- a. *Retail storefronts at the ground level of parking structures shall be located at the periphery of parking areas and structures. The street side of residential parking structures may contain facilities or services for residents, such as laundry rooms, lobbies, or exercise rooms.*
 - b. *Building materials shall complement abutting building materials.*
 - c. *In cases where a parking structure extends to the periphery of a site, the design of the structure shall reflect the massing, fenestration and detailing of adjacent and abutting buildings.*
 - d. *Architectural elements such as a frieze, cornice, trellis or other device, shall be continued from a residential portion of the building onto a parking structure (see 5.2, Appendix B).*
 - e. *Entries shall be designed to be subordinate to the pedestrian entry in scale and detailing. If possible, parking structure entries shall be located away from the street, to the side or rear of the building.*
 - f. *If possible, parking structures should be designed so that portions of the parking structure decks are used for landscaping or entry courts to abutting buildings.*
 - g. *Parking structures shall be detailed at ground level in a manner similar to adjacent or abutting buildings in order to create a strong/emphasized base.*

Response: N/A – no parking structures are planned, however covered parking stalls will be provided as a tenant amenity and will be constructed of materials consistent with the approved design.

I. Landscape/Hardscape Design. The following standards apply in addition to the landscaping standards in Chapter [16.42](#).

1. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.

Response: Generous connections to the public plaza spaces and commercial entries are provided from the sidewalks through the required 8' landscape buffer and utility easement along the property lines. Landscaping between residential uses and the right-of-way are used to provide appropriate screening for privacy. See attached landscape plans. [L1.1-1.3](#) (compliant)

2. Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.

Response: N/A

3. Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.

Response: Where small areas of landscaping and paving in entryways and building nooks exist, materials and designs similar to the adjacent public spaces will be employed.

4. Drinking fountains, display windows or other street furniture shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade or a change in paving materials.

Response: Noted

5. Decorative iron gates and hangers for signs, flags and hanging baskets may be required as part of the landscape plan.

6. Miscellaneous solid wood materials such as fences, decks, pergolas, etc. that are not painted in conjunction with the greater development color palette shall be uniformly stained any variety of the color brown.

Response: Noted

J. Additional Parking Requirements. Parking shall be designed to provide adequate, but not excessive, space.

1. The number of parking spaces may be modified as follows:
 - a. High turnover eating or drinking establishments such as coffee shops, ice cream parlors and “take-and-bake” food services may vary from the parking requirements for restaurants by providing evidence that demonstrates the short term nature of their employee and patron parking needs. In no case, however, shall parking be reduced below the number of spaces that would be required for an equal size retail store.
 - b. Retail uses within one thousand (1,000) feet of one hundred (100) or more residential units may further reduce their total parking requirements to 0.9 of the total spaces required.

Response: Retail parking has been reduced by 0.9 of the total spaces required due to proximity of 168 on-site residential units.

2. Employee and Patron Parking Restrictions. Employee and patron parking shall be restricted to available parking as follows:
 - a. On-site parking;

Response: Employee and Patron parking will be located onsite.

- b. Owned or easement parking for patrons within five hundred (500) feet of the business site;

Response: N/A

- c. Owned or easement parking for employees within one thousand (1,000) feet of the business site;

Response: N/A

- d. On street parking along the property frontage

Response: N/A

K. Street, Alley and Sidewalk Design. Street, sidewalk and alley design shall safely and efficiently provide for vehicular and pedestrian travel while enhancing the character of the commercial and institutional developments within the community through compliance with the following design standards. These standards shall apply in addition to any other City requirements for street, alley or sidewalk design, located in the adopted transportation system plan. In the event of a conflict, the provisions of this section shall control.

1. Intersection Design. Curb extensions shall be created at all intersections where feasible from a traffic management standpoint and unless such extensions would interfere with the turning and stopping requirements of emergency service vehicles (e.g., fire trucks, ambulances), buses or delivery vehicles. Such extensions will be designed to accommodate the turning and stopping requirements of such vehicles.

Response: See Civil sheets. **C-1.01-5.05**

2. *Sidewalks. Sidewalk design shall consider and encourage opportunities for outdoor cafés, pushcart vendors, seasonal sidewalk sales, festivals and similar uses and activities which enliven pedestrian walkways.*

Response: Noted

3. *Alleys. Alleys shall be incorporated into design plans where feasible as pedestrian and vehicular accessways.*

Response: N/A

4. *Protecting Pedestrians. In areas of potential vehicle/pedestrian conflict, street furniture or bollards (see Section 6 of Appendix B for examples) shall be used to help create a “protected zone” for the pedestrian.*

Response: Noted

5. *Street Furniture and Lighting. New and substantially remodeled buildings shall incorporate street furniture and lighting within the public right-of-way and in private areas open to public pedestrian activity (see Section 6 of Appendix B) and per the requirements of Section [16.43.030](#) (Automobile parking standards).*

Response: Noted

6. *Street Trees. Street trees shall be required to be installed in compliance with Chapter [16.42](#), Landscaping, Street Trees and Buffering, as a condition of approval.*

Response: Please see landscape plans. **L1.1-1.3** (compliant)

L. *Exceptions to the Happy Valley Design Standards.*

1. *The Planning Official or designee may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter [16.71](#). For each standard for which a design exception is sought, the applicant shall demonstrate that at least one of the following circumstances is met:*

- a. *The physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical; or*
- b. *The alternative design better complies with the following:*
 - i. *The purpose of the Happy Valley Style design standards in subsection A of this section;*
 - ii. *The character of the Happy Valley Style in Section 2 of Appendix B; and*

iii. The intent of the standard as outlined in Appendix B.

Response: N/A – a code text amendment has been proposed as part of the Type III PC/CC process, to address retail constraints and building height, however the proposed design meets the Happy Valley Style intent.

2. A request for exception under this provision may be processed as part of the underlying application or separately as a Design Review II application.

EXHIBIT A
Proposed Code Text Amendment

16.23.030 Commercial districts.

A. Purpose.

1. Community Commercial Center District (CCC). The Community Commercial Center (CCC) District is intended to provide locations or “nodes” for a relatively wide range of small businesses, services and mixed use adjacent to residential areas as a convenience to nearby residents. The CCC District is to be located and developed in a manner consistent with the Comprehensive Plan. In order to limit impacts to residential areas, new community commercial center nodes are intended to be limited in size to not more than five acres of contiguous land.

Building size is also limited to a thirty thousand (30,000) square foot footprint, and measured in accordance with requirements of Table 16.23.030-2 (Footnote 5). Appropriate locations for community commercial center nodes are at the intersection of two arterial streets (major and minor), an arterial street and a collector street, or two collector streets, and within the Happy Valley Town Center Plan Area.

2. Mixed Commercial Center District (MCC). This zone is intended to establish locations for the development of mixed use commercial centers providing a broad range of shopping and service requirements to meet neighborhood and city-wide needs. The Mixed Commercial Center (MCC) District, as applied in the East Happy Valley Comprehensive Plan Area, corresponds to the Damascus/Boring Concept Plan’s designation of Neighborhood Centers. These mixed-use centers in the East Happy Valley Comprehensive Plan area accommodate retail services with a focus on meeting resident’s daily shopping needs. They are planned to be well served by transit and be integrated with mixed use and higher density housing, thus supporting less auto-dependent lifestyles. These centers are also appropriate locations for civic uses such as post offices and branch libraries. Their design is intended to be highly pedestrian-oriented.

New mixed commercial centers are limited to an area of up to fifteen (15) acres of contiguous land and shall be developed in a manner consistent with the Comprehensive Plan, except as described in Table 16.23.030-2 (Footnote 6), within the East Happy Valley Comprehensive Plan Area. Single-use retail buildings are limited to a maximum square footage of sixty thousand (60,000) square feet as specified in Table 16.23.030-2 (Footnote 6). Appropriate locations for mixed commercial centers are at the intersection of two arterial streets or an arterial and a major collector, preferably on streets served by transit.

All MCC developments involving twenty (20) acres or more of land shall be subject to master plan approval prior to development.

In the MCC District, buildings should be oriented towards the street or accessway with clearly marked entrances. Blank frontage walls at street level are discouraged. Development boundaries and patterns are not defined by type of use (for example, retail and office); instead the district allows a variety of permitted uses to occur throughout the commercial district. The commercial uses are meant to provide a concentration of commercial and office uses to create an active area.

B. Permitted Uses. Table 16.23.030-1 identifies the land uses that are allowed in the CCC and MCC Districts.

**Table 16.23.030-1 Community Commercial Center and Mixed Commercial Center (CCC, MCC)
Permitted Uses**

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	CCC	MCC
Residential		
Pre-existing dwellings. Pre-existing dwellings may be allowed to remodel or expand and shall not be subject to the provisions of Chapter 16.72	P	P
Medium to high density residential	p ^{1, 2}	p ^{1, 3}
Senior housing	P	P
Skilled nursing facility	P	P
Congregate care	P	P
Home occupations (per Section 16.69.020)	P	P
Home occupations, subject to a conditional use review (per Section 16.69.020)	C	C
Commercial—Retail Uses		
Art and craft supply stores, studios	P	P
Bakeries	P	P
Banks, savings and loan associations, loan companies, ATM (without drive-through)	P	P

Banks, savings and loan associations, loan companies, ATM (with drive-through) (per Section 16.44.090)	P/X ⁴	P
Barber shops, beauty salons	P	P
Bicycle sales, supplies, repair service	P	P
Book stores	P	P
Camera stores	P	P
Coffee shops, cafés, sandwich shops and delicatessens	P ⁴	P ⁴
Drug stores	P ⁴	P ⁴
Dry cleaners and tailors	P ⁴	P ⁴
Florists	P	P
Home furnishing stores	P	P
Gift stores	P	P
Grocery, food, specialty foods, and produce stores	P ⁴	P ⁴
Hotels	C	P
Helipads	X	X
Indoor health and recreation facilities, such as racquetball courts, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities	C	P
Interior decorating shops, sales and service	P	P
Laundromats	P	P
Marijuana retailing	P ⁶	P ⁶
Music shops, sales and service	P	P
Mobile food units	P ⁵	P ⁵
Optometry and optical goods, sales and service	P	P
Photo finishing, photography studios	P	P

Psilocybin service center	p ⁶	p ⁶
Rental stores, without outdoor storage	P	P
Restaurants—full-service (without drive-through)	P	P
Restaurants—drive-through (per Section 16.44.090)	P/X ⁴	P
Secondhand stores	C	C
Shoe sales and repair stores	P	P
Sporting goods, sales and service	P	P
Stationery stores	P	P
Taverns, bars and cocktail lounges (a minimum distance of one thousand five hundred (1,500) feet from school uses)	C	C
Theaters or assembly halls	C	C
Vehicular service/fueling stations	P	P
Yogurt and ice cream stores	P	P
Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination by the Planning Official	p ⁴	p ⁴
Commercial—Offices		
Professional and administrative offices	P	P
Medical office buildings, clinics and laboratories	P	P
Institutional		
Churches, synagogues, temples or places of worship	C	C
Library, post office, community center, etc.	P	P
Public parks, usable open space	C	C
Public and private schools (includes commercial day care, dancing and music schools)	C	C
Other		

Marijuana processing, production and wholesaling	X	X
Psilocybin processing, production and wholesaling	X	X
Self-storage facilities	X	p ⁷
NOTES: ¹ Residential uses on upper floors of mixed use buildings are permitted. In such cases, Notes 2 and 3 below do not apply. ² Freestanding residential uses at densities greater than the minimum SFA density of 10 du/acre and not to exceed the maximum MUR-M2 density of 34 du/acre (10—34 du/acre) may be permitted in the CCC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the CCC zoned area of the parcel or subject property. <u><i>In the Rock Creek Employment Center area, the same residential densities may be utilized in freestanding residential footprints if a nonresidential use per Table 16.23.030-1 occupies one street side of the parcel, and occupies at least 18 % of the total ground floor footprints. Of the non-residential footprint, 65% maximum may be Live-Work Units per 2022 OSSC Sections 202 & 310.3.</i></u> <u><i>In the Rock Creek Employment Center area, the maximum building height is 50' for mixed-use buildings and 45' for residential buildings.</i></u> ³ Residential uses at MUR-M2 densities (25—34 du/acre) in conjunction with nonresidential uses are permitted by this code. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the MCC zoned area of the parcel or subject property.		

D. Development Standards.

1. The development standards in Table 16.23.030-2 apply to all uses, structures, buildings, and development in the CCC and MCC Districts.

Table 16.23.030-2: Development Standards for CCC and MCC Districts

Standard	CCC	MCC
Residential density ¹ (minimum—maximum)	10 to 34 du/acre	25 to 34 du/acre

Lot size (minimum)	None	None
Lot width (minimum)	None	None
Lot depth (minimum)	None	None
Lot coverage (maximum)	75%	75%
Landscaping (minimum)	None	None
Building setback (minimum):		
Front	0 ft.	0 ft.
Rear	None ²	None ²
Interior side	None ³	10 ft. ⁴
Street side	0 ft.	0 ft.
Building setback (maximum):		
Front	None	20 ft.
Rear	None	None
Side	None	None
Building height (maximum)	35 ft. ^{2, 7}	60 ft. ⁷

The subject site is located at 14933 and 14915 SE 172nd Avenue, which is further described as Clackamas County Assessor Map Number: 23E07B: Tax Lots 409 and Tax Lot 420.

The City provided notice of the proposed application to all affected governmental entities and has crafted specific conditions of approval detailing the requirements and conformance with regulations provided by said entities.

II. ADOPTION OF FINDINGS

The Design Review Board specifically adopts the findings within the Staff Report to the Design Review Board dated April 24, 2024 in support of this Order approving the Design Review application for “Rock Creek Blvd/172nd Apartments” (File No. DR-13-23).

III. ORDER

The Design Review Board hereby approves and orders as follows: the application by Michael Stapleton of Christopher Jones Architects for the Design Review application based on the findings provided herein and specifically adopted under Section II. This order requires compliance with the conditions set out in the Conditions of Approval from the Staff Report to the Design Review Board dated April 24, 2024, including any amended language.

ORDER OF THE DESIGN REVIEW BOARD dated this 24 day of April, 2024.

DESIGN REVIEW BOARD, CITY OF HAPPY VALLEY

By: 

Bjorn Clouten, Chair

Mayor
Honorable Tom Ellis



City Manager
Jason A. Tuck, ICMA-CM

April 26, 2024

File No. DR-13-23
Design Review 172nd Ave and Rock Creek Blvd. Mixed-use

NOTICE OF DECISION

This is official notice that the City of Happy Valley Design Review Board conditionally approved a request for a mixed-use multi-family development at a public hearing on April 24, 2024. The request for property located at 14933 and 14915 SE 172nd Avenue, Happy Valley, Oregon 97086, was reviewed under file numbers DR-13-23.

The Design Review Board made their decision based on information in the record including the applicant's submittal, staff report, and public testimony. Copies of the Staff Report are available upon request.

This action of the Design review Board is subject to appeal to the City Council per 16.61.045 of Title 16 (Land Development Code) of the City of Happy Valley Municipal Code. Per these provisions, an appeal of this decision must be filed within fourteen working days of this letter. City Planning Department staff (503-783-3800) can provide information regarding forms, fees, and the appeal process. Issues which may provide the basis for an appeal to the City Council shall be submitted in writing, accompanied by a filing fee, prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the City to respond to the issue. If no appeal is filed by May 6, 2024 at 4:00 p.m., this decision shall be deemed final the next day.

A handwritten signature in blue ink that reads 'Chris Alfino'.

Chris Alfino, AICP
Senior Planner

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

Preserving and enhancing the safety, livability and character of our community

Final Conditions of Approval for DR-13-23

City Engineering:

General:

1. All submitted project construction plans shall conform to the City's "Engineering Design and Standard Details Manual" (Manual) for design and drafting requirements
2. Construction plans shall show all adjacent subdivision names, lot lines and tax lot lines with the tax map and tax lot number noted on each.
3. Construction plan review is subject to these conditions of approval. Engineering permit application and plan submittal shall be done via our online permitting website HVWorks.com.
4. The existing public improvements surrounding the site, including, but not limited to, the existing asphalt surfaces, sidewalks, landscape areas, and ADA ramps, shall be restored to their original condition or better, prior to the City's acceptance of the project as complete.
5. Prior to the scheduling of the Pre-Construction meeting, issuance of a Notice to Proceed, or beginning any site work, the applicant shall submit all applicable bonds, have paid all applicable fees, and have service provider letters for both Stormwater and Sanitary Sewer services from Water Environment Services (Clackamas County) and the Sunrise Water Authority.
6. A sign shall be posted conspicuously at the job site entrance prior to site construction and shall be maintained throughout construction. Use 2-inch high black letters on an orange background. The sign shall read as follows.

"SITE CONSTRUCTION SHALL BE LIMITED TO 7:00 AM TO 6:00 PM ON WEEKDAYS, AND 8:00 AM TO 5:00 PM ON SATURDAYS AND SUNDAYS. FRAMING SHALL BE ENTIRELY PROHIBITED ON SUNDAYS.

HOWEVER, SITE CLEARING, EARTH MOVING, INSTALLATION OR CONSTRUCTION OF UNDERGROUND UTILITIES, PAVING OF STREETS AND SIDEWALKS, FOUNDATION FRAMING AND POURING, AND STRUCTURAL FRAMING SHALL BE ENTIRELY PROHIBITED ON SUNDAYS.

TO REPORT VIOLATIONS CALL 503-783-3800."

The City Manager or the Director of Community Services may allow longer, or require shorter, work hours depending on site-specific conditions. The following holidays are considered as Sundays: New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day.

Grading and Erosion Sediment Control

7. Due to the moisture-sensitive soils on-site and the low infiltration rates observed, the developer's engineer is required to provide a site-specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase as recommended by the geotechnical engineer. The construction plans shall specifically identify how the storm drainage system and erosion sediment control (ESC) measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control collection, routing, and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and ESC measures are not installed per plan and functioning properly.
8. The developer's engineer shall provide documentation and plans for the review and approval of the City Engineer demonstrating compliance with the Conclusions and Recommendations found within the Geotechnical Engineering Report from Redmond Geotechnical Services dated October 30, 2023.
9. Due to the Very Soft Surficial soils that are associated with farming, the removal of these soils from beneath the structure, paved areas and the public right-of-way shall be inspected by the geotechnical engineer.
10. The total disturbed area for this project exceeds 1 acre, therefore an NPDES 1200-C permit from DEQ will be required. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C permit submittals. A copy of the approved and signed DEQ cover letter shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
11. An Engineering Erosion Control Permit be included as part of the site development permit. The Erosion Sediment Control Plans shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the dates of October 1st and April 30th.
12. All grading activity shall be per the current City of Happy Valley Municipal Code. The developer shall obtain an issued engineering site development permit from the City prior to beginning construction of the site improvements.
13. All ESC measures and construction gravel entrances shall be installed and maintained by the developer and inspected by the City of Happy Valley prior to beginning work on the site.
14. For retaining walls great than four (4) feet in height, a professional engineer or geotechnical engineer registered in the State of Oregon shall provide stamped design calculations and detail drawings required for the retaining wall construction. The retaining wall detail drawings shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements. Wall setbacks from property lines shall be in accordance with City Code.

15. A railing or fence shall be provided at the top of retaining walls higher than 30”.
16. All construction trucks shall perform transfer of trailers on-site. Surrounding public streets shall not be used as a staging area for dump trucks with transfer trailers without an approved Right-of-Way Permit from the City of Happy Valley.

On-Site Improvements

17. All current ADA requirements for parking lots, streets and intersections shall be met. An ADA accessible route from the public right-of-way to the site shall be provided.
18. The applicant shall provide a signing and striping plan prepared by a registered engineer for all streets and internal parking lots to be approved by the City. The plan shall be submitted for approval as part of the construction plan set. The applicant is responsible for the installation of all signing and striping as indicated on the plans.
19. The developer shall be responsible for the installation of all on-site traffic control signs, stop signs (required at all public street entry points), and any parking restriction signs or curb painting delineating parking restrictions, per the requirements of the City of Happy Valley.
20. Minimum AASHTO sight distance requirements shall be met at all streets and internal site intersections and driveways. AASHTO requires sight distance to be measured at a point 14.4 feet from the edge of the traveled way with a driver’s eye height of 3.5 feet and an object height of 3.5 feet.
21. The developer’s engineer shall provide the City with a site plan exhibit showing the expected routes and turning patterns for fire trucks, garbage trucks, and delivery/moving trucks interior to the site. This site plan exhibit shall be separate from the construction drawings and shall show the proposed turning radii and access widths along the proposed routes.

Street/Pedestrian System

22. The public improvement design plans shall conform to the requirements delineated in the City’s “Engineering Design and Standard Details Manual” (Design Manual), current revision, and the City’s Transportation System Plan (TSP), current revision. The referenced documents are available on the City’s website.
23. All utilities along the project’s frontages and within the site, including electrical power, telephone, cable TV, gas and others, shall be installed underground.
24. An 8’ public utility easement shall be dedicated along the project frontages on Rock Creek Blvd. and Parklane Drive.
25. Parklane Drive is classified as a 3-lane collector street in the City’s Transportation System Plan (TSP). Per the direction of the developer, the public street section shall be constructed

to City standards for a full-street collector facility and include: a 69-ft wide public right of way dedication; a 48-ft wide paved street section; signing and striping per MUTCD and City Standards; curb and gutter, storm improvements, and frontage sidewalk, planter strip landscaping and street trees.

26. Rock Creek Blvd. is classified as a 3-lane minor arterial in the City's TSP. The public street section shall be constructed to City standards for a minor arterial and shall include: Sufficient right of way dedication for the proposed improvements including: transitions with appropriate lane tapers (in this case, a slight off-site improvement); a minimum paved width of 48-ft with additional width as required for the proposed intersection configurations; signing and striping in the public ROW per the MUTCD and City Standards; and frontage improvements including curb and gutter, planter strip landscaping and street trees, and sidewalk.
27. The proposed public improvement plans, including the intersection configuration at Rock Creek Blvd. and Parklane Drive, require offsite right of way dedications for both Parklane and Rock Creek Blvd. Final determination of the extents of the offsite right of way dedication for Rock Creek Blvd. to the west is dependent on the required geometry of the lane striping including required tapers that meet City standards.
28. Public improvement projects are subject to the City's latest "Public Improvement Guarantee" form which requires a performance guarantee based upon the engineer's estimate and a 25% two (2) year maintenance bond upon completion and acceptance of the public improvements.

Miscellaneous

29. Demolition permits from the Building Division will be required for the removal of any structures.
30. The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.
31. The engineering site development permit includes a Right-of-Way Permit for all work in the existing public right-of-way. The developer's engineer is responsible for the coordination of all utility work associated with the development. All utility installations will be covered by the right-of-way permit for the development. Utility as-builts for the development shall be submitted to the Engineering Division as part of the project close-out process.
32. A plumbing permit through the Building Division will be required for the private on-site utilities.
33. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.

34. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working on the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
35. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through the use of proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
36. Submittal to the City of all required performance bonds, insurance certificates, engineer's agreements, set-aside account letters and/or sureties shall occur prior to establishing a pre-construction meeting date. Review and acceptance by the City Recorder of these instruments shall be required prior to establishing a pre-construction meeting date.
37. A construction plan deposit based upon the construction value of the project shall be paid with the first submittal of the construction plans. The Engineering Division Fee Schedule can be found on the City's website. All engineering plan review and inspection fees, right-of-way permit fees and tree cutting permit fees, shall be paid prior to the pre-construction meeting.

Traffic Engineering:

38. The site access on Rock Creek Blvd. shall be restricted to left-in/right-in/right-out movements based on city standards and the approved access spacing design exception. The existing raised median on Rock Creek Blvd. along the project frontage shall be reconstructed to allow left-in turn movements at the site access.
39. The site access on Parklane Drive shall be allowed temporary full access. If safety issues arise due to the close spacing between the site Parklane Drive access and Rock Creek Blvd., the access may be restricted to right-in/right-out movements
40. Frontage improvements along Rock Creek Blvd. and Parklane Drive shall be striped to provide the following lane geometry at Rock Creek Blvd./Parklane Drive.
 - a. Separate westbound right turn lane (interim)
 - b. Shared westbound through/left turn lane (interim)
 - c. Separate northbound left turn lane
 - d. Shared northbound through/right turn lane
41. Traffic control at Rock Creek Blvd./Parklane Drive shall be changed from all-way stop control to two-way stop control (with free flowing on east and west approaches) along with an appropriate pedestrian crossing treatment across Rock Creek Blvd.

42. The applicant shall pay a proportionate share fee contribution of \$35,644.83 towards planned capacity improvements at the 172nd Avenue/Troge Road intersection per the Happy Valley Transportation System Plan (\$2,741.91 per PM peak hour trip, development generates 13 PM peak hour trips).

Multnomah County:

43. The applicant shall pay Multnomah County the proportionate share fee of \$49,323, based on six PM peak Hour trips using the SE 172nd Avenue & Foster Road intersection. The cost per trip through the intersection is \$8,220.50. Please contact County Transportation (row.permits@multco.us) to coordinate payment.

WES:

General:

44. Authority (Rules, Section 2): The proposed development is located within the service area of Clackamas Water Environment Services (WES) and shall be subject to Water Environment Services Rules and Regulations, 2023, Ordinance No. 02-2023. These Rules and Regulations shall apply to any property that discharges or requests to discharge, via connection request, development permit, or change in use, to the District's public sanitary sewer system or public stormwater system, to groundwater, or to surface waters within District boundaries. The District shall have the authority to administer all the requirements, regulations, and provisions set forth in the following Standards.
- a. Water Environment Services Sanitary Standards, April 2023
 - b. Water Environment Services Stormwater Standards, April 2023
 - c. Water Environment Services Buffer Standards, April 2023
45. Connection Permit Required (Rules, Section 4.2): A permit shall be required to connect to the District system, including, but not limited to a Service Connection, pipes, pollution reduction manholes, and detention facilities, whether constructed or natural. Before connecting to the District system, a permit authorizing such connection shall first be secured in writing from the District and all applicable fees paid.
46. Developer's Engineering Policy: All engineering plans, reports, or documents shall be prepared by a registered professional Developer's Engineer, or by a subordinate employee under the Developer's Engineer's direction and shall be stamped with the Developer's Engineer's seal and signed to indicate the Developer's Engineer's responsibility for the design
47. Rates, Charges, and Billings (Rules, Section 5)
- a. System Development Charges (SDCs) shall apply on all development that increases usage of the sanitary sewer, storm system or surface water facilities owned, managed, or maintained by WES.
 - i. The sewer SDC shall be calculated based on the equivalent dwelling unit (EDU) ratios defined in WES Rules, Table 2. The surface water SDC shall

be calculated based on the equivalent service unit (ESU) ratios defined in WES Rules, Table 3. Additional SDCs may apply based on future permits for tenant improvements.

- ii. Effective July 1, 2023, the SDC rates are:
 - 1. Sanitary sewer SDC = \$8860.00 per EDU
 - 2. Surface water SDC = \$240.00 per ESU
- iii. Sanitary SDC Estimates:
 - 1. Multifamily (168 units) = 134.40 EDUs = \$1,190,784.00
 - 2. Retail Shell (15,848 sf) = 4.17 EDUs = \$36,946.20
 - 3. Clubhouse = 1 EDU = \$8,860.00
- iv. A credit of 2.00 EDU and 2.00 ESU will apply for previously paid SDCs.
- v.
- b. Plan review fees shall apply at the following rates:
 - i. Sanitary Review: The fee is equal to 4% of the installed cost of the public sewer extension. A \$400.00 minimum is due with the first plan submittal.
 - ii. Stormwater Review: The total fee is equal to 4% of the construction cost for all stormwater management related facilities. A \$400.00 minimum is due with the first plan submittal.

Sanitary Sewer

48. Use of Public Sanitary Sewers (Rules, Section 6.3): Before connecting to the public sewerage system, a permit authorizing such connection shall first be secured in writing from the District and fees paid. The owner of any building situated within the District and proximate to any street or sewer easement in which there is a public sanitary sewer of the District or city may request permission, at owner's expense, to connect said building directly to the public sanitary sewer in accordance with the provisions of these Rules and Regulations.

49. Development Policy (Section 3.2):

- a. All buildings with sewer drains within the boundaries of the proposed development shall be connected to the Public Sanitary Sewer System as part of a sanitary sewer plan approved by the District.
- b. Point of Service for Upstream Parcels: A point of service for upstream parcels shall be provided to facilitate an orderly extension of the Public Sanitary Sewer System. This shall include the extension of Public Sanitary Sewer Systems in Right-of-Way to serve the upstream properties in a location as approved by the District.

50. Sewer Extension Permit (Section 4.1):

- a. In order to provide a point of service to upstream parcels, the developer shall extend public sanitary sewer in Parklane Ave in accordance with WES Rules, Regulations, and Standards. There is adequate capacity within the existing sanitary sewer collection system and treatment services to serve this development once improvements are completed by the developer.
- b. Prior to the commencement of construction of any Public Sanitary Sewer System, a valid Sewer Extension Permit shall be issued by the District in accordance with these Standards. An Extension Permit is required to construct or reconstruct any Public Sanitary Sewer appurtenances which are owned by, or intended to be conveyed to, the

District. All other sanitary sewer piping not intended to be conveyed to the District shall be permitted by the Local Plumbing Authority.

- c. See Section 4.2 for Project Construction requirements and Section 4.3 for Acceptance and Warranty process.
- d. Minimum Slope Design (Section 5.2.3): Newly constructed mainlines in the Public Sanitary Sewer System shall be designed with sufficient slope to obtain a flow and velocity that will self-clean the system. A dead-end line shall have a minimum 2.0% design slope, however for topography challenged sites, the District may allow a minimum 0.50% slope.
 - i. Any mainline built at this absolute minimum (0.50%) will not be accepted by the District if any bellies or sags are found during the final inspection.
 - ii. *NOTE: The applicant's preliminary sanitary sewer plan with 0.42% design slope does not meet District standards.*
- e. Alignment (Section 5.2.5): All pipe shall be laid on a straight line and grade. All Public Sanitary Sewer Extensions shall be located within the public Right-of-Way or in a Public Sanitary Sewer Easement as determined by the District.
- f. Minimum Cover of Mainline (Section 5.2.11): Public Sanitary Sewer Mainlines shall be placed with a minimum cover of 8-feet in roadways and 6-feet of cover in Public Sanitary Sewer Easements.

51. Service Connections (Section 5.4):

- a. The diameter of the Service Connection for lots other than residential single family shall be served by a minimum 4-inch diameter pipe, or larger if deemed necessary by Oregon Plumbing Specialty Code or permitted at the sole discretion of the District.
- b. The Service Connection shall be at least 6-feet deep at the property line crossing. No Service Connection shall be laid on a grade of less than 2-percent.
- c. Sanitary laterals shall be marked by a "SS" curb stamp, as shown on Detail SAN-019.

52. No stormwater shall enter the public sanitary sewer system via area drains located in trash enclosures. Any area drains directed to the sanitary sewer system must have adequate canopy cover and overhang and be hydraulically isolated from surrounding area. Area drains located within an uncovered trash enclosure must drain to the storm system.

53. The Applicant shall submit a Non-Residential Questionnaire (NRQ) to the District with an estimate of the development's discharge load and volume to the public sanitary sewer system. This form is available on the WES website.

Stormwater:

54. Applicability (Section 2.3): All new Development and Redevelopment activities that result in 5,000-sf or greater of new or replaced impervious surface area, cumulative over the last 3 years, are subject to the requirements of these Standards for all newly proposed and replaced impervious surface areas within the overall project boundary.

55. Stormwater Minimum Requirements (Section 2.3):

- a. Upon land use approval, the Applicant shall submit civil site plans, a stormwater report, and supporting documentation to WES as specified in these standards for plan review and approval. The Applicant shall demonstrate the stormwater management facilities (SMF) meet the technical standards found in the Stormwater Standards, including sizing methods and calculations. See Appendix A for submittal requirements.
- b. Prior to Certificate of Occupancy, the applicant shall construct the approved stormwater management system and said system shall be inspected by WES staff.
- c. Prior to plan approval, the applicant shall execute and record an Operations and Maintenance (O&M) Plan for any stormwater facilities on private property to ensure the long-term functionality of the SMF.

56. Stormwater Management Performance Standards (Section 6.1):

- a. Water Quality: Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event. The water quality facility shall use either an approved vegetated SMF or an approved Proprietary Stormwater Treatment Device.
- b. Flow Control: Flow control facilities shall be designed so that the duration of peak flow rates from Post-Development Conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate.

57. Infiltration: If a SMF cannot be designed to fully infiltrate the 10-year storm event, then an underdrain and outflow shall be required to safely convey the discharge from the SMF to an approved discharge point, and provide an emergency overflow pathway.

- a. Per the applicant's geotechnical report, storm water detention and/or disposal systems utilized around and/or up gradient of the proposed multi-family apartment structures shall be approved by the Geotechnical Engineer.
- b. Per the applicant's geotechnical report, field testing shall be performed during and/or following construction of any on-site storm water infiltration system(s) in order to confirm that the recommended design infiltration rates are appropriate.

58. The District's BMP Sizing Tool is available to assist developers in meeting water quality and flow duration matching requirements customized to Clackamas County conditions. The following shall apply for any SMF designed with the BMP Sizing Tool:

- a. A BMP Sizing Tool Report shall be submitted with the Stormwater Report. Orifice sizes for SMFs shall be specified by the BMP Sizing Tool results.
- b. Stormwater management facilities shall be designed with the continuous flow model of the Tool. Conveyance structures shall be designed per WES stormwater standard criteria.
- c. Underground detention facilities shall be designed with the custom pond sizing feature of the BMP Tool. The designer shall use HydroCAD or another design tool to size the detention system along with Brown and Caldwell's Tool input procedures for asymmetrical detention storage design.
- d. A separate sizing analysis shall to be performed on each Drainage Management Area (DMA). The engineer shall verify each DMA aligns with the final grading plans.

59. General Facility Design Requirements (Section 6.4): The following general design requirements shall apply to all SMFs. Additional facility specific design criteria shall apply, in accordance with Section 6.5.

- a. Design of surface water and stormwater systems must include provisions to control runoff from impervious and pervious areas within and upstream of the development without exceeding capacities of available facilities and downstream drainageways. Drainage basin maps shall identify runoff within and upstream of the development.
- b. Stormwater management facilities shall be accurately sized for the total impervious area resulting from the proposed development, including all onsite structures and hardscape and any offsite road improvements required by the local road authority.
- c. Provide individual plan view and cross section details for each proposed facility. Cross section shall detail all elevations in the flow control as well as elevations of each layer of rock, soil, above ground storage, perf pipe, etc. Show a specific detail for the chamber system with all elevations labeled.
- d. Storm laterals shall be marked with a "ST" stamped in top of curb (Detail SWM-43).
- e. Stormwater Facility Signage: All vegetated and porous SMFs, including permeable surfaces such as pervious pavement shall have at least one informational sign that is clearly visible and legible to the public. At a minimum, signs shall provide description of the facility and its purpose, and contact information for maintenance complaints.
- f. Soil Mixes: Facilities that include soil, such as swales, planters, curb extensions, and basins, shall use the Blended Soil Specification for Vegetated Stormwater Systems from the most currently adopted City of Portland's Standard Construction Specifications in section 0104.14(d), titled Stormwater Facility Blended Soil.
- g. Public storm drainage mainlines shall be designed with a minimum slope of 0.5 percent. *NOTE: the applicant's preliminary storm system design does not meet District design slope standards.*

60. Stormwater Management Facility Planting Plan (Section 6.4.5 and Appendix A and B): The SWM Plan shall provide planting information for each vegetated SMF based on requirements of the Standards, including:

- a. Vegetation shall be installed such that 100 percent vegetative cover is achieved through a mix of herbaceous, groundcover, and shrubs at the end of the 2-year warranty period, prior to acceptance.
- b. Landscape plans for publicly maintained SMFs shall be prepared by a registered Landscape Architect.
- c. Landscape plans and specifications shall comply with the submittal requirements of Appendix A.
- d. Trees shall not be allowed in SMFs located within the public ROW.
- e. Plans shall identify the temporary irrigation strategy to be used during the plant establishment period.

61. Points of Discharge (Section 7.2.1): The Applicant shall identify a proposed point of discharge. Any connection to a public or private piped downstream storm drainage system shall be approved by the District.

62. Downstream Analysis (Section 7.2.4): A Qualitative and Quantitative downstream analysis shall be required for any project that discharges stormwater runoff to a natural or manmade storm drainage system.
- a. The analysis shall evaluate the offsite storm drainage system to the location where the project site contributes less than 15 percent of the upstream drainage area contributing to a public storm drainage system line or drainage channel, or a location 1,500 feet (approximately ¼-mile) downstream of the discharge point from the project site, whichever is greater.
 - b. The engineer shall physically inspect the existing onsite and offsite storm drainage systems and outfalls in the project area for each discharge location for existing or potential problems and drainage features, in accordance with the criteria of Section 7.2.4.
63. Emergency Overflow Pathway (Section 6.1.3): For all projects with SMFs, a 100-year overland emergency overflow pathway shall be identified and/or designed that allows runoff from large storm events to discharge without risk of injury or property damage.
64. Operations and Maintenance Plans (Section 9.2): An O&M Plan shall be required for all permanent SMFs in accordance with the plan elements noted in Section 9.2.2 and the facility design and maintenance specifications in Appendix B. The O&M Plan and associated agreements, covenants, and easements shall be reviewed prior to District approval of the SWM Plan.
65. Privately Owned and Maintained Facilities (Section 9.3) A Maintenance Covenant shall be recorded into the land record prior to final plan and/or plat approval. The O&M Plan shall be included as an exhibit in the maintenance covenant. The maintenance covenant shall identify private maintenance responsibilities for any shared SMFs and shall provide public access rights to inspect the facility and ensure that it is maintained in proper working condition.

CFD#1:

Fire Department Apparatus Access and Water Supply:

66. Provide address numbering that is clearly visible from the street and in a location first responders are most likely to see it once on site.
67. Fire apparatus access roads must be within 150' of all portions of a building.
68. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to a fire hydrant) and an unobstructed vertical clearance of 13 feet, 6 inches.
69. Provide an approved turnaround for dead end access roads exceeding 150 feet in length.
70. That "No Parking Fire Lane" signs shall be placed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall have signs placed on both sides. Roads

26 to 32 feet wide shall have signs placed on one side posting as a fire lane. Red painted curbs can be used in lieu of signs.

71. The inside turning radius and outside turning radius for a 20' wide road shall be not less than 28 feet and 48 feet respectively, measured from the same center point. This applies throughout the site).
72. Buildings exceeding 30 feet in height shall require extra width and proximity provisions for aerial apparatus. (OFC, D105).
73. Show any power lines that cross over access roads.
74. That the minimum flow and duration for buildings other than one and two-family dwellings shall be determined according to OFC Appendix B. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.
 - a. It is the responsibility of the contractor and designer to ensure that adequate fire flow is met. Contact the local water authority for assistance.
75. Where a portion of the structure is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants shall be provided.
 - a. This distance may be increased to 600 feet when an approved NFPA 13 fire protection system is installed.
76. That fire department connections shall be located within 100 feet of a fire hydrant or in an approved location.
 - a. All FDCs shall be labeled appropriately as to which building that it serves.
77. That the minimum number and distribution of fire hydrants shall in be in accordance with Table C105.1 of the OFC.
78. If private fire hydrants are required, all private fire hydrants shall be painted red.
79. Prior to the start of combustible construction fire hydrants shall be operational and accessible.
 - a. All fire lines shall be flushed cleaned and witnessed by the Building Department and Clackamas Fire District #1
80. Unless exempted by the City, emergency responder radio coverage must be tested or provided due to the following:
 - a. Any building with one or more basement or below-grade building levels.
 - b. Any underground building.
 - c. Any building more than five stories in height.
 - d. Any building 50,000 square feet in size or larger.
 - e. Any building that, through performance testing, does not meet the requirement of section 510.

81. Prior to the start of the project, a pre-construction meeting shall be held with CFD#1. The project manager/contractor is responsible for developing a written fire safety program. This program shall be made available for review by CFD#1. The plan should address the following:
- a. Good Housekeeping.
 - b. On-site security.
 - c. Fire protection systems.
 - i. For construction operations, installation of new fire protection systems as construction progresses.
 - ii. For demolition operations, preservation of existing fire protection systems during demolition.
 - d. Development of a pre-fire plan with the local fire department.
 - e. Consideration of special hazards resulting from previous occupancies.
 - f. Protection of existing structures and equipment from exposure fires resulting from construction, alteration and demolition operations.

SWA:

82. SWA has adequate potable water supplies available in sufficient quantities to provide normal domestic and fire protection needs for this proposal, as required by the Oregon Health Division. Exact improvements to the water system will be determined during design and construction review by SWA.

CCSD#5 (Street Lighting):

83. Because the properties are not part of an assessment district, the property owner shall submit a request in writing for the formation of an assessment area, to help pay for the operation and maintenance of lighting.

Utilities:

84. The applicant shall provide utility easements where required and shall be responsible for coordinating construction with all utility and service providers and facilitating cooperation among all providers and agencies.

Design:

85. The property owner or their successor shall be responsible for the continual maintenance of all hardscaped and landscaped areas on site.
86. Prior to submittal of applicable structural building permits, the applicant shall submit documentation demonstrating that commercial use occupies at least 18% of the total ground floor footprints and that of the non-residential footprint, 65% maximum may be live/work units.

87. A final landscape plan shall be submitted prior to construction plan approval. The final landscape plan shall be in substantial conformance with the preliminary landscape plan and shall detail the method of irrigation for all landscaped areas. The final landscape plan shall comply with Section 16.42.030 and 16.42.040 of the LDC, be prepared by a licensed landscape architect and shall include the following:

- a. An irrigation plan sheet demonstrating the use of automatic irrigation with evapotranspiration (ET) based controllers for all proposed landscaping, per Section 16.42.030.F of the LDC;
- b. All parking areas have a minimum 10-foot depth of buffer plantings adjacent to public rights-of-way and along the perimeter of the parking area.
- c. At the end of the parking lot between buildings 6 and 7 an additional tree shall be planted and some shrubs to further obscure the view of the parking lot from the property to the south.
- d. All interior parking lot planters contain a major structural tree and groundcover (16.42.030.D.4).

The applicant shall install the approved landscaping prior to building permit release, or provide a financial guarantee for the same, pursuant to Section 16.50.080 of the City's LDC.

88. Prior to issuance of structural building permits associated with the proposed project the applicant shall provide a street tree plan that complies with the applicable criteria including but not limited to:

- a. The total length of all frontage and the total number of street trees required (total frontage divided by 30);
- b. The location, size, and species of street trees in compliance with LDC Sections 16.42.030.E and 16.42.040. A fee-in-lieu shall be provided for mitigation of any trees which cannot be planted prior to occupancy.
- c. All street trees will be planted prior to occupancy.

89. The applicant shall locate bicycle parking spaces near the main entrance of the building and provide covered bicycle parking spaces per the requirements of Section 16.43.030 of the LDC.

90. The applicant shall submit revised plans extending the pedestrian system from building 7 past building 6 to 172nd Avenue.

91. Prior to construction plan approval, the applicant must submit a final photometric lighting plan and associated materials in compliance with the lighting standards in the LDC including 16.44.010.B.14 and 16.43.030.E.6.

92. The applicant shall screen outdoor storage areas, garbage containers and recycling bins associated with the facility, per Section 16.44.010.C.11.e of the LDC.

93. The applicant shall screen electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units with sight-obscuring fences, walls or landscaping, per Section 16.44.010.C.11.f of the LDC.

94. The developer shall provide fences along arterials and collectors within the residential portion of the site areas that are not for pedestrian or vehicle and are not in front of the commercial component of the buildings per 16.42.060.
95. The subject application shall meet all local, state, and federal requirements.
96. The subject Design Review approval does not constitute approval for tree removal. The developer shall apply for a Tree Removal permit through the City for tree removal of trees greater than six inches at breast height prior to site construction.
97. The site shall include a directory which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.
98. The interior configuration of the commercial spaces will be assessed upon submittal of a building permit to assure the interior of the space functions to support the street side entrance as the primary entrance.
99. The following facades shall be revised to comply with the offset requirements in 16.44.010.B.4: west side of building 4, south side of building 3, and the east side of building 2.
100. The applicant shall submit documentation demonstrating compliance with the live/work standards in LDC 16.44.140.
101. The following conditions relate to the parking lot design:
 - a. Per OAR 660-012-0410, the applicant shall install electrical service capacity, as defined in ORS 455.417, to serve 40 percent of all vehicle parking spaces.
 - b. The applicant shall provide documentation demonstrating compliance with the carpool, hybrid/electric, and vanpool parking requirements in 16.43.030.D.
 - c. The applicant shall submit documentation demonstrating compliance with the off-street loading facilities criteria in 16.43.050

Mayor
Honorable Tom Ellis

City Manager
Jason A. Tuck, ICMA-CM



**CITY OF HAPPY VALLEY STAFF REPORT
TO THE DESIGN REVIEW BOARD**

MAJOR DESIGN REVIEW OF
“ROCK CREEK BLVD 172nd APARTMENTS”

LOCAL FILE NO. DR-13-23
April 24, 2024

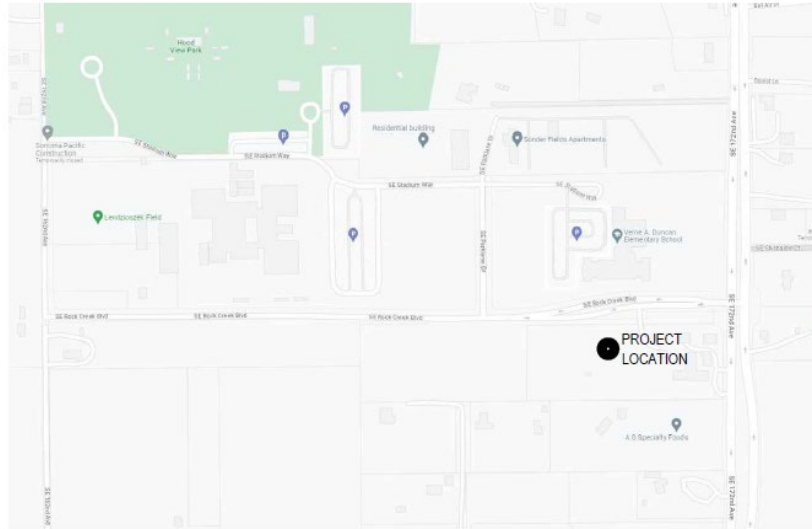
I. GENERAL INFORMATION

REQUEST:	DR-13-23: The applicant proposes a Major Design Review for a 168-unit Mixed use apartment complex on the subject property, location below.
APPLICANT:	Michael Stapleton, Christopher Jones Architects on behave of Cobalt Development, 509 Olive Way, Suite 1416 Seattle Washington 98101
LOCATION:	14933 and 14915 SE 172nd Avenue Clackamas County Map: 23E07B: Tax Lot 409 and Tax Lot 420
DEVELOPMENT DISTRICT:	Community Commercial Center (CCC)
CITY CONTACT:	Additional information may be obtained by contacting: Chris Alfino, AICP, Senior Planner, (503) 886-8410, chrisa@happyvalleyor.gov
APPROVAL CRITERIA:	The Design Review Board is asked to approve, approve with conditions or deny the application based on the applicable criteria in the City of Happy Valley Municipal Code Title 16 – Land Development Code (LDC), including chapters 16.23 – (Commercial and Employment Districts); 16.41 (Access and Circulation); 16.42 (Landscaping, Street Trees, Fences and Walls, Recreation Areas); 16.43 (Parking and Loading); 16.44 Special Standards for Certain Uses), 16.50 (Public Facilities); 16.61 (Types of Review Procedures); and 16.62 Land Use Review and Design Review).

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

Preserving and enhancing the safety, livability and character of our community

Figure 1: Vicinity Map



EXHIBITS:

The applicant has submitted the following exhibits as part of the application package:

- Exhibit 1 Narrative dated December 2023
- Exhibit 2 Plan Set dated January 2024
- Exhibit 3 Architectural and Renderings Plan Set dated January 2024
- Exhibit 4 Transportation Impact Analysis dated October 27, 2023
- Exhibit 5 Geotechnical Report dated October 30, 2023
- Exhibit 6 Stormwater Report dated January 2023

Staff has submitted the following exhibits as part of the Staff Report:

Exhibit A Service Provider Comments and Conditions

1. City of Happy Valley Engineering Division
2. Clackamas County Water Environment Services (WES)
3. Clackamas County Department of Transportation and Development (DTD)
4. City Traffic Engineer (DKS Associates)
5. Clackamas County Service District #5 (CCSD#5)
6. Clackamas Fire District #1 (CFD#1)
7. Sunrise Water Authority (SWA)
8. Multnomah County Department of Community Services Transportation Division
9. Land Use Applications

Exhibit B

1. Public Notice
2. LDC-04-23 Text Amendment
3. County Plat Number PP2019-101

PROPOSAL:

The applicant, Michael Stapleton of Christopher Jones Architects, on behalf of Cobalt Development, is requesting approval of a Major Design Review for a proposed 168-unit mixed use apartment complex on approximately 7.81 acres that includes five 3-story residential buildings and two 3-story mixed-use buildings with 15,848 square feet of retail. The complex, known as “Rock Creek Blvd/172nd Apartments” (File No. DR-13-23), will also include a community building, pool, open space, plaza, 294 parking spaces, a “tot-lot”, and associated landscaping and hardscaping.

OBSERVATIONS:

BACKGROUND

- On June 12, 2019, staff administratively approved a property line adjustment (LLA-08-19) as shown on the County Plat Number PP2019-101 (Exhibit B-3), which allowed for the lot line to match the existing zone borders.
- On July 17, 2020, the Happy Valley Design Review Board approved a 130-Unit residential senior care facility (DR-16-20) on the subject site, which has since been withdrawn.
- On February 20, 2024, the City Council approved a Land Development Code Amendment (LDC-04-23, Exhibit B-2) to amend the City's LDC for CCC zoned properties in the Rock Creek Employment Center (RCEC) area and adopt standards for retail space requirements, including live/work units. The approval allowed CCC sites in the RCEC area to have a portion of the ground floor to be residential, required 18 percent of the ground floor footprint to be commercial and allowed 65 percent of that to be available as live/work units, increase the maximum building height to 50 feet for the mixed-use buildings and to 45 feet for multi-family buildings. The LDC amendment was initiated by the applicant in conjunction with this application to provide relief to allow for this development.

SITE DESCRIPTION/ADJACENT LAND USE:

- The subject site is located at the southwest corner of Rock Creek Blvd. and 172nd Avenue. It currently has a home and accessory buildings (to be removed), is approximately 7.81 acres in size, and is zoned CCC. The topography of the subject site is mostly flat, slightly sloping from northeast to southwest. The subject property currently has a home and accessory buildings (to be removed), is approximately 7.81 acres in size, and is zoned CCC. The topography of the subject site is mostly flat, slightly sloping from northeast to southwest.

Figure 1: Aerial Map



- North: To the north of the subject site is Rock Creek Blvd. North of Rock Creek Blvd. is property developed with an elementary school (Verne Duncan Elementary), and zoned Institutional and Public Use (IPU).
- South: To the south of the subject site is property developed with a food processing center (AG Specialty Foods, DR-07-18) approved by the DRB on July 25, 2018.
- East: To the east is 172nd Avenue, further east of the subject site is property developed with a detached house on land that is zoned IC and a vacant property zoned IPU.
- West: To the west of the subject site a vacant property zoned IC.

PROJECT HIGHLIGHTS:

- Proposed Buildings: The proposal includes nine buildings containing 168 multi-family units and 15,848 feet of ground floor retail and live-work units, plus a tenth building for a community building/clubhouse. The housing mix will consist of one, two, and three-bedroom apartments. The proposed mixed-use buildings will be three stories, with the top two consisting of residential only, while the lower floor will have a mix of retail, live-work and residential. Each unit will have a separate exterior entrance that can be accessed from either the parking lot or street front. The complex has been designed with enhanced landscaping, open space, and a main plaza. The residential building height will be approximately 43 feet, while the mixed-use building height will be approximately 48 feet. The applicant has provided detailed architectural elevations as part of the Architectural and Renderings Plan Set (Exhibit 3) that was submitted with this application. The applicant has incorporated required elements of the City of Happy Valley's multifamily design standards into the design of the proposed buildings, including gables, eaves, offsets in building face or roof, window trim, balconies and decorative patterns on exterior finishes.
- Use: The proposed multifamily dwellings, retail, and live-work uses are listed as "Permitted" within the underlying CCC zone.
- Vehicle Parking: A total of 294 vehicle stalls will be provided for on-surface parking spaces, away from the street frontages. The proposed parking exceeds the minimum parking standards identified in the Oregon Administration Rules (OAR) of one unit per space per unit (660-12-0430(2)). In addition, the drive aisles are designed to accommodate two-way traffic, as well as garbage, delivery and fire trucks. The applicant's proposal for site access and circulation has been reviewed by the City Engineer and CFD#1, both of which have provided recommended conditions of approval that have been incorporated into this report.
- Bicycle Parking: A total of 218 bicycle parking spaces have been provided on site with 170 long-term bicycle parking spaces located within a secured area near the building entrance, 48 short-term bike stalls have been provided outside.
- Vehicular Access to the Right-of-Way: The primary vehicular access to the site will be from Rock Creek Blvd. and from Parklane Drive, no vehicles will take direct access from 172nd Avenue. As indicated within the Plan Set (Exhibit 2), vehicular access to the subject site is proposed from Rock Creek Blvd. (a City Minor Arterial Facility), and a future southern extension of Parklane Drive (a City Collector Facility). The site fronts 172nd Avenue (a Clackamas County Major Arterial Facility) on the east but will not have access. The applicant will provide the public right-of-way (ROW) and frontage improvements along Rock Creek Blvd., discussed further within this report. The applicant will have a full access drive on the southwest portion of the site via Parklane Drive due to access constraints to the site. Access on Rock Creek Blvd. will be a right-in-right-out and left in only access drive (i.e. no left exiting to the west). In addition, full access onto Parklane Drive may be temporary if future development creates a safety issue on Parklane Drive, requiring it to become right-in-right-out only. The applicant's proposal for site access has been

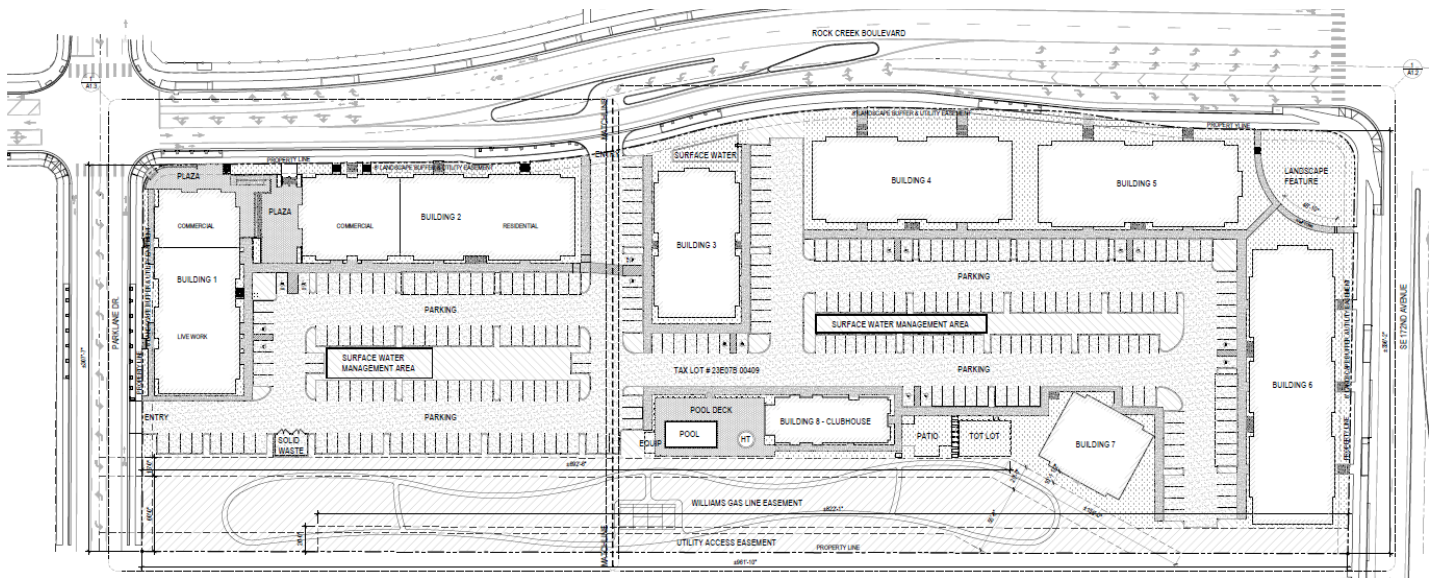
previously reviewed by the City Engineer, the City's Traffic Engineer and Clackamas County DTD, who have deemed it acceptable, per the applicable conditions of approval.

- Pedestrian Access: As shown on the site plan, the applicant has provided for a pedestrian connection within the site that will connect sidewalks to building entrances with the public sidewalk along all three frontages (Parklane Drive, Rock Creek Blvd., and 172nd Avenue), along with private walkways surrounding each building. Walkways will also connect pedestrians to on-site parking, the plaza, community building, pool, open space, and recycling area. The applicant has provided what can be considered safe, direct, and convenient pedestrian pathways from the entrances of the proposed buildings to parking areas and adjacent streets.
- Open Space: As discussed above, the site provides a plaza, a pool, a shared patio, an asphalt sports court, soft surface paths, a tot-lot, outdoor open space lawn, and two large landscape features, one in the center of the parking area and one at the northeast corner of the site. Therefore, these criteria have been satisfied.
- Landscaping: The applicant has submitted a preliminary landscape plan which exceeds the minimum landscaping onsite. As discussed further below, the 39% overall landscaping is more than twice the required percentage.
- Sanitary: As stated by Water Environment Services (WES), sanitary sewer will be available to serve the proposed development via public improvements associated with this application. WES has deemed the applicant's proposal for sanitary sewer provisions acceptable and provided the City with recommended conditions of approval that have been incorporated into this report.
- Stormwater: The proposed complex has been reviewed and determined to be acceptable by WES, with WES providing the City with a list of recommended conditions of approval that have been incorporated into this report.
- Water: The Sunrise Water Authority (SWA) has adequate potable water supplies available in sufficient quantities to provide normal domestic needs for this proposal, as required by the Oregon Health Authority. Exact improvements to the water system will be determined during design review by the Water Authority.
- Transportation Improvements: The applicant submitted a Transportation Impact Analysis (TIA) as part of their proposal that was prepared by a traffic engineering consulting firm, Kittelson and Associates (Exhibit 4), that provides an evaluation of the applicant's proposal from a transportation impact perspective. The City's Traffic Engineer (DKS Associates), Clackamas County DTD and Multnomah County have reviewed the applicant's findings as outlined in the applicant's TIA. The findings of the TIA demonstrate that the applicant's proposal will require construction of the applicable Rock Creek Blvd. frontage improvements which require off-site public ROW dedication from the property to the west (Tax Lot 420). Staff notes that Exhibit 8 illustrates that property owner's participation in the proposed development application. In addition, Parklane Drive "half-street" improvements are required south of the Rock Creek Blvd. intersection tapering, but via negotiations between the two property owners, the developer is has opted to pursue full street improvements to the southern limits of the property. Finally, the development will pay a proportionate share toward future applicable off-site intersection improvements further to the north, as discussed below.

SITE PLAN:

The applicant's proposal is illustrated by the applicant's Site Plan (Exhibit 2, Sheets A1.1, A4.0-A4.3 and below) and discussed within their Narrative (Exhibit 1). The applicant proposes development of a 168-unit mixed-use apartment complex with 15,848 square feet of retail, inclusive of up to 65 percent live/work units. The site includes a plaza, a pool, a shared patio, a sports court, soft surface paths, a club house, a tot-lot, outdoor open spaces and shared patios and decks.

Figure 2: Site Plan



ARCHITECTURAL ELEVATIONS:

The applicant has provided a detailed Architectural Plan Set and associated renderings that were submitted with this application (Exhibit 3). The applicant has incorporated required elements of the City's design standards for multifamily housing, including dormers, gables, pillars or posts, eaves, offsets in building face or roof, window trim, balconies, "knee braces" (decorative eave supports), and decorative patterns on the exterior finish.

Figure 3: Planned SW Corner of Rock Creek Blvd. Parklane Drive



Figures 4 and 5: South Façade



5 CLUBHOUSE AND BUILDINGS 3, 4, 5, 6, & 7 - INTERIOR OF SITE LOOKING NORTHEAST

Figures 6, 7, and 8: North Façade



3 AERIAL VIEW OF SITE - VIEW TO SOUTHEAST



3 BUILDINGS 2 & 3 - VIEWING FROM ROCK CREEK BLVD



2 PLAZA BETWEEN BUILDINGS 1 & 2 - STAIRS FROM ROCK CREEK BLVD

Figure 9: East Façade



4 BUILDING 6 - VIEWING FROM SE 172nd AVE

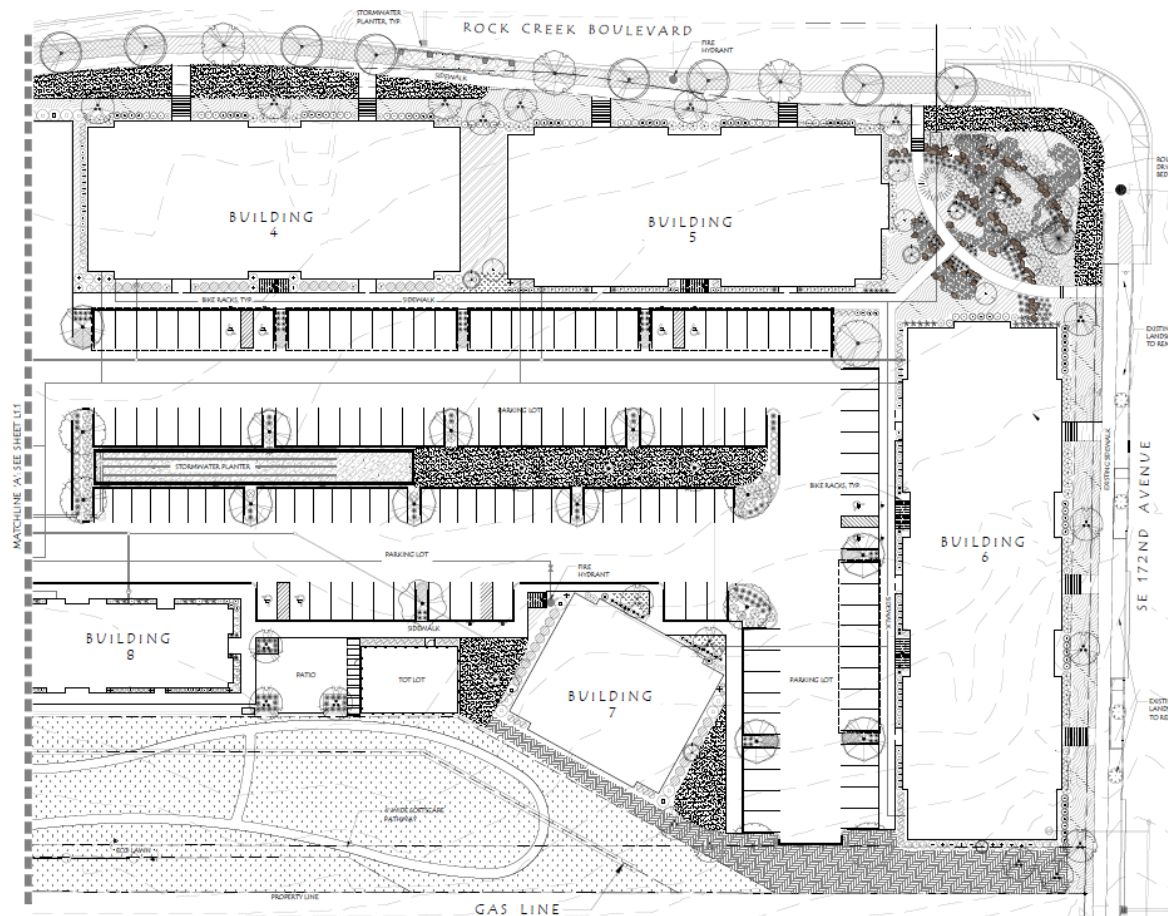
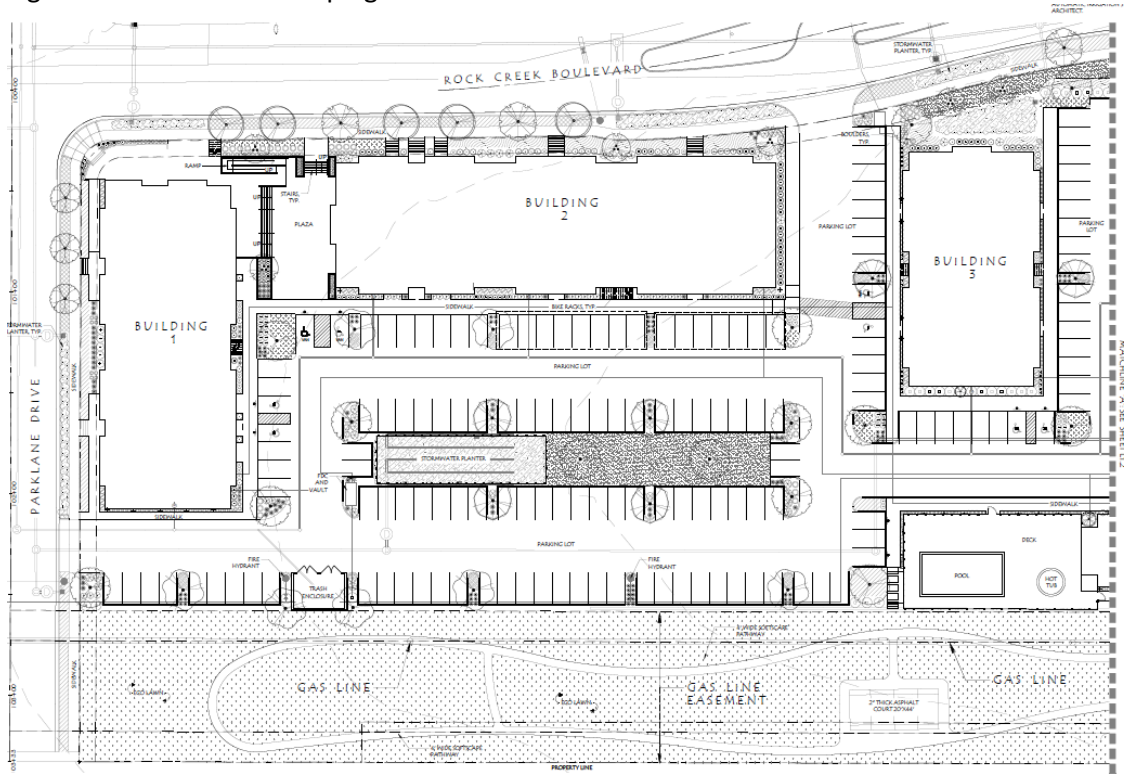
Figures 10 and 11: West Façade



1 INTERSECTION AT ROCK CREEK & PARKLANE - NORTHWEST CORNER OF SITE
NOT TO SCALE

LANDSCAPE PLAN:

Figures 11 and 12: Landscaping Plan



PUBLIC COMMENTS:

The City's Planning Division received no public comments pertaining to File No. DR-13-23 from neighboring residents or other interested parties during the public comment period.

II. FINDINGS OF FACT

A. CITY OF HAPPY VALLEY LAND DEVELOPMENT CODE:

The following sections of Title 16 of the Happy Valley Municipal Code (LAND DEVELOPMENT CODE) are applicable to this request:

CHAPTER 16.23 – COMMERCIAL AND EMPLOYMENT DISTRICTS

16.23.030 Commercial districts.

[...]

B. Permitted Uses.

Table 16.23.030-1 identifies the land uses that are allowed in the CCC and MCC Districts.

Table 16.23.030-1 Community Commercial Center and Mixed Commercial Center (CCC, MCC)

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	CCC	MCC
<i>Medium to high density residential</i>	<i>p^{1, 2}</i>	<i>p^{1, 3}</i>
<i>Live-Work Units</i>	<i>p^{2, 8}</i>	<i>X</i>
NOTES: ¹ Residential uses on upper floors of mixed use buildings are permitted. In such cases, Notes 2 and 3 below do not apply. ² Freestanding residential uses at densities greater than the minimum SFA density of 10 du/acre and not to exceed the maximum MUR-M2 density of 34 du/acre (10—34 du/acre) may be permitted in the CCC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the CCC zoned area of the parcel or subject property. In the Rock Creek Employment Center, the same residential densities may be utilized in freestanding residential footprints if a nonresidential use per Table 16.23.030-1 occupies one street side of the parcel, and occupies at least 18 % of the total ground floor footprints. Of the non-residential footprint, 65% maximum may be live/work units. ⁸ Live-work units limited to the Rock Creek Employment Center.		

Staff Response:

The applicant's proposal includes multi-family, live/work units and commercial space which meets the allowed uses within the CCC zone, per Table 16.23.030-1. As discussed above, the applicant submitted amendments to the LDC with this proposed application which were approved and are shown above and included as Exhibit B-2. The proposal includes residential units at the MUR-M2 density. The entire Parklane Drive frontage consists of commercial space on the first floor of the building along the frontage. Prior to submittal of a building permit, staff recommends a condition of approval that the applicant submit documentation demonstrating that commercial use occupies at least 18% of the total ground floor footprint and that of the non-residential footprint, 65% maximum may be live/work units. The commercial and live/work uses will be further reviewed upon submittal of a building permit or business license.

The subject site is within the RCEC area and as such, these criteria have been satisfied with a condition.

[...]

D. Development Standards.

1. The development standards in Table 16.23.030-2 apply to all uses, structures, buildings, and development in the CCC and MCC Districts.

Table 16.23.030-2: Development Standards for CCC and MCC Districts

Standard	CCC	MCC
<i>Residential density¹ (minimum—maximum)</i>	<i>10 to 34 du/acre</i>	<i>25 to 34 du/acre</i>
<i>Lot size (minimum)</i>	<i>None</i>	<i>None</i>
<i>Lot width (minimum)</i>	<i>None</i>	<i>None</i>
<i>Lot depth (minimum)</i>	<i>None</i>	<i>None</i>
<i>Lot coverage (maximum)</i>	<i>75%</i>	<i>75%</i>
<i>Landscaping (minimum)</i>	<i>None</i>	<i>None</i>
<i>Building setback (minimum):</i>		
<i>Front</i>	<i>0 ft.</i>	<i>0 ft.</i>
<i>Rear</i>	<i>None²</i>	<i>None²</i>
<i>Interior side</i>	<i>None³</i>	<i>10 ft.⁴</i>
<i>Street side</i>	<i>0 ft.</i>	<i>0 ft.</i>
<i>Building setback (maximum):</i>		
<i>Front</i>	<i>None</i>	<i>20 ft.</i>
<i>Rear</i>	<i>None</i>	<i>None</i>
<i>Side</i>	<i>None</i>	<i>None</i>
<i>Building height (maximum)</i>	<i>35 ft.⁷</i>	<i>60 ft.⁷</i>
<i>Building size</i>	<i>30,000 s.f.⁵</i>	<i>60,000 s.f.⁶</i>

NOTES:

² Except when a rear lot line is abutting a lot in a residential zone and then the rear setback shall be a minimum of 10 feet. The required rear setback shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.

³ Except when a side lot line is abutting a lot in a residential zone and then the side setback shall be a minimum of 10 feet. The required side setback shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.

⁵ Maximum building square footage for single use retail buildings is limited to 30,000 square-foot building footprint per structure. For the purposes of measuring maximum building footprint, measurement is taken from outside wall to outside wall of the ground level.

⁷ In the Rock Creek Employment Center the maximum height for mixed-use buildings is 50' and the maximum height for residential buildings is 45'.

2. *Off-Street Parking and Loading (Vehicle and Bicycle).* Off-street parking and loading spaces shall be provided as required in Chapters 16.41 and 16.43.

3. *Landscaping.* Landscaping shall be provided as required in Chapter 16.42.

4. *Pedestrian Access and Circulation.* Adequate pedestrian access and circulation systems shall be provided as required in Chapter 16.41.

E. *Special Standards.*

1. *Design Review.* New development in the Mixed Commercial Center and Community Commercial Center Districts shall be subject to Chapter 16.62, Land Use and Design Review, and Chapter 16.46, Happy Valley Style Design Standards. Development in the Mixed Commercial Center District involving 20 acres or more of land shall be subject to Chapter 16.65, Master Planned Developments.

[...]

Staff Response:

The applicant has met the density standard, as 168 units is well within the 10 to 34 dwelling units per acre (DU/A) range (7.81 acres @ 80% comes to ~62 to 212 units). As shown in the applicant's Plan Set (Exhibit 2), the proposal is under 75 percent maximum lot coverage. Per note 5 of Table 16.23.030-2, building square footage applies to single-use retail buildings which is not proposed. The applicant submitted amendments to the LDC to facilitate this development which was approved by the City Council and effective on February 20th and applies to this review (Exhibit B-2). The new height limits are shown above for the site which is in the Rock Creek Employment Center and have been met by the subject application at ~43 feet for the residential buildings and ~48 feet for the mixed-use buildings. Further, commercial portions of the building will be far less than the maximum of 30,000 square feet. Per the applicable conditions of approval, these criteria have been satisfied.

CHAPTER 16.41 – ACCESS AND CIRCULATION**16.41.030 Vehicular access and circulation.****A. Access to Arterial and Collector Streets.**

1. *Location and design of all accesses to and/or from arterials and collectors (as designated in the transportation system plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street shall be required.*

2. *Accesses to arterials or collectors shall be located a minimum of one hundred fifty (150) feet from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.*

3. *No development site that abuts an arterial or collector street shall be allowed more than one access point to that street (as designated in the transportation system plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.*

4. *When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in subsections (B)(1) and (B)(2) of this section. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.*

5. *When a partition, subdivision or a planned unit development abuts or contains an existing or proposed arterial street as defined within the Comprehensive Plan, the review body shall require reverse frontage lots, thereby precluding access to the parkway streets.*

Staff Response:

As noted, the development is on the southeast corner of 172nd Avenue and Rock Creek Blvd. and will extend to the west to the designation of an extension of Parklane Drive, with two access points proposed for the subject site. Vehicular access to the subject site is proposed from Rock Creek Blvd., on the north end of the site, and from a future southern extension of Parklane Drive, with full-street improvements to be built by the applicant, on the west end of the site. The site access on Rock Creek Blvd. shall be restricted to left-in/right-in/right-out movements based on city standards and the approved access spacing design exception. The existing raised median on Rock Creek Blvd. along the project frontage will be reconstructed to allow left-in turn movements at the site. No access to 172nd Avenue has been proposed. The applicant will provide the ROW and frontage improvements along Rock Creek Blvd.

The access drive on the southwest portion of the site, via Parklane Drive, has been granted a reduction to the 400-foot spacing requirement, for access distance of a Collector Facility, due to constraints to the site. As discussed above, the subject site has a major gas pipeline under the southern end of the site with an easement restricting development and poor vehicular connectivity (i.e., nowhere for vehicles to turnaround), consequently, right-in/right-out (RIRO) access is not adequate for the site. The applicant's proposal for site access has been previously reviewed by the City Engineer, the City's Traffic Engineer and Clackamas County DTD and deemed acceptable, per the recommended conditions of approval. The applicant's proposal for site access has been reviewed by the City Engineer and was determined to be acceptable as conditioned. Per the applicable conditions of approval, these criteria have been satisfied.

B. Driveways.

1. *A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive but in either case not less than the full width of the standard approach for the first twenty (20) feet of the driveway.*
2. *Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.*
5. *Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.*
6. *No driveway shall traverse a slope fifteen (15) percent or greater at any point along the driveway length.*
7. *The location and design of the driveway within the lot frontage shall provide for unobstructed sight pursuant to the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the public works director considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.*
8. *The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City Engineer may require joint access and/or shared driveways.*
9. *A driveway must line up with surrounding streets and meet the connectivity standards for full street connections in Section 16.50.030(B)(9)(a) if it meets one or more of the following:*
 - a. *Intersects with a public street that is controlled, or is to be controlled in the planning period, by a traffic signal;*
 - b. *Intersects with an existing or planned arterial or collector street; or*
 - c. *Would be an extension of an existing or planned local street, or of another major driveway.*

Staff Response:

The driveways proposed for access to the off-street parking area are from an existing public street and a future public street, as shown in the applicant's plan set (Exhibit 2). As proposed, the driveway is wide enough to accommodate two-way traffic, in accordance with the above section. Also, the design of the access would not require vehicles to back onto a public street from exiting the parking areas. Sight distances for the proposed access drive comply with the above requirements. These criteria have been satisfied.

16.41.040 Pedestrian access and circulation.

To ensure safe, direct and convenient pedestrian circulation, all developments, shall provide a continuous pedestrian and/or multi-use pathway system consistent with the City's TSP and Happy Valley Parks

Master Plan. (Pathways only provide for pedestrian circulation; multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections A through E of this section.

A. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathways(s) to adjacent streets and private property.

B. Safe, Direct and Convenient Pathways. Pathways within all developments, except single-family detached housing (i.e., on individual lots), shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets. For purposes of this Code section, the “primary entrance” of commercial, industrial, mixed use, public and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance. For residential buildings, the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling. A determination of whether or not a bicycle or pedestrian route is safe, direct, and convenient will be based on the following criteria:

- 1. Planned bicycle and pedestrian routes do not deviate unnecessarily from a straight line and will not involve a significant amount of out-of-direction travel for likely users.*
- 2. Bicycle and pedestrian routes are reasonably free from hazards and provide safe access to destinations.*

C. Connection within Development. For all developments subject to site design review, pathways shall connect to all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

D. Connections to Transit.

1. New multi-family, retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the use of the continuous pathway system outlined in subsections A and B above. “At a major transit stop” means a parcel or ownership that is adjacent to or includes a major transit stop, generally including portions of such parcels or ownerships that are within two hundred (200) feet of a major transit stop. “Near a major transit stop” means a parcel or ownership that is within three hundred (300) feet of a major transit stop.

2. In addition to other requirements in this section, sites that are located at a major transit stop shall provide the following:

- a. Either locate buildings within twenty (20) feet of the transit stop, a transit street or an intersection street, or provide a pedestrian plaza at the transit stop or a street intersection;*
- b. A reasonably direct pedestrian connection between the transit stop and building entrances on the site;*
- c. A transit passenger landing pad accessible to disabled persons;*
- d. Lighting at the transit stop;*
- e. An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by the public transit provider; and*
- f. Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops.*

E. Design and Construction. Pathways shall be designed and built in accordance with City Public Works standards.

Staff Response:

As shown on the preliminary site plan, the applicant has proposed an internal pedestrian circulation system that includes sidewalks that connect the main entrances of the proposed buildings to the parking lot, the plaza, and surrounding street network. The proposed pedestrian circulation system within the

subject site provides a set of safe, direct, convenient, and continuous pedestrian routes to areas within the subject site and to the adjacent street system. However, the pedestrian circulation system does not provide a connection between building 7 to building 6 and 172nd Avenue. Staff have added a recommended condition of approval that the pedestrian system be extended from building 7 past building 6 to 172nd Avenue. The City Engineer will review the applicant's paths, during the construction review portion of development, to comply with City standards. These criteria have been satisfied.

CHAPTER 16.42 – LANDSCAPING, STREET TREES, FENCES, AND WALLS, RECREATION AREAS

16.42.030 Landscaping Standards

A. General Requirements for Landscaping.

[...]

2. *Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the joint and several right and responsibility of the property owner, tenant, and their agent, if any, unless otherwise provided by the lease agreement, or City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within four months. Landscaping shall be maintained in a condition which presents a healthy, neat, and orderly appearance and shall be kept free of refuse and debris.*
3. *Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees that are six inches or greater in diameter measured at a height of four and one-half feet above grade are considered significant pursuant to Section 16.42.050. Plants to be saved and methods of protection shall be indicated on the detailed landscape plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area five feet outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located five feet outside the drip line.*
4. *In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. All plant growth in landscaped areas shall be controlled by pruning, trimming, or otherwise so that it will not interfere with the maintenance or repair of any public utility.*
5. *Landscaped areas may include stormwater detention facilities, architectural features or artificial groundcovers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas interspersed with planted areas, and on-site natural features which are retained and improved. The exposed area developed with such features shall not exceed 25% of the required landscaped area. This area may be developed into pedestrian amenities, including, but not limited to, sidewalk cafés, seating, water features and plazas, as approved by the Planning Official or designee or the Design Review Board. Artificial plants are prohibited in any required landscaped area.*
6. *Balconies required for entrances and exits should not be considered as landscaped areas except where such exits and entrances are for the sole use of the unit.*
7. *Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.*
8. *Driveways and parking areas shall not be included as landscaped area.*
9. *All areas not occupied by paved roadways, parking areas, loading areas, driveways, walkways, patios, or buildings shall be landscaped.*
10. *Topsoil and Cover Planting.*
 - a. *During construction, sufficient topsoil and overburden shall be stored on the property in a stabilized condition at an isolated location to restore graded or backfilled areas. Such areas shall be covered with not less than eight inches of topsoil of at least equal quality to that removed, provided that if the average depth of the topsoil prior to excavation was less than eight inches, then the depth required need not exceed such lesser average.*

b. Upon replacement of topsoil, the developer shall provide groundcover selected by the developer adequate to control erosion, prevent undue runoff and restore the surface in a manner suitable for its future development. Such groundcover will be identified by the developer on the site plan at the time of site plan review or preliminary approval of a partition, subdivision, PUD, or nonresidential development.

11. Final public infrastructure inspection and authorization to submit building permits may occur prior to the landscaping requirements having been met, provided that the City has received bonding or other assurances to cover the cost of required public improvements, in accordance with Section 16.50.080.

B. Area Required. The following minimum gross developable lot area of the greater proposed development shall be landscaped for the following uses:

- 2. Multifamily dwellings containing five or more units: twenty (20) percent;*
- 3. Nonresidential uses, e.g., commercial, industrial, institutional, or civic: fifteen (15) percent.*

C. Landscaping Plan Requirements.

- 1. The applicant shall submit a preliminary landscape design plan which includes:*
 - a. Location of underground irrigation system sprinkler heads where required by the City;*
 - b. Location and height of fences, buffers and screening;*
 - c. Location of terraces, decks, shelters, play areas, accessory structures and facilities, and common open areas;*
 - d. Location, type, size and species of existing and proposed plant materials; and*
 - e. A narrative which addresses soil conditions and erosion control measures that will be used;*
 - f. Proposed location(s) and design of trash receptacles, clustered mailboxes per the provisions of the Americans with Disabilities Act and implementing federal regulations as well as the accessibility provisions of the Oregon Structural Specialty Code, newspaper boxes, and entry features or signs;*
 - g. Any trees over six inches in diameter at four feet in height proposed to be removed;*
 - h. The approval standards shall be the applicable standards contained in this section.*

Staff Response:

The applicant has indicated within their Plan Set (Exhibit 2, Sheet A0.0) that landscaping is proposed to cover approximately 39 percent of the site. Therefore, the landscaping is more than the 20 percent required for the residential portion of the site and more than 15 percent for the commercial portion. As shown in the Landscape Plan (Exhibit 2, Sheets A0.0, and L1.1 through L1.3), the plan provides screening, play areas, common open spaces, as well as a plaza and a pool, while the trash enclosure is located away from the recreational amenities, neighboring residents, and public ROW. In addition, the coverage, location, and diversity of the plants are provided in a well thought out plan. Further, the tree removal plan has been reviewed by staff and will require further review during the development stages of this proposal and mailbox locations will be reviewed by the U.S. Postal Service (USPS). As such, these criteria have been satisfied.

D. Parking Lot Landscaping.

1. Except for a residential development that has landscaped yards, parking facilities shall include landscaping to cover not less than fifteen (15) percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and groundcovers.

Staff Response:

The applicant has indicated within their Plan Set (Exhibit 2) that landscaping is proposed to cover greater approximately 39% of the site. As shown in the Landscape Plan (Exhibit 2, Sheets A0.0, and L1.1 through

L1.3) the parking lot landscaping is more than 15 percent of the parking area. This criterion has been satisfied.

2. *Screening of all parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall be required. Where not otherwise specified by district requirement, screening along a public right-of-way and the parking area perimeter shall include a minimum ten (10) feet depth of buffer plantings adjacent to the right-of-way and along the perimeter of the parking area except when the perimeter of the parking area is within a commercial center or part of shared parking area, where a buffer is not required.*

Staff Response:

As illustrated on the preliminary landscape plan submitted as part of the Plan Set (Exhibit 2, Sheets A0.0, and L1.1 through L1.3) the applicant has provided a buffer planting area along the portions of the proposed parking lot that would be considered along public right-of-way or perimeter of the site (between buildings 3 and 4 and between buildings 6 and 7). The width between the parking area and the property line is greater than or equal to the required ten-foot buffer width. As such, this criterion has been satisfied.

3. *When parking in a commercial or industrial district adjoins a residential zoning district or use that is not comprised of a landscaped open space tract owned and maintained by the public or a Homeowner's Association providing for sight obscuring screening along the length of the subject site, a sight-obscuring screen that is at least eighty (80) percent opaque when viewed horizontally from between two and eight feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening. Screening options may include landscaped earthen berms, solid wood fences or masonry walls with landscaping, or a combination of landscaping and construction materials that provide sight and sound abatement at the time of building occupancy.*

Staff Response:

Although the site does not abut a residential zone, it does have existing residences south of the western half of the site. The proposed parking lot would be considered the perimeter of the site between buildings 6 and 7. At this location there is a space at the terminus of the parking lot which has no landscaping proposed. Staff has recommended a condition of approval to plant one additional tree and some shrubs to further obscure the view of the parking lot from the property to the south. This criterion has been satisfied with a condition.

4. *Parking areas shall be divided into bays of not more than eight spaces in parking areas with twenty (20) or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of five feet and a minimum length of seventeen (17) feet for a single depth bay and thirty-four (34) feet for a double bay. Each planter shall contain one major structural tree and groundcover. Truck parking and loading areas are exempt from this requirement.*

Staff Response:

The submitted site plan and landscape plan demonstrate that the proposed parking areas are divided into bays of not more than eight spaces. Structural trees are proposed in planters at the end of the proposed parking bays, sized in accordance with the above requirements. However, the plan shows several planters that are missing structural trees. Therefore, a recommended condition of approval has been incorporated into this report that will require the applicant to submit a final landscape plan (with a planter tree calculation exhibit, as part of the construction documents for this project) that is in conformance with the minimum requirements of this section. This criterion has been satisfied.

E. Required Tree Plantings.

1. Planting of street trees is required for all public street frontages. Planting of street trees along private roadways is at the discretion of the developer, builder or property owner. Private street trees shall be located within a private street easement or combined private street tree/public utility easement. Trees shall be planted outside the right-of-way except where there is a designated planting strip or City-adopted street tree plan. (See Section 16.42.040(B) for standards.)

2. The City maintains a list of appropriate trees for street tree and parking lot planting situations in Table 16.42.040-1. Selection of species should be made from the City-approved list. Alternate selections may be approved by the Planning Official or designee following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief. Street trees shall be planted at thirty (30) feet on center except where planting a tree would conflict with existing trees, retaining walls, utilities and similar barriers.

3. Trees may not be planted:

a. Within five feet of a permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the Planning Official or designee are used;

b. Within ten (10) feet of fire hydrants and utility poles;

c. Within five feet from a curb face when not in a planter strip or island;

d. Where the Planning Official or designee determines the trees may be a hazard to the public interest or general welfare.

4. Trees shall be pruned to provide a minimum clearance of eight feet above sidewalks and twelve (12) feet above street and roadway surfaces.

F. Irrigation. Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life, or shall submit a xeriscaping landscape plan based on drought tolerant plantings for review and approval of the Planning Official and/or Design Review Board. Any development, redevelopment, or street improvement or installation project that results in the requirement of more than one standard residential meter ($\frac{5}{8} \times \frac{3}{4}$, rated at twenty (20) gallons per minute) to be dedicated to the irrigation of publicly accessible green space and/or planter strips, shall be required to install irrigation systems that utilize evapotranspiration (ET) based controllers, if the green spaces are to be irrigated at any time during peak demand season. Subdivisions, planned unit developments (PUDs) and road projects requiring more than two standard residential meters ($\frac{5}{8} \times \frac{3}{4}$, rated at twenty (20) gpm) to be dedicated to the irrigation of publicly accessible green space and/or planter strips, shall utilize central control systems with active connection to weather stations and flow monitoring sensors. The developer or project owner will be required to pay the cost for initial set-up and programming with the contractor selected by Sunrise Water Authority to manage the irrigation control system. Sunrise Water Authority will retain responsibility for engaging the contractor to operate any and all irrigation management systems installed under this program. Annual operational costs for the management of the system shall be collected from the homeowners within the subdivision or planned unit development as a surcharge on their water bill. Industry standard charges for operation and management of ET based irrigation control systems are based upon the number of valves in the irrigation system. This charge shall be equitably distributed amongst all home sites within the subdivision or PUD or, in the case of road projects, borne by the project owner, such as the County, City or State;

G. Types and Size of Plant Material.

1. At least seventy-five (75) percent of the required landscaping area (at maturity) shall be planted with a suitable combination of trees, shrubs, or evergreen groundcover.

2. Plant Materials. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.

3. Deciduous trees shall be species having an average mature spread of crown greater than fifteen (15) feet and having trunks, which can be maintained in a clear condition with over five feet of

clear wood (without branches). Trees having a mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.

4. Deciduous trees shall be balled and burlapped, and a minimum of seven feet in overall height or one and one-half inches in caliper measured six inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.

5. Coniferous trees shall be a minimum five feet in height above ground at time of planting.

6. Shrubs shall be a minimum of one gallon in size or two feet in height when measured immediately after planting.

7. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within two years after planting.

8. Vines for screening purposes shall be a minimum of one gallon in size or thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. English Ivy is not permitted.

9. Vegetated groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, groundcovers shall be planted in such a manner as to provide complete coverage in two years.

10. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrass and fescues used within the local landscape industry. Artificial turf/lawn/grass may substitute for vegetative turf/lawn/grass as part of an approved landscape plan illustrating high-quality product that is generally natural in appearance as approved by the Planning Official or designee.

[...]

Staff Response:

Like the findings of subsection D.4, the applicant has submitted a preliminary landscape plan as part of their Plan Set (Exhibit 2, Sheets L1.1 through L1.3) that was found to lack substantial compliance with tree spacing of the above requirements. The applicant has approximately 1,500 feet of frontage, requiring 50 street trees with about half that shown on the plan. A recommended condition of approval has been incorporated into this report that will require the applicant to submit a final landscape plan (with a street tree calculation exhibit, as part of the construction documents for this project) that is either in conformance with the minimum requirements of this section or the applicant can choose to make up trees they cannot fit by placing them elsewhere or paying into the City's Tree Bank. Per the applicable conditions of approval, these criteria have been satisfied.

J. Buffer Planting—Parking, Loading and Maneuvering Areas.

1. Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than to block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.

2. Any use which is required to provide off-street parking for five or more vehicles shall provide buffering of the parking areas on all sides which face directly upon and are within one hundred (100) feet of any property line of the subject site. Buffering shall include, in addition to required street trees for the project as a whole, fencing, sound walls (if deemed necessary by the review authority) or plantings at the immediate perimeter of the parking area which shall be of sufficient height and density, year around, to obscure sight lines to the parked vehicles and negate the impacts of headlights.

3. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying groundcover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities.

4. *Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements.*

Staff Response:

As discussed above and illustrated on the preliminary landscape plan submitted as part of the Plan Set (Exhibit 2, Sheets A0.0, and L1.1 through L1.3) the applicant has provided a buffer planting area along the portions of the proposed parking lot that would be considered along public right-of-way or perimeter of the site (between buildings 3 and 4 and between buildings 6 and 7). The width between the parking area and the property line is greater than or equal to the required ten-foot buffer width. Between buildings 6 and 7 there is a space at the terminus of the parking lot which has no landscaping proposed. Staff has recommended a condition of approval to plant one additional tree and some shrubs to further obscure the view of the parking lot from the property to the south. This criterion has been satisfied with a condition.

16.42.040 Street trees and planter strips.

A. *Applicability. All partitions, subdivisions, planned unit developments (PUDs), and any individual uses within any district, whether permitted by right or conditional approval, shall be required to provide street trees and, where applicable, planter strips on all public roadways within the project area, in accordance with the standards in subsection B below. Planting of street trees along private roadways is at the discretion of the developer, builder or property owner. Private street trees shall be located within a private street easement or combined private street tree/public utility easement.*

B. *Standards.*

1. *All street trees and planter strips shall be installed or financially secured by the developer pursuant to the definition of a "planter strip" found within Section 16.12.030 (Definitions). Private streets or development areas that do not utilize curbside planter strips shall install street trees beyond the public sidewalk, within a public utility and street tree easement.*

2. *Street Tree Installation Methodology. The developer and/or builder shall submit a planter strip and street tree plan as part of the construction plan set, detailing to the greatest extent practicable the placement of street trees in conformance with all spacing requirements in regard to street intersections, street lights, driveways, fire hydrants, etc. Based on this street tree plan, the developer shall submit a street tree installation fee or liquid financial guarantee based on the methodology set forth in Section 16.50.080.*

[...]

5. *Clearance Design.*

a. *Curb and Sidewalk. Parking strip street trees shall be planted midway between curb and sidewalk in parking strips.*

b. *Center Medians. Center median street trees shall be laterally centered in the medians and an offset placement pattern relative to parking strip street trees is required.*

c. *Utilities. All digging, including tree planting, must be preceded by underground location of utilities, water lines, sewer lines and transmission lines conducted by the planter.*

d. *Corners, Driveways, Fire Hydrants and Street Lights. No street trees shall be planted closer than thirty-five (35) feet from any street corner, measured back from the point of intersecting curbs or curb lines. No street tree shall be planted closer than five feet to any drive-way, ten (10) feet to any fire hydrant or utility pole. Vision clearance shall be provided pursuant to standards in Section 16.50.030(B) and consistent with Figure 16.42.040-1.*

e. *Street Tree Spacing. Street trees in parking strips shall be placed at a maximum of thirty (30) feet on-center and located in accordance with the requirements contained*

in this chapter. Street trees in center medians shall be placed at a maximum of fifteen (15) feet on center. Trees planted in the center medians shall be staggered with the trees planted in the parking strips. Special plantings shall be allowed with prior approval by the City Manager.

f. Visual Clearance. In order to keep visual zones clear and to protect traffic, pedestrians and bicyclists from running into low limbs, trees within or overhanging the public right-of-way and/or visual clearance zone must be trimmed to at least seven feet above the sidewalk area, eleven (11) feet above streets or alleys, and fourteen (14) feet above neighborhood collector level two and higher level roads (see Figure 16.42.040-1).

[...]

Staff Response:

The applicant has shown in their Plan Set (Exhibit 2, Sheets A0.0, and L1.1 through L1.3) that street trees will be provided along all public street frontages with this development. Per the applicable conditions of approval, street trees shall be installed at the maximum spacing standard or financially secured prior to building permit release. If the maximum spacing cannot be met due to site constraints, the applicant can provide trees in other locations, approved by the City or pay into the City's tree bank. As conditioned, these criteria have been satisfied.

16.42.060 Fencing, walls and screening.

A. While fencing, walls or screening is not uniformly mandatory for all residential development, perimeter street fences, walls and earthen berms along arterial or collector streets in residential districts have significant visual impacts, particularly with respect to traffic safety, site visibility and design aesthetics affecting major transportation corridors. Therefore, perimeter street fences, walls, berms and required landscaping (between a new fence required by Table 16.42.060-1 and the public right-of-way) shall be installed by the developer prior to the issuance of structural building permits according to the standards listed in Table 16.42.060-1 and be required by the development's Codes, Covenants and Restrictions (CC&Rs) to be maintained over time:

Table 16.42.060-1 Arterial and Collector Street Frontage Screening

Project Character	Development Standard
<i>Arterial or collector frontage—double front loaded (garage and front door facing interior street)</i>	<i>Option 1: Masonry or brick walls treated with anti-graffiti sealant</i>
	<i>Option 2: Solid wood uniformly stained (any variety of the color brown) fence with masonry or brick columns (maximum spacing of 24 feet between columns) with cap board and treated with anti-graffiti sealant</i>
	<i>Option 3: Solid earthen berms no greater than 25 percent in slope, with stabilizing landscaping on all areas of the slopes, and subject to the landscape plan design and construction standards of this title</i>
	<i>All fences, walls or berms shall be six feet high, however, fences taller than two and one-half feet shall not be allowed in clear vision areas. If a fence or wall is located in a utility easement, a minimum five-foot wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title. Landscaping within these areas shall be installed prior to the issuance of structural building permits.</i>

Project Character	Development Standard
<i>Arterial or collector frontage—rear loaded (front door facing arterial or collector, garage facing interior street)</i>	<i>Option 1: Masonry or brick walls</i>
	<i>Option 2: Decorative metal fence with masonry or brick columns</i>
	<i>Option 3: Solid wood uniformly stained (any variety of the color brown) fence with cap board</i>
	<i>All fences shall be at least four feet high, however, fences taller than two and one-half feet shall not be allowed in clear vision areas. If the fence or wall is located in a utility easement, a minimum five-foot wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title. Landscaping within these areas shall be installed prior to the issuance of structural building permits.</i>

B. Criteria. When reviewing all proposals for partitions, subdivision of land or planned unit development, or multifamily projects, the approval authority shall determine the need and desirability of fencing or screening within the development site area. The review body, may at its discretion, condition the fencing/screening along collector or arterial street frontage per one of the three design options listed in Table 16.42.060-1. In its consideration, the approval authority shall use the following criteria:

- 1. The intended use for the area;*
- 2. Surrounding uses and existing fence, wall or berm sections, their design, materials and appearance;*
- 3. The impact of the intended use upon surrounding uses and vice versa;*
- 4. The need for fencing or screening to reduce the amount of use conflicts, noise, wind, dust, vision and other forms of pollution and conflicts;*
- 5. The need and desirability for the replacement of trees removed from the site as a result of the proposed development.*

[...]

D. For any development of a structure, yard or any facility requiring the utilization of retaining walls, retaining walls over four feet in height require the approval of an engineering permit, including provisions for stormwater management. Within any zoning district, on property immediately abutting existing residences or residential districts, the maximum single-face retaining wall height within an individual existing lot of record, parcel or lot (as created after any retaining walls necessary for public or private infrastructure such as streets, drive-aisles, parking lots, stormwater detention facilities, etc.) shall have a maximum height of eight feet, as measured from the downslope face of the retaining wall. Retaining walls may be terraced up the slopes of existing lots of record, parcels or lots, but shall have a minimum distance between walls of the height of the downslope retaining wall, as measured from the upslope side of the lower retaining wall to the downslope side of the upper retaining wall. All retaining walls abutting other single-family residences or zoning districts shall provide solid vegetative screening along the entire linear face of the lowest retaining wall. Fences or decorative walls may exist atop retaining walls, and are measured in height independent of the retaining wall. Said facilities may exist to the maximum height allowed in the front, interior side, exterior side (corner lot) or rear setback area.

Staff Response:

The applicant has not identified collector or arterial fencing or height of the retaining walls in their preliminary plans. However, since the property faces a collector, a minor arterial, and a major arterial, the applicant will be required to provide fencing matching one of the above choices along areas that are not for pedestrian or vehicle and are not in front of the commercial component of the buildings. For instance, a fence blocking the landscaped area and path on the northeast corner or the plaza from patrons would not be required. The exact location for fencing will be determined during construction

plan review. All retaining walls over four feet in height will require a separate Type I Design Review. Per the recommended condition of approval, these criteria have been satisfied with a condition.

CHAPTER 16.43 – PARKING AND LOADING

16.43.030 Automobile Parking Standards.

[...]

B. Minimum Off-Street Parking Space Requirements and Calculations.

1. *Unspecified Requirements.* Vehicle and bicycle parking requirements for uses not specified in this chapter may be determined by the Planning Official based upon the requirements for similar specified uses.

2. *Tandem parking* (where two spaces are directly behind one another) may be counted as two parking spaces.

3. *On-street parking* within three hundred (300) feet of a use along its property frontage may be counted as part of the minimum spaces required.

4. *Structured parking, fleet parking, spaces that are user paid* (at a market rate approved by the City), on-street parking spaces and market rate surface parking lots are exempt from the maximum parking ratios.

5. *If the applicant demonstrates that too many or too few parking spaces are required,* applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.

6. *Mixed Uses.* In the case of mixed uses, shared parking between uses is encouraged. Where shared parking is not an option, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.

7. *Transit.* Existing development shall be allowed to redevelop a portion of their existing parking area for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, and similar facilities, where appropriate. The redevelopment shall not result in greater than ten (10) percent reduction in the number of required on-site vehicle parking spaces.

8. *Where uses are mixed in a single building,* parking shall be a blend of the ratio required less ten (10) percent for the minimum number of spaces. The maximum number of spaces shall be ten (10) percent less than the total permitted maximum for each use.

9. *Fractions.* When the sum of the required vehicle or bicycle parking spaces is a fraction of a space less than one-half, the fraction shall be rounded down to the nearest whole number. When the fraction of the space is greater than one-half, the fraction shall be rounded up to the nearest whole number.

10. *Maximum Parking Allowed.* A maximum number of vehicular parking spaces allowed exists if provided for in Table 16.43.030-1.

11. *Parking Table.* The following parking table shall be interpreted with the following notation: All square footage measurements are gross square feet of total floor area. Eighteen (18) lineal inches of bench shall be considered one seat.

Table 16.43.030-1

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces	Percentage of Bicycle Spaces to be covered
		Zone A	Zone B		
Residential					
[...]					

Proposed Use	Minimum Parking Spaces	Maximum Parking Spaces (if nothing is noted, there is no maximum)¹		Bicycle Spaces	Percentage of Bicycle Spaces to be covered
		Zone A	Zone B		
<i>Multifamily dwellings containing five or more units</i>					
<i>Studio and one bedroom units</i>	<i>1.25 per dwelling</i>			<i>1 space per unit</i>	
<i>Two-bedroom units</i>	<i>1.25 per dwelling</i>			<i>1 space per unit</i>	
<i>Three or more bedroom units</i>	<i>1.25 per dwelling</i>			<i>1 space per unit</i>	
Commercial Uses					
<i>Retail sales, general and personal services</i>	<i>4.5 per 1,000 sq. ft. of gross floor area</i>			<i>0.3 per 1,000 sq. ft. of gross floor area</i>	<i>50</i>

Staff Response:

The applicant has proposed a 168-unit mixed-use apartment complex with 15,848 square feet of retail, inclusive of up to 65 percent live/work units. Staff notes the above table has been affected by the new OAR and the Climate-Friendly and Equitable Communities (CFEC) rules. Although the applicant has indicated that they would be within the “Zone A” parking or CFEC standard, they are not. Zone A is for development within .5 miles of the existing transit lines while the development is approximately .8 miles away. However, the above table has still been affected by the OAR standards for parking as the parking requirements for multi-family housing is one space per unit, or 168 spaces for the residential component of this complex. The above table is not affected by the State parking changes for retail so the 4.5 spaces per 1000 square feet or 71 spaces would be added to the 168 for a minimum 238 space, well below the 294 provided. The facility also requires one bicycle parking space per residential unit and .3 spaces per 1000 square feet of retail, which results in a minimum of 168 bicycle parking spaces for residential, to be provided within each unit and 5 spaces for retail, with at least 50 percent of the retail bicycle parking spaces covered, or 3 covered spaces. As discussed in the applicant’s Narrative (Exhibit 1, page 28) and shown in the Applicant’s Plan Set (Exhibit 2, Sheet A0.0), the site will incorporate 218 spaces, 170 will be long term and 48 will be short term. In addition, the applicant will be conditioned to provide an exhibit showing this standard has been met during the construction review process. As conditioned, these criteria have been satisfied.

D. Carpool, Hybrid/Electric Car and Vanpool Parking. New industrial, commercial, and institutional uses with more than 20 employee parking spaces on site shall meet the following minimum requirements for carpool, hybrid/electric car and vanpool parking.

- 1. For this section, a hybrid car is defined as an automobile that is powered by two fuel sources (i.e., gas and electricity) and achieves a combined EPA gas mileage of 45 miles per gallon or more.*
- 2. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool/hybrid/electric car use during normal working hours. More spaces may be reserved, but they are not required.*
- 3. The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.*
- 4. Signs must be posted indicating these spaces are reserved for carpool/hybrid/electric car use during normal working hours and those hours must be included on the sign.*

Staff Response:

The proposal requires 71 retail/commercial parking spaces and thus compliance with this section is needed. The applicant shall provide documentation demonstrating compliance with the carpool, hybrid/electric, and vanpool parking requirements in 16.43.030.D. These criteria have been satisfied with a condition.

E. Parking Location.

1. Vehicle parking required for residential uses shall be provided on the development site of the primary structure. Required parking for all other uses shall be provided only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code.

2. No off-street parking shall be allowed in the landscaped yard areas of any lot.

3. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Table 16.43.030-1 of this section.

4. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.

5. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single-family detached, duplexes, triplexes, quadplexes, and townhomes, required parking may be located in front of a garage.

6. Parking areas shall be set back from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of ten feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

F. Parking Area Design, Size, Layout and Access. All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

1. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete or other approved impervious, permeable, or semi-permeable surface, and shall provide for suitable drainage.

2. The following table states the minimums for parking space size:

Table 16.43.030-2 Off-Street Parking Matrix Required Space and Aisle Dimensions in Feet										
Angle	Standard Size Vehicles					Compact Size Vehicle				
	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang
0° (parallel)	8.0	24.0	N/A	N/A	N/A	8.0	20.0	N/A	N/A	N/A
45°	9.0	17.5	12.0	47.0	2.0	8.0	15.5	11.0	42.0	2.0
60°	9.0	19.0	16.0	54.0	2.5	8.0	17.0	14.0	48.0	2.5
75°	9.0	19.5	23.0	62.0	2.5	8.0	17.5	21.0	56.0	2.5
90°	9.0	18.5	24.0	61.0	2.5	8.0	16.0	20.0	52.0	1.5

3. **Parking Lot Layout.** Parking area setbacks shall be landscaped with major trees, shrubs, and groundcover as specified in Section 16.42. Wheel stops, bumper guards, or other method to protect landscaped areas shall be provided. No vehicle may project over a property line or a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of five feet for safe pedestrian circulation is required. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas.

4. Groups of more than three parking spaces shall be permanently marked.

5. **Backing and Maneuvering.** Except for a single-family dwelling or two-family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the Public Works Director. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

Staff Response:

The applicant has proposed a parking lot in compliance with the above standards. The off-street parking is located onsite and is designed to comply with the design requirements and includes bicycle parking in compliance with the applicable standards. These criteria are satisfied.

6. Parking Lot Lighting.

a. Artificial lighting shall be provided in all required off-street parking areas.

iii. LZ2: Moderate Ambient Lighting. Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

c. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using LZ-2 for either the Parking Space Method (Table A) or the Hardscape Area Method (Table B). Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires:

d. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. All luminaires shall be rated and installed according to Table C, lighting zone 2:

e. Light elements shall be fully shielded and shall have no light emitted above 90 degrees. Examples of acceptable lighting elements, or fixtures, can be found below:

f. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

Staff Response:

The proposal included a photometric plan but did not provide responses to the parking lot lighting criteria or provide details on the light fixtures. Prior to construction plan approval the applicant shall provide documentation demonstrating compliance with LDC 16.43.030.F.6. These criteria have been satisfied with a condition.

7. Parking stalls for compact vehicles shall not exceed 35% of the total parking stalls required by Table 16.43.030-1. Stalls in excess of the number required by Table 16.43.030-1 can be compact stalls.

Staff Response:

The applicant has proposed 36 of the 291 stalls to be compact in size, less than the 35% allowed. This criterion is satisfied.

G. Accessible/Handicapped Parking Facilities. Disabled person accessible parking shall be provided for all uses consistent with the requirements of the Oregon State Structural Specialty Code and/or Federal requirements, whichever is more restrictive.

Staff Response:

The Building Division will review the proposal for compliance with the Oregon State Structural Specialty Code and/or Federal requirements upon submittal of building permits.

16.43.050 Off-street loading facilities.

A. The minimum area required for commercial and industrial loading spaces is as follows:

Table 16.43.050-1 Commercial and Industrial Loading Space Requirements			
Use	Aggregate Floor Area (sq. ft.)	Berths Required	Type
Freight terminals, industrial plants, manufacturing or wholesale establishments, warehouses	12,000—36,000	1	A
	36,001—60,000	2	A
	60,001—100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
Hospitals, convalescent homes and similar institutions	10,000—100,000	1	B
	over 100,000	2	B
Department stores, retail establishments, restaurants, grocery stores, and commercial establishments not otherwise mentioned	7,000—24,000	1	B
	24,001—50,000	2	B
	50,001—100,000	3	B
	Over 100,000—each additional 50,000 or major fraction thereof	1 additional	B
Hotels or office buildings	25,000—40,000	1	B
	40,001—100,000	2	B
	Each additional 10,000 or major fraction thereof	1 additional	B
Schools	Over 10,000	1	B

B. Uses Not Specifically Mentioned. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above-mentioned use which, as determined by the Planning Official or designee, is most similar to the use not specifically mentioned.

C. Concurrent Different Uses. When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the Planning Official or designee but in no event shall the loading requirements be less than the total requirement for each use based upon its aggregate floor area.

D. Loading berths shall conform to the following minimum size specifications:

1. Type "A" berths shall be at least 60 feet long by 12 feet wide by 15 feet high, inside dimensions, with a 60 foot maneuvering apron.

2. Type "B" berths shall be at least 30 feet long by 12 feet wide by 14 feet six inches high, inside dimensions, with a 30 foot maneuvering apron.

E. Loading areas shall be screened from public view from public streets and adjacent properties except in industrial districts and shall require the same screening as parking lots. Screening may be waived in commercial districts if the applicant can demonstrate the type and size of loading vehicles will not detract from the project's aesthetic appearance and the timing of loading will not conflict with the hours and operation of the surrounding uses.

F. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the Public Works Director.

G. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.

H. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.

I. The off-street loading facilities shall in all cases be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.

J. School Loading Requirements. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school (other than a pre-school) having a capacity greater than 25 students.

K.

Exceptions and Adjustments. Loading areas within a street right-of-way in areas zoned mixed-use commercial in the Regional Center or Town Center may be approved when all of the following conditions are met:

- 1. Loading areas must be signed to limit the duration of the activity, which may not exceed one hour for each loading operation.*
- 2. Proposed loading areas must support a use that requires infrequent loading activity. Infrequent loading activity is defined as less than three operations that occur daily between 5:00 a.m. and 12:00 a.m., or all operations that occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone.*
- 3. The proposed loading area:*
 - a. Does not unreasonably obstruct traffic;*
 - b. Does not obstruct a primary emergency response route; and*
 - c. Is acceptable to the applicable roadway authority.*

Staff Response:

The proposal did not include any off-street loading facilities for the commercial use. The applicant shall submit documentation demonstrating compliance with the off-street loading facilities criteria in 16.43.050. These criteria have been satisfied with a condition of approval.

CHAPTER 16.44 – SPECIAL STANDARDS FOR CERTAIN USES

16.44.010 Design standards for multifamily housing.

A. The purpose of this section is to provide for additional review to encourage the development of multifamily and single-family attached residential buildings that are visually engaging and compatible with one another and with the surrounding district.

B. Multifamily and single-family attached residential developments shall comply with the requirements of this chapter and the following additional requirements. For single-family attached development, these standards apply in addition to the standards in Section 16.44.010(A) above.

- 1. Roofs. Roofs shall meet the following additional requirements:*

a. Roofs shall be gabled or hip type roofs (minimum pitch 3:12) with an overhang that is commensurate with the pitch of the roof and using shingles or similar roofing materials.

Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within three hundred (300) feet have roofs similar to what is proposed.

b. Modulation of the building mass shall distinguish individual units and break down the scale of the building through one or more of the following between units:

- i. Vertical offsets that provide breaks in the roof line;*
- ii. Horizontal offsets that provide variation in the façade plane; and/or*
- iii. Variations of the roof form, such as dormers or street facing gable ends that provide breaks of the roof line.*

Staff Response:

The subject application has several buildings that include or are exclusively residential. Those portions of the application are subject to the standards of 16.44.010. The materials submitted by the applicant indicate that the proposed complex will incorporate a mix of roof forms that exceed the minimum 3:12 pitch and will be roofed with composite shingles of compatible colors. The facility will have vertical offsets in roof elevation, horizontal offsets to provide variation to the façade plane and a variety of roof forms. These criteria have been satisfied.

- 2. Entries.*

a. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.

b. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.

c. Multiple Units. Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.

d. Secondary entries may face parking lots or loading areas.

Staff Response:

Each building entry will have a covered area for residents, which includes either covered walkways leading to entrances or ground floor entrances facing the public streets for residential, commercial, and live-work units. Secondary exterior entries to walkways are adjacent to the parking lot. These criteria have been satisfied.

3. Building Façades Design.

a. Detailed Design. Detailed design shall be provided by using at least eight of the following fourteen (14) architectural features on all elevations as appropriate for the proposed building type and style (see Figures 16.44.010-4 and 16.44.010-5; may vary features on rear/side/front elevations):

- i. Dormers;*
- ii. Gables;*
- iii. Recessed entries;*
- iv. Covered porch entries;*
- v. Cupolas or towers;*
- vi. Pillars or posts;*
- vii. Eaves (minimum of six-inch projection);*
- viii. Offsets in building face or roof (minimum of sixteen (16) inches);*
- ix. Window trim (minimum four inches wide);*
- x. Bay windows;*
- xi. Balconies;*
- xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation or similar features);*
- xiii. Decorative cornices and roof lines (e.g., for flat roofs);*
- xiv. An alternative feature providing for visual relief, similar to options i through xiv.*

b. Residential Mixed Use Structures. The residential portion of a mixed use structure shall be differentiated through the use of design elements such as decks, balconies, landscaping, chimneys, dormers, gable or hipped roofs or step backs above the second story to provide upper story deck areas. Masonry should be used for chimney construction.

[...]

Staff Response:

As shown in the applicant's Architectural and Renderings Plan Set (Exhibit 3), the applicant has proposed at least eight of the 14 architectural features for multifamily dwellings that are listed in the above section. These include 1) shed roofs, 2) gables, 3) pillars or posts, 4) eaves, 5) offsets in building face or roof, 6) window trim, 7) balconies, and 8) decorative patterns on exterior finish and addressed the residential portion of the two proposed mixed-use structures. These criteria are satisfied.

c. Landscape/Hardscape Design. The following standards apply in addition to the landscaping standards in Chapter 16.42.

- i. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.*

- ii. *Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.*
- iii. *Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.*
- iv. *Hardscaping or landscaping shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade or a change in paving materials.*
- v. *Decorative iron gates and hangers for signs, flags and hanging baskets may be required as part of the landscape plan.*
- vi. *Miscellaneous solid wood materials such as fences, decks, balconies, pergolas, etc. that are not painted in conjunction with the greater development color palette shall be uniformly stained any variety of the color brown and be required by the development's Codes, Covenants and Restrictions (CC&Rs) to be maintained over time.*

Staff Response:

The proposed landscaping is designed to be inviting and not provide separation. As shown in the applicant's site plan (Exhibit 2) and Architectural Elevations and Renderings (Exhibits 3), two areas are provided adjacent to the buildings, one on the east end and the other near the west end of the site. There's features are adjacent to pedestrian walkways within the complex and sidewalks on the north side of the buildings. The area on the east end features inviting landscaping and pathways. The area near the west end, between buildings 1 and 2, is the site public plaza, which features seating for residents and patrons of the commercial units, a lawn, walkways, inviting softscape and hardscape. Along with individual patios and or balconies for units, the site also provides an open-space lawn adjacent to the south portion of the site that includes a soft surface path, a pool with deck surrounding it, a tot-lot play area, and patio. As such, these criteria have been satisfied.

4. *Offsets. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every twenty-four (24) feet by providing any two of the following (see Figure 16.44.010-6):*

- a. *Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of four feet;*
- b. *Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of four feet, with a maximum length of an overhang not to exceed twenty-five (25) feet;*
- c. *If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is four feet deep and at least one hundred twenty-five (125) square feet in area.*

Staff Response:

As shown in the applicant's Site Plan (Exhibit 2, sheets A2.0.0 through A2.6.0), the applicant has provided minimum four-foot-deep recessed façades at a maximum 24-foot span on the residential portions of the buildings by providing decks/balconies at a minimum 5-foot-6-inch depth and a maximum 20-foot-8-inch span. The applicant has also provided recesses that are three feet deep with a maximum 16-foot-8-inch spans on the commercial portions of the building. As demonstrated in 16.44.010.B.12, the 3-foot recess is determined to be sufficient. However, the sides of some of the buildings do not comply with the offset requirements. Staff has recommended a condition of approval to revise the following facades to comply with the offset requirements in 16.44.010.B.4: west side of building 4, south side of building 3, and the east side of building 2. These criteria have been satisfied with a condition.

5. *Private Outdoor Areas.*

a. *A separate outdoor area of not less than forty-eight (48) square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences, or shrubs.*

b. *A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces, or porches shall be provided for each dwelling unit located above the ground level. [...]*

Staff Response:

Also shown in the applicant's Site Plan (Exhibit 2, sheets A2.0.0 through A2.6.0), the applicant has provided minimum forty-eight square feet of decks/balconies at a minimum on the residential portions of the buildings by providing decks/balconies at a minimum 74 feet in size. These criteria have been satisfied.

6. *Parking Lots. Parking lots in multifamily developments shall not occupy more than fifty (50) percent of the frontage of any public street abutting the lot or building.*

Staff Response:

As shown in the applicant's Site Plan (Exhibit 2), the parking lots do not occupy more than 50 percent of the frontage of any of the public streets fronting the development. This criterion has been satisfied.

7. *Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of the dwelling unit to accommodate garden equipment, patio furniture, barbeques, bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking areas required.*

Staff Response:

As shown within the Architectural and Renderings Plan Set (Exhibit 3, Sheets A2.0.0 through A2.6.0) and discussed within the applicants Narrative (Exhibit 1, page 33) units have individual storage next to patios and balconies. This criterion has been satisfied.

8. *Carports and Garages. If carports and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.*

Staff Response:

The applicant has not proposed garages or carports. This criterion is not applicable.

9. *Shared Outdoor Recreation Areas. Multifamily residential development shall provide usable recreation areas for developments containing more than five dwelling units at the rate of two hundred (200) square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, natural resource buffer areas, and other natural site features, however, at least fifty (50) percent of the recreation area must be located outside the boundaries of such areas and slopes may not exceed ten (10) percent in the fifty (50) percent usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as one and one-fourth square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:*

a. *Provides approximately the same accessibility to the maximum number of dwelling units possible;*

b. *Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent*

dwelling units. These windows must be located in kitchen, living room, dining room, or other activity rooms (bedrooms or bathrooms are not included);

c. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten (10) feet wide;

d. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;

e. Provides a usable surface materials such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).

Staff Response:

The applicant has proposed 168 units, thereby requiring 33,600 square feet of shared usable recreational space, per subsection B.9 above. As discussed above, the outdoor recreation requirements far exceed the standards for multi-family residential, as this complex has approximately 123,000 square feet of shared outdoor recreation. The building is separated from parking and driveway areas that includes a landscaped “transition” area greater than ten feet in width. The site combines sidewalks, a plaza, a pool, a shared patio, an asphalt sports court, and soft surface paths with a community building/club house, a tot lot, and outdoor open space lawn. Therefore, these criteria have been satisfied.

10. Safety and Security.

a. Provide an outdoor lighting system that facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.

b. Establish a directory for apartment complexes of five or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

Staff Response:

The application was reviewed by CCSD#5 and the City of Happy Valley. Street lighting currently exists on the 172nd Avenue and Rock Creek Blvd frontage. The applicant will be conditioned to submit a request to form or join an assessment district and provide a directory. These criteria have been satisfied with a condition.

11. Service, Delivery and Screening.

a. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.

b. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.

c. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.

d. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.

e. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:

i. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas;

ii. Evergreen plant materials that will retain their screening ability year-round and will reach the height of six feet within three years from time of planting. An overlap of

three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.

f. Electrical and Mechanical Equipment. On and above-ground electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be completely screened with sight-obscuring fences, walls or landscaping.

Staff Response:

The applicant will be required to substantiate the location of postal delivery and garbage collection areas as part of construction plan review. In addition, Staff has recommended conditions of approval, which would require that all trash and recycling facilities, mechanical and electrical equipment be screened in a manner described in the LDC. These criteria have been satisfied with conditions.

12. The Planning Official or designee may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 16.71 provided at least one of the following circumstances is met:

a. The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical (e.g., they include, but are not limited to, steep slopes, wetlands, other bodies of water, trees or other nature features of the site, buildings or other existing development, utility lines and easements, etc.); or

b. The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of design review standards for multifamily and attached single-family developments in Section 16.44.010.

13. A request for exception under this provision may be processed as part of the underlying application or separately as a Design Review II application.

Staff response:

The applicant is not requesting exceptions to this section. Staff believes the 3-foot recesses identified in 16.44.010.B.4 are sufficient to comply with the 4-foot requirement, given the complexity of the design materials, roofing, and colors that add interest and break up the massing of the structure. This criterion is met.

14. Lighting Standards.

a. For residential properties including multiple residential properties not having common areas all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, column LZ2 and row 2.

Table G - Residential Lighting Limits

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Row 1 Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only	Not allowed	420 lumens	630 lumens	630 lumens	630 lumens
Row 2 Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire	630 lumens	1,260 lumens	1,260 lumens	1,260 lumens	1,260 lumens
Row 3 Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry	Not allowed	315 lumens	315 lumens	315 lumens	315 lumens
Row 4 Maximum Allowed Luminaire Lumens* for each Landscape Lighting	Not allowed	Not allowed	1,050 lumens	2,100 lumens	2,100 lumens
Row 5 Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting	Not allowed	Not allowed	1,260 lumens	2,100 lumens	2,100 lumens
Row 6 Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting	Not allowed	Not allowed	525 lumens	525 lumens	525 lumens

* Luminaire lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire

b. Exceptions to this standard include the following: one partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G, column LZ2 and row 1; any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G, column LZ2 and row 3; low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row; shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G, column LZ2 and row 5; open flame gas lamps; Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated; and, lighting within the public right-of-way or easement for the principal purpose of illuminating streets or roads.

Staff response:

The applicant submitted a photometric plan but did not respond to this criterion. Staff suggested a condition of approval that the applicant shall provide documentation demonstrating compliance with the lighting standards in LDC 16.44.010.B.14. This criterion may be met with a condition.

16.44.140 Design Standards for Live/Work Units

A. Live/work units provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor. The following standards shall apply.

- 1. The live/work unit shall not be greater than 3,000 square feet in area.*
- 2. The nonresidential area shall not be more than 50 percent of the area of each live/work unit.*
- 3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit.*
- 4. The live/work unit shall comply with the applicable commercial design standards.*

Staff response:

The applicant did not provide documentation demonstrating compliance with the live/work standards in LDC 16.44.140, though it is anticipated that each of the units comply. Staff has suggested a condition of approval that the applicant submit documentation demonstrating compliance with the live/work standards in LDC 16.44.140. These criteria have been satisfied with a condition.

CHAPTER 16.46 – HAPPY VALLEY STYLE DESIGN STANDARDS

16.46.010 Happy Valley Style Design Standards

A. *Purpose. The purpose of the Happy Valley Style design review standards is to guide building siting and design and to promote a comprehensive identity for nonresidential developments within the community that are three stories or below in height through the application of the Happy Valley Style (Appendix B) and the standards of Chapter 16.46 so that:*

1. *The location, size, shape, height and spatial and visual arrangement of the uses and among buildings, building entrances, existing and proposed structures are compatible with each other, with consideration given to increased setbacks, building heights, shared parking, common driveways and other similar design considerations; and*

2. *That there are interrelationships between transit stops, transit facilities and routes, parking and loading areas, vehicular and pedestrian circulation, open spaces, landscaping and related activities and uses on the site.*

B. *Relationship to Other Standards. The standards of this section apply in addition to other standards of this title. Where standards in this section conflict with standards in other sections of this Code, the standards of this section shall govern.*

C. *Applicability.*

1. *The Happy Valley Style design standards apply to all mixed-use commercial, retail commercial, office and institutional buildings that are three stories in height or less, except as exempted in subsection D of this section.*

2. *New buildings shall be designed using building design elements of the Happy Valley Style to create distinctive buildings with richly textured, visually engaging façades and that are pedestrian friendly. Expansion or substantial exterior remodeling of existing nonresidential development which is greater than fifty (50) percent of the building's gross floor area shall be designed to maintain or increase the building's overall compliance with the Happy Valley Style standards.*

3. *Buildings that are greater than three stories in height are encouraged to utilize practical design elements from the Happy Valley Style.*

Staff Response:

The application complies with the standards mentioned above. The proposed application involves a new apartment complex with two mixed use buildings. Therefore, the Happy Valley style is applicable to the two mixed use buildings and the live/work units per LDC 16.44.140.A.4. In addition, the applicant has included, within residential buildings (discussed in Section 16.44 above), that incorporate many design features of the Happy Valley Style, including complex massing, varied rooflines, rustic northwest character, and a pedestrian friendly environment. Per the submittal of this application, the findings within this report, and the applicable conditions of approval, these criteria have been satisfied.

E. *Character of the Happy Valley Style. As described in more detail in Section 2 of Appendix B, the Happy Valley Style promotes a residential character for projects by drawing on features from certain historical architectural styles as well as through the use of complex massing and varied rooflines. Materials of the Happy Valley Style draw on the Pacific Northwest's natural resource heritage. Equally important to incorporating a residential character, the Happy Valley Style also promotes a pedestrian friendly environment, using façade design that creates a storefront appearance at the ground level. The overall development pattern should contribute to a sense of arrival and departure to and from the City core. Happy Valley's unique topography and natural features should be incorporated into project design where feasible. While it is influenced by historic architectural styles, the goal of the Happy Valley Style is not a literal replication of historic residential buildings, but appropriate contemporary interpretation of time-tested and proven design principles. The Happy Valley Style is also flexible enough to allow for variety, acknowledging different needs and preferences of various uses. Projects do not need to include all features that make up the Happy Valley Style. However, projects should reflect the Style's characteristic elements in varying combinations.*

Staff Response:

The applicant has provided architectural elevations and renderings within their submitted materials (Exhibit 3) for the proposed buildings. The architectural character of both proposed mixed-use buildings incorporates design elements of the Oregon Rustic Style, as described and illustrated within Appendix B of the LDC. Consistent with the Oregon Rustic Style, the applicant has included an asymmetrical building form with varied rooflines and natural exterior materials. The proposed color palette, shown on Exhibit 3 Sheet A4.2, for the primary and secondary materials consists of natural or earth tones of brown and grey and is compliant with the Happy Valley Style guidelines. Staff notes that overall, the applicant's design of the proposed structure and associated site improvements substantially meets the technical standards of the "Happy Valley Style" by providing design elements such as complex massing, varied rooflines, natural-looking materials, architecturally emphasized entrances, and a pedestrian-friendly site design. This criterion has been satisfied.

F. Pedestrian-Oriented Building Siting Standards. In order to orient buildings to the pedestrians walking on the pedestrian network and to activate the pedestrian environment and emphasize pedestrian movements, development shall meet the minimum standards in this section. Additional recommendations for pedestrian-oriented building siting are included in Section 3 of Appendix B:

- 1. Maximum Setback.*
 - a. At least fifty (50) percent of the building frontage must meet the maximum setback of eight feet from a property line along a public street.*
 - b. Surface parking facilities and vehicular circulation facilities, such as driveways and queues, are prohibited between the fifty (50) percent of the building frontage regulated by this section and the street.*
- 2. Multiple Frontages. In scenarios involving multiple frontages, the developer shall have the option to designate and orient the front, side and rear façades of a structure. In no case shall buildings be required to have dual front façades. However, where development is proposed on a corner lot, buildings shall be located to preserve or create strong building edges at public street corners.*
- 3. Exceptions. The Design Review Board may approve a modification to the maximum setback standards in the following circumstances provided the modification is the minimum necessary and the proposed design accomplishes the intent of the Happy Valley design standards:*
 - a. The proposed building is interior to a development site and the maximum setback is met by other buildings on the site.*
 - b. An increase in the maximum setback is necessary for the protection of natural resource, or to accommodate topographic constraints or required utility easements.*
 - c. To allow for the placement of pedestrian amenities within the maximum setback, including, but not limited to, seating areas, water features, and plazas. Plazas shall include construction materials that differ from the surrounding sidewalk, and shall be approved by the Design Review Board. Materials include (but are not limited to), paving bricks, stamped concrete, etc.*
 - d. The proposed building has been oriented to a private street which has been designed and built to function as a public street.*

Staff Response:

Buildings 1, 3, and 4 exceed the maximum setback on the site's frontage with Rock Creek Blvd. The other buildings do not exceed the maximum setback on the site's frontage with any of the three street frontages (172nd Avenue, Rock Creek Blvd., and Parklane Drive). Buildings 3 and 4 exceed the maximum due to the terrain and curvature of the street. However, since only Buildings 1 and 2 need to meet this standard, as they are the only ones with commercial or live-work units, an exception is required for Building 1. This exception is addressed in Section 16.46.010.L below and is due to the Plaza on the Rock Creek Blvd. side of the building. Per the below exception, these criteria have been satisfied.

G. Building Massing.

1. *Complex Massing Required. New buildings shall use massing characteristic of the Happy Valley Style and asymmetrical composition to avoid the monolithic expanse of frontages and roof lines and break up building sections using elements including variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roof line, materials, color, or textures (see 4.1, Appendix B).*

2. *Street Corners. Where development is proposed on a corner lot, the following standards shall be met:*

a. *Buildings shall be designed to preserve or create strong building edges at public street corners (see 4.2, Appendix B).*

b. *Buildings shall reinforce street corners by repeating façade elements such as signs, awnings and window and wall treatments on both sides of the building facing the corner.*

c. *Buildings located on public street corners shall contain an architectural corner element which exceeds the eave height of the primary roof by at least five feet (see Figure 16.46.010-2). If the façade of the corner element exceeds twenty-five (25) feet in height, then windows are required to provide the appearance of a habitable second story (see Figure 16.46.010-3). Additional façade details such as cornice lines and material changes are encouraged.*

d. *Two-story building elements, which shall be located to reinforce the corner, include, but are not limited to:*

- i. *Tower;*
- ii. *Enclosed porch;*
- iii. *Entrance pavilion.*

Staff Response:

As shown in the applicant's Architectural and Renderings Plan Set (Exhibit 3, Sheets A4.0, A4.1, A4.3 and A4.5) and Figures 8 and 9 of this report, the northwest corner of building one is the only building that would be required to meet this standard. Accordingly, Building 1 is designed with a plaza on the north and east sides of the building, extensive overhangs, tall windows, and low-profile landscaping to provide a strong appearance from the south and west of the buildings Prairie architectural style as well as a look inside from the pedestrian plaza and walkways. Also displayed throughout the renderings, is the complex massing by using varied building heights and materials. This criterion has been satisfied.

3. *Roof Forms.*

a. *Roof forms shall promote architectural diversity and interest (see 4.3, Appendix B). While pitched roofs are desired to support Happy Valley Style's residential character, larger building footprints make flat roofs often the only practical solution. However, the edges of flat roofs can be articulated to make large buildings more compatible with the desired character. To address the wide range of building sizes permissible in nonresidential developments, the roof standards are divided into two distinct types based on building size.*

b. *Roofs shall meet the following standards:*

i. *Building footprints five thousand (5,000) square feet in size or smaller are required to have pitched (gabled or hipped) roofs or flat roofs with an applied pitch;*

ii. *Building footprints greater than five thousand (5,000) square feet in size may have pitched (gabled or hipped) roof or flat roofs with either an applied pitch or parapet, per the requirements found in subsection d (Requirements for flat roofs), below.*

Staff Response:

The proposed complex does not include commercial or live-work units on the top floors. Therefore, these standards are not required. However, the applicant will utilize roof sections with various pitches,

heights, overhangs, and off-sets throughout the building's roof design. These are shown in the submitted building elevations and renderings within the applicant's materials (Exhibit 3) and figures 4 through 10 of this report. These criteria are not applicable.

H. Building Design.

1. Entrances.

a. To encourage increased pedestrian activity on public and private streets and sidewalks, primary building entrances should be oriented to, or be at an angle no more than forty-five (45) degrees from the street (public or private), to the maximum extent practicable. For multi-tenanted buildings or buildings with multiple entrances, or both, only one primary entrance must comply with this standard. In addition, for buildings with multiple frontages, only one primary entrance on one building frontage must comply with this standard (see 5.1, Appendix B).

b. Primary building entrances shall be architecturally emphasized.

[...]

Staff Response:

The proposed complex has commercial and live-work units that have multiple entrances. The buildings with these units, buildings 1 and 2, have architecturally emphasized entrances that are oriented to the adjacent public streets (Rock Creek Blvd. and the future Parklane Drive). To assure that the primary entrance is oriented toward the street staff suggested a condition of approval that the interior configuration of the commercial spaces will be assessed upon submittal of a building permit to assure the interior of the space functions to support the street side entrance as the primary entrance. In addition, these buildings include an inviting plaza, for residence and patrons, between them. Therefore, these criteria have been satisfied with a condition.

2. Storefront Appearance for Commercial and Office Buildings. *Commercial and office buildings fronting on public or private streets shall create a storefront appearance on the ground floor by implementing the following standards:*

a. Changing buildings planes, materials or window patterns, or by creating a break in awning or canopy construction at intervals not exceeding forty (40) feet in length; and

b. Ground Floor Windows. To avoid blank walls and create a storefront appearance at the ground level, exterior building walls facing a public or private street shall incorporate ground floor windows.

i. Required Window Areas. Windows must be a minimum of forty (40) percent of the length and twenty (20) percent of the ground level wall area. Ground level walls include all exterior walls from three feet above finished grade up to nine feet above the finished grade.

ii. Qualifying Window Features. Required window areas must either be windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent exterior grade.

Staff Response:

The subject application is for a mixed-use apartment complex with a commercial component that has facades on Rock Creek Blvd. and Parklane Drive (no commercial on 172nd Avenue). As shown in the applicant's Architectural and Renderings Plan Set (Exhibit 3, Sheets A4.0, A4.1, A4.3 and A4.5) and discussed in the Narrative (Exhibit 1, page 41), the storefront window design has met the above standard with architectural features that include changes in planes and materials, meeting or exceeding the percentage for minimum glazing, and providing a view into the work areas. Therefore, these criteria have been satisfied.

3. *Façade Design.*
 - a. *Buildings shall include changes in relief on façades facing public or private streets for pedestrian interest and scale. Relief changes may include (see 5.2, Appendix B):*
 - i. *Cornices;*
 - ii. *Bases;*
 - iii. *Fenestration;*
 - iv. *Fluted masonry;*
 - v. *Other treatments.*
 - b. *Buildings with two or more stories shall have a strong ground floor cornice designed to separate the ground floor functions and materials from the upper story or stories and to provide continuity with cornice placement on abutting buildings (see 5.2, Appendix B).*
 - c. *Ornamental Devices. Ornamental devices characteristic of the Happy Valley Style, such as molding, entablature and friezes, are required at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at a thickness in proportion to the height of the wall (see 5.2, Appendix B).*

Staff Response:

As shown in the applicant's Architectural and Renderings Plan Set (Exhibit 3, Sheets A4.0, through A4.6), façade elements including complex massing and changes in plane, height, materials and colors that are incorporated into the building design. Façades facing both streets are designed with tall retail style windows, that are trimmed and offset in sections and from the residential component. The masonry materials provide a strong separation between the ground floor and upper floors. These criteria have been satisfied.

4. *Awnings and Weather Protection.*
 - a. *Except as required by subsection (H)(4)(b), buildings shall provide awnings or canopies extending a minimum of two feet from window walls (see 5.2, Appendix B). Awnings may have a front valance.*
 - b. *Where window walls are adjacent to walkways, buildings shall provide awnings or canopies for weather protection extending a minimum of six feet from window walls (see 5.2, Appendix B). Awnings may have a front valance.*
 - c. *Weather protection shall be provided at building entries/exits extending a minimum of six feet from the entry/exit.*

Staff Response:

The applicant has shown in their Architectural and Renderings Plan Set (Exhibit 3, Sheets A4.0, through A4.6) that roof overhangs are in addition to recessed windows of the commercial component. In addition, the overhangs of entrances of commercial components façades have extended shed roofs over the third floor. Walkways are separated by a landscape strip and not subject to the 6-foot overhang/awning requirement. Therefore, these criteria have been satisfied.

5. *Materials. Building materials shall reflect the Happy Valley Style (see 5.3, Appendix B).*
 - a. *Primary Materials. A "primary material" is the predominant building material that covers a minimum of sixty (60) percent of the building's exterior walls. Acceptable primary materials are identified in Table 16.46.010-1.*
 - b. *Secondary Materials. A "secondary material" is not the predominant building material. Any one secondary material shall not cover more than forty (40) percent of the building's exterior walls. Acceptable secondary materials are identified in Table 16.46.010-1.*
 - c. *Base Materials. The building base shall be defined as the lower portion of a wall just above where it meets ground, often an extension of the foundation wall above grade. For*

the purpose of these standards, the base shall not extend beyond twenty-four (24) inches above grade. The base typically is exposed to water for extended periods and is at higher risk of physical impacts. Consequently, the base materials may differ from the materials used for the remainder of the façade in order to withstand these conditions. Base materials are identified in Table 16.46.010-1. Use of these materials shall be limited to the building base unless the material is also identified as an acceptable primary or secondary material. Where a foundation wall extends beyond twenty-four (24) inches above grade, for instance on a sloped site, the portion of the foundation wall above twenty-four (24) inches shall be finished with permitted primary and/or secondary materials. In all cases, foundations and base materials shall be designed to match the scale of the building being supported.

Table 16.46.010-1: Building Materials

Materials	Allowed on Façade*		
	Primary	Secondary	Base
<i>Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored concrete blocks that are residential in character and appearance</i>	Yes	Yes	Yes
<i>Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood</i>	Yes	Yes	No
<i>Architectural grade plywood, fiber cement, or wood composite panels (T1-11 plywood or OSB siding are not permitted)</i>	No	Yes	No
<i>Glass (except mirrored glass)</i>	Yes	Yes	No
<i>Typical commercial-grade stucco</i>	No	Yes	Yes
<i>Typical commercial-grade brick</i>	No	Yes	Yes
<i>Steel</i>	No	Yes	No
<i>Cast-in-place or pre-cast concrete</i>	No	No	Yes
<i>Plastic, except when used to replicate old styles (e.g., vinyl clad windows, polyurethane moldings, plastic columns, etc.)</i>	No	No	No
<i>Vinyl siding</i>	No	No	No
<i>Mirrored glass</i>	No	No	No
<i>Corrugated metal or fiberglass</i>	No	No	No
<i>Standard form concrete block (not including split-faced, colored or other block designs that mimic stone, brick or other similar masonry)</i>	No	No	No
<i>Back-lighted fabrics, except that awning signs may be backlit fabrics for individual letter or logos</i>	No	No	No
<i>* Materials for architectural accents and details (e.g., window frames, trim) are exempt from this requirement.</i>			

d. Multiple-Story Buildings. When buildings have two or more stories, the material used at the ground level shall differ from that used at upper levels in order to create a clear distinction between the ground and upper levels.

Staff Response:

As discussed above, masonry materials provide a strong separation between the ground floor and upper floors on the commercial components of the design, while glazing represents more than 40 percent of the ground floor between three and nine feet high. These criteria have been satisfied.

e. Roof. New buildings or substantial remodeling that involve modifications to the roof shall use the following roofing materials:

- i. *Slate, tile, shakes or wood shingles, or synthetic materials (e.g., concrete, pressed wood products, metal or other materials) that are designed to and do appear to be slate, tile, shake or wood shingles.*
- ii. *If a new or remodeled building utilizes a flat roof, materials that will not cause roof repairs (patching) to be readily visible.*

Staff Response:

As shown in Exhibit 3, Sheet A4.2, proposed building roof materials will be composite shingles with wood shake appearances. These criteria have been satisfied.

6. *Enclosure or Screening of Mechanical Equipment and Other Appurtenances.*
 - a. *Roof mounted mechanical equipment on flat roofed structures shall be screened by parapet walls to the maximum degree possible. Site located mechanical equipment shall be installed in below grade vaults where possible or screened by a site obscuring fence or landscaping. Other building mounted mechanical equipment shall be screened from view to the maximum degree possible.*
 - b. *Trash enclosures shall be located away from the primary vehicular and pedestrian entries and shall be screened by a site obscuring fence or landscaping.*

Staff Response:

The applicant has indicated in their narrative (Exhibit 1, Page 44) that no roof-mounted mechanical equipment is proposed. The trash enclosure is in the southwestern parking area, as shown on Exhibit 2 Sheet L1.2, and will be screened by walls on all sides. In addition, a condition of approval will require that any roof mounted mechanical equipment and trash enclosures are screened, per the above section. This criterion has been satisfied with a condition.

- I. *Landscape Design. The following standards apply in addition to the landscaping standards in Chapter 16.42.*
 1. *Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.*
 2. *Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.*
 3. *Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.*
 4. *Drinking fountains, display windows or other street furniture shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade or a change in paving materials.*
 5. *Decorative iron gates and hangers for signs, flags and hanging baskets may be required as part of the landscape plan.*
- [...]

Staff Response:

The applicant has proposed a retail component to their apartment complex which includes a plaza that meets this standard. As shown in the Architectural and Renderings Plan Set (Exhibit 3, Sheets A4.0 and 4.1, the plaza is located on Rock Creek Blvd. between buildings 1 and 2. It includes bench and table seating with natural landscaping that provides a welcoming transition from the parking area and the public sidewalk to the commercial component of the site. At the northwest corner of the site, the plaza is extended in front of the commercial component of Building 1 with more seating and landscape

features. On the western frontage along Parklane Drive the applicant has provided natural landscaping and a walkway. In addition, the applicant has provided landscape features on the northeast end of the site, with a pedestrian walkway. Although this section is residential and not required for this standard, it provides additional pedestrian connections to the commercial component on the northwest end. Therefore, these criteria have been satisfied.

L. Exceptions to the Happy Valley Design Standards.

1. The Planning Official or designee may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 16.71. For each standard for which a design exception is sought, the applicant shall demonstrate that at least one of the following circumstances is met:

a. The physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical; or

b. The alternative design better complies with the following:

i. The purpose of the Happy Valley Style design standards in subsection A of this section;

ii. The character of the Happy Valley Style in Section 2 of Appendix B; and

iii. The intent of the standard as outlined in Appendix B.

2. A request for exception under this provision may be processed as part of the underlying application or separately as a Design Review II application.

Staff Response:

The proposed development will require one exception to Section 16.46.010, which is for the maximum building setback or the north front of Building 1 facing Rock Creek Blvd. due to the plaza, which wraps around from the east side to the north (front) of the building. Per Section 16.46.010.F.2.c, the maximum setback exception is allowed for the plaza as a pedestrian amenity and further the site is constrained by three frontages and a significant gas line easement. Per the exception, this criterion has been satisfied.

CHAPTER 16.50 – PUBLIC FACILITIES

16.50.050 Sanitary sewer, storm drainage and water service improvements.

A. Sanitary Sewerage Disposal and Storm Drainage Requirements.

1. The sanitary sewerage disposal requirements for any development within the City shall be in accordance with standards established by the State of Oregon, Department of Environmental Quality (DEQ) as administered by Clackamas County. Any variances or waivers to these standards shall be granted only in accordance with established standards, criteria and procedures of DEQ.

2. All sanitary sewers shall be designed and constructed in accordance with the requirements of the Clackamas County Service District No. 1 or its successor.

3. All storm sewers shall be designed and constructed in accordance with the requirements of Clackamas County Service District No. 1 or its successor.

Staff Response:

The applicant has provided a plan set (Exhibit 2) and Storm Water/Drainage Report (Exhibit 6) that have been reviewed by WES for compliance with applicable sanitary sewer and storm drainage requirements. As conditioned, these criteria are satisfied.

B. Domestic Water and Fire Protection Service Requirements.

1. All subdivisions or planned unit developments shall be served by a community or public water supply as defined and governed by state regulations. All design and construction shall be in accordance with the requirements of the water service provider.

2. *All subdivisions or planned unit developments shall have an adequate water supply for fire protection purposes as required by the fire district, and shall have fire hydrants located as required by the fire district.*

3. *Any proposed public or private road shall be reviewed by the appropriate fire district for compliance with all applicable and appropriate standards, and a statement of compliance shall accompany the application for any subdivision or PUD (See Section 16.50.030 and any other applicable sections).*

Staff Response:

SWA has evaluated the applicant's proposal for the provision of domestic water to the proposed development. CFD#1 has reviewed the applicant's proposal for site access and fire hydrant spacing. SWA and CFD#1 have deemed the proposal acceptable. Per the applicable conditions of approval, these criteria have been satisfied.

CHAPTER 16.61 – TYPES OF REVIEW PROCEDURES

16.61.040 Type III-HO, Type III-PC and Type III-PC/CC procedure (quasi-judicial).

Staff Response:

The processes and notices described within these sections have been followed/provided by the City. The application was deemed complete on February 21, 2024, and public notice of the application was mailed to property owners of record within 300 feet of the subject site as required by the LDC. Also, the applicant posted "notice" signs at the subject site per the above requirements. Further, the subject application is being processed through the City's Type "III" Design Review Board review procedure. The relevant standards and criteria that have been used to evaluate the proposed application are found within the LDC. The findings of the City's evaluation of the applicant's proposal are provided within this staff report. These criteria have been satisfied.

CHAPTER 16.62 – LAND USE REVIEW AND DESIGN REVIEW

16.62.020 Review types and applicability.

A. *Review Types.*

[...]

3. *Major design review is conducted by the Design Review Board (Type III-DRB) at a public hearing. Major design review is intended for larger, significantly more complex developments that require more detailed review of the proposed design and the exercise of both objective and subjective decision making in the design review process as specified in Table 16.62.020-1.*

B. *Applicability. Type I land use review/minor design review or Type II minor/major design review is required for all new development and modification to an existing development as described in Table 16.62.020-1 below. Land uses and developments that exceed the thresholds for Type I land use review/minor design review require either Type II minor or Type III minor/major design review. The Planning Official shall determine the required review procedure at the time the application is received.*

Table 16.62.020-1 Land Use and Minor and Major Design Review

Review by the Planning Official or designee is demarked with "PO"; review by the Hearings Officer with "HO"; and review by the Design Review Board with "DRB"

Proposed Activity	Type I Land Use Review/ Minor Design Review	Type II Minor Design Review	Type III Minor/Major Design Review
[...]			
New Construction			
<i>Residential developments made up of 61 attached dwelling units or more</i>			DRB
<i>Nonresidential development up to 5,000 square feet (structures only) in size</i>		PO	
<i>Nonresidential development between 5,001 and 14,999 square feet (structures only) in size</i>			HO
<i>Nonresidential development greater than 15,000 square feet (structures only) in size</i>			DRB

[...]

Staff Response:

The applicant is proposing to construct a 168-unit apartment complex with a mixed-use retail component. The subject property includes other non-residential accessory buildings. Therefore, the proposal is subject to Major Design Review, per the above table. As the applicant has applied for Major Design Review, this criterion has been satisfied.

16.62.030 Design Review.

C. Design Review Application Requirements. In order to be deemed complete, a design review application shall contain all of the following plans and elements, unless specifically waived by the Planning Official or designee:

[...]

Staff Response:

The applicant has submitted a complete Design Review application package, containing all the items listed in this section. This criterion has been satisfied.

O. General Design Review Criteria.

1. Applicability. The following criteria apply to design review projects except for single-family detached and duplex residential development.

2. Relationship to Other Standards. The criteria of this section apply in addition to other standards of this title. Where requirements conflict with standards in other sections of this title, the standards of this section shall govern; except that Happy Valley Style Design Review standards in Chapter 16.46 shall supersede, and where applicable, the multifamily standards in Section 16.44.010 shall supersede.

Staff Response:

The applicant is proposing to construct a 168-unit apartment complex. Therefore, the review criteria found within Section 16.62.030.O of the LDC are applicable. Further, this application has been reviewed in accordance with the above section. These criteria have been satisfied.

3. Criteria.

a. *The proposed development preserves significant natural features such as natural drainageways, wetlands, and trees outside the construction area as defined in Section 16.42.050, to the maximum extent feasible, and conforms to the provisions of Sections 16.35.050 and 16.35.020.*

Staff Response:

No wetlands or other natural features have been identified on the site. Tree removal will require a separate Tree Removal Permit. Per the applicable conditions of approval, this criterion has been satisfied.

b. *Phased projects shall be designed to the greatest degree possible so that each phase, in and of itself, is complete in its functional, traffic, parking, visual, drainage and landscaping aspects.*

Staff Response:

The applicant has not proposed to construct this project in phases. This criterion does not apply.

c. *Where appropriate, the design includes a parking and circulation system that includes a pedestrian and vehicular orientation including separate service area(s) for delivery of goods.*

Staff Response:

The site plan provides for both a pedestrian and vehicular circulation system as well as adequate parking for the proposed use. The buildings are configured to provide primary entrances and a parking area that is recognizable and accessible upon entry to the site. This criterion has been satisfied.

d. *The location, size, shape, height and spatial and visual arrangement of the uses and structures are compatible, with the consideration given to increased setbacks, building heights, shared parking, common driveways and other similar considerations.*

Staff Response:

The location, size, shape, height, and spatial and visual arrangement of the proposed building are compatible, with consideration given to setbacks, building height, parking and driveways. This criterion has been satisfied.

e. *That there is desirable, efficient and functional interrelationship among buildings, building entrances, existing and proposed transit stops, transit facilities and routes, parking, loading area, circulation, open spaces, landscaping and related activities and uses on the site.*

Staff Response:

The functionality of the site is desirable and appropriate. There is also an appropriate interrelationship among the buildings, parking area, pedestrian facilities and major transportation routes. This criterion has been satisfied.

f. *Utilize landscaping in parking areas to direct and control vehicular movement patterns, screen headlights from adjacent properties and streets, and lessen the visual dominance of pavement coverage.*

Staff Response:

The preliminary landscape plan submitted as part of the applicant's Plan Set (Exhibit 2, Sheets L4.0 through L6.2) addresses both site and parking lot landscaping. The parking areas are away from the street frontage and mostly shielded by the buildings. In addition, landscaping around the building and the parking/circulation area has been designed to reduce the visual dominance of pavement and screen vehicle headlights. This criterion has been satisfied.

g. The proposed development meets all other applicable provisions of this Land Development Code.

Staff Response:

All other applicable provisions of the development code are met by this proposal. Per the list of recommended conditions of approval found within this report, this criterion has been satisfied.

h. The proposed development can be adequately served by Level 1 services.

Staff Response:

All Level 1 services are being provided by this proposal. Per applicable recommended conditions of approval, this criterion has been satisfied.

i. Provide safe pathways for pedestrians to move from parking areas to building entrances.

Staff Response:

The applicant has proposed parking stalls adjacent to sidewalks located alongside the building and within the parking area, providing paths for pedestrians to the main entrance of the proposed building and along the plaza, community building, and open space. This criterion is satisfied.

j. All building exterior improvements approved through the design review process shall be continually maintained including necessary painting and repair so as to remain substantially similar to the original approval through the design review process.

Staff Response:

The applicant has been conditioned to provide for continual maintenance of the site to include buildings and hardscaped areas. Per the applicable conditions of approval, this criterion has been satisfied.

k. A landscape plan shall be approved consistent with design standards in Chapter 16.42 in a manner that will assure the maintenance and visual integrity of the site.

Staff Response:

The application has been "conditioned" such that a final landscape plan shall be approved by the City. That plan shall be in substantial conformance with the preliminary plan as conditioned. The final landscape plan shall be approved prior to approval of construction plans. Per the applicable conditions of approval, this criterion has been satisfied.

l. All plans shall comply with the purpose statement in Section 16.62.010.

Staff Response:

The application, as submitted, complies with or will be conditioned to comply with the purpose statement in Section 16.62.010 of the LDC as demonstrated through this document. Per applicable recommended conditions of approval, this criterion has been satisfied.

B. OREGON ADMINISTRATIVE RULES (OAR):

The following section of OAR's are applicable to this request:

OAR 660-012-0410 Electric Vehicle Charging

(1) This rule applies to cities within a metropolitan area.

(2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.

(3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to serve 40 percent of all vehicle parking spaces.

Staff Response:

The applicant has proposed a mixed-use development consisting of multifamily and commercial uses. Per OAR 660-012-0410 the applicant shall install electrical service capacity, as defined in ORS 455.417, to serve 40 percent of all vehicle parking spaces. Per the applicable condition of approval, this criterion has been satisfied.

III. RECOMMENDATION

The applicant has applied for Major Design Review that per the below conditions of approval will fulfill the criteria associated with the applicable sections of the LDC. Therefore, based on the findings of fact, the conclusionary findings for approval and the material submitted by the applicant, staff hereby recommends that the Design Review Board **approve** DR-13-23 subject to the following conditions:

Recommended Conditions of Approval for DR-13-23

City Engineering:

General:

1. All submitted project construction plans shall conform to the City's "Engineering Design and Standard Details Manual" (Manual) for design and drafting requirements.
2. Construction plans shall show all adjacent subdivision names, lot lines and tax lot lines with the tax map and tax lot number noted on each.
3. Construction plan review is subject to these conditions of approval. Engineering permit application and plan submittal shall be done via our online permitting website HVWorks.com.
4. The existing public improvements surrounding the site, including, but not limited to, the existing asphalt surfaces, sidewalks, landscape areas, and ADA ramps, shall be restored to their original condition or better, prior to the City's acceptance of the project as complete.
5. Prior to the scheduling of the Pre-Construction meeting, issuance of a Notice to Proceed, or beginning any site work, the applicant shall submit all applicable bonds, have paid all applicable fees, and have service provider letters for both Stormwater and Sanitary Sewer services from Water Environment Services (Clackamas County) and the Sunrise Water Authority.

6. A sign shall be posted conspicuously at the job site entrance prior to site construction and shall be maintained throughout construction. Use 2-inch high black letters on an orange background. The sign shall read as follows.

"SITE CONSTRUCTION SHALL BE LIMITED TO 7:00 AM TO 6:00 PM ON WEEKDAYS, AND 8:00 AM TO 5:00 PM ON SATURDAYS AND SUNDAYS. FRAMING SHALL BE ENTIRELY PROHIBITED ON SUNDAYS.

HOWEVER, SITE CLEARING, EARTH MOVING, INSTALLATION OR CONSTRUCTION OF UNDERGROUND UTILITIES, PAVING OF STREETS AND SIDEWALKS, FOUNDATION FRAMING AND POURING, AND STRUCTURAL FRAMING SHALL BE ENTIRELY PROHIBITED ON SUNDAYS.

TO REPORT VIOLATIONS CALL 503-783-3800."

The City Manager or the Director of Community Services may allow longer, or require shorter, work hours depending on site-specific conditions. The following holidays are considered as Sundays: New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day.

Grading and Erosion Sediment Control

7. Due to the moisture-sensitive soils on-site and the low infiltration rates observed, the developer's engineer is required to provide a site-specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase as recommended by the geotechnical engineer. The construction plans shall specifically identify how the storm drainage system and erosion sediment control (ESC) measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control collection, routing, and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and ESC measures are not installed per plan and functioning properly.
8. The developer's engineer shall provide documentation and plans for the review and approval of the City Engineer demonstrating compliance with the Conclusions and Recommendations found within the Geotechnical Engineering Report from Redmond Geotechnical Services dated October 30, 2023.
9. Due to the Very Soft Surficial soils that are associated with farming, the removal of these soils from beneath the structure, paved areas and the public right-of-way shall be inspected by the geotechnical engineer.
10. The total disturbed area for this project exceeds 1 acre, therefore an NPDES 1200-C permit from DEQ will be required. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C permit submittals. A copy of the approved and signed DEQ cover letter shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
11. An Engineering Erosion Control Permit be included as part of the site development permit. The Erosion Sediment Control Plans shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the dates of October 1st and April 30th.
12. All grading activity shall be per the current City of Happy Valley Municipal Code. The developer shall obtain an issued engineering site development permit from the City prior to beginning construction of the site improvements.

13. All ESC measures and construction gravel entrances shall be installed and maintained by the developer and inspected by the City of Happy Valley prior to beginning work on the site.
14. For retaining walls great than four (4) feet in height, a professional engineer or geotechnical engineer registered in the State of Oregon shall provide stamped design calculations and detail drawings required for the retaining wall construction. The retaining wall detail drawings shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements. Wall setbacks from property lines shall be in accordance with City Code.
15. A railing or fence shall be provided at the top of retaining walls higher than 30”.
16. All construction trucks shall perform transfer of trailers on-site. Surrounding public streets shall not be used as a staging area for dump trucks with transfer trailers without an approved Right-of-Way Permit from the City of Happy Valley.

On-Site Improvements

17. All current ADA requirements for parking lots, streets and intersections shall be met. An ADA accessible route from the public right-of-way to the site shall be provided.
18. The applicant shall provide a signing and striping plan prepared by a registered engineer for all streets and internal parking lots to be approved by the City. The plan shall be submitted for approval as part of the construction plan set. The applicant is responsible for the installation of all signing and striping as indicated on the plans.
19. The developer shall be responsible for the installation of all on-site traffic control signs, stop signs (required at all public street entry points), and any parking restriction signs or curb painting delineating parking restrictions, per the requirements of the City of Happy Valley.
20. Minimum AASHTO sight distance requirements shall be met at all streets and internal site intersections and driveways. AASHTO requires sight distance to be measured at a point 14.4 feet from the edge of the traveled way with a driver’s eye height of 3.5 feet and an object height of 3.5 feet.
21. The developer’s engineer shall provide the City with a site plan exhibit showing the expected routes and turning patterns for fire trucks, garbage trucks, and delivery/moving trucks interior to the site. This site plan exhibit shall be separate from the construction drawings and shall show the proposed turning radii and access widths along the proposed routes.

Street/Pedestrian System

22. The public improvement design plans shall conform to the requirements delineated in the City’s “Engineering Design and Standard Details Manual” (Design Manual), current revision, and the City’s Transportation System Plan (TSP), current revision. The referenced documents are available on the City’s website.
23. All utilities along the project’s frontages and within the site, including electrical power, telephone, cable TV, gas and others, shall be installed underground.

24. An 8' public utility easement shall be dedicated along the project frontages on Rock Creek Blvd. and Parklane Drive.
25. Parklane Drive is classified as a 3-lane collector street in the City's Transportation System Plan (TSP). Per the direction of the developer, the public street section shall be constructed to City standards for a full-street collector facility and include: a 69-ft wide public right of way dedication; a 48-ft wide paved street section; signing and striping per MUTCD and City Standards; curb and gutter, storm improvements, and frontage sidewalk, planter strip landscaping and street trees.
26. Rock Creek Blvd. is classified as a 3-lane minor arterial in the City's TSP. The public street section shall be constructed to City standards for a minor arterial and shall include: Sufficient right of way dedication for the proposed improvements including: transitions with appropriate lane tapers (in this case, a slight off-site improvement); a minimum paved width of 48-ft with additional width as required for the proposed intersection configurations; signing and striping in the public ROW per the MUTCD and City Standards; and frontage improvements including curb and gutter, planter strip landscaping and street trees, and sidewalk.
27. The proposed public improvement plans, including the intersection configuration at Rock Creek Blvd. and Parklane Drive, require offsite right of way dedications for both Parklane and Rock Creek Blvd. Final determination of the extents of the offsite right of way dedication for Rock Creek Blvd. to the west is dependent on the required geometry of the lane striping including required tapers that meet City standards.
28. Public improvement projects are subject to the City's latest "Public Improvement Guarantee" form which requires a performance guarantee based upon the engineer's estimate and a 25% two (2) year maintenance bond upon completion and acceptance of the public improvements.

Miscellaneous

29. Demolition permits from the Building Division will be required for the removal of any structures.
30. The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.
31. The engineering site development permit includes a Right-of-Way Permit for all work in the existing public right-of-way. The developer's engineer is responsible for the coordination of all utility work associated with the development. All utility installations will be covered by the right-of-way permit for the development. Utility as-builts for the development shall be submitted to the Engineering Division as part of the project close-out process.
32. A plumbing permit through the Building Division will be required for the private on-site utilities.
33. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
34. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working on the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
35. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through

the use of proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

36. Submittal to the City of all required performance bonds, insurance certificates, engineer's agreements, set-aside account letters and/or sureties shall occur prior to establishing a pre-construction meeting date. Review and acceptance by the City Recorder of these instruments shall be required prior to establishing a pre-construction meeting date.
37. A construction plan deposit based upon the construction value of the project shall be paid with the first submittal of the construction plans. The Engineering Division Fee Schedule can be found on the City's website. All engineering plan review and inspection fees, right-of-way permit fees and tree cutting permit fees, shall be paid prior to the pre-construction meeting.

Traffic Engineering:

38. The site access on Rock Creek Blvd. shall be restricted to left-in/right-in/right-out movements based on city standards and the approved access spacing design exception. The existing raised median on Rock Creek Blvd. along the project frontage shall be reconstructed to allow left-in turn movements at the site access.
39. The site access on Parklane Drive shall be allowed temporary full access. If safety issues arise due to the close spacing between the site Parklane Drive access and Rock Creek Blvd., the access may be restricted to right-in/right-out movements
40. Frontage improvements along Rock Creek Blvd. and Parklane Drive shall be striped to provide the following lane geometry at Rock Creek Blvd./Parklane Drive.
 - a. Separate westbound right turn lane (interim)
 - b. Shared westbound through/left turn lane (interim)
 - c. Separate northbound left turn lane
 - d. Shared northbound through/right turn lane
41. Traffic control at Rock Creek Blvd./Parklane Drive shall be changed from all-way stop control to two-way stop control (with free flowing on east and west approaches) along with an appropriate pedestrian crossing treatment across Rock Creek Blvd.
42. The applicant shall pay a proportionate share fee contribution of \$35,644.83 towards planned capacity improvements at the 172nd Avenue/Troge Road intersection per the Happy Valley Transportation System Plan (\$2,741.91 per PM peak hour trip, development generates 13 PM peak hour trips.

Multnomah County:

43. The applicant shall pay Multnomah County the proportionate share fee of \$49,323, based on six PM peak Hour trips using the SE 172nd Avenue & Foster Road intersection. The cost per trip through the intersection is \$8,220.50. Please contact County Transportation (row.permits@multco.us) to coordinate payment.

WES:

General:

44. Authority (Rules, Section 2): The proposed development is located within the service area of Clackamas Water Environment Services (WES) and shall be subject to Water Environment Services Rules and Regulations, 2023, Ordinance No. 02-2023. These Rules and Regulations shall apply to any property that discharges or requests to discharge, via connection request, development permit, or change in use, to the District's public sanitary sewer system or public stormwater system, to groundwater, or to surface waters within District boundaries. The District shall have the authority to administer all the requirements, regulations, and provisions set forth in the following Standards.
- Water Environment Services Sanitary Standards, April 2023
 - Water Environment Services Stormwater Standards, April 2023
 - Water Environment Services Buffer Standards, April 2023
45. Connection Permit Required (Rules, Section 4.2): A permit shall be required to connect to the District system, including, but not limited to a Service Connection, pipes, pollution reduction manholes, and detention facilities, whether constructed or natural. Before connecting to the District system, a permit authorizing such connection shall first be secured in writing from the District and all applicable fees paid.
46. Developer's Engineering Policy: All engineering plans, reports, or documents shall be prepared by a registered professional Developer's Engineer, or by a subordinate employee under the Developer's Engineer's direction and shall be stamped with the Developer's Engineer's seal and signed to indicate the Developer's Engineer's responsibility for the design
47. Rates, Charges, and Billings (Rules, Section 5)
- System Development Charges (SDCs) shall apply on all development that increases usage of the sanitary sewer, storm system or surface water facilities owned, managed, or maintained by WES.
 - The sewer SDC shall be calculated based on the equivalent dwelling unit (EDU) ratios defined in WES Rules, Table 2. The surface water SDC shall be calculated based on the equivalent service unit (ESU) ratios defined in WES Rules, Table 3. Additional SDCs may apply based on future permits for tenant improvements.
 - Effective July 1, 2023, the SDC rates are:
 - Sanitary sewer SDC = \$8860.00 per EDU
 - Surface water SDC = \$240.00 per ESU
 - Sanitary SDC Estimates:
 - Multifamily (168 units) = 134.40 EDUs = \$1,190,784.00
 - Retail Shell (15,848 sf) = 4.17 EDUs = \$36,946.20
 - Clubhouse = 1 EDU = \$8,860.00
 - A credit of 2.00 EDU and 2.00 ESU will apply for previously paid SDCs.
 -
 - Plan review fees shall apply at the following rates:
 - Sanitary Review: The fee is equal to 4% of the installed cost of the public sewer extension. A \$400.00 minimum is due with the first plan submittal.
 - Stormwater Review: The total fee is equal to 4% of the construction cost for all stormwater management related facilities. A \$400.00 minimum is due with the first plan submittal.

Sanitary Sewer

48. Use of Public Sanitary Sewers (Rules, Section 6.3): Before connecting to the public sewerage system, a permit authorizing such connection shall first be secured in writing from the District and fees paid. The owner of any building situated within the District and proximate to any street or sewer

easement in which there is a public sanitary sewer of the District or city may request permission, at owner's expense, to connect said building directly to the public sanitary sewer in accordance with the provisions of these Rules and Regulations.

49. Development Policy (Section 3.2):

- a. All buildings with sewer drains within the boundaries of the proposed development shall be connected to the Public Sanitary Sewer System as part of a sanitary sewer plan approved by the District.
- b. Point of Service for Upstream Parcels: A point of service for upstream parcels shall be provided to facilitate an orderly extension of the Public Sanitary Sewer System. This shall include the extension of Public Sanitary Sewer Systems in Right-of-Way to serve the upstream properties in a location as approved by the District.

50. Sewer Extension Permit (Section 4.1):

- a. In order to provide a point of service to upstream parcels, the developer shall extend public sanitary sewer in Parklane Ave in accordance with WES Rules, Regulations, and Standards. There is adequate capacity within the existing sanitary sewer collection system and treatment services to serve this development once improvements are completed by the developer.
- b. Prior to the commencement of construction of any Public Sanitary Sewer System, a valid Sewer Extension Permit shall be issued by the District in accordance with these Standards. An Extension Permit is required to construct or reconstruct any Public Sanitary Sewer appurtenances which are owned by, or intended to be conveyed to, the District. All other sanitary sewer piping not intended to be conveyed to the District shall be permitted by the Local Plumbing Authority.
- c. See Section 4.2 for Project Construction requirements and Section 4.3 for Acceptance and Warranty process.
- d. Minimum Slope Design (Section 5.2.3): Newly constructed mainlines in the Public Sanitary Sewer System shall be designed with sufficient slope to obtain a flow and velocity that will self-clean the system. A dead-end line shall have a minimum 2.0% design slope, however for topography challenged sites, the District may allow a minimum 0.50% slope.
 - i. Any mainline built at this absolute minimum (0.50%) will not be accepted by the District if any bellies or sags are found during the final inspection.
 - ii. *NOTE: The applicant's preliminary sanitary sewer plan with 0.42% design slope does not meet District standards.*
- e. Alignment (Section 5.2.5): All pipe shall be laid on a straight line and grade. All Public Sanitary Sewer Extensions shall be located within the public Right-of-Way or in a Public Sanitary Sewer Easement as determined by the District.
- f. Minimum Cover of Mainline (Section 5.2.11): Public Sanitary Sewer Mainlines shall be placed with a minimum cover of 8-feet in roadways and 6-feet of cover in Public Sanitary Sewer Easements.

51. Service Connections (Section 5.4):

- a. The diameter of the Service Connection for lots other than residential single family shall be served by a minimum 4-inch diameter pipe, or larger if deemed necessary by Oregon Plumbing Specialty Code or permitted at the sole discretion of the District.
- b. The Service Connection shall be at least 6-feet deep at the property line crossing. No Service Connection shall be laid on a grade of less than 2-percent.
- c. Sanitary laterals shall be marked by a "SS" curb stamp, as shown on Detail SAN-019.

52. No stormwater shall enter the public sanitary sewer system via area drains located in trash enclosures. Any area drains directed to the sanitary sewer system must have adequate canopy cover and overhang and be hydraulically isolated from surrounding area. Area drains located within an uncovered trash enclosure must drain to the storm system.
53. The Applicant shall submit a Non-Residential Questionnaire (NRQ) to the District with an estimate of the development's discharge load and volume to the public sanitary sewer system. This form is available on the WES website.

Stormwater:

54. Applicability (Section 2.3): All new Development and Redevelopment activities that result in 5,000-sf or greater of new or replaced impervious surface area, cumulative over the last 3 years, are subject to the requirements of these Standards for all newly proposed and replaced impervious surface areas within the overall project boundary.
55. Stormwater Minimum Requirements (Section 2.3):
- a. Upon land use approval, the Applicant shall submit civil site plans, a stormwater report, and supporting documentation to WES as specified in these standards for plan review and approval. The Applicant shall demonstrate the stormwater management facilities (SMF) meet the technical standards found in the Stormwater Standards, including sizing methods and calculations. See Appendix A for submittal requirements.
 - b. Prior to Certificate of Occupancy, the applicant shall construct the approved stormwater management system and said system shall be inspected by WES staff.
 - c. Prior to plan approval, the applicant shall execute and record an Operations and Maintenance (O&M) Plan for any stormwater facilities on private property to ensure the long-term functionality of the SMF.
56. Stormwater Management Performance Standards (Section 6.1):
- a. Water Quality: Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event. The water quality facility shall use either an approved vegetated SMF or an approved Proprietary Stormwater Treatment Device.
 - b. Flow Control: Flow control facilities shall be designed so that the duration of peak flow rates from Post-Development Conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate.
57. Infiltration: If a SMF cannot be designed to fully infiltrate the 10-year storm event, then an underdrain and outflow shall be required to safely convey the discharge from the SMF to an approved discharge point, and provide an emergency overflow pathway.
- a. Per the applicant's geotechnical report, storm water detention and/or disposal systems utilized around and/or up gradient of the proposed multi-family apartment structures shall be approved by the Geotechnical Engineer.
 - b. Per the applicant's geotechnical report, field testing shall be performed during and/or following construction of any on-site storm water infiltration system(s) in order to confirm that the recommended design infiltration rates are appropriate.
58. The District's BMP Sizing Tool is available to assist developers in meeting water quality and flow duration matching requirements customized to Clackamas County conditions. The following shall apply for any SMF designed with the BMP Sizing Tool:

- a. A BMP Sizing Tool Report shall be submitted with the Stormwater Report. Orifice sizes for SMFs shall be specified by the BMP Sizing Tool results.
- b. Stormwater management facilities shall be designed with the continuous flow model of the Tool. Conveyance structures shall be designed per WES stormwater standard criteria.
- c. Underground detention facilities shall be designed with the custom pond sizing feature of the BMP Tool. The designer shall use HydroCAD or another design tool to size the detention system along with Brown and Caldwell's Tool input procedures for asymmetrical detention storage design.
- d. A separate sizing analysis shall to be performed on each Drainage Management Area (DMA). The engineer shall verify each DMA aligns with the final grading plans.

59. General Facility Design Requirements (Section 6.4): The following general design requirements shall apply to all SMFs. Additional facility specific design criteria shall apply, in accordance with Section 6.5.

- a. Design of surface water and stormwater systems must include provisions to control runoff from impervious and pervious areas within and upstream of the development without exceeding capacities of available facilities and downstream drainageways. Drainage basin maps shall identify runoff within and upstream of the development.
- b. Stormwater management facilities shall be accurately sized for the total impervious area resulting from the proposed development, including all onsite structures and hardscape and any offsite road improvements required by the local road authority.
- c. Provide individual plan view and cross section details for each proposed facility. Cross section shall detail all elevations in the flow control as well as elevations of each layer of rock, soil, above ground storage, perf pipe, etc. Show a specific detail for the chamber system with all elevations labeled.
- d. Storm laterals shall be marked with a "ST" stamped in top of curb (Detail SWM-43).
- e. Stormwater Facility Signage: All vegetated and porous SMFs, including permeable surfaces such as pervious pavement shall have at least one informational sign that is clearly visible and legible to the public. At a minimum, signs shall provide description of the facility and its purpose, and contact information for maintenance complaints.
- f. Soil Mixes: Facilities that include soil, such as swales, planters, curb extensions, and basins, shall use the Blended Soil Specification for Vegetated Stormwater Systems from the most currently adopted City of Portland's Standard Construction Specifications in section 0104.14(d), titled Stormwater Facility Blended Soil.
- g. Public storm drainage mainlines shall be designed with a minimum slope of 0.5 percent.
NOTE: the applicant's preliminary storm system design does not meet District design slope standards.

60. Stormwater Management Facility Planting Plan (Section 6.4.5 and Appendix A and B): The SWM Plan shall provide planting information for each vegetated SMF based on requirements of the Standards, including:

- a. Vegetation shall be installed such that 100 percent vegetative cover is achieved through a mix of herbaceous, groundcover, and shrubs at the end of the 2-year warranty period, prior to acceptance.
- b. Landscape plans for publicly maintained SMFs shall be prepared by a registered Landscape Architect.
- c. Landscape plans and specifications shall comply with the submittal requirements of Appendix A.
- d. Trees shall not be allowed in SMFs located within the public ROW.
- e. Plans shall identify the temporary irrigation strategy to be used during the plant establishment period.

61. Points of Discharge (Section 7.2.1): The Applicant shall identify a proposed point of discharge. Any connection to a public or private piped downstream storm drainage system shall be approved by the District.
62. Downstream Analysis (Section 7.2.4): A Qualitative and Quantitative downstream analysis shall be required for any project that discharges stormwater runoff to a natural or manmade storm drainage system.
 - a. The analysis shall evaluate the offsite storm drainage system to the location where the project site contributes less than 15 percent of the upstream drainage area contributing to a public storm drainage system line or drainage channel, or a location 1,500 feet (approximately ¼-mile) downstream of the discharge point from the project site, whichever is greater.
 - b. The engineer shall physically inspect the existing onsite and offsite storm drainage systems and outfalls in the project area for each discharge location for existing or potential problems and drainage features, in accordance with the criteria of Section 7.2.4.
63. Emergency Overflow Pathway (Section 6.1.3): For all projects with SMFs, a 100-year overland emergency overflow pathway shall be identified and/or designed that allows runoff from large storm events to discharge without risk of injury or property damage.
64. Operations and Maintenance Plans (Section 9.2): An O&M Plan shall be required for all permanent SMFs in accordance with the plan elements noted in Section 9.2.2 and the facility design and maintenance specifications in Appendix B. The O&M Plan and associated agreements, covenants, and easements shall be reviewed prior to District approval of the SWM Plan.
65. Privately Owned and Maintained Facilities (Section 9.3) A Maintenance Covenant shall be recorded into the land record prior to final plan and/or plat approval. The O&M Plan shall be included as an exhibit in the maintenance covenant. The maintenance covenant shall identify private maintenance responsibilities for any shared SMFs and shall provide public access rights to inspect the facility and ensure that it is maintained in proper working condition.

CFD#1:

Fire Department Apparatus Access and Water Supply:

66. Provide address numbering that is clearly visible from the street and in a location first responders are most likely to see it once on site.
67. Fire apparatus access roads must be within 150' of all portions of a building.
68. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to a fire hydrant) and an unobstructed vertical clearance of 13 feet, 6 inches.
69. Provide an approved turnaround for dead end access roads exceeding 150 feet in length.
70. That "No Parking Fire Lane" signs shall be placed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall have signs placed on both sides. Roads 26 to 32 feet wide shall have signs placed on one side posting as a fire lane. Red painted curbs can be used in lieu of signs.

71. The inside turning radius and outside turning radius for a 20' wide road shall be not less than 28 feet and 48 feet respectively, measured from the same center point. This applies throughout the site).
72. Buildings exceeding 30 feet in height shall require extra width and proximity provisions for aerial apparatus. (OFC, D105).
73. Show any power lines that cross over access roads.
74. That the minimum flow and duration for buildings other than one and two-family dwellings shall be determined according to OFC Appendix B. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.
 - a. It is the responsibility of the contractor and designer to ensure that adequate fire flow is met. Contact the local water authority for assistance.
75. Where a portion of the structure is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants shall be provided.
 - a. This distance may be increased to 600 feet when an approved NFPA 13 fire protection system is installed.
76. That fire department connections shall be located within 100 feet of a fire hydrant or in an approved location.
 - a. All FDCs shall be labeled appropriately as to which building that it serves.
77. That the minimum number and distribution of fire hydrants shall in be in accordance with Table C105.1 of the OFC.
78. If private fire hydrants are required, all private fire hydrants shall be painted red.
79. Prior to the start of combustible construction fire hydrants shall be operational and accessible.
 - a. All fire lines shall be flushed cleaned and witnesses by the Building Department and Clackamas Fire District #1
80. Unless exempted by the City, emergency responder radio coverage must be tested or provided due to the following:
 - a. Any building with one or more basement or below-grade building levels.
 - b. Any underground building.
 - c. Any building more than five stories in height.
 - d. Any building 50,000 square feet in size or larger.
 - e. Any building that, through performance testing, does not meet the requirement of section 510.
81. Prior to the start of the project, a pre-construction meeting shall be held with CFD#1. The project manager/contractor is responsible for developing a written fire safety program. This program shall be made available for review by CFD#1. The plan should address the following:
 - a. Good Housekeeping.
 - b. On-site security.
 - c. Fire protection systems.
 - i. For construction operations, installation of new fire protection systems as construction progresses.
 - ii. For demolition operations, preservation of existing fire protection systems during demolition.

- d. Development of a pre-fire plan with the local fire department.
- e. Consideration of special hazards resulting from previous occupancies.
- f. Protection of existing structures and equipment from exposure fires resulting from construction, alteration and demolition operations.

SWA:

82. SWA has adequate potable water supplies available in sufficient quantities to provide normal domestic and fire protection needs for this proposal, as required by the Oregon Health Division. Exact improvements to the water system will be determined during design and construction review by SWA.

CCSD#5 (Street Lighting):

83. Because the properties are not part of an assessment district, the property owner shall submit a request in writing for the formation of an assessment area, to help pay for the operation and maintenance of lighting.

Utilities:

84. The applicant shall provide utility easements where required and shall be responsible for coordinating construction with all utility and service providers and facilitating cooperation among all providers and agencies.

Design:

85. The property owner or their successor shall be responsible for the continual maintenance of all hardscaped and landscaped areas on site.
86. Prior to submittal of applicable structural building permits, the applicant shall submit documentation demonstrating that commercial use occupies at least 18% of the total ground floor footprints and that of the non-residential footprint, 65% maximum may be live/work units.
87. A final landscape plan shall be submitted prior to construction plan approval. The final landscape plan shall be in substantial conformance with the preliminary landscape plan and shall detail the method of irrigation for all landscaped areas. The final landscape plan shall comply with Section 16.42.030 and 16.42.040 of the LDC, be prepared by a licensed landscape architect and shall include the following:
- a. An irrigation plan sheet demonstrating the use of automatic irrigation with evapotranspiration (ET) based controllers for all proposed landscaping, per Section 16.42.030.F of the LDC;
 - b. All parking areas have a minimum 10-foot depth of buffer plantings adjacent to public rights-of-way and along the perimeter of the parking area.
 - c. At the end of the parking lot between buildings 6 and 7 an additional tree shall be planted and some shrubs to further obscure the view of the parking lot from the property to the south.
 - d. All interior parking lot planters contain a major structural tree and groundcover (16.42.030.D.4).

The applicant shall install the approved landscaping prior to building permit release, or provide a financial guarantee for the same, pursuant to Section 16.50.080 of the City's LDC.

88. Prior to issuance of structural building permits associated with the proposed project the applicant shall provide a street tree plan that complies with the applicable criteria including but not limited to:
 - a. The total length of all frontage and the total number of street trees required (total frontage divided by 30);
 - b. The location, size, and species of street trees in compliance with LDC Sections 16.42.030.E and 16.42.040. A fee-in-lieu shall be provided for mitigation of any trees which cannot be planted prior to occupancy.
 - c. All street trees will be planted prior to occupancy.
89. The applicant shall locate bicycle parking spaces near the main entrance of the building and provide covered bicycle parking spaces per the requirements of Section 16.43.030 of the LDC.
90. The applicant shall submit revised plans extending the pedestrian system from building 7 past building 6 to 172nd Avenue.
91. Prior to construction plan approval, the applicant must submit a final photometric lighting plan and associated materials in compliance with the lighting standards in the LDC including 16.44.010.B.14 and 16.43.030.E.6.
92. The applicant shall screen outdoor storage areas, garbage containers and recycling bins associated with the facility, per Section 16.44.010.C.11.e of the LDC.
93. The applicant shall screen electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units with sight-obscuring fences, walls or landscaping, per Section 16.44.010.C.11.f of the LDC.
94. The developer shall provide fences along arterials and collectors within the residential portion of the site areas that are not for pedestrian or vehicle and are not in front of the commercial component of the buildings per 16.42.060.
95. The subject application shall meet all local, state, and federal requirements.
96. The subject Design Review approval does not constitute approval for tree removal. The developer shall apply for a Tree Removal permit through the City for tree removal of trees greater than six inches at breast height prior to site construction.
97. The site shall include a directory which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.
98. The interior configuration of the commercial spaces will be assessed upon submittal of a building permit to assure the interior of the space functions to support the street side entrance as the primary entrance.
99. The following facades shall be revised to comply with the offset requirements in 16.44.010.B.4: west side of building 4, south side of building 3, and the east side of building 2.
100. The applicant shall submit documentation demonstrating compliance with the live/work standards in LDC 16.44.140.

101. The following conditions relate to the parking lot design:
- a. Per OAR 660-012-0410, the applicant shall install electrical service capacity, as defined in ORS 455.417, to serve 40 percent of all vehicle parking spaces.
 - b. The applicant shall provide documentation demonstrating compliance with the carpool, hybrid/electric, and vanpool parking requirements in 16.43.030.D.
 - c. The applicant shall submit documentation demonstrating compliance with the off-street loading facilities criteria in 16.43.050.

8/28/2024

Chris Alfino
Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

Class B Variance to Building Height narrative

- A) *This application does not differ from the findings of the Staff report and decision of the Design Review Board, as it retains the character, vocabulary, design elements, etc. of the approved design. The variance to allowable building height is solely to accommodate prior grading during roadway construction for S.E. 172nd Ave. and S.E. Rock Creek Blvd., and utilizes short landscape walls and gently sloped landscape areas to avoid the need for taller retaining walls reaching up to 7' to 8' in height next to the sidewalk, which would detract from a pedestrian friendly experience at street level.*

The variance would allow heights to exceed those in Table 16.23.030-2 by less than 20%. No variance is requested to modify how building height is measured or the definition of lowest finished grade.

- B) *No adverse effects are anticipated as result of granting relief.*
- C) *The requested variance is less than 20% of allowable height. Buildings 1 & 7 do not exceed allowable building height*
- 1) *The variance is requested due to existing slopes several locations on the site.*
 - 2) *The proposed slopes and low landscape walls have not been intentionally created to circumvent the code, but instead result from the need to keep 50% of the new buildings within 8' of the property line while responding to existing conditions resulting from prior grading for construction of S.E. 172nd Ave. and S.E. Rock Creek Blvd, all without creating unsightly and tall retaining walls.*
 - 3) *The variance would not alter the essential character of the neighborhood, or in any way impair the proper use or development of adjacent property.*
 - 4) *Buildings 1 & 7 do not exceed allowable building height. Buildings 2 through 5 exceed the allowable height by varying amounts ranging from 3 ¼" to 1'-4 1/8". The South East corner of Building 6 is the worst case scenario exceeding allowable height by 6'-4". A variance of 7'-0" exceeds what is needed in most cases but covers the worst case scenario at building 6 and builds in a small construction tolerance.*
 - 5) *The variance will not result in violations of any other adopted ordinance or code.*
 - 6) *Noted.*

Michael Stapleton
michael@studiocja.com



**CITY OF HAPPY VALLEY STAFF REPORT
ADMINISTRATIVE DECISION (TYPE II)**

CLASS "B" VARIANCE (Building height)
LOCAL FILE NO. LU-0016-2024
October 11, 2024

I. GENERAL INFORMATION

REQUEST:	LU-0016-2024: The applicant proposed a Class B Variance to the maximum building height to on the previous approval of File DR-13-23 (Rock Creek Apartments) at 14933 SE 172nd Avenue.
APPLICANT:	Michael Stapleton, Christopher Jones Architects on behave of Cobalt Development, 509 Olive Way, Suite 1416 Seattle Washington 98101
LOCATION:	14933 and 14915 SE 172nd Avenue Clackamas County Map: 23E07B: Tax Lot 409 and Tax Lot 420
ZONE:	Community Commercial Center (CCC)
CITY CONTACT:	Additional information may be obtained by contacting: Chris Alfino, AICP, Senior Planner, (503) 886-8410, chrisa@happyvalleyor.gov
APPROVAL CRITERIA:	The Planning Official is asked to approve, approve with conditions or deny the application based on the applicable criteria in the City of Happy Valley Municipal Code Title 16 – Land Development Code (LDC), including Chapters 16.22 (Residential Land Use Districts); 16.41 (Access and Circulation); 16.42 (Landscaping, Street Trees, Fences and Walls, Recreation Areas); 16.43 (Parking and Loading); 16.50 (Public Facilities); 16.71 (Types of Review Procedures); and 16.67 (Variances).

PROPOSAL:

The applicant, Michael Stapleton of Christopher Jones Architects, on behalf of Cobalt Development, is requesting a variance to building height on buildings 2 through 6 of the approved 168-unit mixed use apartment complex known as "Rock Creek Blvd/172nd Apartments" (File No. DR-13-23). The variance is proposed because the applicant was required to create finish grades within the site that align with grades along the existing streets. Thus, the building itself is not changing, but the grade adjacent to the building is being altered, resulting in a higher building calculation. The subject site is constrained with a major gas utility line, limiting the amount of cut and fill that can be achieved, resulting in a proposed increase to building height measurement, discussed below.

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288

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happyvalleyor.gov

Preserving and enhancing the safety, livability and character of our community

Map of the project location in the West Valley area of Salt Lake City. The map shows the intersection of SE 12000th Ave and SE 12000th St. Key landmarks include West Valley Park, West Valley Field, and the West Valley Elementary School. The project location is marked with a black dot and labeled 'PROJECT LOCATION'.

The applicant has submitted the following exhibits as part of the application package:

Exhibit 2 Site Plan January 2024

Exhibit 2 Height Variance Diagram dated August 2024 (below)

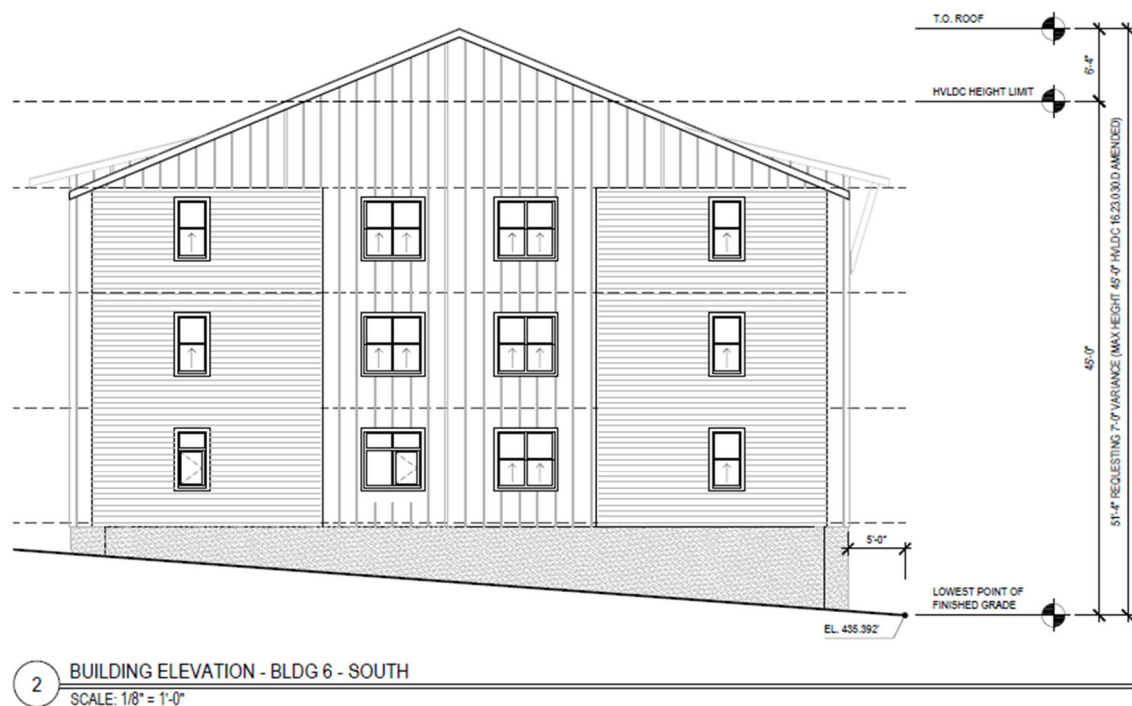


Exhibit A Service Provider Comments and Conditions

- Staff Report File No. LU-0016-2024 (Building Height Variance to DR-13-23 "Rock Creek Blvd/172nd Ave Apartments")

OBSERVATIONS:

BACKGROUND

- On April 26, 2024, the Happy Valley Design Review Board approved a 168-Unit Multi-use Apartment Complex (DR-13-23) on the subject site, which is the subject site of this variance.
- On February 20, 2024, the City Council approved a Land Development Code Amendment (LDC-04-23, Exhibit B-2) to amend the City's LDC for CCC zoned properties in the Rock Creek Employment Center (RCEC) area and adopt standards for retail space requirements, including live/work units. The approval allowed CCC sites in the RCEC area to have a portion of the ground floor to be residential, required 18 percent of the ground floor footprint to be commercial and allowed 65 percent of that to be available as live/work units, increase the maximum building height to 50 feet for the mixed-use buildings and to 45 feet for multi-family buildings. The LDC amendment was initiated by the applicant in conjunction with this application to provide relief to allow for this development.

SITE DESCRIPTION:

- The subject site is located at the southwest corner of Rock Creek Blvd. and 172nd Avenue. It currently has a home and accessory buildings (to be removed), is approximately 7.81 acres in size, and is zoned CCC. The topography of the subject site is mostly flat, slightly sloping from northeast to southwest. The subject property currently has a home and accessory buildings (to be removed), is approximately 7.81 acres in size, and is zoned CCC. The topography of the subject site is mostly flat, slightly sloping from northeast to southwest.

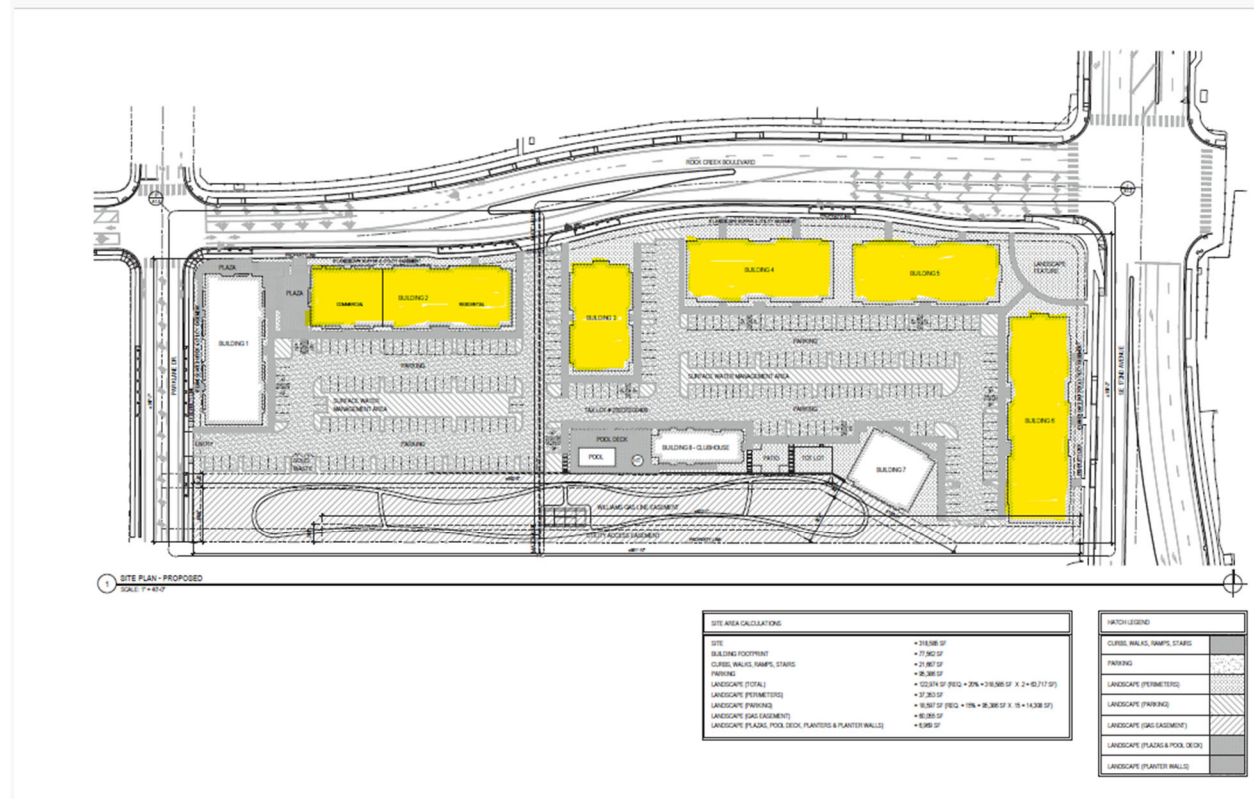
Figure 1: Aerial Map



SITE PLAN:

The applicant's Site Plan (Exhibit 2, Sheets A1.1, A4.0-A4.3), was approved per DR-13-23 and will not be amended.

Figure 2: Site Plan



PUBLIC COMMENTS:

The City's Planning Division received no public comments pertaining to File LU-0016-2024 from neighboring residents or other interested parties during the public comment period.

II. FINDINGS OF FACT

A. CITY OF HAPPY VALLEY LAND DEVELOPMENT CODE:

The following sections of Title 16 of the Happy Valley Municipal Code (LAND DEVELOPMENT CODE) are applicable to this request:

CHAPTER 16.23 – COMMERCIAL AND EMPLOYMENT DISTRICTS

16.23.030 Commercial districts.

[...]

B. Permitted Uses.

Table 16.23.030-1 identifies the land uses that are allowed in the CCC and MCC Districts.

Table 16.23.030-1 Community Commercial Center and Mixed Commercial Center (CCC, MCC)

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	CCC	MCC
Medium to high density residential	p ^{1, 2}	p ^{1, 3}
Live-Work Units	p ^{2, 8}	X

NOTES:

Land Use	CCC	MCC
¹ Residential uses on upper floors of mixed use buildings are permitted. In such cases, Notes 2 and 3 below do not apply. ² Freestanding residential uses at densities greater than the minimum SFA density of 10 du/acre and not to exceed the maximum MUR-M2 density of 34 du/acre (10—34 du/acre) may be permitted in the CCC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed 25% of the CCC zoned area of the parcel or subject property. In the Rock Creek Employment Center, the same residential densities may be utilized in freestanding residential footprints if a nonresidential use per Table 16.23.030-1 occupies one street side of the parcel, and occupies at least 18 % of the total ground floor footprints. Of the non-residential footprint, 65% maximum may be live/work units. ⁸ Live-work units limited to the Rock Creek Employment Center.		

Staff Response:

The applicant was approved for a multi-family and commercial complex which meets the allowed uses within the CCC zone, per Table 16.23.030-1 The amendment will not change the approved uses.

D. Development Standards.

1. The development standards in Table 16.23.030-2 apply to all uses, structures, buildings, and development in the CCC and MCC Districts.

Table 16.23.030-2: Development Standards for CCC and MCC Districts		
Standard	CCC	MCC
Residential density ¹ (minimum—maximum)	10 to 34 du/acre	25 to 34 du/acre
Lot size (minimum)	None	None
Lot width (minimum)	None	None
Lot depth (minimum)	None	None
Lot coverage (maximum)	75%	75%
Landscaping (minimum)	None	None
Building setback (minimum):		
Front	0 ft.	0 ft.
Rear	None ²	None ²
Interior side	None ³	10 ft. ⁴
Street side	0 ft.	0 ft.
Building setback (maximum):		
Front	None	20 ft.
Rear	None	None
Side	None	None
Building height (maximum)	35 ft. ⁷	60 ft. ⁷
Building size	30,000 s.f. ⁵	60,000 s.f. ⁶

NOTES:

² Except when a rear lot line is abutting a lot in a residential zone and then the rear setback shall be a minimum of 10 feet. The required rear setback shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.

NOTES:

³ Except when a side lot line is abutting a lot in a residential zone and then the side setback shall be a minimum of 10 feet. The required side setback shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.

⁵ Maximum building square footage for single use retail buildings is limited to 30,000 square-foot building footprint per structure. For the purposes of measuring maximum building footprint, measurement is taken from outside wall to outside wall of the ground level.

⁷ In the Rock Creek Employment Center the maximum height for mixed-use buildings is 50’ and the maximum height for residential buildings is 45’.

2. *Off-Street Parking and Loading (Vehicle and Bicycle).* Off-street parking and loading spaces shall be provided as required in Chapters 16.41 and 16.43.

3. *Landscaping.* Landscaping shall be provided as required in Chapter 16.42.

4. *Pedestrian Access and Circulation.* Adequate pedestrian access and circulation systems shall be provided as required in Chapter 16.41.

E. *Special Standards.*

1. *Design Review.* New development in the Mixed Commercial Center and Community Commercial Center Districts shall be subject to Chapter 16.62, Land Use and Design Review, and Chapter 16.46, Happy Valley Style Design Standards. Development in the Mixed Commercial Center District involving 20 acres or more of land shall be subject to Chapter 16.65, Master Planned Developments.

[...]

Staff Response:

The applicant has met the above standards per the finding or local file DR-13-23, except that this application is a submitted proposal for a variance to the height standard above (Note 7). The resulting building heights will vary due to grades and the way structures are measured within the LDC, however, none will be more than twenty percent higher than the above limits. With approval of this variance proposal, these criteria have been satisfied.

CHAPTER 16.61 – TYPES OF REVIEW PROCEDURES

16.61.010

[...]

2. *Type II Procedure (Administrative).* A Type II decision is made by the Planning Official or person designated by the Planning Official following public notice. [...]

Table 16.61.010-1 Summary of Approvals by Type of Review Procedure		
Approvals ¹	Review Procedures	General Applicable Regulations (not an exclusive list for craft- ing findings)
Class B	Type I	Section 16.42.050
Variance		
Class B	Type II	Section 16.71.040
Class C	Type III-PC	Section 16.71.050

Staff Response:

Per 16.71.010.C (discussed below), subsection 2 above, and Table 16.61.010-1, Staff has processed this Class “B” Variance application as a Type II administrative procedure. These criteria have been satisfied.

16.61.030 Type II Procedure (Administrative).

[...]

B. Application Requirements.

1. Application Forms. Type II applications shall be made on forms provided by the Planning Official or designee.

2. Submittal Information. The application shall:

- a. Include the information requested on the application form;*
- b. A narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 16.62 (Land Use Review), 16.63 (Land Divisions), 16.66 (Modifications), 16.68 (Code Interpretations), and 16.69 (Miscellaneous Permits);*
- c. Be accompanied by the required fee; and*
- d. Include one set of mailing labels for all real property owners of record who will receive a notice of the application as required in Section 16.61.040. The records of the Clackamas County Assessor's Office are the official records for determining ownership. The applicant shall prepare the public notice mailing list. The applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.*

e. Include a Title or Trio for each property associated with the application.

C. Notice of Application for Type II Administrative Decision.

1. Before making a Type II Administrative Decision, the Planning Official or designee shall mail notice to:

- a. All property owners of record within 300 feet of the subject site;*
- b. All active City-recognized neighborhood groups or associations whose boundaries include the site;*
- c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies; and*
- d. Clackamas County, METRO, and the Oregon Department of Transportation when the proposed development abuts or significantly affects agency's transportation facility.*
- e. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the decision is made.*

3. Notice of a pending Type II administrative decision shall:

- a. Provide a 21 day period for submitting written comments before a decision is made on the permit;*
- b. List the relevant approval criteria by name and number of code sections;*
- c. Identify the date and time the comments are due and how they may be submitted;*
- d. Include the name and contact information for City staff;*
- e. Describe the proposal and identify the specific permits or approvals requested;*
- f. Describe the street address or other easily understandable reference to the location of the site;*
- g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;*

h. *State that all evidence relied upon by the Planning Official or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;*

i. *State that after the comment period closes, the Planning Official or designee shall issue a Type II administrative decision, and that the decision shall be mailed to the applicant and to anyone who submitted written comments or who is otherwise legally entitled to notice;*

j. *Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Happy Valley Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."*

Staff Response:

The processes and notices described within these sections have been followed/provided by the City. The application was deemed complete on September 17, 2024, and public notice of the application was mailed to property owners of record within 300 feet of the subject site on September 17, 2024, as required by the LDC. Also, the applicant posted “notice” signs at the subject site per the above requirements. Further, the subject application is being processed through the City’s Type “II” Administrative review procedure. The relevant standards and criteria that have been used to evaluate the proposed application are found within the LDC. The findings of the City’s evaluation of the applicant’s proposal are provided within this staff report. These criteria have been satisfied.

CHAPTER 16.71 – VARIANCES

16.71.020 Applicability and application requirements.

[...]

B. *Combining Variances With Other Approvals—Permit Approvals by Other Agencies. Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, etc.), however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.*

C. *Types of Variances. There are three types of variances (Class A, B, or C). The type of variance required depends on the extent of the variance request and the discretion involved in the decision-making process. Regulations described in the following sections of this chapter pertaining to applicability of the type of variance should be considered a guide only. Ultimately, it is at the discretion of the Planning Official to determine whether a variance proposal is processed as a Class A, B, or C.*

D. *Application. The variance application shall conform to the requirements for Type I, II, or III applications (Chapter 16.61), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his or her request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance.*

[...]

Staff Response:

The applicant has applied for a Class “B” variance, which is being processed via the City’s Type “II” review procedure. These criteria have been satisfied.

16.71.040 Class B variances

A. *Applicability Class B variances may be granted in the following areas:*

1. *Sections within Article 16.2, Land Use Districts, including setbacks; dimensional standards including lot width, depth and coverage; street frontage requirements; structure height;*
2. *Sections within Article 16.3, Specific Area Plan Districts and Overlay Zones;*

3. *Sections within Article 16.4, Community Design Standards, including access and circulation, landscaping, street trees, fencing and screening, parking and loading, signs and the Happy Valley Style design standards;*

4. *Sections within Article 16.5, Public Facilities;*

5. *Other development standards as specified by the Land Development Code.*

Staff Response:

The applicant's proposal is for a variance to a standard found within Table 16.23.030-2 note 7 (*In the Rock Creek Employment Center the maximum height for mixed-use buildings is 50' and the maximum height for residential buildings is 45'*) of the LDC. As a result, the applicant has applied for a Class "B" variance. The subject variance request is being processed via the City's Type "II" review procedure. These criteria have been satisfied by the subject request.

B. Procedures. Class B variances are reviewed using a Type II procedure, as governed by Chapter 16.61, using the approval criteria in subsections C through G below. Staff may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting relief.

Staff Response:

The applicant's Variance application has been processed via the City's Type "II" review procedure. This criterion has been satisfied.

C. Variance to Development Standards. The Planning Official or designee may grant a Class B variance of up to twenty (20) percent from any dimensional or development review standard except for lot area which shall be limited to ten (10) percent for a Class B variance if the applicant demonstrates compliance with all of the following criteria:

Staff Response:

The applicant's narrative (Exhibit 1) provides information demonstrating that the proposed Variance – which would allow for buildings 2 through 6 to exceed the building height limit by less than the twenty percent (20%) maximum for a Class B Variance. The applicant will be conditioned to limit the height to an additional seven-feet, a maximum approximate 15.5 percent of the residential standards and 14 percent of the mixed-use buildings. Note that buildings 3-5, the residential buildings, will need less than 10 percent relief from the height standard and the only mixed-use building that will need a variance will need an approximate five percent (5%) relief. This criterion has been satisfied.

1. *The variance requested is required due to the lot configuration, or other conditions of the site;*

Staff Response:

The variance is proposed because the applicant was required to create finish grades within the site that align with grades along the existing streets. The subject site is constrained with a major gas utility line, limiting the amount of cut and fill that can be achieved, resulting in a proposed increase to building height measurement, discussed below. This criterion has been satisfied.

2. *That the condition requiring the variance has not been intentionally created to circumvent the Land Development Code;*

Staff Response:

Discussed within the applicant's narrative (Exhibit 1), this scenario has not been intentionally created by the applicant, as the applicant had originally designed the structures with the same height as they will be built. However, the height measurements are measured at five feet from the building foundation wall to the lowest grade, which will be below the original anticipated grade. Therefore, the building structural height will be the same height as those approved by the Design Review Board. This criterion has been satisfied.

3. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property;*

4. *That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the development provisions which are in question;*

5. *The variance will not result in violation(s) of any other adopted ordinance or Code standard; each Code standard to be modified shall require a separate variance request;*

6. *In granting the variance, the Planning Official or designee may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this title.*

[...]

Staff Response:

Staff finds that allowing variance the applicant will not alter the essential character of the surrounding neighborhood, which includes structure of similar height. The lowest finish grade on site will vary but will be designed to minimize the amount of relief afforded by the variance. The subject variance will not result in any other code violations. The applicant will be conditioned to meet all conditions or approval of Local File DR-13-23 and be limited to the minimum relief needed. City has concluded that other conditions of approval associated with the variance will not be needed, as the final product will not alter the appearance of the product approved by the Design Review Board or be inconsistent with any section of the LDC. The approved design review included landscaping along the frontage, which shall continue to meet the landscape standards of the LDC. These criteria have been satisfied.

III. DECISION:

The applicant has submitted an application for a Class "B" Variance that per the below conditions of approval will fulfill the criteria associated with the applicable sections of the LDC. Therefore, based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, staff hereby approves File No. LU-0016-2024 subject to the following conditions:

Conditions of Approval for file LU-0016-2024

1. That unless explicitly overwritten by the findings and conditions of this report, all conditions of approval of Files DR-13-23 or LDC-04-23 shall remain in effect.
2. The proposed buildings shall be limited to an additional seven-feet above the limit of Table 16.23.030-2 as described in note number 7.

IV. APPEAL RIGHTS

This decision of approval represents an administrative approval by the Planning Official or designee that may be appealed by a person entitled to notice or a person who demonstrates that they are adversely affected or aggrieved by the decision. An appeal of an administrative decision to the Hearings Officer must be filed on forms available at City Hall, 16000 Misty Drive, Happy Valley, OR 97086, including the accompanying \$500 fee and \$1,500 legal deposit by October 11, 2024. If not appealed, the decision of the Planning Official or designee is final.

Respectfully,

CITY OF HAPPY VALLEY



Chris Alfino, AICP
Senior Planner