



Oregon

Theodore R. Kubongosi, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/15/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, April 26, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Michael Walter, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ in person ☐ electronic ☐ mailed
	DEPT OF
	APR 08 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Happy Valley**

Local file number:
ANN0313CPA0213LDC0213

Date of Adoption: **4/2/2013**

Date Mailed: **4/5/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 2-19-13

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Properties were annexed into the City of Happy Valley. The existing developed "Camp Withycombe" was "downzoned" from Clackamas County General Industrial (I-3) to City Institutional and Public Use (IPU).

Does the Adoption differ from proposal? Please select one

Yes, acreage decreased.

Plan Map Changed from: **Clackamas Co. Industrial** to: **City IPU**

Zone Map Changed from: **Clackamas Co. I-3** to: **City IPU**

Location: **15300 SE Industrial Way/22E10601&602/22E09A900901**

Acres Involved: **77.73**

Specify Density: Previous: **N/A**

New: **N**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☒	☐	☐	☐	☐	☐	☐	☒	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File No. 002-13 (19711) [17409]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Clackamas Co, Metro, ODOT

Local Contact: **Michael D. Walter Eco & Com Dev Dir** Phone: (503) 783-3839 Extension:

Address: **16000 SE Misty Drive**

Fax Number: **503-658-5174**

City: **Happy Valley**
valley.or.us

Zip: **97086-**

E-mail Address: **michaelw@ci.happy-**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Mayor
Honorable Lori DeRemer



City Manager
Jason Tuck

DATE: April 5, 2013

File No. ANN-02-13/LDC-02-13/CPA-02-13

NOTICE OF EXPEDITED DECISION

This is official notice of action taken by the Happy Valley City Council pursuant to Metro Code 3.09.045 with regard to an application for annexation to the City of Happy Valley. The subject property is described as Clackamas County Assessor Map Number 22E-10-00601; and, portions of 22E-10-00602 and 22E-09A-00900.

On April 2, 2013 the City Council formally approved the subject application/petition based upon findings included within the Staff Report dated March 26, 2013, and deliberations of the City Council.

Per Metro Code 3.09.045 decisions made pursuant to an expedited process are not subject to appeal by a necessary party pursuant to Section 3.09.070.

A handwritten signature in dark ink, appearing to read "Michael D. Walter". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael D. Walter, Economic & Community Development Director

cc: Petitioner
Necessary Parties
File

16000 SE Misty Drive
Happy Valley, Oregon 97086
Telephone: (503) 783-3800 Fax: (503) 658-5174
Website: www.ci.happy-valley.or.us

ORDINANCE NO. 436
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,
OREGON, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, AND AMENDING
OFFICIAL MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND
DEVELOPMENT ORDINANCE NO. 97.

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100 percent of the owners of 100 percent of the properties with 100 percent of the assessed value of territory requesting annexation (ANN-02-13/CPA-02-13/LDC-02-13); and

WHEREAS, the proposed annexation territory consists of one single Lot of Record and portions of two Lots of Record totaling approximately 77.73 acres of land adjacent to existing city boundaries (via public right-of-way); and

WHEREAS, the specific Lots of Record to be annexed are:

22E-10-00601; and, portions of 22E-10-00602 and 22E-09A-00900;

WHEREAS, the City provided notice that the City Council would consider the annexation petition and Comprehensive Plan/Zoning Map amendments, consistent with the applicable notice requirements of (1) Section 16.60.050 of the City's Land Development Code, (2) applicable provisions of Metro Code Chapter 3.09, and (3) applicable state law requirements; and

WHEREAS, the City has adopted an expedited decision process for annexations consistent with Metro Code Chapter 3.09.045; and

WHEREAS, pursuant to Section 16.67.070 of the Happy Valley Municipal Code, the Lot of Record and Portions of Lots of Record proposed for annexation will be re-designated and re-zoned from the existing Clackamas County Comprehensive Plan designation/land use zoning district (I-3) to City IPU; and

WHEREAS, the Planning Commission considered the proposed Annexation/Comprehensive Plan/Zoning Map Amendments on March 26, 2013 and forwarded a recommendation to the City Council for approval, and the City Council considered the proposed land use actions at its regularly scheduled City Council meeting on April 2, 2013; and

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The City Council declares the territory described in Exhibit A, and depicted in Exhibit B is annexed to Happy Valley effective 30 days after approval of this Ordinance.

Section 2. The City of Happy Valley declares through the legislative process that the following City Comprehensive Plan designation and zoning district shall apply to the single Lot of Record and the portions of two Lots of Record proposed for annexation, as pursuant to Section 16.67.070 of the Happy Valley Municipal Code:

A portion of 22E-10-00602 – IPU
22E-09A-00901 and a portion of 22E-09-00900 – IPU

Section 3. The City Council adopts the subject annexation application (ANN-02-13/CPA-02-13/LDC-02-13) and the associated Staff Report to the Planning Commission dated March 26, 2013, as amended for corrections to the total land area.

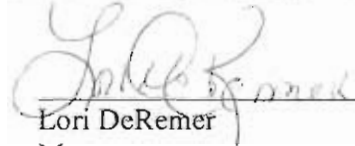
Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective 30 days after approval of this ordinance.

Section 5. As a condition for the annexation of the property in the territory described in Exhibit A and depicted in Exhibit B, the property owners, on behalf of themselves, their heirs, successors and assigns, waive their right(s) of remonstrance against the creation of any Local Improvement District created consistent with ORS Chapter 223 and/or Happy Valley Municipal Code Chapter 3.12 for a period of 10 years from the effective date of the annexation.

Section 6. The City Recorder is directed to:

1. File a copy of this ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;
2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and
3. Mail a copy of this ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE
MEETING: [April 2, 2013]


Lori DeRemer
Mayor

Adoption and date attested by:


Marylee Walden
City Recorder

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086
PH. 503.783.3800
FAX 503.658.5174

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission and City Council will hold public hearings to consider an annexation and Comprehensive Plan Map/Zoning Map Amendment to annex and change the existing "Camp Withycombe" properties from their existing Clackamas County Comprehensive Plan designation/zoning district of General Industrial (I-3) to a City of Happy Valley plan/zoning designation of Institutional and Public Use (IPU). The public hearing before the Planning Commission will be held in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on **Tuesday, March 26, 2013, at 7:00 p.m.** The public hearing before the City Council will be held on **Tuesday, April 2, 2013, at 7:00 p.m.** and will also occur in the City Hall Council Chambers.

DOCKET NUMBER

ANN-02-13/CPA-02-13/LDC-02-13

The affected territory totals approximately 199.77 acres of real property and includes the following properties as listed by Clackamas County Assessor Map Number:

22E-10-0060I; 22E-10-00602; 22E-09A-00900 and 22E-09A-00901.

The Planning Commission intends to make a recommendation to the City Council on the application for annexation and rezoning of the above properties at the public hearing. The City Council will subsequently make a decision to approve, approve with conditions, or deny the subject application in accordance with the applicable policies and criteria of the Oregon Statewide Planning Goals, Oregon Revised Statutes, City of Happy Valley Comprehensive Plan, and Chapter 16.67 of the City of Happy Valley Municipal Code. The decision will be made in accordance with said policies and criteria, and may be appealed to the Land Use Board of Appeals.

Interested parties are invited to attend this hearing or to submit comments in writing prior to the meeting time. All written comments must be received by the City of Happy Valley by 5:00 p.m. on Friday, March 15, 2013 to be included in the Planning Commission packet – verbal or written testimony may also be entered into the record at the public hearing. Those wishing to present verbal testimony, either pro, con, or to raise questions, will be asked to speak after presentation of the staff report. Testimony should pertain to the applicable criteria.

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m. weekdays), please call for an appointment. For additional information, contact Justin Popilek, Associate Planner at the above address and phone number.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting Marylee Walden, City Recorder at the above phone number.


Justin Popilek,
Associate Planner

**CITY OF HAPPY VALLEY
PLANNING COMMISSION HEARING
AGENDA**

**March 26, 2013
7:00 p.m.**

Roll Call

7:00 P.M. CALL TO ORDER

1. CITIZEN COMMENT

(Anyone wishing to address the Planning Commission concerning items not on the agenda may do so. When recognized by the Commission, please state your name and address for the record. Please direct all comments to the whole Commission. The Commission reserves the right to delay any action, if required, until such time when they are fully informed on the matter)

2. CONSENT AGENDA ITEMS

a. Minutes dated January 8, 2013

3. ANN-02-13/CPA-02-13/LDC-02-13 - CAMP WITHYCOMBE

Amendments to the City's Comprehensive Plan Map/Zoning Map for accommodating the annexation of Camp Withycombe and for the purpose of converting the camp's existing county zone (General Industrial) to a city zone (Institutional and Public Use).

4. HOP-01-13 – LAKE RIDGE EXTERIORS, LLC

Applicant requests approval of a home occupation permit to allow for the operation of a home roofing/painting business. The subject site is an approximately one-acre Lot of Record that contains one residence and an accessory structure. A single-lane gravel private access road (SE Tristan Road) serves the subject site with vehicular access, along with eight other properties located along the private road.

5. COMMISSIONERS CONCERNS AND COMMENT

6. ADJOURNMENT

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY

STAFF REPORT TO THE PLANNING COMMISSION

MARCH 26, 2013

**CAMP WITHYCOMBE COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENTS
(FILE NO. ANN-02-13/CPA-02-13/LDC-02-13)**

**AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN MAP/ZONING MAP FOR
ACCOMMODATING THE ANNEXATION OF CAMP WITHYCOMBE AND FOR THE
PURPOSE OF CONVERTING THE CAMP'S EXISTING COUNTY ZONE (GENERAL
INDUSTRIAL) TO A CITY ZONE (INSTITUTIONAL AND PUBLIC USE).**

I. GENERAL INFORMATION:

APPLICABLE CRITERIA:

Applicable Statewide Planning Goals; OAR 660-012-0060 of the Oregon Administrative Rules; applicable Goals and Policies from the City of Happy Valley Comprehensive Plan; and applicable Sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code, including 16.67.015, 16.67.020, and 16.67.060.

EXHIBITS:

- A. Staff Report and Findings of Fact
- B. Proposed Comprehensive Plan/Zoning Map Amendments
- C. Published Notice
- D. Measure 56 Notice

16000 SE Misty Drive
Happy Valley, Oregon 97086
Telephone: (503) 783-3800 Fax: (503) 658-5174
Website: www.ci.happy-valley.or.us

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

EXHIBIT A

BACKGROUND:

- The approximately 224 gross-acre Camp Withycombe is owned and operated by the Oregon Military Department (a state agency) and has been an active military training site since 1908. It is currently home to several Oregon Army National Guard military units under the jurisdiction of federal and state military authorities. The site contains historic military structures and has had a military armory since 1956. It is home to military residences; maintenance, logistics and warehousing buildings; a readiness training center; corporate headquarters of the 41st Brigade; and, associated parking and other uses. In addition, a future military museum is planned within the Camp. The City of Happy Valley, in particular both current and past Mayors and City Council Members, have worked hard toward developing strong relationships with the Camp, military reservists and their families. The confidence of the Oregon Military Department in the City is reflected by their willingness to annex within the city limits and complete future development projects utilizing city services.

OBSERVATIONS:

PROPOSED COMPREHENSIVE PLAN/ZONING MAP AMENDMENTS:

- The City proposes to amend the Comprehensive Plan Map/Zoning Map to change the existing plan designations/zoning districts of the subject properties from Clackamas County “General Industrial” (I-3) to City “Institutional and Public Use” (IPU). The configuration of the proposed designations/zones is depicted within Exhibit B. Military uses are an outright permitted use within the City’s IPU zone.

II. FINDINGS OF FACT

1. The following Statewide Planning Goals are applicable to the subject request:

“GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff Response:

The City, through the City of Happy Valley Land Development Code, has created proper procedures to ensure citizens the opportunity to have input in any proposed map amendment. Opportunities for public input will be available in the hearings process prior to action on this proposal. Notification of this proposal and hearing is detailed in Exhibits C and D, above. The City has therefore met its obligation of providing for citizen involvement under Statewide Planning Goal 1, as defined through the City’s adopted procedures.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Staff Response:

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The City of Happy Valley Comprehensive Plan was adopted by the City and acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with the statewide goals, state statutes and state administrative rules, in 1981.

The proposed amendments to the Comprehensive Plan represent relatively minor changes (as the Camp has existed for many, many decades), which will result in the amendment of existing County to City plan designations/zoning districts for the subject properties. The proposed City designations/zones represent a “down-zone” from the existing County designation/zone and allows a more accurate Comprehensive Plan designation/zoning district to encumber the subject properties.

The proposed amendments are consistent with existing City plan policies and are consistent with Statewide Planning Goal 2.

[...]

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To conserve open space and protect natural and scenic resources.

Staff Response:

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660-023-0250. The proposed map amendments do not modify the acknowledged Goal 5 resource list, or that portion of the Happy Valley Development Code adopted to protect a significant Goal 5 resource, or a policy that addresses specific requirements of Goal 5. The proposed amendments do not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list.

The proposed map amendments are therefore consistent with Statewide Planning Goal 5.

GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY:

To maintain and improve the air, water and land resources of the state.

Staff Response:

The proposed map amendments do not affect policies associated with Goal 6 established by the Happy Valley Comprehensive Plan. As reported in the previous findings for Goal 5, the proposed map amendments will continue to preserve environmentally sensitive lands. Also, approval of the proposed amendments will not eliminate the requirement for future development to meet the conditions of Chapter 16.34 (Natural Resources Overlay Zone) or, Chapter 16.51 (Surface Water Management) or any other section of the Happy Valley Land Development Code. Oregon Department of Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and CWA Section 404 water of the state and the country respectively. Clackamas County Water Environment Services (WES) coordinates storm

water management, water quality and stream enhancement projects throughout the city. Future development will still need to comply with these state, national and regional regulations and protections for air, water and land resources quality.

The proposed map amendments are therefore consistent with Statewide Planning Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect life and property from natural disasters and hazards.

Staff Response:

The proposed map amendments do not affect policies associated with Goal 7 established by the City of Happy Valley Comprehensive Plan. Approval of the proposed amendments will not eliminate the requirement for future development to meet the conditions of Chapter 16.32 (Steep Slopes Development Overlay Zone) or Chapter 16.35 (Flood Management Overlay Zone) or any other section of the Happy Valley Land Development Code.

The proposed map amendments are therefore consistent with Statewide Planning Goal 7.

[...]

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Staff Response:

Water service is provided by the Sunrise Water Authority. WES coordinates stormwater management, water quality and stream enhancement projects. Coordination with these agencies regarding public facilities and services for the developed portions of the subject properties were addressed through past land use approvals in the County and future development will be processed through the City's land use permitting process with input, analysis and any necessary conditions from these same service providers. As addressed below under Goal 12, the proposed amendments are not expected to generate any increase in traffic. No amendments to the public facilities plans are necessary in order to accommodate the proposed map amendments.

The proposed map amendments are therefore consistent with Statewide Planning Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system."

Staff Response:

See the finding under OAR 660-012-0060, below. As described below, the proposed amendments are consistent with Statewide Planning Goal 12.

2. The following Oregon Administrative Rules (OAR) are applicable to the subject request:

***"OAR Chapter 660, Division 12 (Transportation Planning)
660-012-0060
Plan and Land Use Regulation Amendments***

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
- (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
- (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*
- (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at*

other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)-(d) below:

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10%

reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with OAR 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

- (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or*
- (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.*
- (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:*
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:*
 - (i) Medium to high density residential development (12 or more units per acre);*
 - (ii) Offices or office buildings;*
 - (iii) Retail stores and services;*
 - (iv) Restaurants; and*
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.*
 - (B) Generally include civic or cultural uses;*
 - (C) A core commercial area where multi-story buildings are permitted;*
 - (D) Buildings and building entrances oriented to streets;*
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;*
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;*
 - (G) One or more transit stops (in urban areas with fixed route transit service); and*
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.*
- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
 - (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*
- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.*
 - (a) A proposed amendment qualifies for this section if it:*
 - (A) is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and*

- (B) is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.*
- (b) For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:*
 - (A) with a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;*
 - (B) entirely within an urban growth boundary;*
 - (C) with adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;*
 - (D) with land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and*
 - (E) located in one or more of the categories below:*
 - (i) at least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;*
 - (ii) within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or*
 - (iii) within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.*
- (c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.*
 - (A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:*
 - (i) whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;*
 - (ii) whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and*
 - (iii) whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.*
 - (B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.*
- (d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.*
- (e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.*

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities”

Staff Response:

The City’s TSP, adopted in 2011, designates SE Highway 212/224 as an existing major arterial roadway serving Camp Withycombe and the surrounding area. The proposed map amendments will not affect the functional classification of the existing or planned transportation facilities in the area, nor will they affect the standards implementing the functional classification system.

The proposed land use amendments will have a minimal effect (and are, in effect, a “down-zone” of the properties from County I-3 zoning), on the level of development and the amount of traffic projected to be generated within the area relative to that assumed by the existing Happy Valley TSP, which is consistent with the Metro Regional Transportation Plan traffic modeling assumptions for growth. As a result, the proposed map amendments will not significantly affect the planned transportation facilities in the area and are therefore consistent with Statewide Planning Goal 12 and the Transportation Planning Rule.

3. The following Land Use Policies from the City’s general Comprehensive Plan Policies are applicable to this request:

Comprehensive Plan Policies

“[...]

Policy 4: To insure orderly development in the City of Happy Valley through formulation of growth management policies and guidelines which will determine that development can occur only when adequate levels of services and facilities are or will be available.

Policy 5: To encourage controlled development while maintaining and enhancing the physical resources which make Happy Valley a desirable place to live.

[...]

Staff Response:

The City of Happy Valley ensures that “orderly and controlled development” occurs through the continuous and ongoing development of growth management policies and guidelines, primarily through implementation of the City’s Comprehensive Plan Policies and Development Code regulations. These criteria have been satisfied.

Commercial and Employment Element Policies

Policy 54: To encourage compatible residential, commercial and light industrial development in both the City of Happy Valley and nearby Clackamas County that will provide jobs. The City supports the development of commercial and employment uses in the Rock Creek Employment Area and in other areas, subject to design standards.

[...]

Staff Response:

By approving the Comprehensive Plan Map/Zoning Map Amendment, the City will bring a more cohesive land use pattern into effect within geographic areas that are governed by the City's LDC, thus encouraging compatibility across land use types in both Happy Valley and adjacent unincorporated Clackamas County. Therefore, this criterion has been satisfied.

Policy 74: To require new developments to provide Level I public facilities and services which are consistent with the Leveled Growth Management section of this Plan and are required by City Ordinances.

[...]

Policy 85: To require new developments to limit storm drainage runoff outside project boundaries or provide a storm drainage and collection system within the project in compliance with the City's Storm Drainage Ordinance.

Policy 86: Until the City's Facilities Plan is completed and the economic analysis and assessment policies are formulated by Clackamas County Service District #1, the City shall evaluate on a case by case basis those P.U.D's, subdivisions, land partitions or building permit applications which can be provided with sewer service from existing sewer lines adjacent to the City. Their approval during this interim period shall be based on the provisions of the City's Land Development Ordinance, Growth Management Policies, and agreements for the payment of anticipated public facilities assessments."

[...]

Staff Response:

Although the applicant's proposal does not request new development, approving the proposal will provide the opportunity for submitting land development applications for a variety of military land uses in the future. All future applications will have to demonstrate that the proposed development can be provided with adequate public facilities. They will need to show how storm drainage runoff and sewer service will comply with City regulations, including the requirements of CCSD#1.

Level I public facilities and services include water, sanitary sewer, storm drainage, fire protection, and streets. Water service will be provided by the Sunrise Water Authority; sanitary sewer and storm drainage service will be provided by CCSD#1; fire protection will be provided by CFD#1; and, the streets are public and owned and managed by ODOT.

The surrounding properties are provided, or could be provided, with Level 1 public facilities. Service providers will have the opportunity to submit specific observations or conditions regarding the provision of Level 1 services as part of a future development application for the subject site. Therefore, these criteria have been satisfied.

4. The following Sections from Title 16 of the City's Municipal Code (Development Code) are applicable to this request:

"Chapter 16.67 Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments"

16.67.015 Initiation of a plan amendment.

A. Any change in the text, map or implementing ordinances of adopted Happy Valley land use regulations may be initiated by the city, any resident of the city, property owners or authorized agent.... The City may, for the purposes of revising or updating plans to comply with statewide goals, legal guidelines or other necessary criteria, initiate a change in the map or text of any plan and this Land Development Code at any time.

Staff Response:

The City is initiating the proposed Comprehensive Plan Map/Zoning Map Amendments for the purpose of amending the subject properties from their existing County plan designations/zoning districts to City plan designations/zoning districts. The proposal will work to eliminate the difficulties of the City administering the existing County zones, because utilization of the County's ZDO refers one to many other code sections within the ZDO. To simplify the matter, the City's own Land Development Code contains all applicable land use regulations and policies associated with development or re-development within these areas, and is the necessary code to reference in regard to any action within the subject area. This criterion has been satisfied.

[...]

16.67.060 Transportation Planning Rule Compliance

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed Comprehensive Plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the traffic impact study provisions of Section 16.61.090. "Significant" means the proposal would:

- 1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the City's Transportation System Plan ("TSP"); or*
- 2. Change the standards implementing a functional classification system; or*
- 3. As measured at the end of the Transportation System Plan (TSP) period, allow types or levels of land use would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*

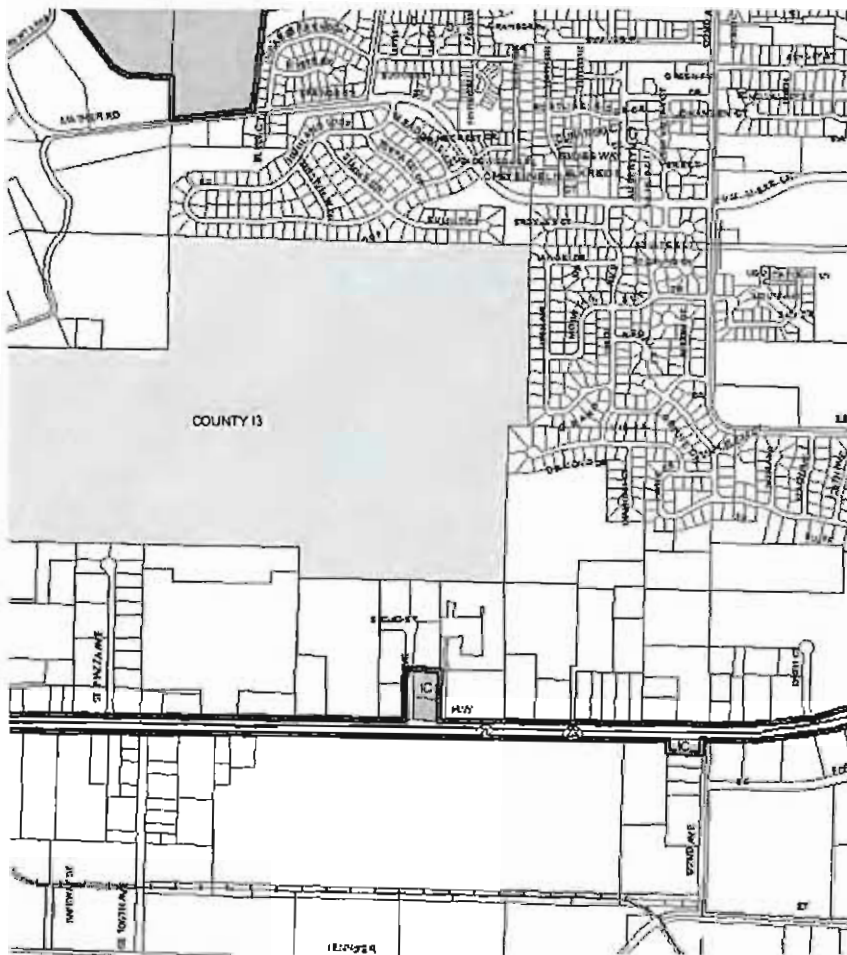
- 4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standards identified in the TSP; or*
- 5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standards identified in the TSP."*

Staff Response:

Compliance with Statewide Planning Goal 12 (Transportation) and Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule – TPR) is addressed in Section 2 of these findings.

III. CONCLUSION:

Staff has determined that the above findings demonstrate that the proposed amendments to the City's Comprehensive Plan/Zoning Map satisfy the requirements of the Statewide Planning Goals, the Transportation Planning Rule, City of Happy Valley Comprehensive Plan Policies and the City's Land Development Code. Staff, therefore, recommends that the Planning Commission forward a recommendation of approval to the City Council on application ANN-02-13/CPA-02-13/LDC-02-13.



Existing Zoning



Proposed Zoning

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086
PH. 503.783.3800
FAX 503.658.5174

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission and City Council will hold public hearings to consider an annexation and Comprehensive Plan Map/Zoning Map Amendment to annex and change the existing "Camp Withycombe" properties from their existing Clackamas County Comprehensive Plan designation/zoning district of General Industrial (I-3) to a City of Happy Valley plan/zoning designation of Institutional and Public Use (IPU). The public hearing before the Planning Commission will be held in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on **Tuesday, March 26, 2013, at 7:00 p.m.** The public hearing before the City Council will be held on **Tuesday, April 2, 2013, at 7:00 p.m.** and will also occur in the City Hall Council Chambers.

DOCKET NUMBER

ANN-02-13/CPA-02-13/LDC-02-13

The affected territory totals approximately 199.77 acres of real property and includes the following properties as listed by Clackamas County Assessor Map Number:

22E-10-00601; 22E-10-00602; 22E-09A-00900 and 22E-09A-00901.

The Planning Commission intends to make a recommendation to the City Council on the application for annexation and rezoning of the above properties at the public hearing. The City Council will subsequently make a decision to approve, approve with conditions, or deny the subject application in accordance with the applicable policies and criteria of the Oregon Statewide Planning Goals, Oregon Revised Statutes, City of Happy Valley Comprehensive Plan, and Chapter 16.67 of the City of Happy Valley Municipal Code. The decision will be made in accordance with said policies and criteria, and may be appealed to the Land Use Board of Appeals.

Interested parties are invited to attend this hearing or to submit comments in writing prior to the meeting time. All written comments must be received by the City of Happy Valley by 5:00 p.m. on Friday, March 15, 2013 to be included in the Planning Commission packet – verbal or written testimony may also be entered into the record at the public hearing. Those wishing to present verbal testimony, either pro, con, or to raise questions, will be asked to speak after presentation of the staff report. Testimony should pertain to the applicable criteria.

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m. weekdays), please call for an appointment. For additional information, contact Justin Popilek, Associate Planner at the above address and phone number.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting Marylee Walden, City Recorder at the above phone number.

Justin Popilek,
Associate Planner

Exhibit C

NOTICE OF PUBLIC HEARING

CITY OF HAPPY VALLEY

PLANNING COMMISSION AND CITY COUNCIL

THIS IS TO NOTIFY YOU THAT THE CITY OF HAPPY VALLEY PROPOSES A PLAN AND/OR LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY.

This notice is provided in order to comply with Ballot Measure 56 - approved by Oregon voters on November 3, 1998. Ballot Measure 56 requires the City to print the following sentence: "The City has determined that adoption of this ordinance may affect the permissible uses of your property, and/or other properties in the affected zone, and may change the value of your property."

Notice is hereby given that the

HAPPY VALLEY PLANNING COMMISSION will hold a
PUBLIC HEARING on
TUESDAY, MARCH 26, 2013 and the **HAPPY VALLEY CITY COUNCIL**
will hold a subsequent **PUBLIC HEARING on TUESDAY, APRIL 2, 2013**
both hearings to commence at **7:00 p.m.**

The hearings will be held at the Happy Valley City Hall
16000 SE Misty Drive,
Happy Valley, OR, 97086

The purpose of these hearings is to consider public testimony on:

ANNEXATION OF TERRITORY CURRENTLY IN UNINCORPORATED CLACKAMAS COUNTY AND AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN MAP/ZONING MAP

On March 26, 2013 and April 2, 2013, the City of Happy Valley will hold public hearings regarding the proposed annexation of territory into the City and amendments to the City's Comprehensive Plan Map/Zoning Map (File No. ANN-02-13/LDC-02-13/CPA-02-13). Along with the annexation of territory, the Planning Commission and City Council will consider the action of legislatively amending the existing Comprehensive Plan designation/land use zoning district for the subject properties from a Clackamas County plan/zoning designation of General Industrial/I-3 to a city plan/zoning designation of IPU, as set forth in the City's Land Development Code. The following language is required of Measure 56 notices: *The City of Happy Valley has determined that adoption of this plan may affect the permissible uses of your property, and/or other properties in the affected area, and may change the value of your property.* These land use files are available for inspection at the City of Happy Valley City Hall located at 16000 SE Misty Drive, Happy Valley, OR 97086. **All written comments must be received by Thursday, March 14, 2013 at the above address.** For additional information concerning the file, please contact Justin Popilek, Associate Planner at 503-783-3810, or write to justinp@ci.happy-valley.or.us. The City Council is the final local review authority and will consider the Annexation, Comprehensive Plan Map/Zoning Map amendment, and an ordinance at the public hearing. Applicable criteria for this review are generally set forth in:

- Happy Valley Comprehensive Plan Policies;
- Happy Valley Land Development Code
- Metro Urban Growth Management Functional Plan; and,
- Oregon Statcwide Planning Goals and Statutes.

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if requested at least 72 hours prior to the meeting. To obtain such services, please contact Marylee Walden, City Recorder, at 503.783.3800

Exhibit D



Existing Zoning



[illegible]



To the City Council of the
City of Happy Valley, Oregon

CITY OF HAPPY VALLEY

16000 SE Misty Drive
Happy Valley, OR 97086
Phone: 503-783-3800 Fax: 503-658-5174

PETITION TO ANNEX

I (we), the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition and give consent to, annexation of said property to the City of Happy Valley.

The consent for annexation is for the following described property:

15300 SE Industrial Way

Street Address of Property (if address has been assigned)

N/A

Legal Description (Subdivision Name, Lot number(s))

22E-10-00601; 22E-10-00602; 22E-09A-00900; 22E-09A-00901

Tax Map and Tax Lot Number

22E-10-00601

SIGNATURE(S) OF LEGAL OWNER(S) AND/OR REGISTERED VOTER(S)

[Signature] dyr 14 Feb 2013
Signature Owner Initial Voter Initial Date

Signature Owner Initial Voter Initial Date

Other Authorized Signature Owner Initial Voter Initial Date

Street Address Home Phone Work Phone

Mailing Address

City, State and Zip Code

A legal description and a copy of the
assessor's map of the property must be
submitted with this petition.

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than a year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective

Indefinitely, or until _____

[Signature] 14 Feb 2013
Signature Date

Signature Date

The Population Research Center at Portland State University compiles population estimates which they report to the State of Oregon on an annual basis. The State of Oregon then uses these estimates to determine the City's Fair Share of state funds. Please help us with this effort by indicating below the number of housing units on the above indicated tax lots and the number of people residing in these housing units. THANK YOU!

Number of housing unit on above lot: _____

Types of housing units: _____ Single family _____ Multi-family _____ Mobile home or trailer

Number of people occupying these units: _____

TY OF HAPPY VALLEY
000 SE MISTY DRIVE
Y VALLEY, OREGON 97086



DEPT OF

APR 08 2013

LAND CONSERVATION
AND DEVELOPMENT

Plan Amendment Specialist – Angela Houck
Dept. of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540

