



Oregon
Theodore R. Kulongoski, 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

06/24/2013

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 003-13

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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 05, 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: Justin Popilek, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<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
	JUN 17 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Happy Valley**

Local file number: **CPA-04-13/LDC-04-13**

Date of Adoption: **6/11/2013**

Date Mailed: **6/14/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 4/9/2013

☐ 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".

Approved a Comprehensive Plan Map/Zoning Map Amendment for one vacant property totalling 4.29 acres in size. The adopted amendment changed the existing plan designation/zoning district on the subject property from Very Low Density Residential (R-20) to Low Density Residential (R-7).

Does the Adoption differ from proposal? Yes, Please explain below:

The adopted amendment changed the existing plan designation/zoning district on the subject property from Very Low Density Residential (R-20) to Low Density Residential (R-7) and withdrew the original proposed Community Commercial Center (CCC).

Plan Map Changed from: **Very Low Density Residential** to: **Low Density Residential**

Zone Map Changed from: **R-20** to: **R-7**

Location: **12E26CD03200**

Acres Involved: **4**

Specify Density: Previous: **2 du/ac**

New: **5 du/ac**

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. 003-13 (19786) [17490]

DLCD file No. _____

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

Clackamas County, Metro

Local Contact: **Justin Popilek, Senior Planner**

Phone: **(503) 783-3810** Extension:

Address: **16000 SE Misty Drive**

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

City: **Happy Valley**

Zip: **97086-**

E-mail Address: **justinp@ci.happy-valley.or.us**

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 A. Tuck

CITY OF HAPPY VALLEY

AMENDED STAFF REPORT TO THE PLANNING COMMISSION

June 11, 2013

“132ND AVEUNE AND KING ROAD ZONE CHANGE”

COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT (CPA-04-13/LDC-04-13)

I. GENERAL INFORMATION

PROPOSAL:

The applicant, T.A. Liesy Homes Northwest, is proposing to amend the City's Comprehensive Plan Map/Zoning Map (“one-map” system) to change the current plan designation/zoning district for the subject site from “Very Low Density Residential” (R-20) to “Low Density Residential” (R-7). The subject property is located at the northwest corner of the intersection of SE 132nd Avenue and SE King Road. Staff has determined that the applicant's proposal complies with the applicable requirements of the Statewide Planning Goals, Oregon Administrative Rules (OAR), and the City's Comprehensive Plan and Land Development Code (LDC). **Therefore, staff recommends the Planning Commission APPROVE the proposed application subject to the findings and conclusions in this report.**

APPLICANT:

T. A. Liesy Homes Northwest, LLC
12042 SE Sunnyside Road, Suite 475
Clackamas, OR 97015

PROPERTY OWNER:

National Mortgage Company
15862 SW 72nd Avenue, Suite 200
Portland, OR 97224

APPLICANT'S REPRESENTATIVE:

3J Consulting, Inc.
10445 SW Canyon Road, Suite 245
Beaverton, OR 97005

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

EXHIBITS:

The applicant has submitted the following revised exhibits as part of the amended application:

Exhibit 1 (dated May 28, 2013)

Applicant's Letter to Planning Commission

Exhibit 2 (dated May, 2013)

Applicant's Revised Conceptual Development Plan

Exhibit 3 (dated May 28, 2013)

Revised Traffic Impact Analysis (Excerpt)

APPLICABLE CRITERIA:

- Applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; applicable City of Happy Valley Comprehensive Plan Policies; and applicable sections of the City of Happy Valley Municipal Code; Title 16-Land Development Code, including Chapters 16.22 (Residential Land Use Districts); 16.23 (Commercial and Employment Districts); 16.41 (Access and Circulation); 16.50 (Public Facilities); 16.61 (Types of Review Procedures); and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments).

SITE DESCRIPTION/ADJACENT LAND USE:

- The subject site is an approximately 4.29-acre Lot of Record located at the northwest corner of the intersection of SE King Road (Minor Arterial) and SE 132nd Avenue (Collector). The subject site is vacant with gradually sloping terrain and less than 20 trees being present. The subject site is bordered to the west by an approximately two-acre property, zoned "Institutional and Public Use" (IPU), which contains the City's Community Policing Center. To the north of the subject site is a subdivision known as "Lucerne Valle", which consists of approximately 20,000 square-foot lots that contain single-family detached residences. To the east of the subject site is an undeveloped property that is approximately 2.83 acres in size and is zoned "Low Density Residential" (R-7). To the south of the subject site, across SE King Road, is the location of four Lots of Record ranging in size from 20,000-30,000 square feet, with single-family detached residences existing on three of the four lots.

BACKGROUND:

- Until 2011, the subject site was located within a geographical area that was part of the Metro (Regional Government) "Town Center" designation for Happy Valley. This designation meant that the subject site would likely develop with extensive commercial components. In 2011, the City worked with Metro to establish the area surrounding Sunnyside Road from approximately 157th Avenue to 172nd Avenue, including the existing retail/commercial development at SE 162nd Avenue and SE Sunnyside Road as the Happy Valley Town Center

and removed this designation from the subject site and other adjacent properties. Thus, although the applicant proposes the small CCC zoned corner as part of the subject application, the total amount of potential density in the greater King Road corridor has decreased drastically from the densities allowed in a “Town Center” designation.

COMPREHENSIVE PLAN/ZONING MAP AMENDMENT AND CONCEPTUAL DEVELOPMENT PLAN:

- The applicant has submitted an amended application that proposes to amend the City’s Comprehensive Plan Map/Zoning Map to change the subject site’s existing plan designation/zoning district from “Very Low Density Residential” (R-20) to “Low Density Residential” (R-7). A revised Conceptual Development Plan is included as Exhibit 2. The applicant illustrates the area proposed as R-7 developing as single-family detached housing.

TRAFFIC IMPACT ANALYSIS/TRANSPORTATION PLANNING RULE COMPLIANCE:

- The applicant submitted an amended Traffic Impact Analysis (TIA) as part of their proposal that provides an evaluation of items such as trip generation and distribution, intersection/roadway safety, and capacity. Also within the amended TIA, the applicant’s Traffic Engineer provided a trip generation comparative analysis that studied the vehicular traffic generated by the subject site developing under the current zoning versus the proposed zoning. This analysis provides a comparison between the subject site developing as a seven-lot subdivision versus developing under the proposed zoning as a “reasonable worst-case scenario” (from a traffic impact perspective). The TIA states that the net increase from the subject site developing under the current zoning versus a “reasonable worst-case scenario” under the proposed zoning would be 10 a.m. peak hour trips and 13 p.m. peak hour trips (Exhibit 3, Page 24).

The applicant’s amended TIA states that the proposed Comprehensive Plan Map/Zoning Map Amendment will not necessitate the construction of left turn lanes into the two entrances envisioned to the subject site, from northbound SE 132nd Avenue and eastbound SE King Road. The TIA correctly assumes the development of the subject site will “trigger” one-half street frontage improvements along the subject site’s frontage with SE King Road and SE 132nd Avenue.

- It is required that a TIA submitted as part of an application for a Comprehensive Plan Map/Zoning Map amendment provide an analysis that addresses Oregon Administrative Rule (OAR) 660-012-0060, commonly referred to as the “Transportation Planning Rule” (TPR). Within this analysis, an applicant is required to determine if a proposed Comprehensive Plan Map/Zoning Map Amendment would “significantly” impact an existing transportation facility, and if so, propose mitigating measures. As discussed in the previous paragraph, the proposed Comprehensive Plan Map/Zoning Map Amendment could result in an estimated 10 more a.m. and 13 more p.m. weekday peak hour trips than under the current zoning.

When evaluating the applicant's proposal against the TPR, it was determined that the traffic impact from the proposed amendments would be considered "significant" (as defined in Section 16.67.060.A.1 of the LDC). This is due to the increased number of trips produced by the proposed amendment deteriorating the performance of an existing transportation facility (SE 129th and SE King Road intersection) that is otherwise projected to perform below the minimum acceptable performance standard identified in the City's TSP. As a result, the applicant's Traffic Engineer has proposed two mitigating measures to ensure compliance with the TPR.

1. Make a payment to the City in an amount equaling 3.7 percent (the applicant's proportionate share) of the cost of improving the SE 129th Avenue/SE King Road intersection with a traffic signal or roundabout (Condition of Approval Number 2B). The determination as to what the applicant's proportionate share would be for these improvements was based on the net increase in the number of trips that would result from the proposed Comprehensive Plan Map/Zoning Map Amendment (the reasonable worst case scenario described above); and
2. Construct an asphaltic pedestrian path along the north side of SE King Road from the current terminus of the existing sidewalk, located approximately 175 feet west of SE Regina Court, to the SE 132nd Avenue/SE King Road intersection, a distance of 1,240 feet (Condition of Approval Number 2C). Currently this "stretch" of SE King Road has no sidewalks and the pathway would serve as a much needed connection from Happy Valley Middle/Elementary School to the adjacent neighborhoods to the west.

The City's Traffic Engineer (DKS Associates) has reviewed and concurred with the applicant's findings and proposed mitigation methods as outlined within the TIA.

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 ensures the opportunity for citizens to be involved in all phases of the planning process.

Staff Response:

The public notice and outreach requirements for a Type "III" quasi-judicial land use application, such as that proposed by the applicant, have provided multiple opportunities for public involvement, including published notice for the land use hearing before the Planning Commission. In addition, the applicant held a voluntary neighborhood meeting, introducing the proposed zone change to the surrounding community. Therefore, this criterion is satisfied by the request and the public process followed by the City of Happy Valley.

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 ensure an adequate factual base for such decisions and actions.

Staff Response:

Statewide Planning Goal 2, Land Use Planning, requires that local jurisdictions 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. The proposed Comprehensive Plan Map/Zoning Map Amendment was evaluated using criteria found within the City's LDC and policies found within the City's Comprehensive Plan. This evaluation is augmented by the inclusion of comments and concerns submitted by neighboring residents. Furthermore, the proposed amendments are subject to a public hearing before the Planning Commission. Therefore, a well established planning process and policy framework exists within the City. Therefore, this criterion is satisfied.

Goal 6 (Air, Water and Land Resources Quality)

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

Staff Response:

As stated above, the subject property is governed by the City's LDC and all applicable service district, state, and federal regulations. Therefore, this criterion is satisfied by the proposed amendment.

Goal 10 (Housing)

To provide for the housing needs of the citizens of the State.

Staff Response:

The proposed Comprehensive Plan Map/Zoning Map Amendment, if approved, creates the potential for future development of the subject site to provide single-family detached housing within the City. Therefore, this criterion has been satisfied.

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:

As the City of Happy Valley is not a "full-service" municipality, providing all water, sewer, streets, etc., public facilities and services plans exist in the form of Master Plans; rules and regulations; implementing ordinances; and, Intergovernmental Agreements (IGA's) between the City and its service providers. Therefore, this criterion has been satisfied.

Goal 12 (Transportation)

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

Staff Response:

The intent of Goal 12 is "to provide and encourage a safe, convenient, and economic transportation system." Findings addressing the TPR are located within the Staff Responses to the City's own LDC section that addresses the TPR, below (see Section 4). Per those findings, this criterion has been satisfied.

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) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. 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) As measured at the end of the planning period identified in the adopted transportation system plan:*
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

- (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) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management 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.

(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) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) 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;

(c) 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;

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

(e) 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 (d) 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-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; 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 0060(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 (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 (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (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 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 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 (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 (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 Section 0020(2)(b) and Section 0045(3) of this division:

(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 Section 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 0060(1)."

Staff Response:

Section 16.67.060 (Transportation Planning Rule compliance) of the City's LDC addresses the requirements of this administrative rule. Findings addressing the TPR are located within the Staff Responses to the City's own LDC section that addresses the TPR, below (see Section 4). Per those findings, this criterion has been satisfied.

3. The following Policies from the City of Happy Valley Comprehensive Plan 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. The subject site is located in an "urbanized" area that is adequately served by public facilities, such as sanitary sewer, water, roadways, etc. Furthermore, the City's LDC requires

that if the subject site contains any environmentally sensitive lands the applicant would need to submit for an Environmental Review Permit with the City. These criteria have been satisfied.

Policy 42: To increase the supply of housing to allow for population growth and to provide for the housing needs of a variety of citizens of Happy Valley.

Policy 43: To develop housing in areas in areas that reinforce and facilitate orderly and compatible community development.

Policy 44: To provide a variety of lot sizes, a diversity of housing types including single family attached (townhouses) duplexes, senior housing and multiple family and range of prices to attract a variety of household sizes and incomes to Happy Valley.

[...]

Staff Report:

The proposed amendment, if approved, would apply R-7 plan designation/zoning district to the subject site. This zone would allow for a variety of housing types as permitted uses that would work to serve a diverse population. The permitted types of residential development allowed in these zones include single-family detached, single-family attached (as part of a PUD), and senior housing. Therefore, this criterion has been satisfied.

Policy 50: To locate land uses so as to take advantage of existing systems and physical features, to minimize development cost and to achieve compatibility and to avoid conflicts between adjoining uses.

[...]

Policy 51B: Low Density Residential Districts (R-10, R-8.5, R-7) – These districts provide for a variety of single family lot sizes and building types in neighborhood settings. They also allow attached housing as part of Planned Unit Developments. They provide transition between Low Density Residential Districts and High Density Districts.

These districts are applied throughout the City generally on slopes less than 15%. They should be located to promote compatibility and transition from higher to lower density within neighborhoods.

[...]

Staff Response:

The R-7 zoning district, if applied to the project site, would work to provide the City with vacant land that can be developed in accordance with the above policies. Many of the surrounding properties are already provided with Level 1 services, including water and sewer, and the proposed development will “tie into” and extend Level 1 services to the boundary of the subject site to facilitate the future development of neighboring properties to the west. Further,

regulations in the proposed zoning district including maximum building footprints and residential densities, building height limits, minimum setbacks, and landscaping and screening requirements will limit impacts of the project site on the surrounding area. Therefore, this criterion has been satisfied.

Staff Response:

Policy 64: To develop good transportation routes (vehicular, pedestrian, bicycle, etc.) between residential areas (and major activity centers both inside and outside the City) with street interconnectivity and neighborhood livability issues being the paramount consideration.

[...]

Policy 70: To encourage the development of bike paths and pedestrian walkways throughout the city in accordance with OAR and the implementation of the County bikeway route through the City.

[...]

Staff Response:

The applicant has provided as part of this submittal a TIA that has proposed mitigating measures for the increased vehicular trips that the proposed zone change would require the surrounding street system to absorb. One of these mitigating measures is for the applicant to construct a pedestrian path along the north side of SE King Road, from the SE King Road/SE 132nd Avenue intersection to the existing sidewalk located just to the west of SE Regina Court (Condition of Approval Number 2C). This pathway will work to provide a safe route for pedestrians from the adjacent neighborhoods and schools to the future residential and commercial development within the subject site. In addition, the amended conditions of approval will provide for further mitigation of the potential vehicular impacts caused by the subject request. These criteria have been satisfied.

Policy 102: When, as the coordinator of land use activities and service provision to development areas, the City must make determinations regarding fulfillment of the Growth Management Policies and Procedures, the City shall consider recommendations provided by service providers and other affected agencies, including but not limited to the following: • Clackamas County Service District No. 1 (CCSD#1)

- Sunrise Water Authority
- Clackamas Fire District No. 1 (CFD#1)
- Clackamas County, Department of Transportation and Development (DTD)
- North Clackamas School District No. 12 (NCSD#12)
- North Clackamas Parks & Recreation District (NCPRD)
- Tri-Met
- City of Portland
- City of Gresham
- City of Damascus

Any determination shall be within the parameters of the providers' or agency's own standards, criteria, requirements or plans. The service providers' decision shall be treated as a rebuttable presumption as to the ability of that provider to provide an acceptable level of service. However, the evidence that can rebut said decision must be compelling evidence based upon objective data and the agencies' standards-criteria-requirement or plans in order to controvert the determination of the service provided.

Staff Response:

Applicable service providers have been contacted and coordinated with by the City of Happy Valley, and the requirements of these service providers are incorporated within the record. This criterion has been satisfied.

Policy 103: No development of any properties shall be permitted which will interfere or prevent the extension of any Level I facilities or services."

Staff Response:

It is not anticipated that the proposed development will interfere or prevent the extension of any Level I facilities or services. In fact, the applicant's proposal will work to extend public facilities through the subject site to facilitate the development of neighboring properties to the west. This criterion has been satisfied.

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

"CHAPTER 16.22-RESIDENTIAL LAND USE DISTRICTS

16.22.030 Low Density Residential Zones.

A. Purpose.

1. Residential—Ten Thousand (10,000) Square Feet (R-10). This urban residential district is a means by which the densities are increased to make efficient use of available facilities and services in an environment of single-family dwellings. Variations in dwelling types and lot sizes should provide for a necessary flexibility in the City which will prevent typical appearances created by the traditional subdivision of land. Standards in this district are strictly urban oriented and are designed to develop and perpetuate urban trends and patterns. The

numerical designation R-10 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per ten thousand (10,000) square feet of lot area.

2. *Residential—Eight Thousand Five Hundred (8,500) Square Feet (R-8.5).* This urban residential district responds to the continuing urbanization of the City. Single-family detached dwellings are encouraged, but multifamily development is allowed in this district, as part of a PUD, which seeks to maximize the development potential in hillside areas. This district serves as a buffer between the R-10 and R-7 development districts. The numerical designation of R-8.5 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per eight thousand five hundred (8,500) square feet.

3. *Residential—Seven Thousand (7,000) Square Feet (R-7).* This development district will allow more urban residential density within the City through the use of small lots and a variation in dwelling types. Trends which were originated in lower density districts are continued and strengthened in this district and the patterns of the Comprehensive Plan are reinforced. Sanitary sewer and water are the most essential of urban services, but all Level 1 services and facilities are necessary and required for development at full density. The numerical designation R-7 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per seven thousand (7,000) square feet of lot area.

B. *Permitted Uses.* Table 16.22.030-1 identifies the land uses that are allowed in the R-10, R-8.5 and R-7 Districts.

Table 16.22.030-1 Low Density Residential (R-10, R-8.5 R-7) Permitted Uses

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	R-10	R-8.5	R-7
Residential			
One single-family frame dwelling, modular dwelling unit or manufactured home per lot	P	P	P
Single-family attached dwelling units, duplexes, multiple-family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130	P	P	P
Two-family attached dwelling units (duplexes) in a subdivision not approved as a PUD and not to exceed the allowable density of the district ¹	P	P	P
Multifamily dwellings not approved as a PUD. Density calculation as defined in Section 16.63.020 may be used where applicable	X	X	X
Accessory dwelling units complying with Section 16.44.050	P	P	P
Temporary manufactured home to allow for care of an aged or infirmed relative, provided that adequate water, sewage, disposal and fire protection are available, and that tongue, undercarriage and axles remain intact on the unit. Undercarriage wheels and supporting base must be covered with a full ground length sign-obscuring skirting around the entire circumference of the manufactured home.	C	C	C
Residential care home	P	P	P
Residential care facilities	C	C	C
Manufactured home parks, subject to the provisions of Section 16.44.040	P	P	P

Land Use	R-10	R-8.5	R-7
<i>Home occupation as defined in Section 16.12.030, per the provisions of Section 16.69.020</i>	<i>P</i>	<i>P</i>	<i>P</i>
Commercial			
<i>Commercial daycare facilities</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Special event centers for hosting functions such as weddings, anniversary celebrations, corporate parties and similar events</i>	<i>C</i>	<i>C</i>	<i>C</i>
Institutional/Utilities			
<i>Public utility substations or other function</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Church, synagogue, temple or other place of worship</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Public or private school(s)</i>	<i>C</i>	<i>C</i>	<i>C</i>
Other			
<i>Public or private open spaces, parks and playgrounds, golf courses, tennis courts and similar outdoor recreational activity areas and recreational buildings, facilities and grounds, which include fully or partially enclosed structures for the primary or secondary use</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Large scale recreational facilities such as golf courses, aquatic centers, aquariums, amusement parks and similar uses</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Temporary use of a trailer, mobile home, or other building for a use incidental to construction work provided that:</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>The maximum time period is six months, with a maximum extension for another six months; The trailer, mobile home, or other building is connected to an approved sewage disposal system; A building permit for a permanent structure has been issued; The temporary home or building shall be removed upon completion or abandonment of construction; and No reasonable alternative, such as the availability of nearby rental housing exists.</i>			
<i>Wireless communication facilities, not to include antenna support structures, subject to the provisions of Section 16.44.020 of this title</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Any accessory structure which is customarily incidental to any of the permitted uses, located on the same lot</i>	<i>P</i>	<i>P</i>	<i>P</i>
NOTE:			
¹ Location: Duplexes and triplexes must be located on a corner lot or adjacent to the intersection of two streets.			

[...]

Staff Response:

The applicant has proposed a Comprehensive Plan Map/Zoning Map Amendment that, if approved, would apply R-7 zoning to the subject site. The applicant's conceptual development plan indicates the area proposed as R-7 developing as single-family detached housing and a future subdivision would require with all pertinent development standards. 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 City Engineer or Planning Commission shall require reverse frontage lots, thereby precluding access to the parkway streets.

Staff Response:

At the time the subject site develops, the City will perform a thorough evaluation of the proposed access plan against the above criteria. The applicant's amended conceptual development plan (Exhibit 2) does indicate the potential future vehicular access points to the subject site. The City Engineer and Traffic Engineer have reviewed the revised conceptual development plan and deemed the potential access points as feasible and have recommended the revised Conditions of Approval. Within these conditions are recommendations that would require the applicant to address the above requirements prior to the development of the subject site by constructing a

future subdivision per the amended Conditions of Approval. Per the amended conditions, these criteria have been satisfied.

16.41.040 Pedestrian access and circulation.

To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system as shown in the City's TSP, Happy Valley Parks Master Plan, or North Clackamas Parks District 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 developments 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 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.

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.

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

Staff Response:

Staff has recommended an amended condition of approval (Number 2C) requiring the future development to construct an asphaltic pedestrian path along the north side of SE King Road from the current terminus of the existing sidewalk, located approximately 175 feet west of SE Regina Court, to the SE 132nd Avenue/SE King Road intersection, a distance of 1,240 feet. Currently this “stretch” of SE King Road has no sidewalks and the pathway would serve as a much needed connection from Happy Valley Middle/Elementary School to adjacent neighborhoods to the west. The need for further pedestrian connections will be evaluated at the time of land use review for the specific uses of the subject site. Transit service is not provided to the subject property. Per Condition of Approval Number 2C, these criteria have been satisfied.

CHAPTER 16.61-TYPES OF REVIEW PROCEDURES

16.61.040 Type III procedure (quasi-judicial).

[...]

D. Notice of Hearing.

1. Mailed Notice. The City shall mail the notice of the Type III action. The records of the Clackamas County Assessor's Office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the Planning Official or designee in the following manner:

a. At least twenty-one (21) days before the hearing date, notice shall be mailed to:

i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;

ii. All property owners of record within three hundred (300) feet of the site;

iii. Clackamas County, Clackamas Fire District No. 1 or its successor in interest, Sunrise Water Authority or its successor in interest, school districts, public or private utility districts or agencies and any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application;

iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;

v. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;

vi. Any person who submits a written request to receive notice;

vii. For appeals, the appellant and all persons who provided testimony in the original decision;

viii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175; and

ix. For expedited annexations, all interested and necessary parties, as defined by Metro Code Section 3.09.020, shall be notified by mail.

b. The Planning Official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

c. At least fourteen (14) business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

2. Posted Notice. In addition to any other notice, the applicant shall post the property subject to the application with at least one sign for every three hundred (300) feet of frontage. The sign shall be purchased from the City. Such sign shall remain continuously posted from at least fourteen (14) days prior to the end of the public written comment period or public hearing date. A notarized statement of posting shall be submitted to the City Recorder prior to the public hearing. Failure to post the sign may result in invalidating the final decision.

*3. Content of Notice. Notice of appeal of a Type II administrative decision or notice of a Type III hearing to be mailed and published pursuant to subsection (D)(1) above shall contain the following information:
[...]*

Staff Response:

The process and notices described within this section have been followed by the City. The application was deemed complete on March 26, 2013. 35-Day Notice was sent to the Department of Land Conservation and Development on April 9, 2013, public notice was also sent on April 9, 2012, and newspaper notice was published on April 24, 2013. Also, the applicant posted public notice signs on the subject site on April 12, 2013. A public hearing was held before the Planning Commission on May 14, 2013 and continued to June 11, 2013 – a 120-day waiver (extension) was also granted by the applicant. Therefore, these criteria have been satisfied.

F. The Decision Process.

1. Basis for Decision. Approval or denial of an appeal of a Type II administrative decision or of a Type III application shall be based on standards and criteria in this Development Code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the Comprehensive Plan for the area in which the development would occur and to the development regulations and Comprehensive Plan for the City as a whole;

*2. Findings and Conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
[...]*

Staff Response:

This application is being processed through the City's Type "III" quasi-judicial review procedure. The standards and criteria that have been used to evaluate the proposed application are found within the Statewide Planning Goals, OAR, Happy Valley Comprehensive Plan, and LDC. The findings of the City's evaluation of the applicant's proposal are provided within this report. These criteria have been satisfied.

CHAPTER 16.67- COMPREHENSIVE PLAN MAP, SPECIFIC AREA PLANS, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

[...]

16.67.030 Quasi-judicial amendments.

A. Applicability of Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial Comprehensive Plan map/district map amendments shall follow the Type III procedure, as governed by Section 16.61.040, using standards of approval in Section 16.67.030(C). The approval authority shall be as follows:

- 1. The Planning Commission shall be the review authority for Comprehensive Plan map/land use district map amendments paired with master plans under twenty (20) acres in size.*
- 2. The Planning Commission shall make a recommendation to the City Council on an application for all other Comprehensive Plan map/land use district plan map amendments. The City Council shall decide such applications.*
- 3. The City Council shall be the review authority for annexations that involve the legislative conversion of existing Clackamas County Comprehensive Plan designations/zoning districts to City Comprehensive Plan designation/zoning districts, per the provisions of Section 16.67.070.*

Staff Response:

The applicant's proposed Comprehensive Plan Map/Zoning Map Amendment pertains to a single property that has an area that is less than 20 acres. As a result, the proposed amendment is being processed utilizing the City's Type "III" quasi-judicial procedure per the applicable requirements of Section 16.61.050 (see finding, above), which involves a hearing before the Planning Commission. This criterion has been satisfied.

B. Filing requirements.

- 1. In order to have a complete application for any proposed text amendment, the applicant shall submit the necessary application forms, and a narrative addressing applicable Comprehensive Plan objectives and policies, as well as the review criteria within Section 16.40.041.*
- 2. In order to have a complete application for a proposed Comprehensive Plan map/zoning map or specific area map amendment, the applicant shall submit:*

- a. *The necessary application forms, and a narrative addressing applicable Comprehensive Plan goals and policies, as well as the review criteria within Section 16.61.040;*
- b. *A conceptual development plan illustrating a proposed street system, lot pattern, neighborhood circulation plan within a five hundred (500) foot radius of the subject site, and any natural resource or steep slopes areas;*
- c. *A traffic study prepared by a professional, Oregon-licensed traffic engineer. If a master plan that requires a full traffic impact analysis is required for a Comprehensive Plan map amendment/land use district map, a subsequent master plan may satisfy this provision, as determined by the Planning Official.*

Staff Response:

The Comprehensive Plan/Zoning Map Amendment application that was submitted by the applicant was reviewed and determined to contain the above items. City staff sent a notice to the applicant that their application was complete on March 26, 2013. These criteria have been satisfied.

C. *Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. *Approval of the request is consistent with the Statewide Planning Goals;*
2. *Approval of the request is consistent with the applicable goals and policies of the City's Comprehensive Plan;*
3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*

Staff Response:

As demonstrated within the findings of this report, the proposed amendments are consistent with the Statewide Planning Goals and the City's Comprehensive Plan. Also, the subject site is located in an area that is adequately served by all public utilities. The applicant will be required to contribute to the improvement of the adjacent transportation network to ensure that it will have adequate capacity to support the uses allowed in the proposed zones (see below finding for Section 16.67060.A). These criteria have been satisfied.

4. *The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the Comprehensive Plan or land use district map regarding the property which is the subject of the application; and*

Staff Response:

The proposed Comprehensive Plan Map/Zoning Map Amendment serves the public interest from the perspective of providing a variety of housing options and providing necessary transportation infrastructure improvements to improve the vehicular, bicycle and pedestrian system along the frontages of the subject property as well as off-site improvements. This intensification of land

uses is proposed adjacent to a Minor Arterial (SE King Road) and Collector (SE 132nd Avenue), which serves City objectives regarding efficient use of land and public facilities, so that future development will be compatible with surrounding residential uses. This criterion has been satisfied.

5. *When an application includes a proposed Comprehensive Plan map amendment/land use district map amendment, the proposal shall be reviewed to determine whether it conforms to Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR). If a master plan that requires a full traffic impact analysis is required for a Comprehensive Plan map amendment/land use district map, a subsequent master plan may satisfy this provision, as determined by the Planning Official.*

Staff Response:

Section 16.67.060 of the City's LDC requires compliance with the TPR, which is addressed within the findings of this report (see below finding). Therefore, this criterion has been satisfied.

*16.67.040 Conditions of approval for quasi-judicial amendments.
A quasi-judicial decision may be for denial, approval, or approval with conditions: conditions shall be based on applicable regulations and factual evidence in the record. Legislative amendments may only be approved or denied.
[...]*

Staff Response:

City staff has included within this report what it has deemed an appropriate list of conditions of approval for the subject application. 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 planning period identified in the TSP, allow types or levels of land use that 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 standard 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 standard identified in the TSP.*

Staff Response:

It is required that a TIA submitted as part of an application for a Comprehensive Plan Map/Zoning Map amendment provide an analysis that addresses Oregon Administrative Rule (OAR) 660-012-0060, commonly referred to as the TPR. Within this analysis, an applicant is required to determine if a proposed Comprehensive Plan Map/Zoning Map amendment would “significantly” impact an existing transportation facility, and if so, propose mitigating measures. As indicated in the applicant’s TIA, the proposed Comprehensive Plan Map/Zoning Map Amendment would result in an estimated 10 more a.m. and 13 more p.m. weekday peak hour trips than under the current zoning. When evaluating the applicant’s proposal against the TPR, it was determined that the traffic impact from the proposed amendments would be considered “significant” (as defined in the above section). This is due to the increased number of trips produced by the proposed amendment deteriorating the performance of an existing transportation facility (SE 129th and SE King Road intersection) that is otherwise projected to perform below the minimum acceptable performance standard identified in the City’s TSP. As a result, the applicant’s Traffic Engineer has proposed two mitigating measures to ensure compliance with the TPR.

1. Make a payment to the City in an amount equaling 3.7 percent (the applicant’s proportionate share) of the cost of improving the SE 129th Avenue/SE King Road intersection with a traffic signal or roundabout (Condition of Approval Number 2B). The determination as to what the applicant’s proportionate share would be for these improvements was based on the net increase in the number of trips that would result from the proposed Comprehensive Plan Map/Zoning Map Amendment (the reasonable worst case scenario described in the narrative of this report); and
2. Construct an asphaltic pedestrian pathway along the north side of SE King Road from the current terminus of the existing sidewalk, located approximately 175 feet west of SE Regina Court, to the SE 132nd Avenue/SE King Road intersection, a distance of 1,240 feet.

The City’s Traffic Engineer (DKS Associates) has reviewed and concurred with the applicant’s findings and proposed mitigation methods as outlined within the TIA. These criteria have been satisfied.

B. Amendments That Affect Transportation Facilities. Except as provided in subsection C, amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility (identified in the TSP). This shall be accomplished by one of the following:

1. *Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or*

2. *Amending the TSP to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or*

3. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or*

4. *Amending the planned function, capacity or performance standards of the transportation facility; or*

5. *Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.*

C. *Exceptions. Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the TSP, may be approved when all of the following criteria are met:*

1. *The amendment does not include property located in an interchange area, as defined under applicable law;*

2. *The currently planned facilities, improvements or services are not adequate to achieve the standard;*

3. *Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and*

4. *The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility."*

Staff Response:

As discussed in the previous finding, the proposed Comprehensive Plan Map/Zoning Map Amendment will significantly affect the surrounding transportation facilities. Therefore, the applicant's Traffic Engineer has proposed two mitigating measures, which have been reviewed and determined to be acceptable by the City. These criteria have been satisfied.

III. CONCLUSION AND RECOMMENDATION:

Staff has determined that the above findings demonstrate that the proposed Comprehensive Plan Map/Zoning Map Amendment satisfies the requirements of the Statewide Planning Goals, OAR, City of Happy Valley Comprehensive Plan and LDC. Staff, therefore, recommends the Planning Commission **approve** amended application CPA-04-13/LDC-04-13, subject to the proposed conditions of approval.

Conditions of Approval for CPA-04-13/LDC-04-13

1. That the City shall amend the Comprehensive Plan/Zoning Map for the subject site to reflect a Comprehensive Plan/Zoning Map Amendment to Low Density Residential (R-7).

2. That in conjunction with a future subdivision application, the following Conditions shall apply:
 - A. The development shall include frontage (one-half street) improvements on 132nd Avenue that conform to City of Happy Valley standards for a 3-lane collector roadway. The improvements shall meet those shown in Figure 8-5A of the Happy Valley Transportation Plan. The one-half street improvements shall include pavement, curb, gutter, landscape strip, and sidewalk. Frontage (one-half street) improvements shall be constructed on King Road that conform to City of Happy Valley standards for a 3-lane minor arterial roadway. The improvements shall meet those shown in Figure 8-4 of the Happy Valley Transportation Plan. The one-half street improvements shall include pavement, curb, gutter, landscape strip, and sidewalk.
 - B. The development shall contribute 3.7 percent of the estimated cost for the long term improvements at the SE 129th Avenue/SE King Road intersection based on the proposed project share of future trips at the intersection.
 - C. The development shall construct an asphaltic path along the north side of SE King Road from the terminus of the existing sidewalk located approximately 175 west of SE Regina Court to the intersection of SE King Road and SE 132nd Avenue.
 - D. All required public improvements shall be constructed, inspected, and accepted prior to final plat approval. Street design plans shall conform to the requirements of the City's "Engineering Design and Standard Details Manual" (Manual) current revision, and the City's Transportation System Plan (TSP), current revision. The referenced documents are available on the City's website.
 - E. Minimum AASHTO sight distance requirements shall be met at all 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 proposed site driveways shall provide a minimum of 330 feet of intersection sight distance based on an assumed driver speed of 30 mile per hour. These shall be approved by the engineer prior to final site plan approval.



SITE STATISTICS

Size: 4.25 Acres
 Jurisdiction: City of Happy Valley

Dimensional Requirements:

Assumed Zoning: R-7
 Minimum Lot Size: 7,000 SF

Setbacks:

Front:	22'
Side:	5'
Street Side:	15'
Rear:	22'
Max. Height:	45'

SITE NOTE

Site map has been prepared using data from existing tax maps and Metro's RLIS GIS Data. This map has been prepared for conceptual design purposes, not for construction. All boundary and dimensional information should be verified by a professional land surveyor.

Site has been designed to meet the City's R-7 standards. The site is currently zoned R-20 and will require a zone change in order to achieve the density and lot sizes shown herein.



1" = 100' @ 8.5x11"

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086



DEPT OF

JUN 17 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

