



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

01/02/2013

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 009-12

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: Wednesday, January 16, 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

<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
	DEC 27 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Happy Valley**Local file number: **CPA-06-12/LDC-06-12**Date of Adoption: **12/4/2012**Date Mailed: **12/20/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 9/21/2012☐ 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".

Conversion of previously annexed properties from County land use zones to applicable City comprehensive plan designations/zoning districts for properties located in the city limits within the greater "Eagle Landing" area (excluding lands owned by Veritas Investments). In addition, to remove outdated Chapter 16.36 (Eagle landing Sub-Area Plan Overlay Zone) from the City's Land Development Code.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **CntyR5 R2.5/MR2;OSM;MR2 HDR R7** to: **CityR5 MURM2 IPU MURM2MURM3 R7**Zone Map Changed from: **CntyR5 R2.5/MR2;OSM;MR2 HDR R7** to: **CityR5 MURM2 IPU MURM2MURM3 R7**

Location:

Acres Involved: **36**Specify Density: Previous: **8-34 du/ac**New: **8-34 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. 009-12 (19517) [17300]

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

Clackamas County, Metro

Local Contact: **Michael D. Walter**

Phone: (503) 783-3800 Extension: 3839

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.

CITY OF HAPPY VALLEY
ORDINANCE NO. 430

AN ORDINANCE INCORPORATING AMENDMENTS TO TITLE 16 OF THE CITY'S MUNICIPAL CODE (DEVELOPMENT CODE); AND, COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENTS IN ORDER TO IMPLEMENT CHANGES ENVISIONED WITHIN THE GREATER EAGLE LANDING AREA.

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, the City has coordinated with the Oregon Department of Transportation (ODOT); Oregon Department of Conservation and Development (DLCD); Metro; and, Clackamas County in the development of the proposed amendments within the greater Eagle Landing area; and

WHEREAS, incorporation of the greater Eagle Landing area zoning conversions requires amendments to the Comprehensive Plan/Zoning Map and the removal of the Eagle Landing Sub-Area plan within the City's Land Development Code have been discussed in a citizen involvement process that included direct mail (including Measure 56 Notice), and the Planning Commission public hearing on November 13, 2012; and

WHEREAS, the Planning Commission recommended the City Council approve the amendments associated with the greater Eagle Landing area zoning conversions and Development Code amendments as detailed in the Staff Report to the Planning Commission dated November 13, 2012; and

WHEREAS, the Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to make the proposed amendments as detailed within Staff Report to the Planning Commission dated November 13, 2012 and as discussed at the regular meeting of the City Council on December 4, 2012; and

NOW, THEREFORE, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

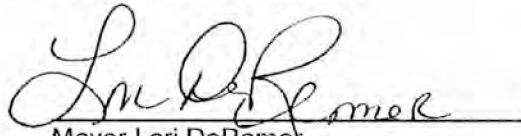
- Section 1. The City of Happy Valley declares that the incorporation of the changes envisioned within the greater Eagle Landing area are supported by the proposed amendments to the City's Comprehensive Plan/Zoning Map and Land Development Code, to be amended as set forth within the Staff Report to the Planning Commission dated November 13, 2012.
- Section 2. The City of Happy Valley declares that the Findings of Fact included within the Staff Report to the Planning Commission dated November 13, 2012 are hereby adopted in conjunction with this Ordinance.
- Section 3. The City of Happy Valley declares that the changes to the greater Eagle Landing area are adopted and that the comprehensive plan designations/zoning districts be applied to the properties illustrated in Exhibit "A" that are currently located within the existing city limits.

BE IT FURTHER DECLARED that this Ordinance shall become effective thirty (30) days after approval by the City Council.

This ordinance takes effect 30 days after adoption.

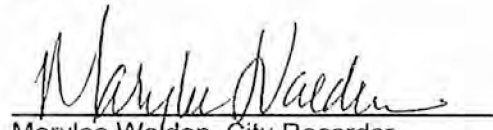
COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING: [December 4, 2012]

CITY OF HAPPY VALLEY

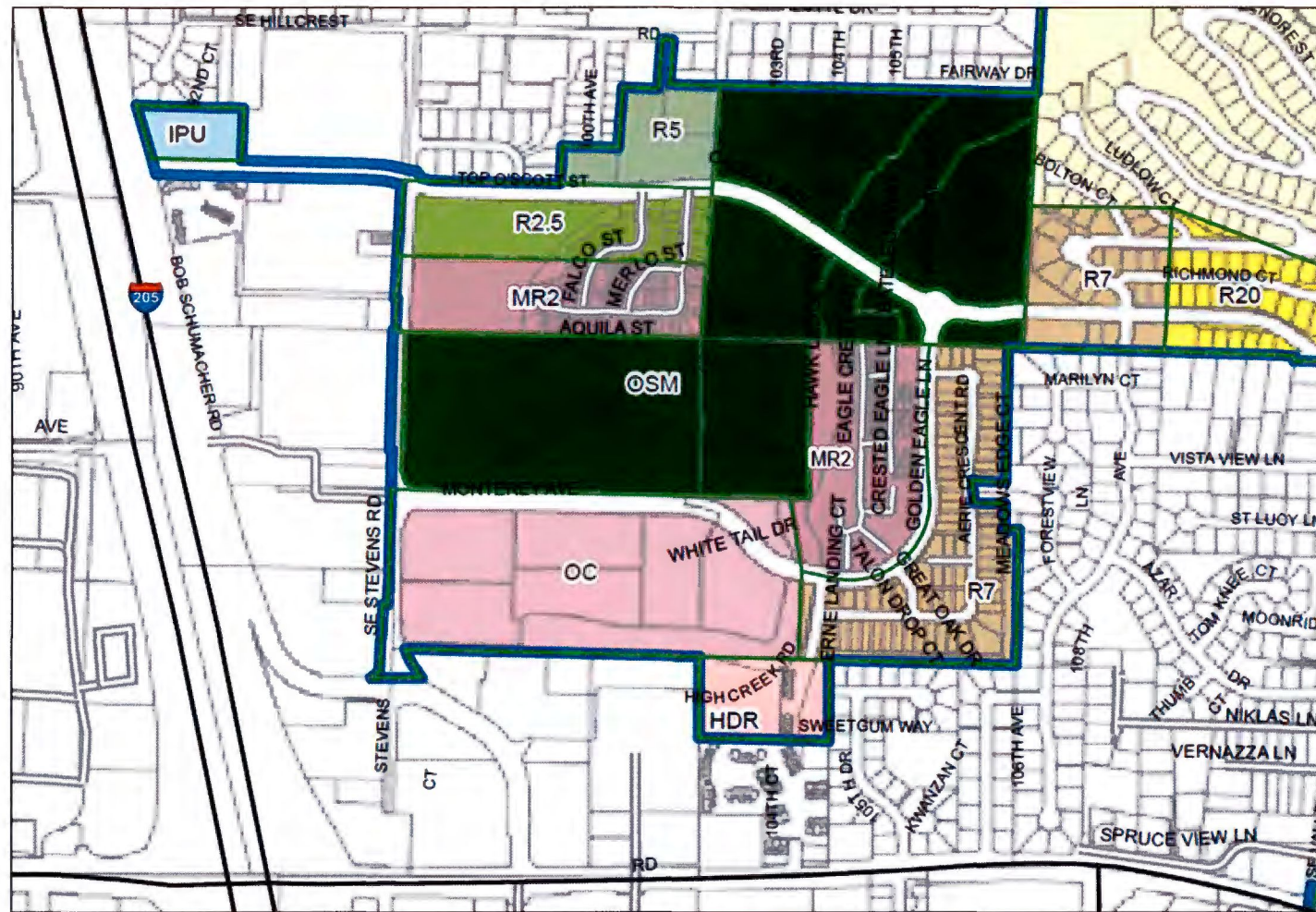


Mayor Lori DeRemet

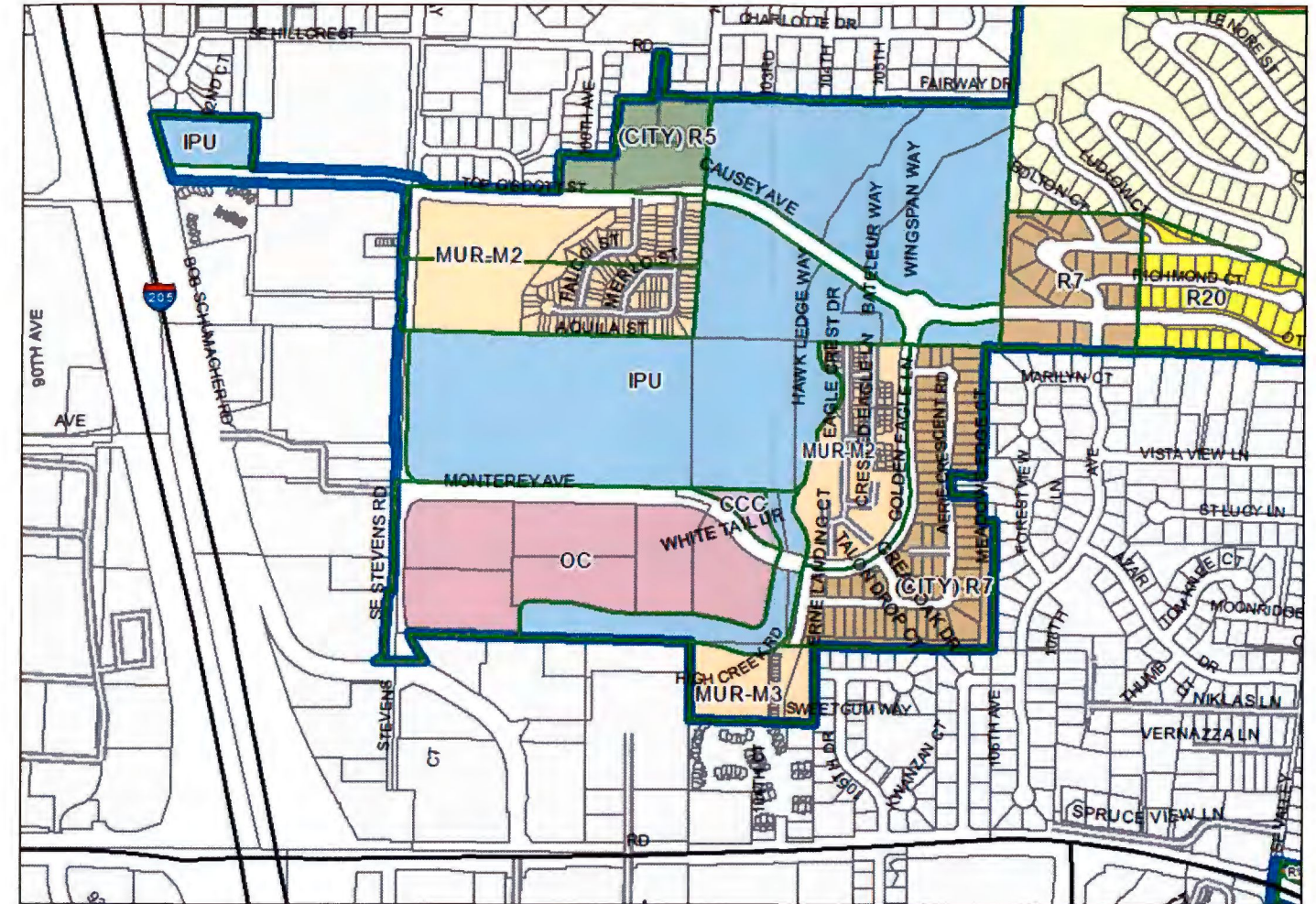
ATTEST:



Marylee Walden, City Recorder



Existing Zoning



Proposed Zoning

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY
STAFF REPORT TO THE PLANNING COMMISSION
NOVEMBER 13, 2012

GREATER "EAGLE LANDING" AREA COMPREHENSIVE PLAN/ZONING MAP
AMENDMENTS AND RELATED AMENDMENTS TO TITLE 16 OF THE
CITY'S MUNICIPAL CODE (LAND DEVELOPMENT CODE), INCLUDING THE
REMOVAL OF CHAPTER 16.36 (EAGLE-LANDING SUB-AREA OVERLAY ZONE)

I. GENERAL INFORMATION:

APPLICABLE CRITERIA:

Applicable Statewide Planning Goals; OAR 660-012-0060 of the Oregon Administrative Rules; Title 4 of Metro Chapter 3.07 (Urban Growth Management Functional Plan); 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. Proposed Development Code Text Amendments
- D. Published Notice
- E. Measure 56 Notice

BACKGROUND:

- The primary subject of the proposed amendments is further analysis of the geographic region in the northwest quadrant of the City of Happy Valley herein referred to as the "greater Eagle Landing area." This area does not include approximately 17 acres of land owned by Veritas Investment Company, LLC (Veritas) that was recommended for approval of a Comprehensive Plan/Zoning Map designation of Regional Center Mixed Use (RCMU) on April 3, 2012. The subject area is roughly 36 gross acres in size and was brought into the city limits by submittal of annexation petitions, primarily between 2005 and 2008. At the

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

EXHIBIT A

time of these annexations, the City of Happy Valley did not have in place the “conversion matrix” that now exists within the City’s Land Development Code (LDC), which converts an urban Clackamas County zone to the applicable City zone. The ramifications associated with County zoned properties existing within the city limits are fairly complex. In sum, it is highly problematic for the City to administer the County zoning, because utilization of the County’s Zoning Development Ordinance (ZDO) will refer one to many other code sections within the ZDO. 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. Thus, the City seeks to convert all lands within the city limits to City of Happy Valley Comprehensive Plan Designations/Zoning Districts.

OBSERVATIONS:

PROPOSED GREATER EAGLE LANDING AREA COMPREHENSIVE PLAN/ZONING MAP AMENDMENTS

- As illustrated within the proposed Comprehensive Plan/Zoning Map Amendments (Exhibit B), there are a broad variety of existing Clackamas County zones within the subject area, and thus a broad variety of proposed City Comprehensive Plan Designations/Zoning Districts, which for the remainder of this document, will be shortened to “city zones” or “city zoning” (though yet referring to the City’s combined “one-map” system that combines Comprehensive Plan Designations and Zoning Districts). In summary, the changes reflect conversion of the following zones: County R-5 to City R-5; County R-7 to City R-7; County R-2.5/MR-2 to City MUR-M2; County OSM to City IPU; County OC to City CCC; County MR-2 to City MUR-M2; and, County HDR to City MUR-M3. The proposed City zones simply reflect the existing conversion matrix found at Section 16.67.070 (Annexations) within the City’s Land Development Code.

PROPOSED GREATER EAGLE LANDING AREA RELATED LAND DEVELOPMENT CODE TEXT AMENDMENTS

- The proposed text amendments to the City of Happy Valley LDC (Exhibit C) represent the complete removal of Chapter 16.36 (Eagle Landing Sub-Area Plan) from the LDC. Staff notes that at the time of annexation of a number of properties in 2005 (particularly the 17 acres owned by Veritas), the City and Veritas sought to expedite annexation and the provisions of Chapter 16.36, which represent previous land use approval conditions of approval from Clackamas County, as well as provisions from a since expired Development Agreement between the City and Veritas. As the previous land use approvals in the County as they relate to the 17 acres owned by Veritas are “vested” within the RCMU zone, and otherwise, said land use approvals are not desirable to be codified in the City’s LDC, thus their proposed removal.

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 text and map amendments. Opportunities for public input will be available in the hearings process prior to action on this proposal. Notification of this proposal and hearing are detailed in Exhibits D and E, 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 minor changes, as they reflect only conversion from existing Clackamas County urban zones to City of Happy Valley urban zones.

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 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 and text 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 amendments do not affect policies associated with Goal 6 established by the Happy Valley Comprehensive Plan. Approval of the proposed text and map amendments will not eliminate the requirement for future development to meet the conditions of LDC 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 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. DSL and ACE 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 and text amendments are therefore consistent with Statewide Planning Goal 6.

[...]

GOAL 10: HOUSING

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

Staff Response:

The proposed amendments do not impact any land designated for housing in the Comprehensive Plan as the proposed changes simply convert residential land use districts from County residential urban zones to City residential urban zones. The proposed map and text amendments are therefore consistent with Statewide Planning Goal 10.

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. Clackamas County Water Environment Services (WES) coordinates storm water management, water quality and stream enhancement projects. Coordination with these agencies regarding public facilities and services for the amendment area will not be affected. The proposed amendments will not increase the demand for utility infrastructure and services. As addressed below under OAR-660-012-0060 (Transportation Planning Rule), the proposed amendments are not expected to generate an increase in traffic, and the planned transportation system in the area can absorb the future development traffic with no need for additional improvements beyond those identified in the adopted TSP. No amendments to the public facilities plans are necessary in order to accommodate the proposed map and text amendments. The proposed map and text 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 Happy Valley Transportation System Plan, the most recent version of which was adopted in February 2012, addresses the entire street system serving the greater Eagle Landing area, including provisions for Causey Ave. and Monterey Ave. as Collector roads and Sunnyside Road as a Major Arterial. The proposed map and text 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 map and text amendments 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:

"General 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.

[...]

Policy 8: To assume proportionate responsibility for development within the City of Happy Valley consistent with projected population for the City.

[...]

Policy 10: Limit development in identified natural drainage-ways, floodplains, wetlands, steep slopes and landslide hazard areas. Housing development, and any other development intended for human occupancy, shall occur, to the greatest extent possible, on lands designated for development that are free from flood hazard, slope limitations, or other hazards.

Staff Response:

The proposed set of Comprehensive Plan Map/Zoning Map amendments would allow development forms that will better fit within the City's plans and provisions for orderly growth and growth management due to the fact that development will be directly tied to City Comprehensive Plan designations/zoning districts and the City's LDC and thus can better respond to and integrate with the City's current protections for steep slopes, stream corridors, flood areas, or other natural features.

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 and Development Code amendments.

16.67.020 Legislative Amendments

Legislative amendments are policy decisions made by City Council. Except in the case of expedited annexation, they are reviewed using the Type IV procedure in Section 16.61.050 and shall conform to the Transportation Planning Rule provisions in Section 16.67.060, as applicable.

Staff Response:

The proposed amendments are legislative in nature. They will be reviewed using the Type IV procedure and will be considered by the Planning Commission and City Council. Compliance with the Transportation Planning Rule is addressed below.

[...]

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 Land Development Code and Comprehensive Plan/Zoning Map amendments 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 CPA-06-12/LDC-06-12.

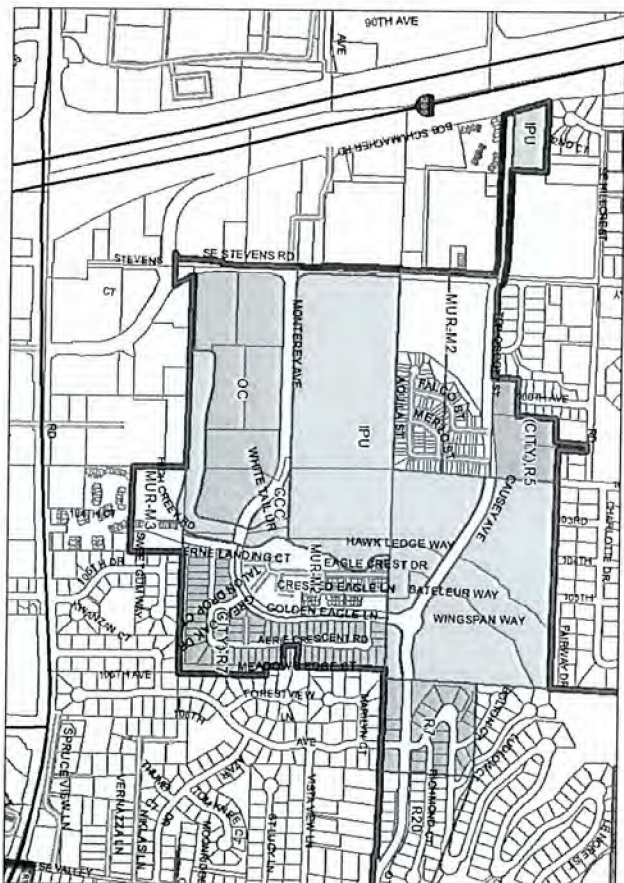
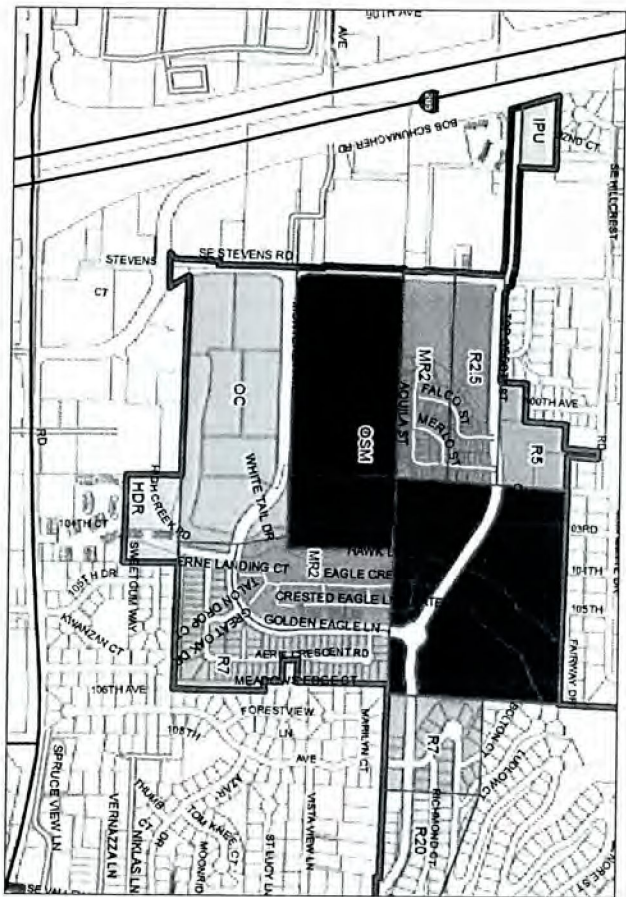


EXHIBIT #

11

DRAFT MUNICIPAL CODE TEXT AMENDMENTS

[...]

Chapter 16.36 EAGLE LANDING SUB-AREA PLAN

16.36.010 Purpose:

The purpose of this chapter is to accommodate the annexation and subsequent development of sections of the greater Eagle Landing Area not already developed within Clackamas County, within the City limits of the City of Happy Valley. To this effect, conditions of approval associated with former land use approvals granted by Clackamas County must be modified to reflect the authority of Happy Valley (design review, building permits, etc.), while yet incorporating facets of Clackamas County approval, particularly related to street design and connections. The Eagle Landing Sub-Area Plan provides a comprehensive, single source of review processes and development standards in order to accommodate efficient design review, thereby providing the opportunity for build-out of the Eagle Landing development within the City of Happy Valley.

16.36.020 Definitions:

For the purposes of this chapter, the following terms shall have the following meanings:

———“Eagle Landing Phase I” means the ninety-two (92) acre site that comprises the Eagle Landing PUD approved under Clackamas County Case No. Z0840-03-SL and the Eagle Landing Plat recorded as Document No. 2004-60414.

———“Eagle Landing Phase II” means the nineteen and four tenths (19.4) acre site that comprises the Mt. Scott Village PUD approved under Clackamas County Case No. Z0563-99-SL. The development is located at 11360 SE Stevens Road, east of Stevens Road and north of the Gethsemani Cemetery; and is further described as Clackamas County Assessor Map No. 1S-2E-33AD; Tax Lots 1100 and 1200.

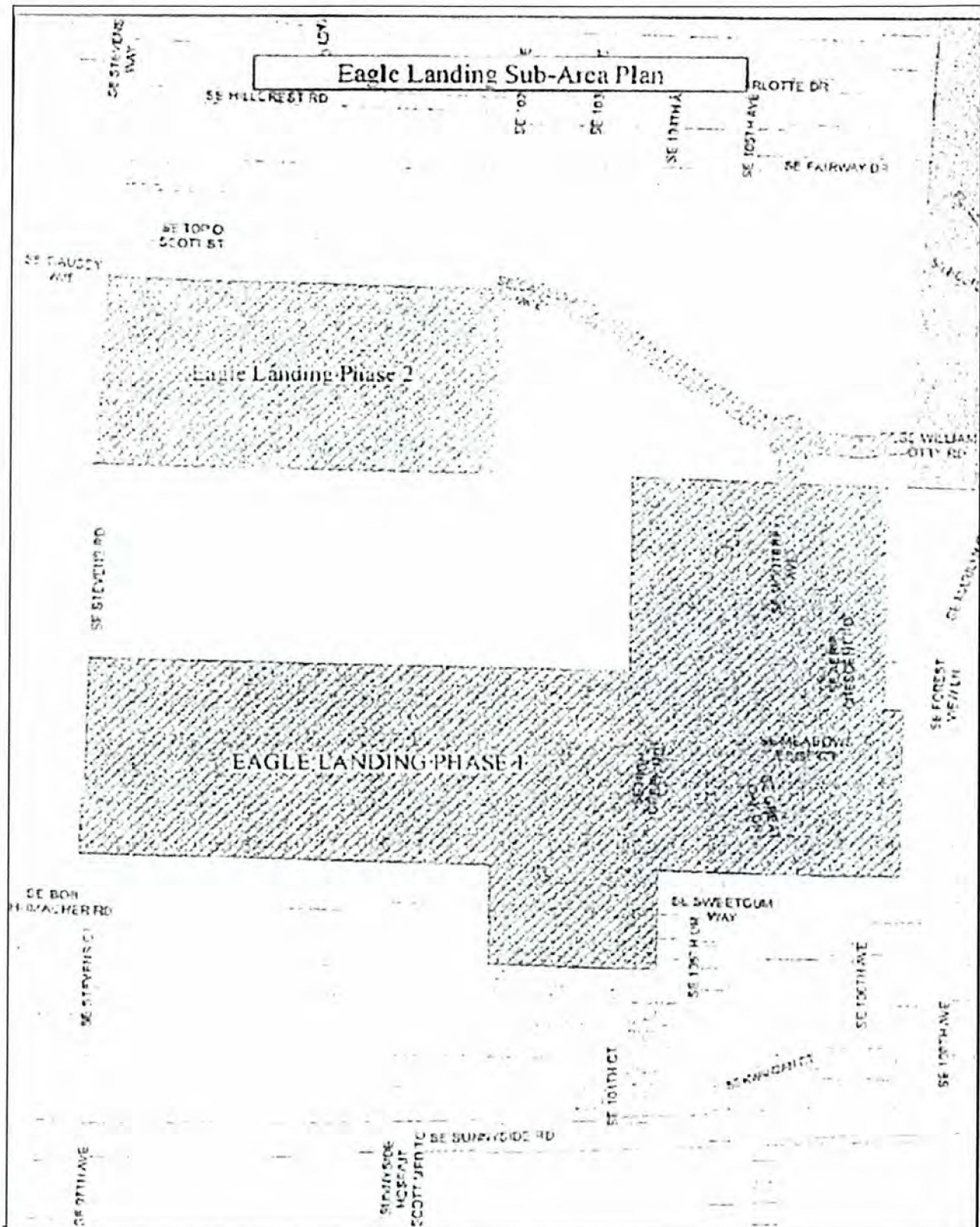
———“Phase A of Eagle Landing Phase I” means development to include the golf course, up to three hundred thirty-five thousand (335,000) square feet and twenty (20) percent of retail in the OC-zoned area; eighty-nine (89) dwelling units in the R-7 zoned area; and up to two hundred and three (203) dwelling units in the MR-2 zoned area.

———“Phase B of Eagle Landing Phase I” means development to include up to an additional four hundred fifteen thousand (415,000) square feet of office and service commercial space and one hundred and eight (108) multifamily dwelling units in the HDR-zoned area.

16.36.030 Development standards and conditions:

The following development standards and conditions shall be utilized as specific review criteria for land use applications within the Eagle Landing Sub-Area Plan, illustrated within Figure 16.36.030-1.

Figure 16.36.030-1: Eagle Landing Sub-Area Plan



A. Standards and conditions associated with the development of Eagle Landing Phase I:

1. — Master Plan Approval (Clackamas County Case No. Z0227-03-AA). Development of a public plaza area is a required improvement for the project. The master plan shows the general location of this improvement, with associated pedestrian connections. Final design of the public plaza shall be subject to design review. Said design review approval must be in conjunction with one or more of the construction phases. The village center and public plaza shall be constructed as comparable improved public access open space to that illustrated within the original master plan, within the project at one or more locations within the OC site. Construction of the plaza shall be completed prior to occupancy of any development in Phase B of Eagle Landing Phase I, and prior to occupancy of any of the service commercial development located in the Village Center Area, and within one year of issue of final occupancy permits for more than one hundred and fifty (150) units within the MR-2 area, whichever occurs first.

2. — PUD Approval (Clackamas County Case No. Z0840-03-SL):

a. — All structures on, and uses of, the individual lots and tracts shall conform to the requirements of the underlying zoning district and these conditions of approval as modified by the provisions of ZDO Section 1013 pertaining to Planned Unit Developments. In addition, the following uses are permitted within the OC zone: grocery, condominiums, office, general retail, freestanding restaurants, bookstores, hotels and associated hotel facilities, health and recreational facilities, structured parking, civic buildings, and a village center. The retail use area (up to twenty (20) percent of the total approved building footage in the OC zone) may be developed during any construction phase for the OC-zoned land. Nothing in this approval shall be construed to allow any use or structure that is not specifically permitted in the underlying zoning districts, as modified by this condition.

b. — All development of the individual lots and tracts is subject to the provisions of the underlying zoning district (as modified above), Section 1013 and the development standards contained in Section 1000 of the ZDO and those other relevant codes and ordinances adopted by the Board of County Commissioners pursuant to Subsection 1001.03 of the ZDO, including, but not limited to, the County roadway standards, County Excavation And Grading Ordinance, Oregon One and Two Family Dwelling Code, Oregon Manufactured Home Standards, Oregon Structural Specialty Code, etc.

c. — The conditions of approval of the Master Plan approval, County Planning File No. Z0227-03-AA, shall be satisfied and are applicable to the planned unit development.

d. — Design review approval is required prior to the commencement of development on Lots 1 through 7, 81 and 82.

e. — Alternative ownership of the various tracts — e.g., conveyance to the North Clackamas Parks and Recreation District or an acceptable nonprofit conservation organization — may be accepted by the Community Development Director provided the conveyance acknowledges any and all use restrictions contained herein or otherwise required by agency requirements.

f. — All future grading, filling, and excavation done in conjunction with any development shall be in accordance with City standards.

g. — An erosion control permit shall be obtained from the Clackamas County Service District No. 1 (CCSD#1) prior to the start of any grading, filling, land clearing, or tree removal within the subject property.

h. — This development is subject to the provisions of ZDO 1006.02B pertaining to the provision of water service to the proposed lots. Water service shall be provided according to the provisions of ORS 92.090. The subject property is within the service area of the Sunrise Water Authority. The extension of water mains, location of fire hydrants, etc. shall be coordinated with the extension of other required utilities and shall be installed in accordance with the requirements of the Sunrise Water Authority.

i. — This development is subject to ZDO 1006.02C, which requires that all development that has a need for electricity, gas, and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, the installation of all new utilities shall be installed underground.

j. — Streetlights are a requirement for the subdivision. This requirement applies to the public and private streets within the development. The developer must make arrangements for the installation and maintenance of streetlights with the power company and the CCSD#5/DTD and pre-wire for acceptance of these streetlights. The developer must also submit an application by letter to the County Department Of Transportation and Development/CCSD#1 for the installation of the streetlights and annexation into the street light district (contact Kevin Noreen, 503-353-4699).

k. — The subject property is within the Clackamas Fire District No. 1. All development is subject to the District's standards pertaining to emergency vehicle access, firefighting water supply (fire hydrants), premises identification numbering and other relevant standards.

i. Firefighting water supply shall meet the fireflow requirements of the fire district for all structures, and shall provide fire hydrants to within two hundred and fifty (250) feet of all parts of the structures as approved by the fire district. Maximum spacing between hydrants shall not exceed five hundred (500) feet. Additional fire hydrants may be required when the fire district has determined that there are additional hazards present that can compromise fire and life safety.

ii. The applicant shall obtain a stamp of approval from Clackamas Fire District No. 1 that demonstrates fire code access and water supply requirements will be satisfied.

l. — The development is subject to the provisions of Section 1008, the County roadway standards, and the surface water rules and regulations of CCSD#1 for stormwater management systems. The CCSD#1 has submitted comments containing the following requirements:

i. The development is subject to the rules and regulations and standard specifications of CCSD#1 for surface water management systems.

ii. The costs of the storm sewer systems shall be borne entirely by the developer. Each lot is subject to the current rates for surface water System Development Charges (SDC). These fees shall be paid prior to the issuance of building permits.

iii. This development is subject to a minimum surface water plan review fee of two hundred and fifty dollars (\$250.00) and four hundred and fifty dollars (\$450.00) for erosion control plan review. Plan review fees are due with the first submittal for plan review.

iv. The development is subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit 1200-C since more than one acre of land is disturbed. NPDES permits are issued by Water Environment Services. Forms for the NPDES permit are available on the WES Website: <http://www.co.clatskanie.or.us/wes/>. A Land Use Compatibility Statement from DEQ is also required to be completed and the forms are available at the DEQ Website: <http://www.deq.state.or.us/pubs/permithandbook/generallues.pdf>.

v. Storm drainage detention calculations shall be performed using the King County method (SBUH hydrograph—Software version 4.21B or higher). The detention requirement is to reduce the two-year developed discharge to one-half of the pre-developed rate.

vi. If any portion of the surface water runoff will be disposed of in an underground injection system (as defined in OAR 340, Division 44), the system shall be registered with the Oregon Department of Environmental Quality. Any additional State permit requirements will be determined at that time.

vii. ——— Water quality requirements shall be met. Facilities shall be designed to treat the runoff from rainfall up to the amount of two-thirds of a two-year storm.

viii. Stormwater infiltration shall be provided. Infiltration systems shall be sized with sufficient capacity to infiltrate up to the one-half inch of rainfall in a twenty-four (24) hour period.

ix. All springs, seeps, wetlands, sensitive areas, and required buffers shall be clearly shown and noted on the plans and identified by a certified professional. In addition, the location of structures must be shown on the plans so that potential stormwater impacts can be effectively evaluated.

x. Where drainage systems of catch basins and pipes are available, all drains that extend to the curb must be directly connected to the storm system. Roof and foundation drains from new homes in the development and provisions to tie into a storm sewer system, infiltrators or into the street gutter shall be shown on the plans. If roof and foundation drains are run to streets, gutter elevations must be shown on the storm drainage plans.

xi. The plans currently show eight to ten (10) possible sites for detention. This will increase the cost of maintenance. The developer shall research the potential to reduce the number of sites and locate subregional detention facilities for the entire site. As each site develops, an assessment could be levied to each development as a fair contribution to the design and construction of the subregional detention facilities. The applicant shall provide four to five detention facilities instead of the eight to ten (10) currently proposed, or propose some other method for WES review and approval.

- xii. ——— The stormwater detention facilities shall be located in such a way that adequate vehicular access for maintenance is provided.
- xiii. A site-specific drainage plan to control stormwater is required for the proposed pedestrian paths within the PUD area. The stormwater facilities are required to be installed in an easement or a tract, acceptable to WES. The applicant shall submit drainage plans for the pedestrian paths that include a ditch/bio-swale, catch basins, pipe and access to the pedestrian path and drainage facilities.
- xiv. ——— Stormwater detention pipes are not allowed in public streets unless the pipes are used exclusively for detention of storm runoff from the public road(s). Written approval is required from the County Engineering Division for any detention pipes located in public rights-of-way.
- xv. ——— The developer is required to provide detention for the entire OC site. The applicant's submittal had two options for storm detention for the OC area. Option 1 of the concept utility plan is the option preferred by the WES. Subregional detention and water quality facilities are encouraged. Where topographically feasible, detention and water quality facilities may be sized and constructed to provide detention and treatment for more than one development. Maintenance shall be provided for the facility. Easements and access shall also be provided.
- xvi. ——— A maintenance plan for both public and private storm facilities shall be submitted with each separate development within the PUD area. The CCSD#1 has a stormwater maintenance program, which was originally intended to provide maintenance for residential detention facilities. We have since modified the original program to allow maintenance of commercial sites. If CCSD#1 agrees to enter into a maintenance program to maintain the commercial sites, additional charges may be levied for the use of high maintenance water quality control structures. This agreement shall be recorded with, and referenced upon the final subdivision plat. The maintenance of the detention facilities, vegetated swales, and water quality facilities will have to be clearly identified.
- xvii. ——— The applicant is required to submit a maintenance plan for maintenance of the green streets and to provide for maintenance of the green streets in the Homeowners Association documents. The applicant shall provide the Homeowners Association By-Laws and CC&Rs to the WES for review and approval prior to final plat approval and recording of the documents.
- xviii. ——— The developer is required to show how the development will control drainage and water quality during construction.
- xix. ——— A method of collecting offsite drainage from the east shall be submitted for review and approval by the CCSD#1/WES.
- xx. ——— The applicant shall submit complete civil-engineered plans, including an erosion control plan, to be reviewed for compliance with both sanitary and stormwater regulations by the water environment services department. Plans shall be submitted to the technical services coordinator.
- xxi. ——— The applicant shall obtain an erosion control permit prior to the commencement of on-site construction activities and shall submit a plan to

implement wet weather measures within fourteen (14) days of final grading and between the months of October 1st and April 30th.

m.—— The development is subject to the provisions of ZDO Section 1006 and the rules and regulations and standard specifications of the CCSD#1 for sanitary sewer systems. The CCSD#1 has submitted comments containing the following requirements:

i. The development is subject to the rules and regulations and standard specifications of Clackamas County Service District No. 1 for both sanitary and storm systems.

ii. Each lot is subject to the current rates for sanitary Systems Development Charges (SDC). Fees are reviewed annually; the most current fee rate applies. These fees shall be paid prior to issuance of building permits.

iii. The costs of the storm and sanitary sewer systems shall be borne entirely by the developer. Each lot is subject to a sanitary System Development Charge (SDC) of two thousand two hundred dollars (\$2,200.00) each. These fees shall be paid prior to connecting to the sewer or before issuance of a building permit.

iv. This development is subject to a minimum sanitary sewer plans review fee of four hundred dollars (\$400.00). Plan review fees are due with the first submittal for plan review.

v. The developer is required to install sanitary sewer and storm drain facilities to the limits of the property in order to allow for continuity in the conveyance systems. Easements shall be provided for gravity connections to the adjoining properties.

vi. The applicant shall submit plans of and apply for a public sanitary sewer extension with the CCSD#1/WES. A sanitary sewer trunk line has been constructed. This line will have to be completed, tested, inspected and accepted by the CCSD#1 prior to approval of subsequent connections to the trunk line.

vii.—— Easements shall be provided where necessary as determined by Clackamas County Service District No. 1 for storm and sanitary pipelines and for access to facilities. Minimum easement widths are fifteen (15) feet for single lines, and twenty (20) feet for combined easements. The width of the easement increases with the depth of the pipe.

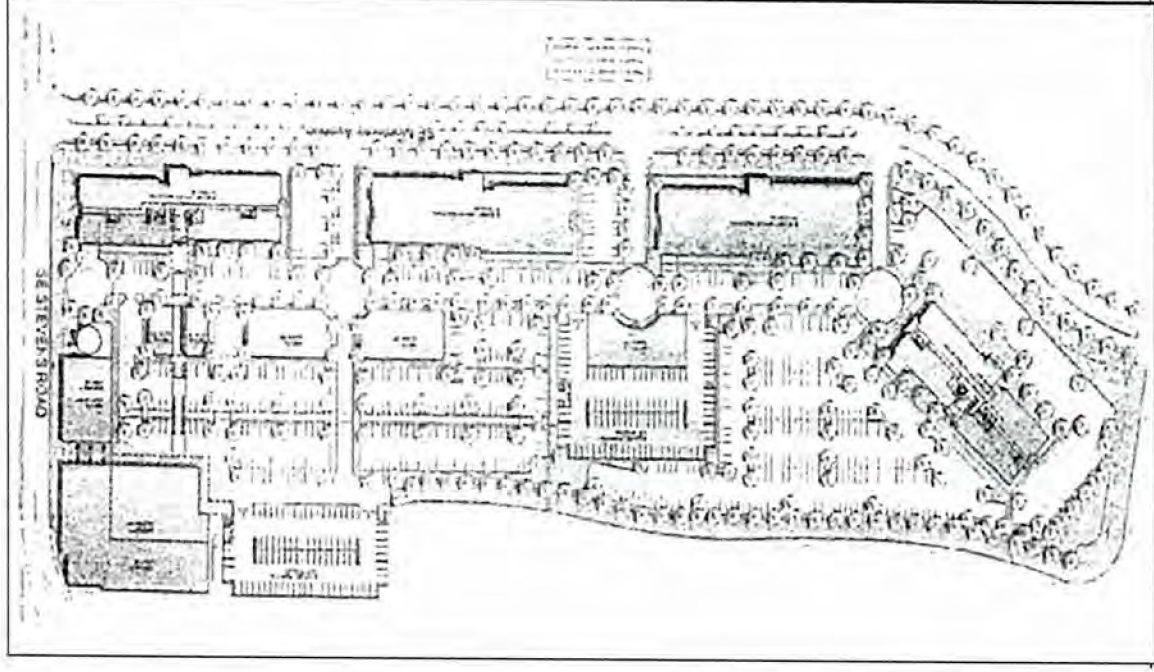
viii.—— The applicant shall submit complete civil-engineered plans, including an erosion control plan, to be reviewed for compliance with both sanitary and stormwater regulations by the Water Environment Services Department. Plans shall be submitted to the Technical Services Coordinator.

ix. Any substantial deviation from the approved construction plans must have prior approval of the District. A public sanitary sewer extension application is valid for two years. If the sanitary sewer extension is not completed and accepted within two years of the date the permit is issued, then the District reserves the right to require another plan review and additional fees. If a time extension is requested, the District will review the status of the completion of the project and fees will be assessed at the standard minimum plan review rate for any time extension.

n.—— The applicant shall provide for a village center and public plaza within the OC area in general compliance with the master plan approval.

- ~~i. Final design and approval of the village center and public plaza shall be subject to design review approval. The applicant shall obtain said design review approval in conjunction with one or more of the construction phases. The village center and public plaza shall be constructed as comparable improved public access open space to that illustrated within the original master plan, within the project at one or more locations within the OC site.~~
- ~~ii. Within the OC zoned land, one project construction sign/fence of up to ten thousand (10,000) square feet to identify the commercial center is approved until sixty (60) percent occupancy of the retail portion of the OC zoned land is achieved.~~
- ~~o. — The MR-2 site in Phase A of the Eagle Landing Phase 1 development will be allowed occupancy permits prior to any design review in the OC site. The concept site plan attached as Figure 16.36.030-2 is approved for building locations, but is not approved for design review.~~

Figure 16.36.030-2 Eagle Landing Corporate Park



p. The County DID, construction and development and traffic engineering sections have submitted comments dated January 2, 2004 containing the following requirements designed to assure compliance with the provisions of Sections 1007 and 1014 of the ZDO, the provisions of the County roadway standards pertaining to access to, and within, the proposed development and the Comprehensive Plan:

- i. All improvements shall comply with Clackamas County Zoning and Development Ordinance and the Clackamas County roadway standards.
- ii. The applicant shall comply with all applicable conditions of approval of the Zone Change Decision, County File Z0531-98-CP/Z0532-98-Z, dated December 23, 1998; the Zone Change Modification Decision, County File Z0802/02-CP/Z0803-02Z, dated February 20, 2003; and the Master Plan Decision, County File Z0227-

03-AA, dated May 29, 2003, as modified within this chapter. This includes the phasing of development and infrastructure established in that decision. Phasing timing is noted in the conditions below as specified in the master plan approval.

iii. Generally, the phasing plan specifies which improvements or master plan conditions shall be met prior to occupancy of Phase A development and occupancy of Phase B development of Eagle Landing Phase I. Phase A of Eagle Landing Phase I development includes the golf course, up to three hundred thirty-five thousand (335,000) square feet and twenty (20) percent of retail in the OC area, eighty-nine (89) dwelling units in the R-7, and up to two hundred and three (203) dwelling units in the MR-2.

(A) — Conditions that shall be met prior to occupancy of Phase A of Eagle Landing Phase I development: I-205 Frontage road and Monterey Overcrossing, I-205 Split Diamond Interchange, Sunnybrook Extension, and widening of Sunnyside Road between I-205 and SE 122nd are completed and open to the public.

(B) — Conditions that shall be met prior to occupancy of Phase B of Eagle Landing Phase I development: SE William Otty road connects to SE Valley View Terrace through the property to the east of the subject site (Kensington Heights PUD) and SE Causey Road connects to the western property line in the OSM or a financial guarantee is provided consistent with 1104 of the ZDO.

iv. All frontage improvements in or adjacent to Clackamas County rights-of-way shall be designed and constructed in compliance with Clackamas County roadway standards for residential, commercial, and multifamily collector streets as appropriate to the particular frontage.

v. The applicant shall design and construct improvements along the entire site frontage of SE Stevens Road prior to occupancy of any part of the Phase A of Eagle Landing Phase I development. These improvements shall consist of:

(A) — Up to a one-half street improvement along the entire property frontage to comply with the Clackamas County ZDO and the Clackamas County roadway standards. The applicant is responsible for repairing and or replacing damaged sections of the existing street.

(B) — Standard curb, or curb and gutter if curb-line slope is less than one percent, and pavement widening to the new curbline. The new curbline shall be located consistent with the “blue set” of construction plans dated August 14, 2003, submitted by W&H Pacific and received by the County Engineering Division on October 22, 2003. The easterly right-of-way line shall be established a minimum of six inches to the east of the back edge of the new sidewalk. A registered surveyor shall establish the centerline of the right-of-way. Pavement shall include a six-foot-wide bike lane pursuant to the Clackamas County roadways standards for collector streets. In addition, a ten (10) foot wide public slope, signing, utility, sanitary sewer, and storm drainage, easement shall be required along the east side of the SE Stevens Road right-of-way.

(C) ~~Drainage facilities in conformance with CCSO#1/WES Surface Water Management Rules and Regulations, Section 1008 of the ZDO and Clackamas County Roadway Standards Section 330.~~

(D) ~~A seven-foot wide unobstructed curb-tight sidewalk shall be required. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc., when they are located within the limits of the sidewalk or construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Additional easement width, as necessary, shall be granted to provide for any sidewalk eyebrows. Potential obstructions to the sidewalk shall be shown on the engineered plans.~~

(E) ~~If the sidewalk does not connect to the sidewalk on adjacent property, the construction of a temporary asphalt ramp, adjacent to the end of the sidewalk, providing a transition from the new sidewalk to the edge of the pavement shall be required. The ramp shall meet ADA guidelines and shall be a minimum of two inches in thickness.~~

(F) ~~Appropriate pavement tapers shall be provided. More specifically, the taper shall be 10:1 for the transition from a narrower to a wider section of roadway and in accordance with Roadway Standards Section 240.7 for the transition from a wider to a narrower section of roadway.~~

vi. ~~The applicant shall design and construct improvements for SE Monterey Avenue, SE William Otty Road and SE Causey Avenue to comply with the "green street" standards approved in the Master Plan. The improvements shall be constructed within a seventy-four (74) foot right-of-way and shall include:~~

(A) ~~A full street improvement through the site as approved by the Master Plan approval, File Z0227-03-AA, dated May 29, 2003.~~

(B) ~~The improvements for SE Monterey Avenue from the intersection at SE Stevens Road to the roundabout at the north end of the site shall be constructed within a seventy-four (74) foot wide right-of-way and shall include one thirteen (13) foot wide center turn lane/median, two twelve (12) foot wide travel lanes, two six foot wide bike lanes, two seven and one-half foot wide water quality swales and a seven-foot or five-foot wide sidewalk. The seven-foot wide sidewalk is required in the right-of-way adjacent to the Office Commercial area. The five-foot wide sidewalk is required in the right-of-way adjacent to the R-7 residential and open space management areas. A specially designed mountable curb shall be constructed on either side of the roadway. These improvements shall be constructed and open prior to occupancy of Phase A of the Eagle Landing Phase I development.~~

(C) ~~The improvements to SE Causey Avenue and SE William Otty Road west and east of the roundabout shall be constructed within a seventy-four (74) foot wide right-of-way and shall include one thirteen (13) foot wide center turn lane/median, one-half foot wide water quality swales and a five-foot wide sidewalk. A specially designed mountable curb shall be constructed on either side of the roadway to accommodate drainage from the street. These~~

improvements shall be constructed and open to the public prior to occupancy of Phase B of the Eagle Landing Phase I development.

(D) The improvements to SE Causey Road shall be completed (constructed with the first asphalt lift) prior to the occupancy of the golf course clubhouse and prior to the start of golf course operations.

(E) If the sidewalk does not connect to the sidewalk on adjacent property, the construction of a temporary asphalt ramp, adjacent to the end of the sidewalk, providing a transition from the new sidewalk to the edge of the pavement shall be required. The ramp shall meet ADA guidelines and shall be a minimum of two inches in thickness.

(F) Appropriate pavement tapers shall be provided. More specifically, the taper shall be 10:1 for the transition from a narrower to a wider section of roadway and in accordance with Roadway Standards Section 240.7 for the transition.

vii. The applicant shall enter into an agreement with the County to maintain the "green street" elements for a period of three years, submitting to the County quarterly reports describing work completed along with labor, material and equipment costs. This agreement shall be executed prior to final plat approval. At the end of the three-year period, the City shall evaluate the quarterly reports and enter negotiations with the County and the developer as to conditions for taking over jurisdiction and maintenance of the "green street" elements.

viii. The access to the Office Commercial (OC) area, Lots 1 through 7, will be restricted to right in/right out only if the center median is left in place. However access points from Lot 1 through 7 are allowed full movement access at the existing median breaks as built and illustrated on the "blue set" of construction plans dated August 14, 2003 submitted by W&H Pacific and received by the County Engineering Division on October 22, 2003. If the applicant chooses to modify the landscaped median to allow full access to these driveways, the applicant shall submit plans showing the modification to the County Traffic Engineering Division for review and approval prior to issuance of an SC&E permit for that work.

ix. The applicant shall certify that all access points to the OC Lots 1 through 6 have adequate sight distance (horizontal and vertical) prior to final plat approval.

x. The applicant shall record twenty-four (24) foot wide easements for slope, signage, stormwater, sanitary sewer, access, and utilities serving Lots 1 through 6 in the OC area upon the final plat as required by ZDO § 1107 G and H. The easements shall be for the benefit of Lots 1 through 6 and shall be so referenced upon the final plat. Because development plans with respect to the OC lots are anticipated to be refined through the design review process, the easements may be relocated and pedestrian easements determined after final plat approval. The design standards and construction of the entrances and interior circulation roadways, as well as the final locations for the access and other required easements, shall be implemented in conjunction with the development of individual Lots 1 through 6. The easements provided for upon recordation of the final plat may be replaced at the applicant's option with easements in different locations in conjunction with design review.

approval for development on a particular lot. As a part of the design review for development on any OC lot, the applicant shall be required to demonstrate that easements meeting the requirements of this section can still be provided in compliance with all applicable approval criteria for the remaining lots that have not yet been subject to design review.

xi. At the time of Design Review for Lots 1 and 2 in the OC area the applicant shall choose one of the following options for the proposed entrance onto SE Stevens Road at the southwest corner of the site:

(A)—Option No. 1. The existing entrance point onto SE Stevens Road located at the southwest corner of the subject property may continue to be used for unrestricted access. However, the Clackamas County Traffic Engineering Section will monitor the access and may close or limit access from the development to Stevens Road if traffic safety issues warrant such closure or limitation; or

(B)—Option No. 2. The access point to SE Stevens Road shall be closed in conjunction with the design review application for Lots 1 and 2 in the OC area. At that time, the County will vacate the right-of-way purchased from the applicant and convey it back to the applicant. Under this option, the applicant would have to provide an access easement through the Office Commercial zoned area of the Eagle Landing development to the adjoining Town Center Properties development for access to S.E. Monterey Ave.

xii. —All multi-use pathways constructed in the OC, MR-2 (Lot #82), HDR (Lot #81) and Open Space Tracts B, C, E, F, H, I, J, and Q are required to be twelve (12) feet in width. Pathways in Open Space Tracts D and N are required to be ten (10) feet in width and meet ADA requirements.

xiii. —A pedestrian connection through Tract N to SE Sweet Gum Way to the east is required pursuant to the Master Plan approval process. The connection shall be designed and constructed or financially guaranteed prior occupancy of Phase A of the Eagle Landing Phase 1 development.

xiv. —All pedestrian and bicycle circulation within the MR-2 area shall comply with the conditions of the Master Plan approval. All pathways shall be twelve (12) feet wide.

xv. —A pedestrian connection from Tract J through the northwest corner of Lot 81 to the boundary of the adjacent property is required pursuant to the Master Plan approval. The connection shall be designed and constructed or financially guaranteed prior occupancy of Phase A of the Eagle Landing Phase 1 development.

xvi. —Design and construction of the future public parking lots in Tracts C and G shall comply with the Clackamas County Zoning And Development Ordinance and the Clackamas County roadway standards. Construction of the parking lots requires an SC&E permit. To obtain the permit, the applicant shall submit plans prepared and stamped by an engineer registered in the State of Oregon prior to issuance of construction permits.

xvii. —The MR-2 area, Lot #82 will require more than one access point. To provide a second access, the center median will need to be modified. If the center

median is modified for the second access, the applicant shall submit plans showing the modification for review and approval by the County traffic engineering section prior to issuance of an SC&E permit for that work.

xviii. —The applicant shall participate in proportionate share in the design and construction of a traffic signal and other work at the intersection of Bob Schumacher and SE Causey Avenue. Construction shall include removal of the existing fire signal, widening of SE Causey Avenue near Bob Schumacher Road to full width, removal of the fire access gate and addition of necessary warning signs/devices in front of the fire station. This condition shall be satisfied or financially guaranteed prior to occupancy of Phase B of the Eagle Landing Phase 1 development, unless signal warrants require an earlier construction.

xix. —The applicant shall participate in the development and construction of an ITS System as provided in Condition 5.7 of County File Numbers Z0531-98-CP and Z0532-98-Z. The total contribution for development of the ITS System shall be fifty thousand dollars (\$50,000.00):

(A) —The scope of ITS improvements shall be reviewed and approved by the County Traffic Engineer and shall be designed as part of Phase B of the Eagle Landing Phase 1 development.

(B) —Construction of the ITS elements shall be paid or bonded as part of the Phase B of the Eagle Landing Phase 1 development. At the County's option, the applicant shall implement the ITS elements (and upgrade the design as necessary) or deliver the fifty thousand dollar (\$50,000.00) contribution to the County.

xx. —Notwithstanding the requirements of subsections (i) through (xix) above, the building setback for Stevens Road on the property's western frontage and for Monterey Avenue on the property's north frontage will be zero feet if the front of the building faces the street. If the side or rear of the building faces the street, then there must be at least a ten (10) foot vegetated buffer between the right-of-way and the structure. For purposes of this section, any building elevation that has a prominent entrance to a lobby will be considered a building elevation that faces the street.

q. —The following conditions apply to the proposed undercrossing of SE Causey Ave. and part of the proposed golf course use:

i. The applicant/golf course operator shall secure access to the underpass with gates when not in use; e.g. when the golf course is closed.

ii. Adequate lighting shall be installed inside the undercrossing. Lighting should be installed with heavy, shatter-resistant glass and shall be maintained in an operating condition.

iii. A course or cobble-type surface should be installed and any retaining walls should be finished with an uneven top edge to discourage skateboarder use.

iv. No trespassing signs shall be posted.

v. Access ramps/stairs shall be graduated in such a fashion that persons using the undercrossing are in clear view of others on the course.

vi. The applicant/operator shall enroll the golf course in the Clackamas County Sheriff's Office Exclusion Program by contacting Deputy Sheriff Angela Brandenburg at 503-655-8218.

3. — Golf Clubhouse Approval (Clackamas County Case No. Z0865-03-C).

a. — To show that parking is adequate for the clubhouse, the applicant shall monitor use of the parking lot during peak periods for not less than two years nor more than five years after the County issues an occupancy permit for the clubhouse. At least annually during the monitoring period, the applicants shall submit to the Community Development Director a report listing when the demand for parking exceeded the supply of spaces. For purposes of this condition, a peak period is one during which the golf course is open to the public and at least one hundred (100) people are expected to attend a concurrent non-golf event in the clubhouse. Based on the report, the Community Development Director or designee may require the applicants to provide additional parking or take other steps to accommodate peak parking demand to the extent that the Director determines parking demand exceeds the supply. This condition is waived if the applicant enters into and maintains in force an agreement for the shared use of at least thirty-five (35) parking spaces off the clubhouse site and provides a shuttle from that remote location to the clubhouse, in which case the applicant shall submit to the Community Development Director a copy of that agreement. Alternatively, the applicant may demonstrate that adequate parking exists within walking distance of the clubhouse in conjunction with another use, and shall submit to the Community Development Director copies of a shared parking agreement.

b. — Standards and conditions associated with the development of Eagle Landing Phase II, the former Mt. Scott Village PUD (Clackamas County Case No. Z0563-99-SL).

1. — Any change in design, including lot layout and access to lots, must be approved by the Community Development Director or designee prior to final plat approval and may require additional public notification. Such changes may be approved in the design review process.

2. — The applicant may reduce the number of lots and/or the number of dwelling units on the site. The applicant shall not increase the number of lots on the site pursuant to this decision. The applicant may file a new application to modify the approved tentative plan to provide additional lots, subject to applicable fees, procedures and standards for such an application.

3. — The applicant may increase the number of multifamily dwelling units on the lot proposed for that purpose to a maximum of one hundred and seventy-four (174) units, provided such an increase complies with subsection (a) and (b) or (c) below:

a. — That lot shall be substantially as shown on the tentative plan unless otherwise approved by the Community Development Director or designee.

b. — The applicant shall setback buildings, carports, swimming pools, roads and parking from other buildings, property lines, wetlands and buffers at least the distance shown in the preliminary PUD plan, and the plan shall comply with applicable standards for the PUD and for design review.

c. — Put another way, the proposed dwellings should occupy substantially the same developable area as the dwelling units illustrated on the preliminary PUD plan, except to the extent the review authority finds the proposed layout equally or better complies with

all applicable standards and equally or better protects the resource values of the natural drainage areas that traverse the multifamily lot.

- 4.—All conditions of approval of this subdivision shall be financially guaranteed or completed prior to issuance of any building permits unless otherwise noted.
- 5.—The private street names shall be reviewed and approved by the City Planning Division prior to final plat approval.
- 6.—All water system improvements required to serve the proposed development shall be installed according to the standards and requirements of the Sunrise Water Authority. The applicant shall submit written verification of water system improvement plans approval by the Sunrise Water Authority to the City Planning Division prior to final plat approval.
- 7.—The single family attached dwellings shall be subject to the City design review approval process and subject to the design standards found at subsection 301.08(I) of the ZDO except where superseded by the requirements for planned unit development subdivisions in Section 1013 of the ZDO.
- 8.—The multifamily residential development shall be subject to the standards of subsections 313.08 through 313.10 of the ZDO, including design review, except where the requirements of Section 1013 supersede these subsections.
- 9.—This subdivision development is subject to the rules and regulations and standards and specifications of Clackamas County Service District No. 1 (CCSD#1) for both the sanitary sewer and storm sewer systems as well as Section 1008 of the Clackamas County Zoning And Development Ordinance for storm drainage and erosion control.
- 10.—The cost of the storm sewer and sanitary sewer system shall be born entirely by the developer and each lot is subject to a sanitary and storm drain system development charge.
- 11.—The applicant shall install sanitary sewer and storm drain facilities to the limits of the subject property to allow for continuity in the conveyance systems. The applicant shall show how the adjacent properties will be able to connect to the storm and sanitary main lines. Pipe size and calculations shall be submitted to verify the storm lines have adequate capacity.
- 12.—Any collection sewer charge shall be paid prior to final acceptance of the sanitary sewer system.
- 13.—Storm drainage design and detention calculations shall be by the King County, Washington method, (SBUH Hydrograph—Software version 4.21B or higher). The detention requirement is to reduce the twenty-five (25) year developed discharge to a five year pre-developed rate and the two year developed discharge to the pre-developed rate (the applicant may elect to comply with current versions of these rules and regulations in lieu of the versions current on Jan. 31, 2000).
- 14.—The applicant's engineer shall provide supporting data to CCSD#1 that the downstream conveyance system has adequate capacity to accommodate the additional flows and not cause flooding.
- 15.—The applicant shall submit two copies of complete civil and erosion control plans to be reviewed for both sanitary and stormwater regulations by the County Water Environment Services Department.
- 16.—The following statement shall be added to the declaration on the subdivision plat:

"The public is hereby granted the right to maintain, replace or enlarge storm and sanitary facilities along those easements and will not be in any way responsible for replacing the landscaping, fencing or other structures, shrubs or trees that may exist or be placed within those easements. The public shall provide adequate notice before such activities are commenced and limit activities to that necessary to achieve the purpose of maintaining the storm drainage and sanitary facilities." (or current version of this statement).

17.— This subdivision development is required to enter into a stormwater facilities maintenance agreement with CCSD#1 for the maintenance of the private stormwater facilities. The following restriction shall be shown on the subdivision plat: "Subject to Clackamas County Service District Number 1 Rules and Regulations and Storm Water Facilities Maintenance Agreement under fee number _____, Clackamas County deed records." (or current version of this statement).

18.— The applicant's architect and/or engineer are encouraged to collaborate with CCSD#1 on storm design and to maximize the use of swales and/or infiltration and retention facilities for water quality in the landscape design. Infiltration facilities can be used to partially replace the detention requirement if proven adequate.

19.— Water quality requirements shall be met with pollution control manholes and trapped catch basins at a minimum.

20.— The applicant's engineer shall show how the development will control drainage and water quality during construction.

21.— A twenty-five (25) foot wide buffer shall be maintained from the boundary of all delineated wetlands unless modified in accordance with CCSD#1 requirements. This buffer area and the wetlands must be shown on the subdivision plat as a conservation easement in accordance with CCSD#1 Rules and Regulations.

22.— A detailed profile of the detention facility and point of discharge must be shown. There shall be verification of a County conveyance system capable of conveying all discharge flows.

23.— All stormwater calculations must be performed, stamped and signed by a licensed engineer. The calculations shall be submitted at the time of the plan review.

24.— This subdivision development is subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) Storm Water General Permit 1200-C. An application for this permit shall be submitted to the County Water Environment Services Department.

25.— Prior to final plat approval, the applicant shall obtain sanitary sewer system and stormwater facilities plans approval from CCSD#1.

26.— The private streets shall provide for and maintain fire department access, grades, turnarounds and turnouts as pursuant to Clackamas Fire District #1 standards and requirements. Street widths of twenty-eight (28) feet or less shall have parking restricted to one side only. Where parking is prohibited, curbs shall be marked or signed according to Clackamas Fire District #1 standards.

27.— Fire hydrants shall be provided in all residential areas and the maximum spacing between hydrants shall not exceed five hundred (500) feet without Clackamas Fire District #1 approval.

28.— Fireflow requirements of Clackamas Fire District #1 shall be met and the location of the fire hydrants shall be approved jointly by the Fire District and Sunrise Water Authority.

- 29.—Prior to final plat approval, the applicant shall submit written or stamped plans approval from Clackamas Fire District #1 verifying that the fire district standards have been, or will be, satisfied.
- 30.—A grading permit is required from the City of Happy Valley for all site grading work outside of the private road system. All grading, filling and excavating on this private property in conjunction with any development associated with this subdivision shall be in accordance with the Clackamas County Excavation And Grading Code. No cutting or filling may occur without satisfying this Code.
- 31.—The recreational facilities to include buildings and swimming pools within the open space area shall be constructed or a guarantee shall be posted in accordance with Section 1104 of the Clackamas County Zoning And Development Ordinance.
- 32.—A building permit shall be obtained from the City of Happy Valley for the recreation facilities within the open space area.
- 33.—Prior to final plat approval, the applicant shall obtain Oregon Division of State Lands review and approval of a fill removal permit and mitigation plan (if required) regarding the streams and wetlands prior to any land disturbance on the subject property associated with this subdivision application.
- 34.—The applicant shall design and construct frontage improvements to Stevens Road along the site frontage. The improvements shall include widening for a fifty (50) foot wide street section, curb and a five foot wide unobstructed sidewalk.
- 35.—The Clackamas County Roadway Standards Table 2-2 requires a minimum of seventy (70) feet of road right-of-way width for an urban three-lane collector. The applicant shall dedicate fifteen (15) feet of additional right-of-way along the site frontage of SE Stevens Road.
- 36.—The applicant shall design and construct SE Causey Avenue Road along the north property line of the subdivision. The paved width shall be fifty (50) feet tapering to a minimum of twenty-four (24) feet. A curb and unobstructed five foot width sidewalk shall be constructed on the south side of the roadway along the property frontage.
- 37.—The applicant shall dedicate a seventy (70) foot wide collector road right-of-way corridor, which tapers to a thirty-five (35) foot wide section as shown on the plans dated January 25, 2000. The alignment of the roadway shall be reviewed and approved by Clackamas County engineering and shall be coordinated with the Eagle Landing land use application. Ultimately, this roadway will be a collector roadway with a design speed of twenty-five (25) to thirty (30) miles per hour with a minimum right-of-way width of seventy (70) feet and two to three lanes with bike lanes and sidewalk, along with necessary amenities pursuant to the CRCA Plan.
- 38.—In addition to the right-of-way dedication, the applicant shall dedicate a five-foot wide slope, utility and signing easement along the site frontage of SE Stevens Road and the new SE Causey Road.
- 39.—Street trees are required along all street frontages as defined in Section 1701.01(E)(1)(d) of the ZDO. A street tree plan shall be submitted to the Community Development Director or designee for review and approval prior to final plat approval, or as part of the required design review process.
- 40.—The driveways shall be re-designed to eliminate all parking for a length of fifty (50) feet from the face of curb of SE Causey Avenue.

41.—The applicant shall coordinate with the Clackamas County Traffic Engineering And Development Section related to the Causey Avenue alignment. It appears that the SE Causey Road extension constructed by the County from I-205 to Stevens Road has a slight offset in relation to the proposed intersection with the extension east of Stevens. The applicant will need to adjust the road alignment as required by the County in order to accommodate the alignment of SE Causey Avenue west of Stevens Road.

42.—The applicant shall provide a common access and utility easement in the form of a tract a minimum of thirty-five (35) feet in width for all of the private streets within the subdivision exclusive of the drives in the lot proposed for multifamily development. In addition the applicant shall provide a five-foot wide easement outside of the tract for utilities, slope, sidewalk and signing.

43.—The private drives within the subdivision shall be designed and constructed to the following standards:

a. — Construct sidewalks having a minimum of five feet of unobstructed width on both sides of the streets. The width of the sidewalks is in addition to the thickness of the curbs and shall include ADA ramps and standard driveway approaches.

b. — The constructed width of the private drives shall be a minimum of twenty-four (24) feet (face of curb to face of curb). The streets shall be curbed with standard curb; they shall have the same structural standard as County local access roads, and they shall have corner radii that meet requirements for fire access.

44.—Surface water management and detention is a requirement in accordance with Clackamas County Zoning And Development Ordinance Section 1008 and Water Environment Services.

45.—The minimum width of the access and utility easement or tract containing the street improvements, sidewalk, street lighting, utilities, and street signing shall be thirty-five (35) feet. In addition there shall be a five-foot wide utility easement outside of the tract to accommodate any additional facilities including signing, utilities, storm drainage improvements, and sidewalk that cannot be placed within the thirty-five (35) foot wide access and utility easement.

46.—Prior to final plat approval and the commencement of site work, the applicant shall obtain a street construction and/or encroachment permit for the design and construction of the required frontage, street, private road improvements and storm drainage facilities from the County Engineering Division. To obtain the permit the applicant shall provide a performance guarantee equal to one hundred and twenty-five (125) percent of the estimated cost of all of the required improvements and pay an inspection fee. The inspection fee is four percent of the estimated cost of the required improvements.

47.—Prior to or in conjunction with utility work within the public right-of-way the applicant shall obtain a utility placement permit from the County Engineering Division.

48.—Written approval of the engineering plans shall be received from WES prior to issuance of the street construction and/or encroachment permit.

49.—Streetlights are a requirement for the subdivision. The developer shall make arrangements for the installation of streetlights with the power company and to pre-wire for acceptance of these streetlights. The developer shall also submit an application by letter to the County

Department Of Transportation And Development for the installation of the streetlights and annexation into the street light district (contact El Dannen, 503-353-4660).

50.—The street construction, storm sewer and utilities work must be designed and built to be compatible with adjoining existing approved plats and accommodate future needs of adjoining property.

51.—The developer is responsible for all applications, fees and coordination of Federal and State regulatory offices with regards to fills and excavations in stream riparian zones and wetlands associated to the Clean Water Act and the Urban Stormwater National Pollutant Discharge Elimination System.

52.—All existing, required and proposed easements shall be shown on the final plat.

53.—All required improvements shall be constructed and inspected or financially guaranteed prior to final plat approval.

54.—The applicant's surveyor/engineer shall certify that the existing/proposed road construction corresponds to the easements/tracts.

55.—The applicant shall submit, at time of initial paving and before occupancy, reproducible as built plans for all improvements showing all construction changes, added and deleted items, location of utilities, etc. A professional engineer shall stamp as built plans. In addition, provide one set of AutoCAD as built files on a floppy disk or in DXF format to be translated into AutoCAD format.

56.—The applicant shall contribute to the development and implementation of an Intelligent Transportation System Advance Traffic Management System program to help maintain adequacy of the roadway network in this area as follows:

a. —The applicant shall provide five thousand dollars (\$5,000.00) for their share of the cost of developing an ITS/ATMS program including the study area.

b. —The applicant shall provide communications technology (such as fiber optics) along project roadways, as necessary pursuant to the Clackamas County ITS plan that will be developed. The communications shall be placed as part of construction of roadways and other facilities to minimize costs.

57.—A road maintenance agreement for the shared private street system implementing ORS Sections 105.170 through 105.185 shall be recorded with and referenced upon this subdivision plat.

58.—Underground utilities are a requirement of this subdivision.

59.—A nonprofit, incorporated homes association or an alternative acceptable to the Community Development Director or designee shall be required for maintaining the proposed open space areas in accordance with the requirements of subsection 1013.06(A)(9) of the Clackamas County zoning and development ordinance. The portion of the open space area not containing the proposed recreation facilities shall be maintained in a natural state and meet the requirements of CCSD#1. The documents shall contain language requiring approval of any changes concerning the open spaces and prohibiting dissolution of the association without City approval.

60.—The open space area to be maintained in a natural state shall be marked on the land throughout development of this subdivision to ensure there is no encroachment of construction activities into the open space area.

61. —The applicant's contractor shall obtain an erosion control permit from CCSD#1 prior to any land disturbance associated with this subdivision.

62. —Demolition permits for removal of any existing structures are required from the City of Happy Valley Building Department.

63. —Prior to final plat approval, area computations (square footage or acreage), for all building lots and tracts shall be stamped by an engineer or surveyor registered in the State of Oregon and submitted to the Community Development Director or designee. This may be done by separate cover.

64. —The applicant may file the final plat for the project in phases, provided the applicant complies with the conditions of approval of this decision that relate to the plat in question, as determined by the Community Development Director or designee. The applicant shall file a final plat for all phases of the PUD within four years after the effective date of this final order; provided, the applicant may apply for a one-year extension of that deadline. The applicant shall undertake construction pursuant to an approved final design review plan within two years after the effective date of the decision approving the plan, unless otherwise expressly provided in the design review decision and permitted by law.

16.36.040 Review processes.

A. As pursuant to Section 16.63.080, final plan submission requirements and approval criteria:

B. Changes and Modifications:

1. —Major Changes. Major changes of the approved development plan shall be considered and treated the same as a new application requiring payment of the appropriate fee.

2. —Minor Changes. Minor changes in the general plan may be approved by the Community Development Director or designee following the administrative decision process provided that such changes:

a. —Do not increase residential or employment densities;

b. —Do not change boundaries;

c. —Do not change any use;

d. —Do not change the location or amount of land devoted to specific land uses. Such changes may include minor shifting of the location of buildings, setbacks, proposed streets, public or private ways, utility easements, recreation facilities, public open spaces, etc. For quantifiable changes, a general threshold of ten (10) percent shall be used in determining if a proposed change is minor in nature. For example, ten (10) percent of a required yard, ten (10) percent of lot size, etc.

16.36.050 Conflict and severability.

A. In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the City, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail. A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

B. Except as modified by this chapter, the approved land use applications including conditions of approval of the following Clackamas County land use approvals are incorporated by reference, and will remain in effect as approved by the County, and will be implemented by the City:

1. — Comprehensive Plan and Zone Change, File Nos. Z0531-98-CP/Z0532-98-Z, dated December 23, 1998;
2. — Modification of Conditions of Approval of Comprehensive Plan Amendment and Zone Change, Order No. 2203-29, File No. Z0802-02-CP, Z0803-02-Z, dated February 20, 2003;
3. — Decision on Master Plan Review, File No. Z0227-03-AA (Eagle Landing), dated May 29, 2003;
4. — Final Order for Eagle Landing Golf Clubhouse, Case No. Z0840-03-SL, dated February 25, 2004;
5. — Final Plat Approval for Eagle Landing PUD as evidenced by the Plat of Eagle Landing filed in Plat Book 126, Page 018, Document No. 2004-60414; and,
6. — Final Order on Remand Approving Mt. Scott Village (now known as Eagle Landing Phase II), File No. Z0563-99-SL, dated April 23, 2003.

NOTICE OF PUBLIC HEARING
City of Happy Valley Planning Commission and City Council

Notice is hereby given that the City of Happy Valley Planning Commission and City Council will hold public hearings on the following dates in regard to proposed Comprehensive Plan/Zoning Map and Land Development Code Text Amendments:

Date & Time: Planning Commission, November 13, 2012, 7:00 p.m.
City Council, December 4, 2012, 7:00 p.m.

Hearing Location: City Hall, 16000 SE Misty Dr., Happy Valley, OR 97086;

File & Subject: CPA-06-12/LDC-06-12 (Eagle Landing Area Legislative Amendments).

Proposal: Comprehensive Plan/Zoning Map amendments from existing County designations/zones to applicable City designations/zones for lands already located in the city limits and removal of Chapter 16.36 (Eagle Landing Sub-Area Plan) from the City's Land Development Code.

Location: Approximately 36 acres located within the greater "Eagle Landing Area".

Applicant: City of Happy Valley

Applicable Criteria: Applicable Statewide Planning Goals; applicable Oregon Administrative Rule (OAR) sections; and, applicable Sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code.

Staff Contact: Michael D. Walter, Economic & Community Development Director
503-783-3800

Interested parties are invited to attend this hearing or to submit comments in writing prior to the meeting time. Written testimony may be submitted in advance or in person at the hearing. Those wishing to present verbal testimony, either pro, con, or to raise questions, will be asked to speak after presentation of the reports.

Testimony should pertain to the applicable criteria. The decision will be made in accordance with said criteria, and may be appealed to the Land Use Board of Appeals. Failure to raise an issue in writing prior to or before the close of the written comment period or failure to provide sufficient specificity at the public hearing to afford the decision-making body an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based upon that issue. The applicant and any person who submits written comments shall receive notice of the decision.

The failure of the applicant to raise constitutional or other issues relating to proposed amendments without sufficient specificity to allow the decision-making body to respond to the issue precludes an action for damages in circuit court.

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 Michael D. Walter, Economic & Community Development Director, at the above address and phone number.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 72 hours in advance by contacting Marylee Walden, City Recorder at the above phone number.

EXHIBIT D

NOTICE OF PUBLIC HEARING

CITY OF HAPPY VALLEY PLANNING COMMISSION AND CITY COUNCIL

THIS IS TO NOTIFY YOU THAT THE CITY OF HAPPY VALLEY SEEKS TO IMPLEMENT 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 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, NOVEMBER 13, 2012 and the **HAPPY VALLEY CITY COUNCIL** will hold a subsequent **PUBLIC HEARING on TUESDAY, DECEMBER 4, 2012** 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:

AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN MAP/ZONING MAP AND DEVELOPMENT CODE FOR PROPERTIES BEING AMENDED FROM COUNTY ZONING TO APPLICABLE CITY ZONING THAT ARE LOCATED IN THE CITY LIMITS IN THE GREATER "EAGLE LANDING" AREA. AMENDMENTS INCLUDE CHANGES FROM COUNTY OPEN SPACE MANAGEMENT (OSM) TO CITY INSTITUTIONAL & PUBLIC USE (IPU); COUNTY URBAN LOW DENSITY RESIDENTIAL (R-7) TO CITY LOW DENSITY RESIDENTIAL – 7,000 SQ. FT. (R-7); COUNTY URBAN LOW DENSITY (R-2.5)/MEDIUM HIGH DENSITY (MR-2) TO CITY MIXED-USE RESIDENTIAL-MULTIFAMILY (MUR-M2); COUNTY HIGH DENSITY RESIDENTIAL (HDR) TO CITY MIXED-USE RESIDENTIAL-MULTIFAMILY (MUR-M3); AND, COUNTY MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT (MR-2) TO CITY MIXED-USE RESIDENTIAL-MULTIFAMILY (MUR-M2) IN ADDITION, REMOVAL OF CHAPTER 16.36 (EAGLELANDING SUB-AREA PLAN) FROM THE CITY'S DEVELOPMENT CODE

On November 13, 2012 and December 4, 2012, the City of Happy Valley will hold public hearings regarding proposed amendments to the City's Comprehensive Plan/Zoning Map and Development Code (Local File No. CPA-06-12/LDC-06-12). Please see the attached material. **The proposed changes represent a conversion from County zoning to applicable City zoning – the layout, land use approvals, buildings, etc. associated with past Eagle Landing area approvals do not change.** The file is available for inspection at the City of Happy Valley City Hall located at 16000 SE Misty Drive, Happy Valley, OR 97086. A copy of the entire file may be obtained electronically (by e-mail); for the cost of electronic transfer to a writable CD; or, copying costs for paper copies. All written comments must be received by Friday, October 26, 2012 at the above address. For additional information concerning the file, please contact Michael D. Walter, AICP at 503-783-3839, or write to michaelw@ci.happy-valley.or.us. The Planning Commission holds a first evidentiary public hearing in regard to the proposed map amendments, followed by a recommendation to the City Council. The City Council is the final local review authority and will consider the map amendments and an Ordinance at the subsequent public hearing. Applicable criteria for this review are generally set forth in:

- Happy Valley Comprehensive Plan Policies;
- Happy Valley Development Code
- Metro Urban Growth Management Functional Plan; and,
- Oregon Statewide 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

Marvlee Walden, City Recorder, at 503.783.3800

EXHIBIT E

MISTY DRIVE
SALEM, OR 97086



DEPT OF

DEC 27 2012

LAND CONSERVATION
AND DEVELOPMENT

ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL ST. NE, SUITE 150
SALEM, OR 97301-2540