



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

12/23/2013

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 017-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, January 03, 2014

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: Steve Koper, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 017-13 (20078)

[17711]

Received: 1 6 2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Happy Valley

Local file no.: CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13

Date of adoption: 12/10/2013 Date sent: 12/13/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

☒ Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11/05/13☐ NoIs the adopted change different from what was described in the Notice of Proposed Change? ☐ Yes ☒ No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Steve Koper, Associate Planner

Phone: 503-783-3845 E-mail: stevek@happyvalleyor.gov

Street address: 16000 SE Misty Drive City: Happy Valley Zip: 97086-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Mixed Use Residential-Attached to Mixed Use Res.-Single-Family. 4.88 acres. ☐ A goal exception was required for this change.

Change from _____ to _____ acres. ☐ A goal exception was required for this change.

Change from _____ to _____ acres. ☐ A goal exception was required for this change.

Change from _____ to _____ acres. ☐ A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T2S R2E, Section 01DA Tax Lots 7100-10400.

☒ The subject property is entirely within an urban growth boundary☐ The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Mixed Use Residential-Attached to Mixed Use Res.-Single-Family. Acres: 4.88

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: City of Happy Valley Town Ctr.. Acres added: . Acres removed: 4.88

Location of affected property (T, R, Sec., TL and address): T2S R2E, Section 01DA Tax Lots 7100-10400

List affected state or federal agencies, local governments and special districts: Metro.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- ☐ Completed Form 2
- ☐ A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- ☐ The findings and the text of the change to the comprehensive plan or land use regulation
- ☐ If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - ☐ A map showing the area changed and applicable designations, and
 - ☐ Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- ☐ Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

Mayor
Honorable Lori DeRemer



City Manager
Jason Tuck

December 12, 2013

File No. CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13
("Taron Townhomes" Zone Change)

NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley Planning Commission at a public hearing on December 10, 2013, with regard to an application by D.R. Horton, Inc. for a Comprehensive Plan Map/Zoning Map Amendment/Master Plan Amendment/Planned Unit Development Amendment (File No. CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13) to change the plan designation/zone from "Mixed Use Residential-Attached" (MUR-A) to "Mixed Use Residential-Single-Family" (MUR-S), remove the property from inclusion in the City of Happy Valley Town Center Plan Boundary area and amend a Condition of Approval of the previously approved Master Plan and Planned Unit Development on properties known as "Taron Townhomes" located east and north of SE 157th Avenue, south of SE Kingbird Drive and west of SE Hummingbird Lane. The subject property is described as Clackamas County Assessor Map No. 22E01DA: Tax Lots 7100-10400.

At the public hearing, the Planning Commission voted to approve File No. CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13 based upon submitted information, public testimony, and deliberations of the Planning Commission. Copies of the original Staff Report for File No. CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13 are available upon request.

This action of the Planning Commission is subject to an appeal to the City Council per the provisions of Section 16.61.040 of Title 16 (Land Development Code) of the City of Happy Valley Municipal Code. An appeal of this decision must be filed within 14 days of the mailing of this Notice of Decision. Staff from the City's Planning Division (503-783-3800) can provide information regarding forms, fees, and the appeal process. Issues which may provide the basis for an appeal to the City Council shall be submitted in writing, accompanied by a filing fee of \$1,000 plus attorney's fees (\$2,500 deposit required), prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the Community Development Director or designee to respond to the issue. If no appeal is filed by **Thursday, December 26, 2013, at 5:00 p.m.**, this decision shall be deemed final.

Steve Koper
Associate Planner

cc: Andy Tiemann, D.R. Horton, Inc.
Participants of Record

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

**Final Conditions of Approval for
File No. CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13:**

Amended language indicated by **bold** and ~~strikethrough~~ text.

1. That the City shall amend the Comprehensive Plan/Zoning Map for the subject site to reflect a Comprehensive Plan/Zoning Map Amendment to Mixed Use Residential-Single-Family (MUR-S).
2. The City shall amend the City of Happy Valley Town Center Plan boundary so as to remove the subject site from the Happy Valley Town Center Plan area.
3. The City shall modify Condition of Approval Number 76 of File No. CPA-03-06/LDC-07-06/MPA-01-06/PUDA-05-06/DR-08-06 to utilize the following development standards:

76. That the development utilizes the following minimum lot size, setbacks and lot coverage requirements within the MUR-S district (except in "Taron Townhomes"):

<i>Lot Size:</i>	<i>4,000 square feet</i>
<i>Lot Depth:</i>	<i>65 feet</i>
<i>Lot Width:</i>	<i>34 feet</i>
<i>Lot Frontage:</i>	<i>34 feet*</i>
<i>Lot Coverage:</i>	<i>50 percent</i>

**Not applicable to the private "courtyard" streets (Tracts B, D, F and H)*

*Front Yard (to Garage): 20 feet**
*Front Yard: 15 feet***
*Rear Yard: 20 feet****
Rear Yard (adjacent to Private Alley w/Driveway): 20 feet
Rear Yard (adjacent to Private Alley w/o Driveway): 5 feet
Interior Side Yard: 5 feet
Private Street Side Yard: 5 feet
*Public Street Side Yard: 15 feet*****
*Public Street Side Yard Adjacent to Tracts: ******

**Lots that front and take access from Nightingale Avenue are proposed to have minimum garage setbacks of 22 feet from the right-of-way.*

***Lots that front Nightingale Avenue are proposed to have minimum front yard setbacks of 17 feet from the right-of-way.*

****Lots 49-51 are proposed to have rear yard setbacks of 17 feet.*

***** Lot 81 is proposed to have public street side yard setback of eight feet and Lot 100, is proposed to have a minimum public street yard setback of 14 feet.*

******In many cases, there are open space tracts maintained by the HOA between the public streets and the "street side yards" of the lots. In these situations, the applicant proposes to generally maintain a minimum of 15-feet from the building envelope to the street right-of-way.*

In addition, that this development utilize the following minimum lot size, setback and lot coverage requirements within the MUR-S district in "Taron Townhomes."

Lot Size: 3,200 square feet
Lot Depth: 65 feet
Lot Width: 34 feet
*Lot Frontage: 34 feet**
Lot Coverage: 50 percent

**Not applicable to the private "courtyard" streets (Tracts B, D, F and H)*

Setback to Garage: 20 feet
*Front Yard: 10 feet**
*Rear Yard: 15 feet***
Rear Yard (adjacent to Private Alley w/Driveway): 20 feet
Rear Yard (adjacent to Private Alley w/o Driveway): 5 feet
Interior Side Yard: 5 feet
Private Street Side Yard: 5 feet
Public Street Side Yard: 10 feet
*Public Street Side Yard Adjacent to Tracts:****

**Note that for the purpose of these setbacks, the front yard is considered the yard adjacent to the public streets (SE 157th Avenue and SE Kingbird Drive) for Lots 1-8 and Lots 19-28 and the private streets (SE Starling Court and SE Chickadee Court) for Lots 9-18 and Lots 29-34. The front yard (to garage) shall remain the yard adjacent to the private streets.*

***Note that for the purpose of these setbacks, the rear yard is considered the yard adjacent to the open space tracts for Lots 9-18 and 29-34 and the yard adjacent to the private streets for Lots 1-8 and 19-28.*

****In many cases, there are open space tracts maintained by the HOA between the public streets and the "street side yards" of the lots. In these situations, the applicant proposes to generally maintain a minimum of 10-feet from the building envelope to the street right-of-way.*

In addition, that this development utilize the following minimum lot size, setback and lot coverage requirements within the MUR-A district:

Lot Size: 1,700 square feet
Lot Depth: 65 feet
Lot Width: 20 feet
Lot Frontage: 20 feet
Lot Coverage: 70 percent

*Front Yard (to Garage): 20 feet**
*Front Yard: 10 feet**
*Rear Yard: 20 feet***
Interior Side Yard: 5 feet
Private Street Side Yard: 5 feet

*Public Street Side Yard Adjacent to Tracts:****

**Note that for the purpose of these setbacks, the front yard is considered the yard adjacent to the private streets (SE Peregrine Ct. & SE Catbird Ct.) even though these units will have "front doors" facing the public streets.*

***Lot 27 is proposed to have a minimum rear yard setback of 15 feet, Lot 28 is proposed to have a rear yard setback of nine feet, and Lot 8 is proposed to have a rear yard setback of 18-feet.*

****In all cases, there are open space tracts owned and maintained by the HOA between the public streets and the "street side yards" of the lots. In these cases, the applicant is generally maintaining between 10-15 feet from the building envelope to the street right-of-way.*

Proposed MUR-X District Setbacks:

Front Yard: 15 feet

Rear Yard: 20 feet

Interior Side Yard: 10 feet

Public & Private Street Side Yard: 15 feet

In no case shall a garage be located less than 20 feet from a public right-of-way. Prior to final plat approval, area computations in square feet for all building lots must be prepared and submitted by an engineer or surveyor registered in the State of Oregon. No variances (administrative or otherwise) will be granted for any lot or portion thereof within the development. However, the Community Development Director or designee is authorized by the Planning Commission to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than six inches in diameter measured at breast height (4.5 feet).

A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject lot that illustrates the relationship between the proposed structure and significant tree retention.

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF HAPPY VALLEY, OREGON**

“Taralon Townhomes”	) Planning Commission
Zone Change	) Approval of a Comprehensive Plan Map/ Zoning Map Amendment/Master Plan Amendment/ Planned Unit Development Amendment
Applicant:	)
D.R. Horton, Inc.	) CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13

Pursuant to Happy Valley Land Development Code §16.61.040 the City provided notice of a public hearing before the Planning Commission. An affidavit of the notice of hearing is a part of the record. The staff report was prepared and available to the public seven (7) days prior to the public hearing as required by state law.

After providing notice and a staff report, the Planning Commission conducted an evidentiary hearing providing an opportunity to submit oral testimony and written evidence. The approval criteria for the applications for a Comprehensive Plan Map/Zoning Map Amendment/Master Plan Amendment/Planned Unit Development Amendment are provided in the applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; applicable City of Happy Valley Comprehensive Plan Policies; and, applicable sections of the City of Happy Valley Municipal Code; Title 16-Land Development Code, including Chapters 16.22 (Residential Land Use Districts); 16.61 (Types of Review Procedures); 16.63 (Land Divisions and Property Line Adjustments); and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments). After discussion and deliberation, the Planning Commission voted to approve the “Taralon Townhomes” Zone Change (Comprehensive Plan Map/Zoning Map Amendment/Master Plan Amendment/Planned Unit Development Amendment).

I. DESCRIPTION OF THE APPLICATION

D.R. Horton, Inc. submitted an application requesting a Comprehensive Plan Map/Zoning Map Amendment/Master Plan Amendment/Planned Unit Development Amendment, effectively changing the City's Comprehensive Plan designation and land use zone on the subject site from "Mixed Use Residential-Attached" (MUR-A) to "Mixed Use Residential-Single-Family" (MUR-S), removing of the property from inclusion within the City of Happy Valley Town Center Plan boundary and amending Condition of Approval #76 of a previously approved Master Plan and Planned Unit Development (File No. CPA-03-06/LDC-07-06/MPA-01-06/PUDA-05-06/DR-08-06).

The subject site consists of 34 previously platted lots and five previously platted tracts (Tracts A-E) totaling approximately 4.88 acres in size. The subject properties are located east and north of SE 157th Avenue, south of SE Kingbird Drive and west of SE Hummingbird Lane, and is further described as Clackamas County Assessor Map Nos. 22E01DA: Tax Lots 7100-10400.

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

II. ADOPTION OF FINDINGS

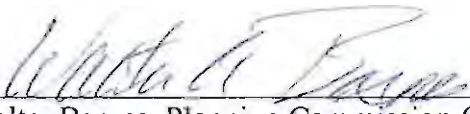
The Planning Commission specifically adopts the findings within the December 10, 2013 staff report in support of this order approving the "Taralon Townhomes" Zone Change (Comprehensive Plan Map/Zoning Map Amendment/Master Plan Amendment/Planned Unit Development Amendment – File No. CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13).

III. ORDER

The Planning Commission hereby approves the “Taralon Townhomes” Zone Change (Comprehensive Plan Map/Zoning Map Amendment/Master Plan Amendment/Planned Unit Development Amendment) – File No. CPA-16-13/LDC-18-13/MPA-01-13/PUDA-04-13) based on the findings provided herein and specifically adopted under Section II. This order requires compliance with the conditions set out in the Conditions of Approval from the Staff Report to the Planning Commission dated December 10, 2013, including any amended language.

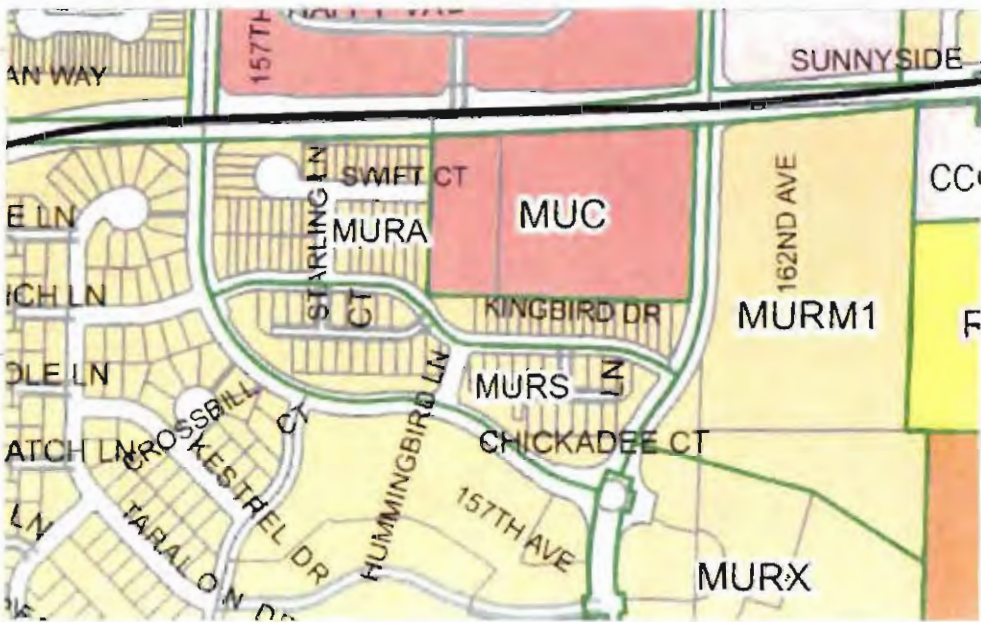
ORDER OF THE PLANNING COMMISSION dated this 10th day of December 2013.

PLANNING COMMISSION, CITY OF HAPPY VALLEY

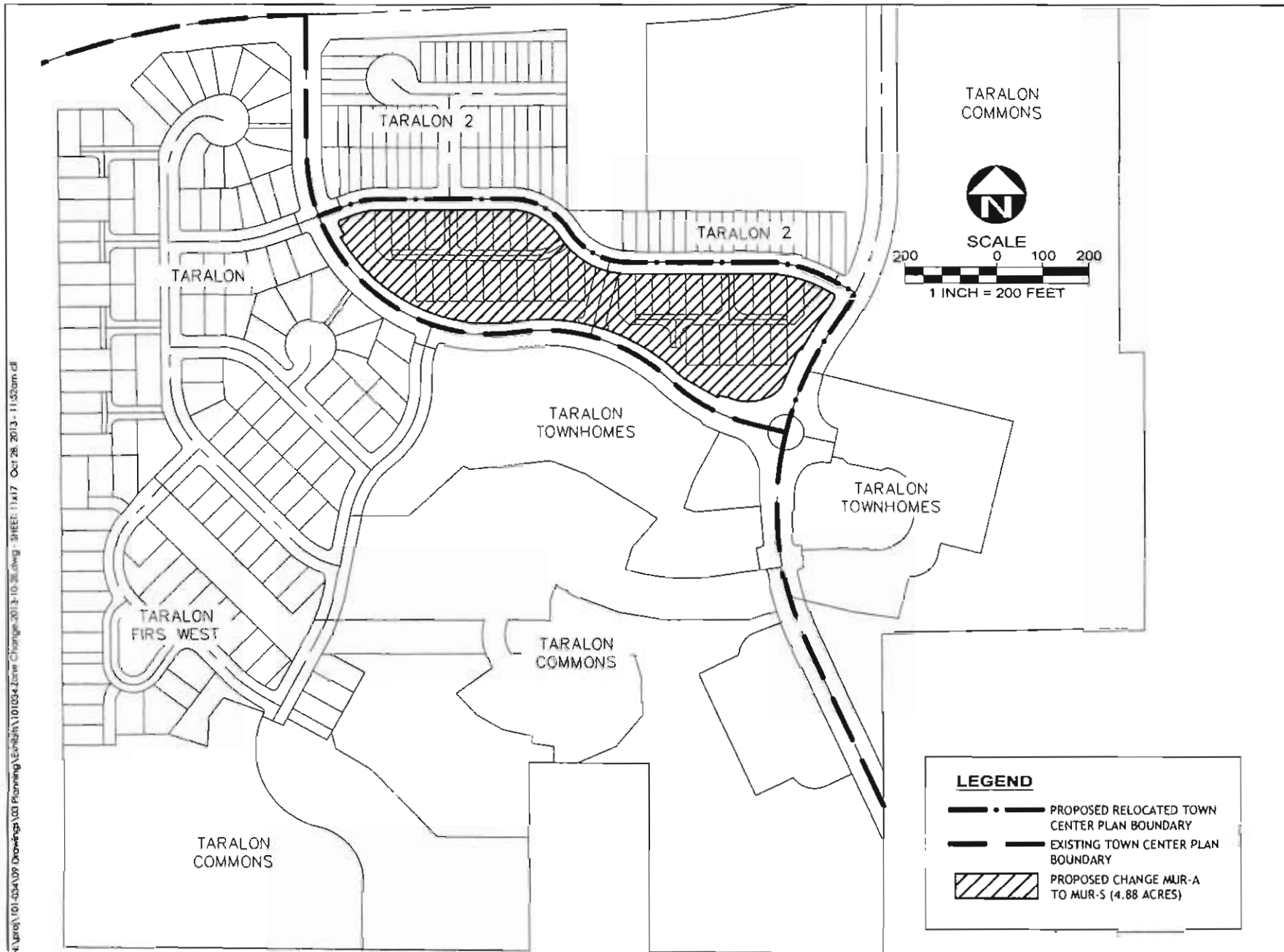
By: 
Walter Barnes, Planning Commission Chair



Existing Zoning - MUR-A



Proposed Zoning - MUR-S



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



DEPT OF

DEC 16 2013

LAND CONSERVATION
AND DEVELOPMENT

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

