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

04/17/2012

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 007-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Tuesday, May 01, 2012

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
Angela Lazarean, DLCD Urban Planner
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA/ph

FORM 2 DLCD Notice of Adoption

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

DATE STAMP

☐ In person ☐ electronic ☐ mailed

DEPT OF

APR 1 1 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Happy Valley**

Local file number: **CPA-10-11/LDC-08-11**

Date of Adoption: **4/3/2012**

Date Mailed: **April 10, 2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 12/1/2011

☐ 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".

Adopted the Development Code text amendments to replace an existing zone (MUE-NC) with a new zone (RCMU); amending of the existing Clackamas Regional Center Design Plan to include the subject site; and, amend the City's comprehensive Plan/zoningmap to change the subject site from County Office Commercial (OC) to City (RCME).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Clk Cnty Office Commer.** to: **City Regional Cnt Mixed Use**

Zone Map Changed from: **Clk Cnty Office Commer.** to: **City REgional Cnt Mixed Use**

Location: **East of I-205, North of Sunnyside Rd** Acres Involved: **17**

Specify Density: Previous: **See Materials** New: **See Materials**

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. 007-11 (19076) [17001]

DLCD file No. _____

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

Clackamas County, ODOT, Metro

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

Address: **16000 SE Misty Dr** Fax Number: **503-658-5174**

City: **Happy Valley** Zip: **97086-** E-mail Address: **michaelw@ci.happy-valley.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

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

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

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

Mayor
Honorable Lori DeRemer

City of Happy Valley

City Manager
Jason Tuck

April 10, 2012

File No. CPA-10-11/LDC-08-11 (Eagle Landing Concept Plan - RCMU):

NOTICE OF DECISION

On April 3, 2012, the City of Happy Valley City Council adopted CPA-10-11 which amended Title 16 of the City's Municipal Code to incorporate a new zone titled Regional Center Mixed Use (RCMU); amending the City's Comprehensive Plan/Zoning Map to incorporate a change from Clackamas County Office Commercial (OC) to City RCMU; and, amending the City's Clackamas Regional Center Area Design Plan, an ancillary document to the City's comprehensive plan. The City Council's decisions were based on a recommendation from the Happy Valley Planning Commission, and information and testimony submitted by the public to the City Council.

Copies of the decision, Staff Report and Exhibits for File No. CPA-10-11/LDC-08-11 are available upon request.

This action of the City Council is subject to appeal to the State of Oregon Land Use Board of Appeals under ORS 197.830. An appeal of this decision must be filed within 21 days of the mailing of this Notice of Decision. If no appeal is filed by **Tuesday, May 1, 2012 at 5:00 p.m.**, this decision shall be deemed final.

Michael D. Walter
Economic & Community Development Director

cc: Jason Tuck, City Manager (via e-mail)
All Interested Persons (via post)

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

CITY OF HAPPY VALLEY
ORDINANCE NO. 424

AN ORDINANCE INCORPORATING THE APPROVAL OF THE "EAGLE LANDING CONCEPT PLAN" BY AMENDING TITLE 16 OF THE CITY'S MUNICIPAL CODE (LAND DEVELOPMENT CODE) TO INCORPORATE A NEW ZONE TITLED REGIONAL CENTER MIXED USE (RCMU); AMENDING THE CITY'S COMPREHENSIVE PLAN/ZONING MAP TO INCORPORATE A CHANGE FROM CLACKAMAS COUNTY OFFICE COMMERCIAL (OC) TO CITY RCMU; AND, AMENDING THE CITY'S CLACKAMAS REGIONAL CENTER AREA DESIGN PLAN, AN ANCILLARY DOCUMENT TO THE CITY'S COMPREHENSIVE PLAN

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, the City, Clackamas County Department of Transportation and Development (DTD), Metro and the Oregon Department of Transportation (ODOT) have analyzed the proposed Land Development Code amendments and Traffic Impact Analysis associated with the proposed creation of the RCMU Comprehensive Plan designation/zoning district and provided specific Conditions of Approval related to the proposed amendments; and

WHEREAS, incorporation of the Eagle Landing Concept Plan requires amendments to the City's Comprehensive Plan and ancillary document and the Land Development Code that has been discussed on two separate occasions at the Planning Commission; and

WHEREAS, the Planning Commission recommended the City Council approve the amendments associated with the Eagle Landing Concept Plan as detailed in the Staff Report to the Planning Commission dated February 14, 2012; and as amended; and

WHEREAS, the City has forwarded a copy of the proposed amendments to the Oregon Department of Land Conservation and Development (DLCD), METRO and Clackamas County in a timely manner; 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 City Council dated April 3, 2012 and as discussed at the regular meeting of the City Council on April 3, 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 Eagle Landing Concept Plan Application is supported by the proposed changes to the City's Comprehensive Plan/Zoning Map; Comprehensive Plan and ancillary documents, and the Land Development Code, to be amended as set forth within the Staff Report to the City Council dated April 3, 2012.

Section 2. The City of Happy Valley declares that the Findings of Fact included within the Staff Report to the City Council dated April 3, 2012 are hereby adopted in conjunction with this Ordinance.

Section 3. The City of Happy Valley declares that the Eagle Landing Concept Plan is adopted and that the comprehensive plan designations/zoning districts be applied to the properties illustrated in Exhibit "A" that are currently within the existing city limits and that the City's Clackamas Regional Center Area Design Plan be amended as illustrated in Exhibit "B".

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: [April 3, 2012]

CITY OF HAPPY VALLEY

Mayor Lori DeRemer

ATTEST:

Marylee Walden, City Recorder

CITY OF HAPPY VALLEY

16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086
(503) 783.3800
FAX: (503) 658.5174

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission will hold a public hearing on the **14th day of February, 2012** at the hour of 7:00 p.m. at the City of Happy Valley City Hall, and the Happy Valley City Council will hold a public hearing on the **6th day of March, 2012** at the hour of 7:00 p.m. at the City of Happy Valley City Hall, 16000 SE Misty Drive, in the City of Happy Valley, Oregon, in regard to the following matter:

DOCKET NUMBER

CPA-10-11/LDC-08-11	"EAGLE LANDING MIXED-USE CONCEPT", INCLUDING THE CREATION OF A NEW ZONE – REGIONAL CENTER MIXED USE (RCMU) AS PART OF DEVELOPMENT CODE TEXT AMENDMENTS; COMPREHENSIV PLAN MAP/ZONING MAP AMENDMENTS; AND, AMENDMENTS TO THE CLACKAMAS REGIONAL CENTER AREA DESIGN PLAN

Veritas Investment Company, applicant and property owner, is requesting a Comprehensive Plan map /zoning map amendment and associated Development Code text amendments pertaining to several properties located within "Eagle Landing". Specifically, the applicant has proposed Development Code text amendments to replace an existing zone (Mixed Use Employment-Neighborhood Commercial – MUE-NC) with a new zone (Regional Center Mixed Use – RCMU); amending the existing Clackamas Regional Center Area Design Plan to include the subject site; and, amending the City's Comprehensive Plan/zoning map to change the subject properties from County Office Commercial (OC) to City RCMU. The subject properties are generally located south of SE Monterey Avenue and east of SE Stevens Road and can be further described as Clackamas County Assessor Map Nos. 12E33DA: Tax Lots 400, 500, 600, 700, and 800.

The Planning Commission will make a recommendation to the City Council to approve, approve with conditions or deny CPA-10-11/LDC-08-11. The City Council will render a final decision to approve, approve with conditions or deny the application. The Planning Commission and City Council will base their recommendations and decisions regarding this application in accordance with the applicable Statewide Planning Goals; applicable Oregon Administrative Rules (OAR's); applicable Titles of the Metro Functional Plan; applicable Objectives and Policies from the City of Happy Valley Comprehensive Plan and Clackamas Regional Center Area Design Plan; and, applicable sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code, including Chapter 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments). All written comments must be received by the City of Happy Valley, 16000 SE Misty Drive, Happy Valley, OR 97086 by **5:00 p.m., on Wednesday, February 1, 2012.**

EXHIBIT # A

Testimony should pertain to the applicable criteria. The decision will be made in accordance with said criteria, and may be appealed to the State Land Use Board of Appeals (LUBA). Failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the Planning Commission/City Council an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with LUBA. 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 conditions of approval with sufficient specificity to allow the Planning Commission/City Council to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, records concerning this matter, and the City's staff report and recommendation to the hearings body (available 7 days prior to hearing date) are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m. weekdays), please call for an appointment. For additional information, contact Justin Popilek, Associate Planner at the above address and phone number.

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

Notice to mortgagee, lien holder, vendor, or seller: The City of City of Happy Valley Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

Justin Popilek
Associate Planner

EXHIBIT # A

Mayor
Honorable Lori DeRemer

City of Happy Valley

City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY

STAFF REPORT TO THE CITY COUNCIL

APRIL 3, 2012

EAGLE LANDING CONCEPT PLAN APPLICATION (FILE NO. CPA-10-11/LDC-08-11)

AMENDMENT TO THE CLACKAMAS REGIONAL CENTER BOUNDARY; DEVELOPMENT CODE TEXT AMENDMENTS CREATING A NEW COMPREHENSIVE PLAN DESIGNATION/ZONING DISTRICT – REGIONAL CENTER MIXED USE (RCMU); AND, COMPREHENSIVE PLAN MAP/ZONING MAP FROM AMENDMENTS FROM COUNTY OFFICE COMMERCIAL (OC) TO CITY RCMU

I. GENERAL INFORMATION

PROPOSAL:

The applicant, Veritas Investment Company, LLC, proposes to replace an existing zone (Mixed-Use Employment-Neighborhood Commercial - MUE-NC) with a new zone (Regional Center Mixed Use - RCMU), through proposed text amendments to the City's Development Code. The applicant also proposes a Comprehensive Plan/Zoning Map Amendment to change the existing designation/zone on the subject properties from Office Commercial (OC) to RCMU. A third component of the applicant's proposal is to amend the Clackamas Regional Center Area Design Plan, an ancillary document to the City Comprehensive Plan, to expand the Regional Center Boundary to include the subject properties.

APPLICANT/PROPERTY OWNER:

Veritas Investment Company, LLC
10220 SE Causey Road
Happy Valley, OR 97086

EXHIBITS:

1. Application and Narrative dated November 17, 2011
2. Proposed RCMU Amendments dated November 17, 2011
3. Traffic Impact Analysis by David Evans & Associates, Inc. dated August 2011 (Appendixes are available upon request)
4. Eagle Landing TIA Addendum dated January 30, 2012
5. Analysis of Employment and Impacts of Mixed-Uses at Eagle Landing Development by Johnson Reid, LLC dated February 28, 2011
6. Memorandum from Oregon Department of Transportation (ODOT) dated February 3, 2012
7. Memorandum from Clackamas Co. Department of Transportation & Development (DTD) dated February 3, 2012
8. Memorandum from DKS Associates dated January 26, 2012

9. Measure 56 Notice
10. Public Notice
11. Letter from Jeffrey L. Kleinman, Attorney at Law representing Mr. Allen Woodell dated February 14, 2012
12. Letter from Mark Dane Planning representing Aspen 504 LLC originally dated February 21, 2012 and subsequently revised to March 13, 2012
13. Letter from Jeffrey L. Kleinman, Attorney at Law representing Mr. Allen Woodell dated February 21, 2012
14. Letter from Gail Curtis, Oregon Department of Transportation dated February 23, 2012
15. Letter from William C. Cox, Attorney At Law representing Veritas Investment Company LLC dated February 28, 2012
16. Memo from Michael D. Walter, Economic & Community Development Director to the Planning Commission and City Attorney dated March 6, 2012

APPLICABLE CRITERIA:

Applicable Statewide Planning Goals; ORS 222.111, 222.120 and 222.750; applicable sections of Metro Code 3.09; applicable goals and policies of the City of Happy Valley Comprehensive Plan; applicable sections of the City of Happy Valley Municipal Code; Title 16 (Land Development Code), including Section 16.67.070 (Annexations).

BACKGROUND:

- The subject site consists of six tax lots, totaling approximately 17.7 acres in size, which are wholly located within Happy Valley. These properties consist of mainly undeveloped flat lands, containing very few trees and little to no vegetative cover. The western edge of the subject site has street frontage along SE Stevens Road, which is classified as a minor arterial roadway. SE Monterey Avenue, which is classified as a collector roadway, traverses the subject site's northern boundary. Both of these street frontages have been fully improved, complete with sidewalk, planter strip, and street trees. Some of the current uses of the properties that surround the subject site include: a fully developed commercially zoned property, containing several multi-story office buildings (south); a partially developed multi-family complex (southwest); a single-family detached residential development (east); a church and apartment complex (west); and a cemetery/golf course (north).

- The subject site is part of the greater Eagle Landing Master Plan area, an existing plan that was approved by Clackamas County in 1998, which encompasses lands that are located both within Happy Valley and unincorporated Clackamas County. The Eagle Landing Master Plan includes single-family residential, multifamily residential, office/commercial, and supportive retail uses. The Eagle Landing project was a multiphase project, with Phase I having been annexed into Happy Valley as part of a development agreement established between the City and Veritas Investment Company in 2005. Several sections of Phase II that include single-family and multi-family residential and retail phases have been built. Phase II included significant improvements and dedication of public facilities, including major roadways, trails, and open space amenities that serve the existing uses, but also those planned uses envisioned in the applicant's Eagle Landing Mixed Use Concept Plan. To date, the specific developments located within the Eagle Landing Master Plan area that have been constructed or are under construction include: a 72-lot detached single-family residential development, known as "Eagle Landing" (constructed); a 115-lot fee-simple townhome development, known as "Volare" (under construction); a 85-unit condominium development, known as

"The Hideaway at Eagle Landing" (under construction); and a 128-unit condominium development, known as "Eagle's Loft" (under construction).

CONCEPTUAL DEVELOPMENT PLAN:

- The City requires that an applicant who proposes a Comprehensive Plan/Zoning Map Amendment submit a conceptual development plan that envisions the possible uses under the proposed designation/zone. The applicant has fulfilled this requirement by including a conceptual development plan within their narrative (Exhibit 1, Page 5). This plan indicates that under the proposed RCMU zone the potential uses of the subject site may include office, retail, and multi-family housing. The applicant further provides a "break-down" of the proposed RCMU compliant uses of the subject properties, which indicates that the eventual "build-out" of the subject site will yield a maximum of 450 residential units, 500,000 square feet of office space, and 230,000 square feet of retail space. The conceptual development plan also envisions underground parking areas and pedestrian amenities such as an outdoor mall and public plaza. It is critical to note that the applicant has proposed a Conceptual Development Plan and Traffic Impact Analysis that incorporates properties located within both the City of Happy Valley and unincorporated Clackamas County, and has requested that the County "sponsor" the creation of a County comprehensive plan designation and zoning district titled "PMU-6" that mirrors the RCMU zone. Significant challenge arises to the City in that the applicant has not "separated" the Conceptual Development Plan/Traffic Impact Analysis into two distinct products, but rather ties them together, which is better "holistically" for evaluation of the entire Concept Plan area, but technically more difficult based on the jurisdictional split. However, as the applicant has also petitioned the creation of a mirrored PMU-6 and the same Traffic Impact Analysis will be evaluated by the County, staff recommends that the entirety of the Traffic Impact Analysis (and resultant mitigations/conditions) be incorporated here, assumingly to also be mirrored by Clackamas County. If that were not to occur, proposed Condition of Approval No. 1 should suffice to address such a contingency.

- Staff notes that the conceptual development plan, in terms of general building design, illustrates several both a vertical and horizontal mix of use, with housing above retail and retail uses mixed with office uses. The overriding theme of the Concept Plan is to create a high density mixed use development within a walkable and pedestrian-friendly environment that emphasis the use of mass transit in the "everyday lives" of residents.

PROPOSED COMPREHENSIVE PLAN DESIGNATION/ZONING DISTRICT/CODE AMENDMENTS:

- The applicant has proposed to amend the City's Development Code for the purpose of creating a new land use designation/zone, with the intention of applying this new zone to the subject site. Rather than amend the Development Code to add a new designation/zone, city staff has requested that the applicant amend the City's Development Code to replace the currently unused MUE-NC zone with the proposed RCMU zone. City staff determined that the replacement of the MUE-NC zone was a better alternative to adding the proposed RCMU because the MUE-NC sub-district is currently unused and can only be applied to properties zoned for employment that are located within the Rock Creek Comprehensive Plan Area. There are currently no undeveloped properties within this area that are zoned employment.

- As previously mentioned, the applicant proposes to apply the new RCMU designation/zone to the subject site. To accomplish this, the applicant has proposed a Comprehensive Plan/Zoning Map Amendment to change the subject site's existing OC designation/zone to the newly proposed RCMU designation/zone.

The proposed Regional Center Mixed Use Comprehensive Plan Designation/Zoning District ("RCMU zone") would amend portions of Title 16 of the City's Municipal Code (Development Code). Staff notes that additional changes from those provided by the applicant have been incorporated within the RCMU zone and the annexation "conversion matrix" table. In addition, the original incorporation of the Eagle Landing area included annexation, a Development Agreement and the development of Chapter 16.36 (Eagle Landing Sub-Area Plan – which primarily represented the codification of the previous County Conditions of Approval for the greater subject properties) within the City's Development Code. This application, paired with future planned legislative amendments to the comprehensive plan designation/zoning districts within the greater Eagle Landing area and the existing Chapter 16.36 fundamentally represent a "re-plan" of the undeveloped properties within the greater Eagle Landing area.

PROPOSED DEVELOPMENT CODE AMENDMENTS

"**Chapter 16.23 Commercial and Employment Districts**

16.23.010 Mixed Use Commercial and Employment Districts

A. Purpose

1. Mixed use commercial (MUC). Mixed use commercial will provide for convenience commercial needs of residential neighborhoods and office workers in locations adjacent to and mixed in with residential and office areas. The location of services and offices near residential units and major transportation networks should promote use of alternative modes of transportation such as bus ridership, bicycle and pedestrian activity. Retail uses should be primarily located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented towards the street or accessway with clearly marked entrances. Blank frontage walls at street level are discouraged. Development boundaries and patterns are not defined by type of use (i.e., retail and office); instead the district allows a variety of permitted uses to occur throughout the commercial district. The commercial uses are meant to provide a concentration of commercial and office uses to create an active area.
2. Mixed use employment (MUE). The mixed use employment district will provide for development of office, employment and medium density residential uses. The MUE neighborhood commercial sub district provides for neighborhood scale retail needs.
3. ~~MUE neighborhood commercial (MUE - NC) sub district. In order to provide retail uses which serve the surrounding neighborhoods and employment areas of the MUE district, the neighborhood commercial sub district establishes uses and standards for the development of commercial and residential uses with good visibility from arterials, collectors and local streets within the MUE district.~~ **Regional center mixed use (RCMU). The regional center mixed use district will provide for urban development within the boundaries of the Clackamas Regional Center. A wide range of uses is permitted within the district. The district is intended to create a quantifiable sustainable mixed use area with high employment and housing densities, structured parking, and significant amenities in an urban design that is accessible by a range of transportation modes. To ensure that the mix of uses and urban form are consistent with the objectives of the district, master plan approval is required prior to development. The RCMU District implements the planned mixed use policies of the Clackamas Regional Center Area Design Plan.**

B. Permitted Uses

Table 16.23.010-1 identifies the land uses that are allowed in the MUC, MUE and ~~MUE-NC~~ **RCMU** Districts.

Table 16.23.010-1: Mixed Use Districts: Permitted Uses
MUC, MUE and ~~MUE-NC~~ RCMU
P=Permitted; C=Conditional Use; X=Prohibited

Use	MUC	MUE	~~MUE-NC Subdistrict~~ RCMU[1]
Commercial--Retail Uses			
Art and craft supply stores, studios	P	P[1]	P
Bakeries	P	P[1]	P
Banks, savings and loan associations, loan companies, ATMs	P	P[1]	P
Barber shops, beauty salons	P	P[1]	P
Bed and breakfast inns	P	P[1]	P
Bicycle sales, supplies, repair service	P	P[1]	P
Book stores	~~C~~ **P**	~~C~~ **P**	~~C~~ **P**
Camera stores	P	P[1]	P
Coffee shops, cafes, sandwich shops and delicatessens	P	P[1]	P
Drug stores	P	P[1]	P
Dry cleaners and tailors	P	P[1]	P
Florists	P	P[1]	P
Hardware and garden supplies	P	P[1]	P
Home furnishing stores	P	P[1]	P
Gift stores	P	P[1]	P
Grocery, food, specialty foods, and produce stores	P	P[1]	P
Hotels	P	P[1]	P
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities.	P	P[1]	P
Exercise and tanning studios	P	P[1]	P
Interior decorating shops, sales and service	P	P[1]	P
Laundromats	P	P[1]	P
Music shops, sales and service	P	P[1]	P
Optometry and optical goods, sales and service	P	P[1]	P
Photo finishing, photography studios	P	P[1]	P
Rental stores, without outdoor storage	P	P[1]	P
Restaurants full service	P	P[1]	P
Restaurants--Drive through	P	C	~~C~~ **P**
Apparel and secondhand stores	P	P[1]	P
Service stations	C	C	C
Shoe sales and repair stores	P	P[1]	P
Sporting goods, sales and service	P	P[1]	P
Stationary stores	P	P[1]	P
Taverns, bars and cocktail lounges (prohibited 1,500 feet from school uses)	C	C	C

Use	MUC	MUE	~~MUE – NC Subdistrict~~ RCMU[1]
Theaters or assembly halls	C	C	~~C~~ P
Yogurt and ice cream stores	P	P[4]	P
Vehicular service	P	P[4]	P
Veterinarian services and pet supplies	P	P[4]	P
Video rental stores	~~C~~ P	~~C~~ P	~~C~~ P
Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination through the design review process.	P	P[4]	P
Commercial – Offices			
Professional and administrative offices	P	P	P
Medical office buildings	P	P	P
Residential			
Low Density[2]	P	P	P
Medium and High Density[3] (Note: Mixed use buildings with residential and commercial are allowed in addition to single use residential buildings.)	P	X	~~X~~ P
Senior housing	P	P	P
Home occupation (Section 16.69.020)	P	P	P
Industrial			
Manufacturing and production	X	P	~~X~~ C
Industrial services	X	P	X
Flex-space	X	P	X
Wholesale sales	X	P	X
Institutional			
Churches, synagogues, temples or places of worship	C	C	~~C~~ P
Public park, usable open space	C	C	~~C~~ P
Public and private schools (includes day care)	C	C	~~C~~ P
Commercial Day care centers (adult and child care facilities)	P	P[4]	P
Community service	P	P	P
Civic Uses			
Libraries, post offices, community centers, etc.	P	P	P
Other			
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P	P	P
Wireless communication facilities	Per Chapter 16.44.020	Per Chapter 16.44.020	Per Chapter 16.44.020

Use	MUC	MUE	~~MUE NC Subdistrict~~ RCMU[1]
NOTES: 1) ~~Use permitted according to MUE NC rules.~~ **Uses in the RCMU district are subject to additional standards in Section 16.23.010.D.** 2) Low density multi-family residential shall be developed in accordance with the standards of the MUR-M1 district. 3) Medium density multi-family residential shall be developed in accordance with the standards of the MUR-M2 district and high density multi-family residential shall be developed in accordance with the standards of the MUR-M3 district.			

C. Development Standards. The development standards in Table 16.23.010-2 apply to all uses, structures, buildings, and development in the MUC, MUE and ~~MUE-NC~~ **RCMU** Districts.

Table 16.23.010-2: Development Standards for MUC, MUE and ~~MUE-NC~~ RCMU

Standard	MUC	MUE	~~MUE-NC~~ RCMU
Residential Density: [1]			
Low Density (maximum)	24 du/net acre	24 du/net acre	~~NA~~ 24 du/net acre
Low Density (minimum)	15 du/net acre[2]	15 du/net acre[2]	~~NA~~ 15 du/net acre[2]
Medium Density (maximum)	34 du/net acre	NA	~~NA~~ 34 du/net acre
Medium Density (minimum)	25 du/net acre[2]	NA	~~NA~~ 25 du/net acre[2]
High Density (maximum)	50 du/net acre	NA	~~NA~~ 50 du/net acre
High Density (minimum)	35 du/net acre[2]	NA	~~NA~~ 35 du/net acre[2]
Lot Size (minimum)	Variable[3]	Variable[3]	~~See 16.23.010.D.3~~ Variable[3]
Lot Width (minimum)	Variable[3]	Variable[3]	Variable[3]
Lot Depth (minimum)	Variable[3]	Variable[3]	Variable[3]
Floor Area ratio			~~See 16.23.010.D.3~~
Nonresidential FAR (minimum)	0.25:1[4]	0.25:1[4]	0.25:1[4]
Nonresidential FAR (maximum)	5:1	2:1	5:1
FAR for mixed use building with residential uses (minimum)	0.25:1	0.25:1	0.25:1
FAR for mixed use building with residential uses (maximum)	5:1	3:1	5:1
Landscaping (minimum)	Variable[5]	Variable[5]	Variable[5]
Building Setbacks (minimum):	Variable[3]	Variable[3]	Variable[3]
Building Height (maximum)	65 feet[3]	65 feet[3]	~~65 feet~~ Variable[3]

NOTES:
1) Density calculations shall be made pursuant to Section 16.63.020.F.
2) Minimum density of eighty (80) percent of each sub-area is required.
3) Building height is measured pursuant to Chapter 16.12 Definitions. Standards are flexible and shall be determined through the master plan process or a design review.
4) Must include a shadow plan to establish future development.
5) Pursuant to Section 16.42.030, fifteen (15) percent of the net developable area must be usable open space.

D. Additional Standards for the ~~MUE-NC sub district.~~ **RCMU district.**

1. Location
The RCMU district may only be located within the boundaries of the Clackamas Regional Center and may only be applied to land within the Eagle Landing Plan Area (areas designated RCMU and PMU6) as designated on Happy Valley Comprehensive Plan Map X-CRC-2.

2. Master Plan Required.
a. The RCMU district is a Planned Mixed Use area and is subject to the master plan requirements of Chapter 16.65 except as modified by this section.

b. The master plan shall include the entire Eagle Landing Plan Area (areas designated RCMU and PMU 6) as designated on Happy Valley Comprehensive Plan Map X-CRC-2.

3. Mix of Uses Required.
   a. A mix of uses is required. At a minimum, the following uses shall be accommodated within the master plan:
      (1) 584 dwelling units within the Eagle Landing Plan Area.
      (2) 600,000 square feet of office or commercial development within the RCMU district.

4. Phasing Plan. For multi-phased developments where the required mix of uses is proposed to be achieved in phases, a Development Phasing Plan shall be submitted as a part of the master plan application.
   a. The Development Phasing Plan shall demonstrate:
      (1) How the required mix of uses will be provided through phasing, including the approximate locations, amount in square feet (a size range may be provided), and timing of each use.
      (2) How on-site circulation, parking, landscaping and other on-site improvements will function, after the completion of each phase and following complete build-out of the development site.
      (3) If a size range(s) for a use(s) is provided, the Development Phasing Plan shall demonstrate how both the minimum and maximum amounts enabled by the range meet the requirements of this section.
   b. The Development Phasing Plan shall also identify in what order and how proposed public utilities, public facilities and other improvements and amenities necessary to support the project will be constructed, dedicated or reserved.

5. Development Standards. The master plan for the Eagle Landing Plan Area shall be designed to implement the policies and elements of the adopted Clackamas Regional Center Area Design Plan. In addition, the master plan and subsequent development within the RCMU district shall be subject to the following standards:

   a. Buffering. When existing residential uses are located adjacent to a RCMU master plan site, such uses shall be buffered from the RCMU master plan site with landscaped buffers or by the location of streets, parks, plazas, greenways, or lower density residential uses in the RCMU master plan.

   b. Access and Circulation. Circulation on site must meet the minimum requirements shown on the Urban Design Elements map, and in addition:

      (1) Internal Circulation: An internal circulation system shall include a network of public, private and internal streets. Private streets shall function like local streets, with curbs, sidewalks or raised walking surfaces on both sides, street trees, pedestrian scale lighting, and connections to state, county or public streets. This internal street network shall create developable sites defined by streets. In addition, the internal circulation system may include a range of secondary facilities, including service roads, driveways, drive aisles, and other similar facilities. The overall intent is to provide a pattern of access and circulation that provides a clear and logical network of primary streets that have pedestrian orientation and amenities. A secondary network of pedestrian ways and vehicular circulation will supplement this system.

(2) Driveways: Internal driveways shall not be located between buildings and the streets to which building entrances are oriented.
(3) On street parking: Parking in the travel way may be provided on private or internal streets. This parking will not count as surface parking under the maximum parking ratio requirements of Section 16.43.030, but may be counted toward minimum parking requirements.
(4) Off-street paths: The internal circulation system may provide for off-street bicycle paths, pedestrian paths, and greenway paths to link civic spaces, retail centers, and neighborhoods.

c. Pedestrian oriented areas. The master plan shall include pedestrian oriented areas which do not front solely on arterial streets and parking fields. The purpose of this standard is to enhance the pedestrian experience and "village feel" of the centers. As part Master Plan review, applicants shall demonstrate compliance with this standard by using a combination of the following, or similar, concepts and guidelines:
(1) Provision of a "main street" and/or village center area that is framed by buildings oriented to both sides of the street or center.
(2) On-street parking.
(3) Storefront character, with entries oriented to the street, large display windows, and front facades broken into divided bays.
(4) Public plazas and promenades.
(5) Strong corners, as described in Happy Valley Style Architectural Design Standards.
(6) Residential uses on upper stories.
(7) Public uses in prominent locations.

d. Building Height. Permitted minimum and maximum building heights shall be established by the approved master plan for all subsequent development. Building heights should emphasize creating a compact urban form in a context-sensitive and sustainable manner.

e. Building Orientation. New buildings shall have at least one public entrance oriented to a state, county, public, or private street. Buildings shall have first floor windows with views of internal activity or display cases, and the major entrance on the building facade facing the street the building is oriented to. Additional major entrances may also be allowed facing minor streets and parking areas.

f. Structured Parking adjacent to pedestrian facilities. Parking structures located within 20 feet of pedestrian facilities including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the facade facing the pedestrian facility. Techniques to use include, but are not limited to:
(1) Provide retail, office or similar uses on the ground floor of the parking structure with windows and activity facing the pedestrian facility; or,
(2) Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; or,
(3) Provide pedestrian amenities in the transition area between the parking structure and the pedestrian facility, including landscaping, trellises, trees, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.

(4) The above listed techniques and features, and others of similar nature, must be used so that blank walls are not created.

g. Parking and loading. Parking and loading shall meet the requirements of Chapter 16.43 and the landscaping requirements of Chapter 16.42.

h. Drive-through window facilities. Drive-through window facilities are allowed subject to the standards in Section 16.44.090

i. Gateways. Provide for a gateway at a key intersection with special design and landscape treatment that are intended to provide a visual announcement that people are entering a special area.

j. Public Facilities: The City may require the provision of, or participation in, the development of public facility improvements to implement the Clackamas Regional Area Plan. Such improvements include, but are not limited to, the following:
(1) Road dedications and improvements;
(2) Traffic Signals;
(3) Transit facilities;
(4) Sidewalks, crosswalks, bump-outs and other pedestrian improvements;
(5) Storm drainage facilities;
(6) Sewer and water service lines and improvements;
(7) Underground utilities;
(8) Street lights;
(9) Street trees, landscaping; and
(10) Open space, greenways, plazas and parks.

k. Maintenance Mechanisms: The City may require the formation of a maintenance agreement or other suitable mechanism to assure that the following maintenance responsibilities are adequately addressed:
(1) To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.
(2) To maintain landscaping, street furniture, storm drainage and similar streetscape improvements developed in the public right of way.

l. Open Space. Master plans shall contain a minimum of ten (10%) percent useable open space. Open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:
1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
2. The open space shall be conveyed in accordance with one of the following methods:
   a. By dedication to a public agency as publicly owned and maintained open space. Open space proposed for dedication must be acceptable to the Planning Official with regard to the size, shape, location, improvement, environmental condition;
   b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity. The terms of such lease or other instrument of

conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

m. Other Applicable Provisions. With respect to the adjacent properties lying south of the proposed RCMU District and east of SE Stevens Road ("Adjacent Properties"), the provisions of the following Clackamas County land use decisions, including conditions of approval, which benefit the Adjacent Properties and apply or relate to buffering, required setbacks, drainage, and location of any bicycle and pedestrian path, shall remain in effect. The master plan and subsequent development within the RCMU District shall comply with those provisions.

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.

n. Design Review. New development in the district shall be subject to 16.62, Design Review (including Section 16.46.010 and Appendix B, Happy Valley Style.

~~1. Definitions.~~

~~a. Site. As used in this section, the word "site" is the total area brought forward in a development application identified for development with neighborhood commercial uses.~~

~~b. Mixed Use Building. As used in this section, the term "mixed use building" means a building that has more than one use or tenant, is more than one story tall (i.e. vertical mixed use), and no more than fifty (50) percent of the gross leasable area is occupied by commercial retail uses, as listed in Table 16.22.010-1.~~

~~2. Location.~~

~~a. The MUE neighborhood commercial sub district may be located anywhere within the area designated as MUE on the Rock Creek Plan map or other areas designated MUE in the City's Comprehensive Plan map.~~

~~b. MUE neighborhood commercial sites shall be designated on planned mixed use master plans created in accordance with Section 16.31.020 or design review plans submitted under Chapter 16.62, design review, Site Development Plan.~~

~~c. Only one MUE neighborhood commercial site shall be allowed within the MUE portion of a Master Plan developed in accordance with Section 16.31.020. If an MUE area is developed without a Master Plan because the MUE area is less than five acres, than the maximum MUE neighborhood commercial area shall be that listed in Table 16.23.010-3. Neighborhood commercial development in the MUE district shall not be phased to avoid the maximum site size limits.~~

~~3. Site Size and Allowable Floor Area Standards.~~

~~a. Dimensional standards for retail development in the neighborhood commercial sub district are located in Table 16.23.010-3.~~

Table 16.23.010-3[1]

Maximum Areas for MUE Neighborhood Commercial Retail Uses

	Street Frontage Arterial[2]	Street Frontage Collector[2]	Street Frontage Local Street[2]
Maximum retail only site area	3 acres	2 acres	1 acre
Maximum retail only building footprint area	10,000 square feet	5,000 square feet	3,000 square feet
Maximum individual retail use area (gross leasable area)	5,000 square feet	5,000 square feet	3,000 square feet
Maximum retail only building floor area ratio (measurement of building footprint area relative to the neighborhood commercial site area)	0.25:1	0.25:1	0.25:1
[1] Note: this table applies standards only for tenants or buildings that are proposed solely for retail use. Mixed use buildings, as defined in Subsection 16.23.010.D.1.b are not regulated by this table. [2] In case of multiple frontages, use higher classification.			

b. A conditional use permit is required to increase dimensional standards in Table 16.23.010-3. Maximum site area shall not be increased by a CUP or any other adjustment.

c. Street Frontage. In Table 16.23.010-3 means the location of the adjacent street as classified in the city's TSP. In cases where there is more than one access from more than one street type, the higher street classification in accordance with the city's Transportation System Plan shall be used for determining the appropriate development standards.

d. This section regulates the amount of area occupied either by a retail use or retail building size permitted in accordance with Table 16.23.010-3.

i. Maximum Individual Retail Use Area. The maximum area for each separate retail use listed in Table 16.23.010-3 means the area occupied by a discreet user as determined at the time of tenant improvement building permits or other mechanism such as design review application. Uses are considered separate when there is a fire rated wall separating two uses. The area of each use shall be measured from inner wall to inner wall not including hallways and common areas (gross leasable area).

ii. Maximum Single Use Retail Building Footprint Area. The maximum building area for a single use retail building shall be measured by the area contained within the footprint of the building, as measured from outside wall to outside wall, regardless of dividing walls or separate tenant areas.

iii. This standard shall not apply to a mixed use building, as defined in Section 16.23.10.D.1.b.

[…]

16.67.070 Annexations.

A.Except as provided in subsection B of this section, when a property or area is annexed to the City from unincorporated Clackamas County with an accompanying Clackamas County Comprehensive Plan designation and zone, the action by the City Council to annex the property or area shall include an ordinance to amend the City's Comprehensive Plan map/zoning map to reflect the conversion from the County designation/zone to a corresponding City designation/zone, as shown in Table 16.67.070-1 below.

Table 16.67.070-1 Land Designation Conversion Table

Clackamas County Zone	City of Happy Valley Zone
Urban/Rural Residential	
R-2.5	SFA
R-5	R-5
R-7	R-7
R-8.5	R-8.5
R-10	R-10
R-15	R-15
R-20	R-20
MR-1	MUR-M1
MR-2	MUR-M2
HDR	MUR-M3
RA-2	R-15
FU-10	FU-10
Natural Resources	
EFU	EFU*
Commercial	
NC	MUE-~~NC~~
C-2	MCC
C-3	MCC
RCC	MCC
RCO	MUC
OC	CCC
RCHD	MUR-M2
OA	MUC
PMU6	**RCMU**
Industrial	
I-2	IC
I-3	IC
BP	EC
Special Districts	
OSM	IPU

Sunnyside Village	
VR-4/5	~~VR-4/5*~~ **R-5**
VR-5/7	~~VR-5/7*~~ **R-5**
VCS	IPU
VA	~~VA*~~ **MUR-M1**
VO	VO
VTH	VTH
~~*Annexation of these zoning districts would require the creation of a new **Comprehensive Plan** designation/zoning district within the City that would mirror the applicable Clackamas County designation/zone.~~	

[...]

TRAFFIC IMPACT ANALYSIS/TRANSPORTATION PLANNING RULE:

- The applicant's representative (David Evans & Associates, Inc.) has submitted a Traffic Impact Analysis (Exhibit 3) and Addendum (Exhibit 4) based on the Concept Plan. Several challenges are presented due to the location of the greater Concept Plan being located in multiple jurisdictions (City and unincorporated Clackamas County); the Traffic Impact Analysis (TIA) representing the entire Concept Plan area (as opposed to only the proposed RCMU zone area); and, the requirements of the State Transportation Planning Rule (TPR) in conjunction with the comprehensive plan map/zoning map amendment. Fundamentally, the proposed Concept Plan/Comprehensive Plan Map/Zoning Map amendments "trigger" the TPR and are evaluated under whether the amendment can cause a "significant impact" to transportation facilities. The applicant's representative has provided a synopsis of impacts and mitigation required for TPR compliance, which is summarized, below.

  Impacts and Mitigation Required for TPR Compliance
  There are several ways that an amendment to zoning could potentially cause a significant impact (660-12-0060(1)). In the case of the proposed zoning changes associated with the Eagle Landing development, this traffic study has determined that there would be a significant impact as defined under 660-12-0060 (1)(c):

  "... A plan or land use regulation amendment significantly affects a transportation facility if it would:
  (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; **(NOT APPLICABLE)**

(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; **(APPLICABLE)** *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." **(APPLICABLE)**
When a significant effect has been determined, compliance with section (1) must be accomplished through one or a combination of a number of measures outlined in subsection (2) of 660-12-0060. Mitigation measures proposed in the TIA for the proposed Concept Plan zoning change fall under subsection (2)(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."

The mitigations shown in Figure 15 and described in Section 5.3 of the TIA would allow all study area intersections to either operate within jurisdictional standards, or to have improved performance over that of the background conditions.

Under subsection (3):
"... 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; **(APPLICABLE)**
(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; **(APPLICABLE)**
(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); **(NOT APPLICABLE)** *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." **(NOT APPLICABLE)**

Under subsection (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; **(NOT APPLICABLE)**
(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; **(APPLICABLE)**
(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; **(NOT APPLICABLE)** *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." **(NOT APPLICABLE)**

In order to help ensure compliance with subsection (6)(b),it is suggested that the proposed map amendment to rezone the subject site from Office Commercial (OC) to Regional Center Mixed Use (RCMU) be accepted with a condition of approval requiring that a Transportation Demand Management (TDM) plan be provided as part of the submittal of the master plan for

the Eagle Landing development. Further recommendations from the applicant's representative include:

- *Construct the network of streets, driveways, and parking garages shown in the conceptual site plan incorporating the following improvements:*
- *Align the west end of the new east-west public street to become the east leg of the new four leg intersection at Monterey and Bob Schumacher.*
- *Align the east end of the new east-west public street to become the west leg of the current roundabout at the intersection of Monterey at Stevens.*
- *Construct an internal circulation road south of and parallel to the existing Monterey Avenue.*
- *Construct additional north-south internal access and circulation roads within the study area where noted on Figure 10 of the TIA (the conceptual leasing plan).*

- *Mitigate adverse intersection operations as shown in Figure 15 of the TIA and described below:*
- *The southbound approach to intersection number three, Sunnyside at the southbound I-205 ramp terminal, currently has a dedicated left-turn lane, a shared left-through lane, a dedicated through lane and a dedicated right-turn lane. The proposed lane configurations would be two dedicated left-turn lanes, a shared through-right lane, and a dedicated right-turn lane. The other approaches would not be changed. The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.*
- *The northbound approach to intersection number four, Sunnyside at the northbound I-205 ramp terminal, currently has a dedicated left-turn lane, a shared left-through lane and a dedicated right-turn lane. The proposed lane configurations would be a dedicated left-turn lane, a shared left-through-right lane and a dedicated right-turn lane. The other approaches would not be changed. The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.*
- *The southbound approach to intersection number eight, Bob Schumacher at Stevens, currently has a dedicated left-turn lane, a dedicated through lane, and a dedicated right-turn lane. The proposed configurations would be a dedicated left-turn lane, a shared left-through lane, and a dedicated right-turn lane. The other approaches would not be changed. The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.*
- *Three approaches to intersection number five, Sunnyside at Stevens, would need to undergo significant modifications to comply with jurisdictional standards. The existing westbound shared through-right lane would need to be extended back approximately 500 feet and converted to a through only lane. A dedicated right-turn lane approximately 100 feet long would also need to be added to the westbound approach. A second dedicated left-turn lane would be needed on both the northbound and southbound intersection approaches (to replace the shared through-left lanes) which would require widening the roadway on one or both sides. These intersection enhancements include but might not be limited to right-of-way acquisition, roadway capacity enhancements, signal modification, sign modifications and striping modifications.*

The applicant's proposed mitigation strategy/TPR analysis is incorporated within the Findings of Fact (below), but is tempered by the comments and conditions of ODOT (Exhibit 6) and Clackamas County DTD (Exhibit 7) which in summary – add the following comments:

ODOT:

Prior to development the applicant shall design and construct dual right-turn lanes at the I-205/Sunnyside northbound interchange off-ramp located at the I-205 and Sunnyside Interchange intersection in accordance with ODOT's Roadway Standards. The required dual right-turn lanes shall include a curbed, pedestrian island (also known as a "pork-chop") to form a two-phase pedestrian crossing.

CLACKAMAS COUNTY DTD:

County staff concurs that with the proposed improvements and/or conditions below, the proposed Comprehensive Plan and Zoning Text and Map Amendments satisfy the requirements of the Transportation Planning Rule (TPR) of OAR 660-012-0060 and the requirements of Chapter 16.67 of the City of Happy Valley Development Code. All County intersections studied will operate adequately per the County Transportation System Plan (Chapter 10 - Clackamas Regional Center Area Design Plan of the County's Comprehensive Plan), will be mitigated appropriately per the TPR, or the facilities are not significantly affected.

Staff largely concurs with the proposed improvements recommended as mitigation for the application. Several of the improvements would be very difficult to implement as they would require the purchase of right-of-way and modification to private property that is not currently under the control of the applicant or alternately, other improvements may better serve the travelling public.

Recently, the TPR was updated with flexibility for jurisdictions to implement improvements that before would have resulted in certain vehicular based transportation enhancements if the land use action was determined to have a significant effect. Now, jurisdictions have the flexibility to require projects that would result in other betterments to the transportation system that may better serve users other than vehicular users or provide other improvements that better meet the needs of a jurisdiction. That provision is found in OAR 660-012-0060(2)(e).

With the conditions provided below, the TPR is met by providing measures that either directly mitigate the impacts of the action or provide system-wide benefits to balance the significant effect of the action.

CLACKAMAS REGIONAL TOWN CENTER BOUNDARY:

- The applicant has proposed to amend the Clackamas Regional Center Area Design Plan, an ancillary document to the City's Comprehensive Plan, to include the subject site within its Regional Center Boundary. Currently, the Regional Center Boundary encompasses properties located to the south and west of the subject site, with its boundary terminating at the western and southern property lines of the subject site. For illustrations of the proposed amendments, see Figure 4 (Map X-CRC-1),

Figure 5 (Map X-CRC-2) and Figure 6 (Map X-CRC-3), beginning on Page 10 of Exhibit 1. In the "mirrored efforts" of the applicant within Clackamas County, it is anticipated that the County would eventually process amending its version of the Clackamas Regional Area Design Plan, which will result in the City and County versions reflecting one another in regard to boundaries/designations.

The applicant has stated within their narrative that the requested amendments to the Clackamas Regional Center Area Design Plan, through both the County and City, is for the purpose of creating a single guiding development plan for the Eagle Landing properties, as they are located within both Happy Valley and unincorporated Clackamas County.

II. FINDINGS OF FACT

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

"Goal 1: Citizen Involvement (660-015-0000(1))
Goal 1 specifies that each city adopt a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the ongoing land-use planning process. This program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Staff Response:

The City of Happy Valley mailed a notice of the public hearing for the proposed amendments to all property owners within 300 feet of the subject properties; published notice was placed in the local newspaper and posted notice has been provided by the applicant in conjunction with the subject application. In addition, the applicant has held a neighborhood meeting in regard to the subject concept plan, inviting surrounding property owners to participate. Therefore, this criterion has been satisfied.

Goal 2: Land Use Planning (660-015-0000(2))
Goal 2 specifies the need to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.
Staff Response:

The Applicant is proposing amendments to the Happy Valley Comprehensive Plan and Development Code and maps to bring the entire subject site within the Clackamas Regional Center (CRC) boundary, and so that all the parcels within the subject site would be consistently zoned as regional center mixed use (RCMU). The rest of the Eagle Landing Plan Area is located within unincorporated Clackamas County, and the standards for the PMU and RCMU designations are consistent between both Clackamas County and the City of Happy Valley. The proposal changing the subject site land use designations to RCMU and associated map corrections do not require an exception to any Statewide Planning Goal. Therefore, this criterion has been satisfied.

Goal 10: Housing (660-015-0000(10))
Goal 10 specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable lands, project

future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Staff Response:
The City of Happy Valley has an acknowledged Comprehensive Plan containing housing policies consistent with Goal 10. As further addressed below, the proposal demonstrates compliance with these policies. With the proposed amendment to RCMU, no housing capacity will be lost within the Clackamas Regional Center and housing capacity will increase - as envisioned by the Concept Plan, the Eagle Landing Plan Area would provide 865 total residential units. Therefore, this criterion has been satisfied.

Goal 11: Public Facilities and Services ((660-015-0000(11))
Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that the public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Staff Response:

The City has provided the comprehensive planning for public services in the area of the subject properties. Prior to the installation of infrastructure related to public services such as sanitary sewer, stormwater management, potable water, and transportation systems the City and its service providers provided analysis as to how the areas where the subject properties are located would best be served by public services.

Prior to Master Plan approval and subsequent development, the subject properties will be provided sanitary sewer and stormwater management services by CCSD #1. Fire protection will continue to be provided to the subject properties by CFD #1. Also, where applicable, CCSD #5 will continue to administer street lighting to the subject properties.

Sunrise Water Authority provides water to areas located within Happy Valley and northwestern Clackamas County. The properties are within the service area of Sunrise Water Authority. The current and future water supply needs of the subject properties will be evaluated and planned for by Sunrise Water Authority. Therefore, this criterion has been satisfied.

Goal 12: Transportation ((660-015-0000(12))
Goal 12 calls for the provision of "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

Staff Response:

See the finding under OAR 660-012-0060, below. Per the Conditions of Approval associated with this report, this criterion has been satisfied.

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

"[...]
OAR Chapter 660, Division 12 (Transportation Planning)
660-012-0060
Plan and Land Use Regulation Amendments
(1) 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 proposed RCMU zone/Concept Plan has the ability to provide "significant impact" to a number of transportation facilities. However, the applicant does not propose that the City/County utilize or implement the Lower Mobility Standards allowed within Title 6 of the Metro Functional Plan (see Finding No. 4) or Congestion Performance Standards of the Clackamas Regional Center (as proposed for expansion, see Finding No. 5). Rather, the mitigations shown in Figure 15 and described in Section 5.3 of the TIA would allow all study area intersections to either operate within jurisdictional standards, or to have improved performance over that of the background conditions.

The applicant proposes that to ensure compliance with subsection (6)(b), that the proposed map amendment to rezone the subject site from Office Commercial (OC) to Regional Center Mixed Use (RCMU) be accepted with a condition of approval requiring that a Transportation Demand Management (TDM) plan be provided as part of the submittal of the master plan for the Eagle Landing development. Further recommendations include:

- Construct the network of streets, driveways, and parking garages shown in the conceptual site plan incorporating the following improvements:
- Align the west end of the new east-west public street to become the east leg of the new four leg intersection at Monterey and Bob Schumacher.
- Align the east end of the new east-west public street to become the west leg of the current roundabout at the intersection of Monterey at Stevens.
- Construct an internal circulation road south of and parallel to the existing Monterey Avenue.
- Construct additional north-south internal access and circulation roads within the study area where noted on Figure 10 of the TIA (the conceptual leasing plan).
- Mitigate adverse intersection operations as shown in Figure 15 of the TIA and described below:
- The southbound approach to intersection number three, Sunnyside at the southbound I-205 ramp terminal, currently has a dedicated left-turn lane, a shared left-through lane, a dedicated through lane and a dedicated right-turn lane. The proposed lane configurations would be two dedicated left-turn lanes, a shared through-right lane, and a dedicated right-turn lane. The other approaches would not be changed. The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.
- The northbound approach to intersection number four, Sunnyside at the northbound I-205 ramp terminal, currently has a dedicated left-turn lane, a shared left-through lane and a dedicated right-turn lane. The proposed lane configurations would be a dedicated left-turn lane, a shared left-through-right lane and a dedicated right-turn lane. The other approaches would not be changed.

The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.

- The southbound approach to intersection number eight, Bob Schumacher at Stevens, currently has a dedicated left-turn lane, a dedicated through lane, and a dedicated right-turn lane. The proposed configurations would be a dedicated left-turn lane, a shared left-through lane, and a dedicated right-turn lane. The other approaches would not be changed. The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.
- Three approaches to intersection number five, Sunnyside at Stevens, would need to undergo significant modifications to comply with jurisdictional standards. The existing westbound shared through-right lane would need to be extended back approximately 500 feet and converted to a through only lane. A dedicated right-turn lane approximately 100 feet long would also need to be added to the westbound approach. A second dedicated left-turn lane would be needed on both the northbound and southbound intersection approaches (to replace the shared through-left lanes) which would require widening the roadway on one or both sides. These intersection enhancements include but might not be limited to right-of-way acquisition, roadway capacity enhancements, signal modification, sign modifications and striping modifications.

In addition, staff notes that further clarification is provided by the applicant's representative in the TIA Addendum (Exhibit 4). In sum, the total TIA discussion has been reviewed and augmented by recommended conditions provided by ODOT and Clackamas County DTD. Per Conditions of Approval Nos. 3 and 4, these criteria are satisfied by the subject request.

3. The following Titles from METRO Chapter 3.07 (Urban Growth Management Functional Plan) are applicable to this request:

"TITLE 6: CENTERS, CORRIDORS, STATION COMMUNITIES AND MAIN STREETS

3.07.610 Purpose

The Regional Framework Plan (RFP) identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets

A. In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:
1. Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection B;
2. Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection C; and
3. Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection D.

Staff Response:

A regional investment is not sought within the subject application. Therefore, these criteria are not applicable to the subject request. However, staff notes that adoption of the RCMU zone and application thereof to the subject properties can certainly be considered adoption of a "plan of actions and investments" that might enhance the Center.

B. The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, shall:
1. Be consistent with the general location shown in the RFP except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;
2. For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;
3. For a Corridor designated for future high-capacity transit in the Regional Transportation Plan (RTP), include the area identified during the system expansion planning process in the RTP; and
4. Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and Metro in the manner set forth in subsection A of section 3.07.820 of this chapter.

Staff Response:

The existing Clackamas Regional Center boundary is consistent with subsections (1), (2) and (3). Per the proposed Conditions of Approval, staff recommends support of the boundary expansion as delineated within the application. The boundary expansion has been noticed per the provisions of Section 3.07.820(A). Therefore, these criteria are satisfied by the subject request.

C. An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, shall analyze the following:
1. Physical and market conditions in the area;
2. Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;
3. The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;
4. Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and
[...]

Staff Response:

Although an assessment of the entire Center is not the subject of the application – staff notes that an assessment of the boundary expansion is warranted. Analysis of the physical and market conditions has occurred vis-à-vis this application, particularly per the Johnson Reid analysis (Exhibit 5). In addition, the proposed code amendments themselves in the creation of the proposed RCMU zone, coupled with the City's past adoption of the Clackamas Regional Center Design Area Plan have encouraged decreasing regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development (as well as providing code sections and policies that support and incentivize such concepts). Therefore, these criteria are supported by the subject request.

D. A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street shall consider the assessment completed under subsection C and include at least the following elements:
1. Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;
2. Revisions to its comprehensive plan and land use regulations, if necessary, to allow:
a. In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in section 3.07.640; and
b. In Corridors and those Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area in Title 4 of this chapter, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;
3. Public investments and incentives to support mixed-use pedestrian-friendly and transit-supportive development; and
[...]

Staff Response:

Although an assessment of the entire Center (per subsection C) is not the subject of the application – staff notes that an assessment of the boundary expansion is warranted. The very nature of the proposed RCMU zone encourages mixed-use, pedestrian-friendly and transit supportive development given the potential densities provided for within the zone. If adopted, the creation of/application of the RCMU zone to the subject properties will reflect a revision to the City's Comprehensive Plan and development code that will allow the mix and intensity of uses specified in section 3.07.60 and supportive of public transportation at the level prescribed in the RTP. Therefore, these criteria are supported by the subject request.

3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates

A. A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:
1. Established a boundary pursuant to subsection B of section 3.07.620; and
2. Adopted land use regulations to allow the mix and intensity of uses specified in section 3.07.640.
B. A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:
1. Established a boundary pursuant to subsection B of section 3.07.620;
2. Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in section 3.07.640 and to prohibit new auto-dependent uses that rely principally on auto trips, such as gas stations, car washes and auto sales lots; and
3. Adopted a plan to achieve the non-SOV mode share targets adopted by the city or county pursuant to subsections 3.08.230A and B of the Regional Transportation Functional Plan (RTFP), that includes:

a. Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;
b. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and
c. A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP.

Staff Response:

Although this section of Title 6 and the Congestion Performance Standards of the Clackamas Regional Center allow for lower mobility standards than for areas outside of the Regional Center, it is important to note that the applicant is not proposing that the City/County try to utilize said reductions in level of service in conjunction with the RCMU zone – but rather, is providing for mitigations (as conditioned) that will maintain levels of service and volume/capacity ratios required on city streets and county roadways. Therefore, these criteria are not applicable to the subject request.

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets
A. Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:
1. Central City - 250 persons
2. Regional Centers - 60 persons
3. Station Communities - 45 persons
4. Corridors - 45 persons
5. Town Centers - 40 persons
6. Main Streets - 39 persons

Staff Response:

The commercial, institutional and residential densities accommodated within the proposed RCMU zone (and as applied within the subject properties) will accommodate the average number of residents/workers envisioned within a Regional Center. In addition, Condition of Approval No. 2 requires that the required subsequent Master Plan provide the minimum 60 persons per acre. Per the proposed condition, this criterion is satisfied by the request.

B. Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:
1. The land uses listed in State of the Centers: Investing in Our Communities, January, 2009, such as grocery stores and restaurants;
2. Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;
3. Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces.

Staff Response:

The list of uses within the proposed RCMU Comprehensive Plan designation/zoning district reflects uses listed in the State of the Centers report and includes institutional and civic uses and permitted uses. Therefore, these criteria are satisfied by the subject request.

C. Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:
1. The types of housing listed in the "needed housing" statute, ORS 197.303(1);
2. The types of housing identified in the city's or county's housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and
[...]

Staff Response:

The list of uses within the proposed RCMU Comprehensive Plan designation/zoning district reflect housing types including those listed in ORS 197.303(1) and is in conformance with the City's last periodic review housing needs analysis. Therefore, these criteria are satisfied by the subject request.

3.07.650 Centers, Corridors, Station Communities and Main Streets Map

A. The Centers, Corridors, Station Communities and Main Streets Map is incorporated in this title and is Metro's official depiction of their boundaries. The map shows the boundaries established pursuant to this title.
B. A city or county may revise the boundary of a Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the general location on the 2040 Growth Concept Map in the RFP. The city or county shall provide notice of its proposed revision as prescribed in subsection B of section 3.07.620.
[...]"

Staff Response:

The applicant proposes to amend the Clackamas Regional Center and per the proposed Conditions of Approval, the City supports said revision. The City has provided written notice of the application to Metro and ODOT per the requirements of subsection B. Therefore, these criteria are satisfied.

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

"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.

Staff Response:

Adequate levels of services and facilities are available to support the proposed land use amendment. The entire subject site is within the Portland metro urban growth boundary and the Clackamas Regional Center Area Design Plan boundary. The Regional Center is served by urban-level facilities and utilities. The entire subject site (both the Clackamas County and City of Happy Valley parcels) are serviced by Clackamas County Fire District #1, Mt. Scott Water District #3, and Clackamas County (sewer) Service District #1. Detailed plans for public facilities will be required as part of the master planning process that will occur before development, and plans will be subject to review by service providers. In addition to utilities and services mentioned above, transportation facilities are also adequate to support the proposed change to RCMU. Staff notes that a Traffic Impact Analysis was prepared by David Evans and Associates (Exhibit 3). For the purposes of analyzing the proposed plan and zone amendments, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed RCMU zoning. The Traffic Impact Analysis concludes that in all scenarios and time periods, intersection operations can be mitigated (as conditioned) so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections: 82nd Avenue at Sunnyside Road (Midday and PM) and 82nd Avenue at Monterey Avenue (PM). At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations. Per Condition of Approval Nos. 3 and 4, this criterion has been satisfied by the subject request.

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

Staff Response:

The subject site is within the Clackamas Regional Center Area Design Plan boundary, is adjacent to the designated Clackamas Regional Center, and currently retains the County zone designation of Office Commercial (OC) within the city limits due to past annexation efforts. The current OC zoning and land use approvals allow for a mix of office and commercial uses. The proposed RCMU zoning would allow for a broader mix of uses as well as a higher intensity of development. As described in the applicant's market analysis (Exhibit 5), "the synergy of different uses working together can increase the investment value and market value of the project. In a well-designed mixed-use project each use generates additional revenue from the other uses (i.e. office users use the on-site shopping and dining, and local employees are a source of additional demand for the residential space). Similarly, the uses serve as amenities for each other in a broader sense (i.e. uses can share parking and infrastructure, or benefit from exposure to the visitors and customers of the other use types)." Allowing for mixed use development on the subject site would make intensive use of a key location in an existing Regional Center, with excellent transportation access and visibility. Local residents will have a range of options to combine live, work and play on-site. In addition, the proposed zone new RCMU district requires a minimum of 600,000 square feet of office and commercial uses be provided within the City of Happy Valley while also allowing for residential development. The submitted conceptual development plan (Figure 1) shows how proposed RCMU zoning could be implemented on the subject site. Therefore, this criterion has been satisfied by the subject request.

Housing Policies

Policy 45: The City shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Staff Response:

In addition to requiring a minimum of 600,000 square feet of office and commercial development be provided on the subject site, the proposed RCMU district will allow a range of housing types, including high-rise single-family housing and senior living units. The proposed RCMU district will also allow both vertical and horizontal mixed use, including housing above retail and retail uses mixed with office users. The RCMU district will help ensure that Happy Valley has adequate numbers of higher density housing units in a mixed-use area that can provide for the needs of those employed in the vicinity and that is easily accessed by the existing transportation system and transit. Therefore, this criterion has been satisfied by the subject request.

Policy 46: The City shall provide a range of housing that includes land use districts that allow senior housing, assisted living and a range of multi-family housing products. This range improves housing choice for the elderly, young professionals, single households, families with children, and other household types.

Staff Response:

High density residential and senior housing are both allowed uses under the proposed RCMU district. The proposed re-designation of the parcels that are subject to this application from OC to RCMU will enable a mixed use development on the site, including higher density residential development than what would be allowed under the current OC zoning. Therefore, this criterion has been satisfied by the subject request.

Policy 48: The Land Development Code will be revised to comply with the Comprehensive Plan to allow for changes over time as the City goals and policies change.

Staff Response:

The applicant is requesting changes to local land use requirements to support future development in an area that is adjacent and to the west of the existing Eagle Landing development. This land was part of the planning for a multi-phased project, first approved in 1998. The Applicant is now requesting amendments to the plans and codes that enabled development so that requirements can now support an evolved planning concept (Eagle Landing Mixed Use Development Concept Plan), reflective of current land use needs and market conditions. Specifically, this proposal includes modifications to Section 16.23.010 (Commercial and Employment Districts) which establish the purpose of the new Regional Center Mixed Use (RCMU) zone (16.23.010.A.), permitted uses (Table 16.23.010-1), and development standards (Table 16.23.010-2 and 16.23.010.D). Proposed text amendments to Chapter 16.23 are included (above). The existing Mixed Use Employment-Neighborhood Commercial (MUE-NC) district is not in use anywhere in the City. At the request of Happy Valley Staff, the existing MUE-NC zone will

be replaced with the proposed RCMU zone and standards have been formatted to fit the existing code structure. Therefore, this criterion has been satisfied by the subject request.

Land Use Element Policies
Policy 49: To ensure orderly development in the City of Happy Valley.

Staff Response:

The applicant is applying concurrently to Clackamas County and the City of Happy Valley for land use designation and code amendments to be applied to the Eagle Landing Plan Area to ensure that it can be developed in the future as a coherent, well planned mixed-use development. The Applicant ultimately intends to implement a development concept as one planned development, at the same time meeting the requirements for jobs, housing, and transportation performance in both jurisdictions. Therefore, this criterion has been satisfied by the subject request.

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

Staff Response:

The applicant has submitted a conceptual plan for the Eagle Landing Plan Area that shows how allowed land uses and densities, as proposed in a new RCMU land use designation, can use the land to its best advantage. A key feature in this, a future phase of the Eagle Landing development, is the proximity to existing employment in Clackamas Town Center and the Kaiser Sunnyside Medical Center and the availability of existing transportation systems, including transit and the light rail station. The land use applications being reviewed by both the County and the City are intended to provide a regulatory framework that will result in a seamless future mixed-use development, well-integrated with existing uses in the vicinity. Therefore, this criterion has been satisfied by the subject request.

Policy 51E: Residential land uses will be organized to form complete neighborhoods. Complete neighborhoods include a variety of housing types, park and open space, a definable center (e.g. a park or school) and edge (e.g. transportation or open space corridor), a mix of uses, and a well-connected network of streets and pedestrian ways. The degree to which each of these characteristics is provided will vary with the location and context of the neighborhood.

Staff Response:

While not strictly a residential land use designation, the proposed RCMU zone will enable the development of a complete community with a variety of housing types as well as a range of commercial, employment and institutional uses, open space and a well-connected network of streets and pedestrian ways. Therefore, this criterion has been satisfied by the subject request.

Commercial and Employment Element Policies
Policy 54: To encourage compatible residential, commercial and light industrial development in both the City of Happy Valley and nearby Clackamas County that will provide jobs. The City supports the

development of commercial and employment uses in the Rock Creek Employment Area and in other areas, subject to design standards.

Staff Response:

The applicant is seeking the requested amendments in order to enable future development of an urban scale mixed use development concept next to the existing Eagle Landing development. The proposed RCMU district will enable residential, office, and commercial development at intensities, and through appropriate mixes of uses, that can complement nearby employment areas. The proposed amendments will encourage this desirable type of development in this area by enabling the Applicant to implement the Eagle Landing Mixed Use Development Concept Plan, covering approximately 32 acres in Clackamas County and Happy Valley. Therefore, this criterion has been satisfied by the subject request.

Policy 54C: Happy Valley shall ensure that all commercial and office centers are accessible by transit, bicyclist and pedestrians, generally as shown within the City's current Transportation System Plan."

Staff Response:

The Eagle Landing Plan Area is uniquely suited for development at urban intensities due to its location near existing employment areas, its access to transit (bus and light rail), and the existence of a transportation system already improved with sidewalks and bike lanes. SE Stephens Road and SE Monterey Avenue provide access to the site and both roadways are improved to urban standards. Circulation internal to the site will be determined at the time of master plan approval, but the Concept Plan illustrates how the roadway system might function. In addition, the applicant is requesting an amendment to the Clackamas Regional Center Map XCRC-3 to extend the Local Street Grid designation on to the subject site. This designation requires "...an interconnected public or private street system that provides multi-modal access to all activities and uses." Therefore, this criterion has been satisfied by the subject request.

5. The following Land Use Policies from the Clackamas Regional Center Area Design Plan (an ancillary document to the City's Comprehensive Plan) are applicable to this request:

"CLACKAMAS REGIONAL CENTER AREA DESIGN PLAN POLICIES

The following policies shall be applied in the Clackamas Regional Center Design Plan Area.
LAND USE POLICIES

I. LAND USE POLICIES GENERALLY

Map X-CRC-2 illustrates the Land Use Plan designations for the Clackamas Regional Center Design Plan Area. The following uses are allowed:

1.0 Mixed Use

Mixed uses shall be allowed in the Clackamas Regional Center Design Plan area in areas designated Commercial, High Density Residential and Regional Center High Density

Residential. A mix of uses will be required to be master planned in Planned Mixed Use designated areas. However, if annexed within the city limits, such mixed use areas shall be converted to similar City mixed use plan designations/zoning districts.

Staff Response:

Map X-CRC-2 is proposed to be amended to include the designation of the RCMU zone area within the Clackamas Regional Center Design Plan area. The proposed RCMU comprehensive plan designation/zoning district will accommodate residential, office, retail, institutional, and entertainment uses as envisioned in the Concept Plan within the city limits. The RCMU designation requires that a conceptual master plan for the Eagle Landing Plan Area be prepared. The entire subject site is within the Eagle Landing Plan Area and thus a master plan will be reviewed by the City of Happy Valley before the subject site can be developed. Therefore, this criterion has been satisfied by the subject request.

2.0 Commercial

The following primarily retail commercial designations shall be provided in the Clackamas Regional Center Design Plan area: Clackamas County Regional Center Commercial, Retail Commercial, Corridor Commercial, and Low Traffic Impact Commercial. In addition, the following primarily office commercial designations shall be provided in the Clackamas Regional Center Design Plan Area: Clackamas County Regional Center Office and Office Commercial. However, if annexed within the city limits, such retail and office commercial areas shall be converted to similar City retail and office plan designations/zoning districts.

Commercial areas within the Clackamas Regional Center Design Plan Area shall:

2.1 Allow a mix of land uses on the development site;
2.2 Create a district accessible by all modes of transportation;
2.3 Create walkable districts by providing improvements and urban design features that encourage and support pedestrian use;
2.4 Allow land uses that generate pedestrian activity and transit ridership;
2.5 Require public or private street layouts that allow for future development of sites with redevelopment potential.
2.6 Maintain and improve pedestrian connections between commercial uses, transit corridors, recreation areas, open space and adjacent residential areas;
2.7 Locate all buildings to maximize access by emergency vehicles; and,
2.8 Require Design Review for all development.

Staff Response:

Map X-CRC-2 is proposed to be amended to include the designation of the RCMU zone area within the Clackamas Regional Center Design Plan area and the proposed RCMU zone allows for commercial uses that will allow a broad mix of commercial uses within the subject properties, as well as allowing land uses that generate pedestrian activity and transit ridership. The Master Plan submittal requirements of the RCMU zone will address the more development specific elements of these policies and Design

Review is required for all development beyond single-family in the city limits. Therefore, these criteria have been satisfied by the subject request.

3.0 Multifamily Residential

The following primarily multifamily residential designations shall be provided in the Clackamas Regional Center Design Plan area: Clackamas County Regional Center High Density Residential, High Density Residential, Medium High Density Residential, and Medium Density Residential. However, if annexed within the city limits, such multifamily areas shall be converted to similar City multifamily residential plan designations/zoning districts.

Multifamily areas within the Clackamas Regional Center Design Plan Area shall:

3.1 Establish minimum densities to help meet local and regional housing needs;
3.2 Provide for multifamily residential uses within walking distance of public transportation, parks, schools, employment areas and local shopping areas;
3.3 Create walkable districts by providing improvements and urban design features that encourage and support pedestrian use;
3.4 Locate all buildings to maximize access by emergency vehicles; and,
3.5 Require design review for all development.

[...]

Staff Response:

Map X-CRC-2 is proposed to be amended to include the designation of the RCMU zone area within the Clackamas Regional Center Design Plan area and the proposed RCMU zone allows for multi-family residential development. The City requires minimum residential densities within subdivisions/PUD's/Master Plans. The Master Plan submittal requirements of the RCMU zone will address the more development specific elements of these policies and Design Review is required for all development beyond single-family in the city limits. Therefore, these criteria have been satisfied by the subject request.

II. LAND USE POLICIES FOR THE CLACKAMAS REGIONAL CENTER DESIGN TYPE AREA

1.0 Within the Regional Center boundary shown on Map CRC-1, areas shall be planned to:
1.1 Provide for high intensity development to accommodate projected regional increases in housing and employment, including mixed use development;
1.2 Provide for and capitalize on high quality transit service;
1.3 Allow for a mix of land uses to support public transportation and bicycle and pedestrian usage;
1.4 Provide for the open space and recreation needs of residents and employees of the area; and,
1.5 Support a multi-modal street network.

Staff Response:

As illustrated by the Concept Plan, the requested plan amendment will allow for a high intensity mix of residential, employment, and public uses projecting ratios of 2.5 people per residential unit and one person per 350-500 square feet for employment development. These uses and intensities would be permitted by the RCMU designation that is proposed for the subject site.

The subject site area will be well served by existing and planned transit. Two bus routes serve the area of the subject site, and eight bus lines currently serve the CTC Transit Center and the Clackamas Town Center. Light rail service runs along 1-205 between Clackamas Town Center and Gateway, and the South Corridor Project includes plans for light rail from Milwaukie, south of the subject site, to Portland. The current Clackamas Regional Center Area Design Plan, Map X-CRC-6, shows a transit network that extends into the proposed development area. Transit service includes frequent bus and primary bus services on Monterey Avenue, a conceptual loop transit, and a regional rapid bus that would parallel 1-205. A park & ride facility shown on Map X-CRC-6 at Monterey Avenue has already been constructed on the other side (west side) of I-205.

By enabling compact development, the proposed amendments support the recreational needs of residents and employees as well as the multimodal street network. The Concept Plan includes a pedestrian mall. The roadway network illustrated in the Concept Plan provides connections through the subject site and at the very least will provide pedestrian and bicycle facilities as required by the County and City according to the functional classifications of the roadways, if not enhanced facilities detailed in a master plan. The Concept Plan includes several public plazas and open space. The open space will help serve stormwater and public facilities purposes. The Master Plan submittal requirements of the RCMU zone will address the more development specific elements of these policies and Design Review is required for all development beyond single-family in the city limits. Therefore, these criteria have been satisfied by the subject request.

2.0 Planned Mixed Use

The Clackamas County Planned Mixed Use designation and similar City of Happy Valley districts allows for master planning and development on key opportunity sites in areas designated for mixed use on the Region 2040 Growth Concept map. Generally, because of size, location, good access, and proximity to supportive land uses and existing or planned transportation improvements, these sites can accommodate more growth than other areas and sites within the plan boundary.

2.1 Create an area with a mix of land uses, both within the site itself (mix of uses) and within buildings (mixed uses), which:

a. Provide for high employment and residential densities that support use of public transportation.

b. Protect key natural features.

c. Provide for essential public facilities and services, including parks and public spaces.

d. Are accessible by all modes of transportation;

Staff Response:

The Eagle Landing Plan Area is within the existing Clackamas Regional Center Design Plan Boundary and partially within the current Regional Center Boundary. It is currently designated primarily for office and commercial uses. Amending the Regional Center Boundary to include the entire site and rezoning the site to RCMU would allow a greater mix of uses than are allowed within the current OC designation.

The proposed RCMU district will accommodate the unique development opportunities of the Concept Plan. Preliminary development concepts identify an urban scale, mixed use center with an estimated 2,000,000 square feet of development in the Concept Plan area and roughly half of this on the subject site. The plan includes residential, office, retail, religious, and entertainment uses in a single district.

The RCMU zoning allows a range of housing types including high-rise condominium housing and senior living units for purchase and lease. The Concept Plan envisions both vertical and horizontal mix of use, with housing above retail and retail uses mixed with office uses. The planned mix of uses results in an overall density of 157 persons per gross acre for the Eagle Landing Plan Area. In addition, Condition of Approval No. 2 requires that the required subsequent Master Plan provide the minimum 60 persons per acre. Per the proposed condition, these criteria have been satisfied by the subject request.

2.2 *Establish through zoning, required and allowed land uses, transportation improvements, and design standards that encourage and support pedestrian-oriented streets, buildings and public places. Apply specific requirements to specific Clackamas County Planned Mixed Use sites or future applicable City of Happy Valley sites through zoning; and,*

Staff Response:

The purposes of the RCMU designation include to: "provide for urban development within the boundaries of the Clackamas Regional Center. A wide range of uses is permitted within the district. The district is intended to create a quantifiable sustainable mixed use area with high employment and housing densities, structured parking, and significant amenities in an urban design that is accessible by a range of transportation modes. To ensure that the mix of uses and urban form are consistent with the objectives of the district, master plan approval is required prior to development." As written, the RCMU district is intended to implement the planned mixed use policies of the Clackamas Regional Center Area Design Plan. Therefore, this criterion has been satisfied by the subject request.

2.3 *Apply the Clackamas County Planned Mixed Use designation or applicable City of Happy Valley development district within the Regional Center as shown on Map X-CRC-1.*

Staff Response:

The subject site is within the existing Clackamas Regional Center Design Plan Boundary and partially within the current Regional Center Boundary. The applicant is requesting to amend Map X-CRC-1 to include the entire site within the Regional Center. As written, the RCMU district is intended to implement the planned mixed use policies of the Clackamas Regional Center Area Design Plan. Therefore, this criterion has been satisfied by the subject request.

3.0 Regional Center Office

3.1 Apply the Clackamas County Regional Center Office designation or applicable City of Happy Valley development district within the Regional Center boundary shown on Map X-CRC-1 to:

a. Areas with an historical commitment to office use.

b. Areas served by high capacity transit service.

c. Areas with high visibility from a freeway.

d. Areas generally within ½ mile of a freeway interchange;

3.2 Provide support services for office development;

3.3 Limit retail uses in order to maximize the land available for office uses and to provide for the highest employment density in the Regional Center.

3.4 Require a minimum density to help meet regional employment needs, support public transportation and use land more efficiently;

3.5 Create walkable districts within the regional center with improvements, urban design features, and urban design standards that encourage and support pedestrian use; and,

3.6 Require master plans of large sites to allow for future development of sites with redevelopment potential.

Staff Response:

The Eagle Landing Plan Area is within the existing Clackamas Regional Center Design Plan Boundary and partially within the current Regional Center Boundary. It is currently designated primarily for office and commercial uses. Amending the Regional Center Boundary to include the entire site and rezoning the site to RCMU would allow a greater mix of uses than are allowed within the current OC designation and includes office uses.

Although the proposed RCMU zone does not provide for a minimum office employment density or have specific limits to retail development, the RCMU zone does require a minimum of 600,000 square feet of commercial development within the subject properties area, the total square footage of which would be very unlikely to accommodate significant portions of non-office uses. Further, the Master Plan submittal requirements of the RCMU zone will address the more development specific elements of these policies and Master Plan approval is required by the RCMU district. In addition, Condition of Approval No. 2 requires that the required subsequent Master Plan provide the minimum 60 persons per acre. Per the proposed condition, these criteria have been satisfied by the subject request.

4.0 Regional Center High Density Residential

Within the adopted Regional Center boundary, designate areas suitable for the highest density multifamily uses as Clackamas County Regional Center High Density Residential or applicable City of Happy Valley high density residential development districts.

4.1 Determine the density of development through zoning;

4.2 Provide for multifamily residential uses within walking distance of public transportation, parks, schools, employment areas and local shopping areas; and,

4.3 Allow for a mix of land uses provided the minimum residential density is achieved for the

entire development site prior to or concurrent with establishment of other allowed uses.

Staff Response:

The RCMU zoning allows a range of housing types including high-rise condominium housing and senior living units for purchase and lease. The Concept Plan envisions both vertical and horizontal mix of use, with housing above retail and retail uses mixed with office uses. The planned mix of uses results in an overall density of 157 persons per gross acre for the Eagle Landing Plan Area. In addition, Condition of Approval No. 2 requires that the required subsequent Master Plan provide the minimum 60 persons per acre. Per the proposed condition, these criteria have been satisfied by the subject request.

5.0 Regional Center Commercial

Apply the Clackamas County Regional Center Commercial zone or applicable City of Happy Valley commercial development districts to areas with an historic commitment to commercial uses within the adopted Regional Center boundary as shown on Map X-CRC-1.

- *5.1 Provide areas for regional and local shopping;*
- *5.2 Require a minimum floor area ratio to help meet regional employment needs, support public transportation and use land more efficiently; and,*
- *5.3 Create walkable districts within the regional center with improvements, urban design features, and urban design standards that encourage and support pedestrian use;*

Staff Response:

The proposed RCMU zone provides for regional and local shopping opportunities and includes a minimum floor area ratio. Further, the Master Plan submittal requirements of the RCMU zone will address the more development specific elements of these policies and Master Plan approval is required by the RCMU district. In addition, Condition of Approval No. 2 requires that the required subsequent Master Plan provide the minimum 60 persons per acre. Per the proposed condition, these criteria have been satisfied by the subject request.

6.0 Amendments to the Clackamas Regional Center Boundary

The Clackamas Regional Center boundary may be amended to include property within the Clackamas Regional Center and within the City of Happy Valley when all of the following criteria are met:

- *6.1 The property is contiguous to the Clackamas Regional Center boundary;*
- *6.2 The area is, or is planned to be, a focus of compact, high density development with a mix of uses;*
- *6.3 The area has, or is planned to have, high quality transit service, and a multi-modal street network; and,*
- *6.4 The area has, or is planned to have; a density of 60 persons per acre on lands developed or planned to be developed (not including open space, parks, plazas or natural areas).*

[...]

Staff Response:

The subject site is within the existing Clackamas Regional Center Design Plan Boundary and contiguous to the current Regional Center Boundary. The RCMU zone enables a compact, high density development with a mix of uses as illustrated by the Concept Plan. The Concept Plan proposes both a vertical and horizontal mix of uses. The uses include senior housing, condominiums, office, retail, including hotel and athletic facility, a church, and a convention/community center. As illustrated, the density of housing and employment is approximately 157 persons per acre.

The future CRC transit network is contained in Map X-CRC-6. The plan shows frequent bus service, 10-minute frequency on Monterey; primary bus service, 15-minute frequency, on Sunnyside Road; and a loop shuttle on Stevens and Monterey connecting to the CRC and park and ride facility at Monterey. The park and ride facility has already been constructed across I-205, west of the subject site, and thus the Applicant is also requesting a correction to Map X-CRC-6 to reflect that. Specifics on existing transit services are contained in the Traffic Impact Analysis, Section 3.2 Transit Facilities (see Exhibit 3).

The roadway network shown in the Concept Plan connects the subject site to surrounding areas. The plan also shows several plazas and pedestrian connections through proposed conceptual development. Master planning for the site will need to demonstrate that the roadways provide adequate pedestrian and bicycle facilities pursuant to adopted standards based on roadway functional classification or other Clackamas County and City of Happy Valley approval criteria. In addition, Condition of Approval No. 2 requires that the required subsequent Master Plan provide the minimum 60 persons per acre. Per the proposed condition, these criteria have been satisfied by the subject request.

TRANSPORTATION POLICIES

X. ROADS AND STREETS SYSTEM POLICIES

4.0 Congestion Performance Standards.

4.1 Congestion Performance Standards for portions of 82nd Avenue and Sunnyside Road located within the Regional Center boundary shall be as follows:

CONGESTION PERFORMANCE STANDARDS (Level of Service)

	Preferred Operating Standard	*Acceptable Operating Standard*	*Exceeds Deficiency Threshold*
id-Day one-hour	*C or better*	*E*	*F or worse*
Peak two-hour	*E first hour* *E second hour*	*F first hour* *E second hour*	*F first hour* *F second hour*

4.2 Congestion Performance Standards for portions of 82nd Avenue, Sunnyside Road and Johnson Creek Boulevard located within the Clackamas Regional Center Design Plan Area and outside the Regional Center boundary shall be as follows:

CONGESTION PERFORMANCE STANDARDS (Level of Service)

	Preferred Operating Standard	*Acceptable Operating Standard*	*Exceeds Deficiency Threshold*
Mid-Day one-hour	*C or better*	*D*	*E or worse*
Peak two-hour	*E first hour* *D second hour*	*E first hour* *E second hour*	*F first hour* *E second hour*

4.3 Congestion Performance Standards for City street sections located east of the Regional Center boundary, yet within the Clackamas Regional Center Design Plan Area shall be as follows:

CONGESTION PERFORMANCE STANDARDS (Level of Service)

	Preferred Operating Standard	*Acceptable Operating Standard*	*Exceeds Deficiency Threshold*
Mid-Day one-hour	*C or better*	*D*	*E or worse*
Peak -hour	*D* *0.9 v/c ratio*	*E* *0.95 v/c ratio*	*F* *>0.95 v/c ratio*

5.0 Coordinate with Clackamas County to monitor transportation conditions in the 82nd Avenue Corridor to determine if Comprehensive Plan strategies are contributing to the attainment of congestion performance standards as identified in Policy 4.0 and 5.0 above.

Staff Response:

The congestion performance standards for city streets are not exceeded by the proposal, as demonstrated within the Traffic Impact Analysis (Exhibit 3). In addition, staff notes that the applicant is not proposing to utilize the Level of Service "F" (in the first hour) for the affected County roadways, but rather, identifies mitigation improvements that maintain a Level of Service E. Therefore, these criteria are satisfied by the subject request.

6.0 Provide for roadway and infrastructure improvements sufficient to support minimum planned development intensity and density.

7.0 The Clackamas Regional Center Plan includes transportation and infrastructure planning that identifies certain needed roadway and infrastructure improvements necessary to support future development in the Clackamas Regional Center.

8.0 These improvements, in conjunction with frontage improvements normally and legally exacted concurrent with development, are sufficient to support the minimum planned development intensity and density within the Regional Center. Developers in the Regional Center are entitled to rely on the improvements that are listed as funded in the

Five (5) Year Capital Improvement Plan, as if they are already in place when submitting a master plan at the minimum densities and for approval of each phase of a multi-phase development project.

9.0 Amendments to the City's Comprehensive Plan Map/Zoning Map for any properties located within the city limits within the Clackamas Regional Center shall not be authorized unless it is demonstrated that the improvements described in Policy 7.1 and 7.2 will remain adequate to support planned development intensity and density for the Clackamas Regional Center.

[...]

Staff Response:

The relevant projects listed in the Clackamas County CIP (including the Monterey Avenue improvements between 82nd Avenue and 92nd Avenue and the Sunnyside Road improvements) have all been completed. For the purposes of analyzing the proposed plan and zone amendments in the Traffic Impact Analysis, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed RCMU zoning.

The Traffic Impact Analysis (Exhibit 3) concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

There are existing 12-inch water lines in SE Monterey Avenue and SE Stephens Road. There is a 12-inch line from SE Stephens Road to tax lot T1 S R2E 33DB 400. Sunrise Water Authority is the water provider and Clackamas County Service District #1 is the sewer provider. Per Conditions of Approval Nos. 3 and 4, these criteria are satisfied by the subject request.

HOUSING

XVI. HOUSING POLICIES

The following policies apply to the Clackamas Regional Center Design Plan Area:

1.0 Provide for a range and variety of housing types (size and density) and variety of ownership and rental opportunities, in a range of prices.

2.0 Encourage housing opportunities for employees in the Clackamas Regional Center Design Plan Area by investigating partnerships to develop housing for workers in the area.

3.0 Replace housing capacity lost in the study area by future Comprehensive Plan Map/Zoning Map changes. Any application for a change to the City's Comprehensive Plan Map/Zoning Map within the Clackamas Regional Center Design Plan Area will be accompanied by a demonstration of how an equal amount of housing capacity is replaced on another site, or constructed on the site as part of a mixed use development, to be located within the Clackamas Regional Center Design Plan Area.

3.1 The purpose of this policy is to maintain the potential for the amount of housing identified in the Clackamas Regional Center Area Plan;

3.2 This policy would apply to plan or zone changes made subsequent to adoption of this Supplemental Plan;

3.3 This policy would apply to quasi-judicial changes from residential to a non-residential use;

3.4 Replacement housing capacity could be located anywhere within the Clackamas Regional Center Design Plan Area; and,

3.5 Approval of a design review application and any other applicable land use permit for the required amount of replacement housing on a site in a commercial or office district, not including Clackamas County PMU or similarly zoned Happy Valley sites, will meet the requirements of Policy 3.0."

Staff Response:

The RCMU district allows for a range of housing types, including high-rise single-family and senior living units. It will also allow both vertical and horizontal mixed use, including housing above retail and retail uses mixed with office users. The RCMU zone will help ensure that Happy Valley has adequate numbers of higher density housing units in a mixed-use area that can provide for the needs of those employed in the vicinity and that is easily accessed by the existing transportation system and transit. In addition, the RCMU zone enables a compact, high density development with a mix of uses. The Concept Plan includes 865 units of senior living housing and condominiums, as well as office, retail, and institutional uses. Much of this housing will be available to workers in the Regional Center area. Finally, the current zoning on the subject site is Office Commercial. Therefore there is no potential loss of housing capacity with the amendment of the subject properties to the proposed RCMU zone. Therefore, these criteria are satisfied by the subject request.

6. 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
[...]
16.61.040 Type III Procedure (Quasi-Judicial).
A. Type III decisions apply to all quasi-judicial decisions and include, but are not limited to: non-expedited annexations; property owner or developer initiated comprehensive plan map/land use district map amendments or text amendments; design review II; Class B home occupation permits; Class C variances; major modifications; master plans; planned unit developments; expedited and non-expedited subdivisions; and conditional use permits. With the exception of expedited annexations and Master

Plans over 20 acres in size combined with comprehensive plan map/land use district map amendments, the public hearing and land use decision for these applications occur before the Planning Commission. Expedited annexations are processed as an ordinance pursuant to Chapter eight of the City's Charter, effective January 1, 2001. The final decision shall occur before the City Council. The City Council shall be the only local review authority, and shall decide to approve, approve with conditions or deny expedited annexation requests. Master plans that are paired with comprehensive plan map/land use district map amendments over 20 acres in size receive a recommendation from the Planning Commission to the City Council, the City Council shall be the final review authority.

[...]

Staff Response:

The property owner (Veritas Investment Company, LLC) is initiating a comprehensive plan map/land use district map amendment and a text amendment. In accordance with Section 16.61.040 Type III Procedure (Quasi-Judicial), both of these applications are reviewed through a Type III quasi-judicial procedure. Per this permit process, this criterion is satisfied.

16.61.060 General Provisions (I)(22). Prior Conditions of Land Use Approvals.
a. Incorporating Prior Conditions of Land Use Actions. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning regulations. This may result from a change of the content of zoning regulations or from legislative zone changes including annexation rezonings. This subsection addresses situations where a use or development was approved with conditions as a part of a land use or limited land use review under zoning regulations that no longer apply to the site. The regulations stated below apply to all prior conditions of approval unless the conditions of approval or the ordinance adopting the conditions specifically refer to the situations outlined below and provide for the continuance of the conditions. In that instance, the conditions of approval will continue to apply.
b. Zone Changes. If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping.
c. Conditional Uses.
i. An Allowed Conditional Use. If a use was an approved conditional use under the prior regulations, and is a conditional use under the new regulations pertaining to the site, any conditions of approval shall continue to apply.
ii. Use Allowed Outright. If the use is a permitted use, the conditions of approval shall continue to apply.
iii. Use No Longer Allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and shall continue to meet the conditions, as well as the nonconforming use regulations.

Staff Response:

In 1998, Clackamas County approved a comprehensive plan and zone change on approximately 60 acres that was then occupied by the Top O' Scott Golf Course for a mixed use development known as Eagle Landing.

When the City of Happy Valley annexed portions of the Eagle Landing project, it adopted Clackamas County's conditions of approval as Chapter 16.36 of the Development Code. Chapter 16.36 covers a larger planning area including Phase IA, Phase IB and Phase II. Phase II was developed under the Mt. Scott Village Planned Unit Development (PUD) approved by Clackamas County. The focus of this application is one portion of Phase IA. In parallel with this quasi-judicial application, the City of Happy Valley is initiating a legislative amendment to delete Chapter 16.36 from the Development Code. Therefore, these criteria are satisfied by the subject request.

16.61.080 Neighborhood Meetings.
Applicants filing Type II or Type III applications are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed development. Applicants are encouraged to hold a neighborhood meeting with a recognized neighborhood or community organization. If no organization exists, then the applicant may hold a meeting with adjacent property owners who will receive public notice (a minimum 300 ft. radius from subject property.)

Staff Response:

The Applicant has held a number of meetings with the community, most recently a community-wide town hall meeting was held on March 21, 2011. An invitation was mailed to surrounding neighbors. Approximately 300 community members attended this meeting. The Sunnyside CPO and Southgate Milwaukee CPO were also both invited and attended. In addition, the Applicant has participated in regular meetings with Sunnyside CPO over the last three years. Meeting dates with the community include: March 21, 2011, January 30, 2011, January 31, 2010, January 25, 2009, September 14, 2008, June 6, 2008, March 2, 2008, January 27, 2008, November 18, 2007, May 6, 2007, March, 2007, and January 14, 2007. Therefore, this criterion is satisfied by the subject request.

16.61.090 Traffic Impact Studies
The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.
A. When a Traffic Impact Study is Required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:
1. A change in zoning or a plan amendment designation;
2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);
3. An increase in site traffic volume generation. Increase in site traffic volume generation shall be subject to the City's Transportation Impact Study Guidelines;

4. An increase in peak hour volume of a particular movement to and from the State highway by 20 percent or more;
5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by ten vehicles or more per day;
6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; and,
7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.
B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

Staff Response:

A full Traffic Impact Analysis was prepared by David Evans and Associates (Exhibit 3). For the purposes of analyzing the proposed plan and zone amendments, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed RCMU zoning. The Traffic Impact Analysis concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations. Per Conditions of Approval Nos. 3 and 4, these criteria are satisfied by the subject request.

Chapter 16.67 Comprehensive Plan Map, Specific Area Plans, and 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. A change in the text may be initiated by as few as one person desiring a revision in the wording, scope, direction or organization of the plan. A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five percent (75%) of the property owners or authorized agents who own or represent at least seventy-five (75%) percent of the land area involved in the petition of change, which must correspond to a logically defined neighborhood or block of multiple properties, or include a single parcel of such size as to merit consideration as a future neighborhood if approved as part of a future subdivision or planned unit development application. 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 title at any time.

Staff Response:

As described above, the Applicant requests the text and map amendments as follows: Text Amendments to the City of Happy Valley Development Code, Section 16.23.010 (Mixed Use Commercial and Employment Districts) to create a new Regional Center Mixed Use (RCMU) zone; Text Amendments to the City of Happy Valley Development Code, Table 16.67.070-1 to address the future annexation of land zoned PMU-6; Map Amendments to the Clackamas Regional Center Area Design Plan to Expand CRC Boundary; and Map Amendments to the Comprehensive Plan/Zoning Plan Map to apply the new RCMU zone to the applicant's property. The Applicant is the property owner of 100% of the properties affected by the amendments requested in this application. In addition, the City seeks removal of Chapter 16.36. Therefore, this criterion is satisfied by the subject request.

B. Amendments to the land development code. An amendment to any chapter or section of this title for the purpose of adding or deleting words or subjects, broadening or narrowing scope, providing direction, clarification or improvement of the development code may be initiated by any person or persons, including the city itself. See sections 17.67.020 and 16.67.030 of this chapter.

Staff Response:

The Applicant is initiating a text amendment to the City of Happy Valley's development code. Specifically, the Applicant is requesting amendments to the City of Happy Valley Development Code, Section 16.23.010 (Mixed Use Commercial and Employment Districts) to create a new Regional Center Mixed Use (RCMU) zone; and, the City of Happy Valley Development Code, Table 16.67.070-1 to address the annexation of land zoned PMU-6. In addition, the City seeks removal of Chapter 16.36. Therefore, this criterion is satisfied by the subject request.

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 legislative portion of the subject request (Development Code Text Amendments has been processed as a Type IV decision. Therefore, this criterion is satisfied.

16.67.030 Quasi-Judicial Amendments
A. Applicability of Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial comprehensive plan map/district map amendments shall follow the Type III procedure, as governed by Section 16.61.040, using standards of approval in Subsection 16.67.030.C. The approval authority shall be as follows:
1. The Planning Commission shall be the review authority for comprehensive plan map/land use district map amendments paired with Master Plans under 20 acres in size;
2. The Planning Commission shall make a recommendation to the City Council on an application for all other comprehensive plan map/land use district plan map amendments. The City Council shall decide such applications.

3. The City Council shall be the review authority for annexations that involve the legislative conversion of existing Clackamas County comprehensive plan designations/zoning districts to City comprehensive plan designation/zoning districts, per the provisions of Section 16.67.070.

Staff Response:

The property owner is initiating a comprehensive plan map/land use district map amendment and a text amendment. In accordance with Section 16.61.040 Type III Procedure (Quasi-Judicial), both of these applications are reviewed through a Type III quasi-judicial procedure.

B. Filing requirements.
1. In order to have a complete application for any proposed text amendment, the applicant shall submit:
a. The necessary application forms, and a narrative addressing applicable comprehensive plan objectives and policies, as well as the review criteria within Section 16.40.041.
2. In order to have a complete application for a proposed comprehensive plan map/zoning map or specific area map amendment, the applicant shall submit:
a. The necessary application forms, and a narrative addressing applicable Comprehensive Plan goals and policies, as well as the review criteria within Section 16.61.040.
b. A conceptual development plan illustrating a proposed street system, lot pattern, neighborhood circulation plan within a five hundred (500) foot radius of the subject site, and any natural resource or steep slopes areas;
c. A traffic study prepared by a professional, Oregon-licensed traffic engineer. If a master plan that requires a full traffic impact analysis is required for a comprehensive plan map amendment/land use district map, a subsequent master plan may satisfy this provision, as determined by the Planning Official.

Staff Response:

This application is for both a text amendment and a map amendment. Narrative addressing the review criteria for both the text and map amendments is included in this application as outlined below. The Conceptual Development Plan is included within Exhibit 1 and the Traffic Impact Analysis within Exhibit 3. Therefore, these criteria are satisfied by the subject request.

C. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:
1. Approval of the request is consistent with the Statewide Planning Goals;

Staff Response:

A Finding of Fact addressing consistency with the Statewide Planning Goals is included, above. Therefore, this criterion is satisfied.

2. Approval of the request is consistent with the applicable Goals and Policies of the City's Comprehensive Plan;

Staff Response:

A Finding of Fact addressing consistency with the Goals and Policies of the City's Comprehensive Plan is included, above. Therefore, this criterion is satisfied.

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

Staff Response:

The subject site is within the Portland Metro UGB and the Clackamas Regional Center Area Design Plan boundary, and a portion of the Eagle Landing Plan Area is currently within the designated Clackamas Regional Center (CRC) boundary. The regional center is served by urban-level facilities and utilities. The subject site is served by Clackamas County Fire District #1, Mt. Scott Water District #3, and Clackamas County (sewer) Service District #1.

A Traffic Impact Analysis was prepared by David Evans and Associates and is included as Exhibit 3. For the purposes of analyzing the proposed plan and zone amendments, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed RCMU zoning. The Traffic Impact Analysis concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

Detailed plans for transportation and public facilities will be required as part of the master planning process that will occur before development, and detailed plans will be subject to Clackamas County and City of Happy Valley road standards or other criteria that the jurisdictions specify. Per Conditions of Approval Nos. 3 and 4, this criterion is satisfied by the subject request.

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

Staff Response:

The proposed changes to the text and map are in the public interest with regard to both neighborhood and community conditions. Functionally, the subject site is part of the greater Clackamas Town Center area which serves as a regional hub for retail and employment. Located adjacent to the 1-205 freeway, with its regional access and visibility, the subject site is very well suited to regional mixed use development. The subject site area is also well served by existing and planned transit. Two bus routes serve the area of the subject site, and eight bus lines currently serve the CTC Transit Center and the

Clackamas Town Center. Light rail service runs along 1-205 between Clackamas Town Center and Gateway, and the South Corridor Project includes plans for light rail from Milwaukie, south of the subject site, to Portland. It would be difficult to re-create the mixed use advantages of this site elsewhere in the current boundaries of the City of Happy Valley. Sites of this size, with this level of accessibility and visibility, are very rare in the East Metro trade area.

The purpose of the proposed new Regional center mixed use (RCMU) district is to "...provide for urban development within the boundaries of the Clackamas Regional Center (CRC)." A wide range of uses is permitted within the district. The district is intended to create a quantifiable sustainable mixed use area with high employment and housing densities, structured parking, and significant amenities in an urban design that is accessible by a range of transportation modes. To ensure that the mix of uses and urban form are consistent with the objectives of the district, master plan approval is required prior to development." Because the new RCMU zoning district can only be applied within the Clackamas Regional Center, it is consistent with City and regional goals of concentrating development where services and infrastructure are available. By requiring master planning of the entire Eagle Landing Plan Area and establishing development standards that will ensure high-quality mixed use development, the proposed RCMU district is consistent with City and regional policies and goals for orderly growth and livability.

As illustrated by the Concept Plan (Figure 1), the intent of the requested text and map amendments is to allow residential, office, retail, religious, and entertainment uses in a single district. The Concept Plan envisions both vertical and horizontal mix of use, with housing above retail and retail uses mixed with office uses and envisions a community with environmentally friendly green multi-use infrastructure, including renewable and sustainable energy concepts. As described in Exhibit D, the proposed development at Eagle Landing would add density and a mix of uses, all within a walkable environment, near multiple transportation options, within an existing Regional Center designated to accommodate just this type of more intense development. By focusing development within the existing Center, it protects other lower-density neighborhoods from additional growth, while leveraging and building upon the extensive commercial activity and transportation investments already in the area. Therefore, this criterion is satisfied by the subject request.

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

[...]
16.67.060 Transportation Planning Rule Compliance.
A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 16.61.090. "Significant" means the proposal would:
1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to

exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the City's Transportation System Plan ("TSP"); or
2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the TSP, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or Article 16.6 Administration of Land Use and Development page 16.6-74
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP.
B. Amendments That Affect Transportation Facilities. Except as provided in Subsection C, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility [identified in the TSP]. This shall be accomplished by one of the following:
1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the TSP to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or,
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
4. Amending the planned function, capacity or performance standards of the transportation facility; or
5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.
C. Exceptions. Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the TSP, may be approved when all of the following criteria are met:
1. The amendment does not include property located in an interchange area, as defined under applicable law;
2. The currently planned facilities, improvements or services are not adequate to achieve the standard;
3. Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

Staff Response:

See Finding No. 2, above. Per Conditions of Approval Nos. 3 and 4, this criterion is satisfied by the subject request.

III. CONCLUSION:

Staff has determined that the above findings demonstrate that the proposed Development Code Amendments creating the RCMU Comprehensive Plan Map Designation/Zoning District;

Comprehensive Plan Map/Zoning Map Amendments applying said designation/zone to the subject properties; and, amendments to the Clackamas Regional Town Center Design Plan Area satisfy the requirements of the Statewide Planning Goals, the Transportation Planning Rule, Metro Title 6, City of Happy Valley Comprehensive Plan Policies, Clackamas Regional Center Design Plan Policies and the City's Land Development Code. Staff, therefore, recommends that the City Council approve application CPA-10-11/LDC-08-11, subject to the following Conditions of Approval:

1. That prior to implementation of the Development Code Text Amendments creating the RCMU Comprehensive Plan Designation/Zoning District and Comprehensive Plan Map/Zoning Map Amendments applying said designation/district to the subject properties, Clackamas County shall have adopted the corresponding "PMU-6" zoning district and applied said zone to the properties illustrated within the Eagle Landing Mixed Use Concept Plan located within unincorporated Clackamas County.

2. That in conjunction with the required Master Plan, the applicant shall demonstrate a minimum density of 60 persons per acre within the Eagle Landing Plan Area.

3. That in conjunction with the required Master Plan, the applicant shall demonstrate in a final traffic study based on any phasing plan, compliance with the requirements of the Oregon Dept. of Transportation. The following improvements shall be constructed prior to the occupancy as required for each phase:

    A. The applicant shall design and construct dual right-turn lanes at the I-205/Sunnyside northbound interchange off-ramp located at the I-205 and Sunnyside Interchange intersection in accordance with ODOT's Roadway Standards. The required dual right-turn lanes shall include a curbed, pedestrian island (typically referred to as a "pork-chop") to form a two-phase pedestrian crossing.

    B. The conditions of approval recommended by Clackamas County relating to Sunnyside Road/Stevens Road and Stevens Road/Bob Schumacher intersections shall be incorporated into the final traffic study in order to address queuing and safety of I-205 and the I-205/Sunnyside Road interchange.

    C. Any changes in mitigation intended to provide system-wide benefits to balance "significant effect" as defined by OAR 660-012-0060(2)(e) shall require a formal change in condition in order for ODOT to provide written approval.

4. That in conjunction with the required Master Plan, the applicant shall demonstrate in a final traffic study based on any phasing plan, compliance with the requirements of Clackamas County DTD. The following improvements shall be constructed prior to the occupancy as required for each phase:

    A. The applicant shall design and cause to be constructed improvements or provide the County with funds in the amount equal to the estimated cost of improvements to design and construct improvements to the south leg of the intersection of Sunnyside Road/Stevens Road as listed below. All improvements shall be compliant with the

Clackamas County Roadway Standards. The applicant may choose from Option I, II or III below to satisfy this condition.

I. Cause to be constructed an additional travel lane on the south leg of the intersection which creates a lane configuration consisting of dual northbound left turn lanes, and a northbound through-right shared lane. Obtain the construction rights to construct such improvements. Travel lanes shall be a minimum of 11 feet in width. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

OR

II. Cause to be constructed the conversion of the south leg of the intersection from two southbound lanes, a northbound left turn lane and a northbound left-through-right shared lane to one southbound lane, dual northbound left turn lanes, and a northbound through-right shared lane subject to traffic analysis establishing acceptable queuing and level of service. Obtain the construction rights to construct such improvements. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

OR

III. Provide the County with funds in the amount equal to the estimated cost of improvements at the intersection of Sunnyside Road/Stevens Road to construct the improvements as described above in "A" or "B" as approved by Clackamas County. The estimate and funds shall include the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, signing, striping, signal improvements, right-of-way, private property, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of loss of private property that would be displaced on the property at Clackamas County Assessor Map No. 22E-04A-00200 and/or 22E-04A- 00190. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "A-I", "A-II", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

B. The applicant shall design and cause to be constructed improvements or provide the County with funds in the amount equal to the estimated cost of improvements to the east leg of the intersection of Sunnyside Road/Stevens Road and Sunnyside/10100 block intersection as listed below. All improvements shall be compliant with the Clackamas County Roadway Standards. Improvements to sidewalk, travel lanes and bicycle lanes

shall match or exceed that of the existing width. The applicant may choose from Option I or II below to satisfy this condition.

I. At the intersection of Sunnyside/Stevens Road, extend the existing northernmost westbound through lane to a total length of 700 feet to the east. Acquire the land area necessary for public right of way to construct improvements. Right-of-way shall be dedicated to the County. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

OR

II. At the intersection of Sunnyside/Stevens Road extend the existing northernmost westbound through lane as far as feasible to a maximum total length of 700 feet without requiring the applicant to acquire additional public right-of-way. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

For any distance less than the maximum distance of 700 feet from the intersection of Sunnyside/Stevens, the applicant shall provide the County with funds in the amount equal to the estimated cost of improvements including the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping, signal improvements, right-of-way, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of the right-of-way. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "B-I", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

C. The applicant shall design and cause to be constructed improvements or provide the County with funds in the amount equal to the estimated cost of improvements to design and construct improvements on the east leg of the intersection of Sunnyside Road/Stevens Road. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width. The applicant may choose from Option I or II below to satisfy this condition.

I. Cause to be constructed a westbound right turn lane with a width of 12 feet, length of 100 feet and appropriate tapers. Acquire the land area necessary for public right of way to construct improvements. Right-of-way shall be dedicated to the County. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

OR

II. Provide the County with funds in the amount equal to the estimated cost of improvements to construct the improvements as described above in "C-I". The estimate and funds shall include the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, signing, striping, signal improvements, land area needed for right-of-way, displaced parking stalls, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of the necessary land area for public right-of-way and parking stalls that would be displaced at Clackamas County Assessor Map No. 12E-33DD-01302. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "C-I", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

D. The applicant shall design and cause to be constructed improvements or provide the County with funds in the amount equal to the estimated cost of improvements to the intersection of Sunnyside/Stevens Road. The applicant may choose from Option I or II below to satisfy this condition.

I. Design and cause to be constructed improvements to convert the existing northbound/southbound traffic signal phasing from "split" to "protected" left turn phasing. The applicant shall acquire the necessary construction rights and/or land area for right-of-way as needed. Right-of-way shall be dedicated to the County. The applicant shall provide the necessary improvements to ensure adequate truck turning movements for northbound and southbound left turns. The applicant shall construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement. All improvements shall be compliant with the Clackamas County Roadway Standards. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width.

OR

II. Provide the County with funds in the amount equal to the estimated cost of improvements to construct the improvements as described above in "D-I". The estimate and funds shall include the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, signing, striping, signal improvements, land area needed for right-of-way, construction rights, displaced parking stalls, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of the necessary land area for public right-of-way and/or construction rights. These funds will be for

the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "D-I", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

E. The applicant shall design and cause to be constructed improvements or provide the County with funds in the amount equal to the estimated cost of improvements to the north leg of the intersection of Sunnyside Road/Stevens Road as listed below. All improvements shall be compliant with the Clackamas County Roadway Standards. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width. The applicant may choose from Option I or II below to satisfy this condition.

I. At the intersection of Sunnyside/Stevens Road, the applicant shall cause to be constructed a southbound right turn lane lane with a minimum width of 12 feet, minimum length of 140 feet and appropriate tapers; a southbound bike lane with a minimum width of 6 feet, minimum length of 140 feet and appropriate tapers; conversion of the existing southbound right turn lane to a southbound through lane; and, conversion of the existing southbound left turn lane/through lane to a southbound left turn lane. The southbound right turn lane shall be controlled with a "right turn overlap". Cause to be constructed the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement. The applicant shall acquire the necessary rights and/or land area and design and cause to be constructed those improvements. Right-of-way shall be dedicated to the County.

OR

II. Provide the County with funds in the amount equal to the estimated cost of improvements at the intersection of Sunnyside Road/Stevens Road to construct the improvements as described above in "E-I". The estimate and funds shall include the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, signing, striping, signal improvements, right-of-way, private property drive aisle, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of the land area for public right-of-way and loss of private property drive aisle that would be displaced on the property at Clackamas County Assessor Map No. 12E-33DD-00400. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "E-I", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

F. The applicant shall design and cause to be constructed improvements to the north leg of the intersection of Bob Schumacher Road/Stevens Road. The improvements shall include converting the southbound approach from its existing southbound left, through, and right turn lane configuration to a southbound left, left/through and right turn lane configuration. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement. The improvement shall include a southbound left turn queue storage of 425 feet or greater. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width.

5. That in conjunction with the required Master Plan approval, the applicant shall demonstrate in a final traffic study based on any phasing plan, compliance with the following requirements of the City of Happy Valley based on comments/conditions from the city's traffic engineer:

A. Inclusion of Travel Demand Management (TDM) Plan. The TDM Plan could, but is not required to, include: Parking Management Plans; On-site Transportation Coordinator; Ridesharing (Drive Less Connect and Preferential Parking); Guaranteed Ride Home; Bicycle Facilities; and, Shuttle Bus Services.

EAGLE LANDING
MIXED USE CONCEPT



APPLICATION FOR:
COMPREHENSIVE PLAN AND ZONING TEXT AND MAP AMENDMENTS

SUBMITTED TO:
CITY OF HAPPY VALLEY

SUBMITTED BY
VERITAS INVESTMENT COMPANY, LLC

NOVEMBER 17, 2011

Exhibit 1

City of Happy Valley

Eagle Landing Land Use Application
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A. Amendments to Section 16.23.010 (Mixed Use Commercial and Employment Districts)

B. Amendments to Table 16.67.070-1

C. Transportation Impact Analysis prepared by David Evans and Associates

D. Analysis of Employment and Impacts of Mixed-Uses at Eagle Landing Development prepared by Johnson Reid

E. Eagle Landing Mixed Use Development Site Plan showing existing utilities

F. Assessors Tax Lot Maps

A. Background and Summary of Request

Requested Amendments

The applicant, Veritas Investment Company, LLC, owner of the approximately 17.7 acre subject site (Township 1 South Range 2 East Section 33 DA tax lots 400, 500, 600,700, 800 and Section 34 CB 100), is requesting the City of Happy Valley take the following actions:

Text Amendments

- Amend the Development Code as follows:
  - Modify Section 16.23.010 (Mixed Use Commercial and Employment Districts) to replace MUE neighborhood commercial (MUE - NC) sub district with a new Regional Center Mixed Use zone (RCMU); and
  - Modify Table 16.67.070-1 so that land zoned PMU-6 in Clackamas County will automatically convert to RCMU upon annexation.

Map Amendments

- Amend maps X-CRC-1, X-CRC-2 and X-CRC-3 in the Clackamas Regional Center Design Plan to include the subject site within the CRC boundary and to identify the Eagle Landing Plan Area.
- Amend the Comprehensive Plan/Zoning Plan Map to change the zoning on the subject site from Office Commercial (OC) to Regional Center Mixed Use (RCMU).

The requested amendments are described in greater detail in Section B.

Establishing and applying a new mixed use district is a first step in providing the necessary zoning for development of the site to accomplish the purpose and vision described below. The **subject site** of this application is within the current City of Happy Valley city limits. References to the **Eagle Landing Plan Area** include both the subject site and that portion of the Concept Plan within unincorporated Clackamas County. The applicant is also requesting a similar set of map and text amendments in Clackamas County to create a new Planned Mixed Use (PMU6) zone and apply that zone to the portion of the Eagle Landing Plan Area within the Clackamas County. As written, both the new County zone and the new City zone will require that a master plan be submitted for the entire Eagle Landing Plan Area, which includes both Happy Valley and unincorporated Clackamas County. This approach will allow the logical development of the site, while still meeting and exceeding the requirements for jobs, housing, and transportation performance in the two jurisdictions.

Purpose and Vision

The applicant is seeking the requested amendments in order to enable future development of the subject site as part of an urban-scale, mixed use development concept. The Eagle Landing Mixed Use Development Concept Plan **(Concept Plan)** covers approximately 32 net acres in Clackamas County and Happy Valley. New Hope Community Church, in partnership with Veritas Investment Company, which owns the adjacent parcels east of Stevens Road, have a shared vision for this project as outlined in the table below and shown in the Concept Plan (Figure 1). While Clackamas County is a co-applicant for the plan amendment and zone change,

the Concept Plan envisions a land trade wherein Clackamas County would exchange their parcels for a portion of the New Hope Community Church property in order to extend Monterrey Road. The Concept Plan envisions a community with environmentally friendly green multi-use infrastructure, including renewable and sustainable energy concepts. The project is designed to maintain a careful balance /blend of vibrant new office and commercial uses, and residential options throughout.

Table 1
Summary of the Eagle Landing Mixed Use Development Concept Plan

Use	Clackamas County	City of Happy Valley	Project Total
Residential Senior Living Condominiums	415 units	450 units	865 units
Office	230,000 sf	500,000 sf	730,000 sf
Retail Hotel Athletic Facility	200,000 sf	230,000 sf	430,000 sf 150 rooms
Institutional Church Convention/Community Center	4,000 seats		4,000 seats

Location

The eastern portion of the Eagle Landing Plan Area is located within the City of Happy Valley and is the subject of this application. The western portion is in unincorporated Clackamas County. The Eagle Landing Plan Area is bounded by SE Causey Avenue to the north, SE Sunnyside Road to the South, SE 93rd Avenue to the west, and SE Valley View Terrace to the east. The location and vicinity are shown on Figure 2.

The Eagle Landing Plan Area is in a relatively flat area between Mount Scott to the north and Mount Talbert to the south. Mount Scott Creek flows east-west, south of the site. The City of Happy Valley is in the hillier area to the east, the City of Milwaukie is two miles west, and the City of Portland is one-and-a-half miles north. A portion of the Eagle Landing Plan Area is within the designated Clackamas Regional Center. The area is adjacent to the I-205 interstate highway, the green line light rail line, and across I-205 from Clackamas Town Center and the Clackamas Promenade. The Eagle Landing Plan Area is adjacent to the I-205/SE Sunnyside Road interchange (exit 14) and approximately one mile north of the I-205/OR 213 interchange.

Kaiser Permanente is a major regional employer with a 1.1 million-square-foot facility just south of the site, between Sunnyside Road and SE Sunnybrook Boulevard. The facility employs more than 2,800 people. New and established residential neighborhoods surround the commercial and institutional uses adjacent to the major roadways. The portion of the Eagle Landing Plan Area in the city of Happy Valley is undeveloped. The portion in Clackamas County is currently occupied with the New Hope Community Church and a small one-level apartment complex.

Ownership

The Applicant, Veritas Investment Company, LLC is the sole owner of Township 1 South Range 2 East Section 33 DA tax lots 400, 500, 600,700, 800 and Section 34 CB 100 shown on the Figure 3. This portion (17.7 acres) of the Eagle Landing Plan Area is within the jurisdiction of the City of Happy Valley. Tax maps are included in this application in Exhibit F.

Existing Zoning

The subject site is within the Clackamas Regional Center Design Area study area boundary and is zoned Office Commercial (OC). The site is also subject to the requirements of Chapter 16.36 Eagle Landing Sub-Area Plan. As discussed below, Chapter 16.36 covers a larger planning area including Phase IA, Phase IB and Phase II. Phase II was developed under the Mt. Scott Village Planned Unit Development (PUD) approved by Clackamas County. The focus of this application is one portion of Phase IA. In parallel with this quasi-judicial application, the City of Happy Valley is initiating a legislative amendment to delete Chapter 16.36 from the Development Code.

Table 2
Subject Site – Happy Valley Tax Lots Proposed to be designated RCMU

Tax Lot	Ownership	Gross Acreage	Current Comp Plan / Zoning District
Township 1 South, Range 2 East, Section 33 DA			
Lot 400	Veritas Investment Co	3.33	OC / OC
Lot 500	Veritas Investment Co	2.98	OC / OC
Lot 600	Veritas Investment Co	2.97	OC / OC
Lot 700	Veritas Investment Co	2.74	OC / OC
Lot 800	Veritas Investment Co	2.84	OC / OC
Township 1 South, Range 2 East, Section 34 CB			
Lot 100	Veritas Investment Co	2.84	OC / OC
Total		**17.7**	

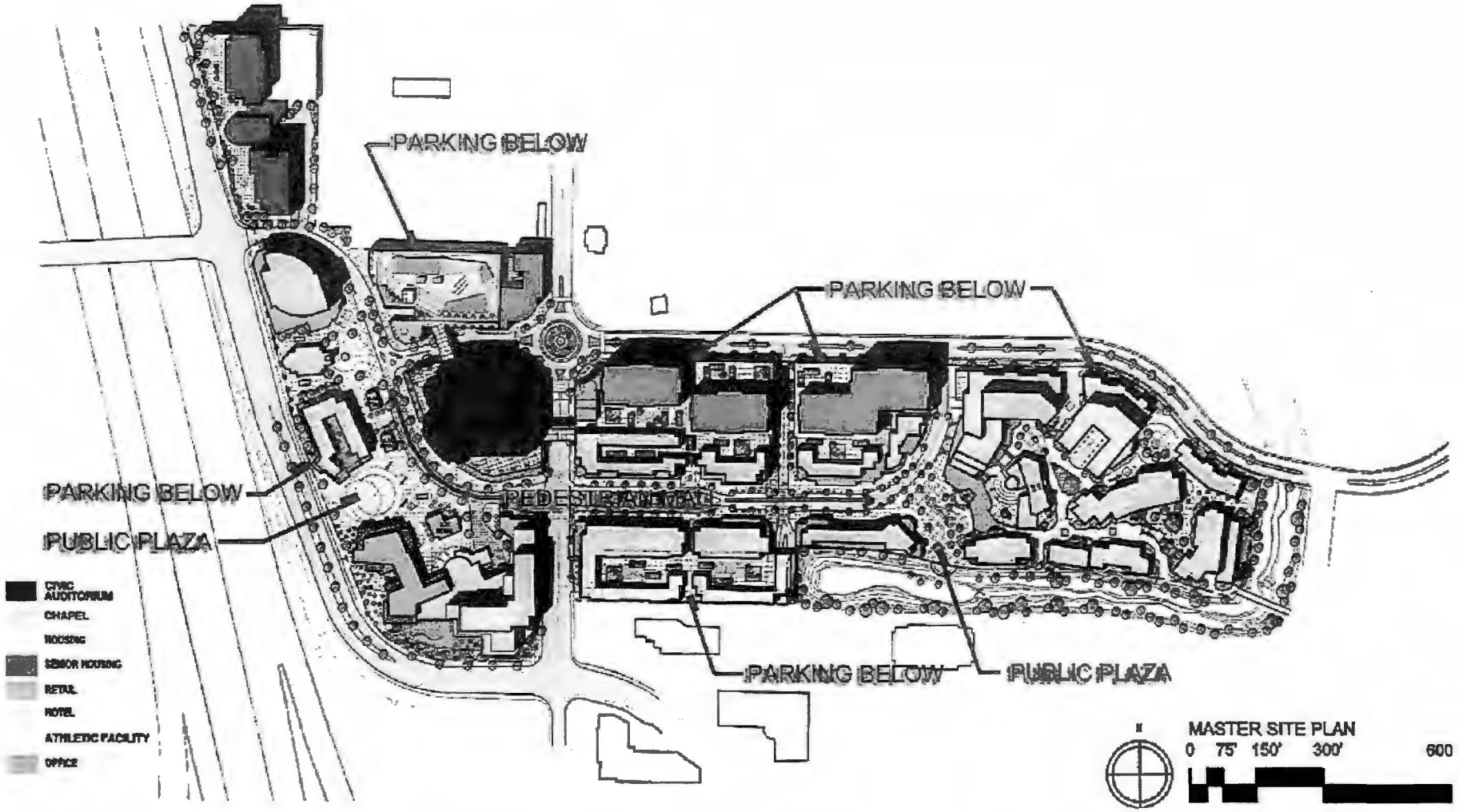
***NOTE:** Gross acreage includes some lands currently being used for rights-of-way as shown on Figure 3.

Background and Context

In 1998, Clackamas County approved a comprehensive plan and zone change on approximately 60 acres that was then occupied by the Top O' Scott Golf Course for a mixed use development known as Eagle Landing. The Eagle Landing project included single-family residential, multifamily residential, office/commercial, and supportive retail uses. The Eagle Landing project was a multiphase project, with Phase I annexed into the City of Happy Valley as part of the development agreement. Several sections of Phase II that include single-family and multifamily residential and retail phases have been built. Phase II included significant improvements and dedication of public facilities, including major roadways, trails, and open space amenities that serve the existing uses, but also those planned uses envisioned in the applicant's Eagle Landing

Mixed Use Development Concept Plan. The subject site under consideration for a zone change has an existing approval which allows for up to 750,000 square feet of mixed office and commercial uses, with up to 20 percent of the square footage available for retail uses.

Within Clackamas County, the parcels owned by the Clackamas County Development Agency and the New Hope Community Church Inc. are primarily zoned high density residential (HDR) and regional center high density residential (RCHD). The HDR zone is a residential zone with a minimum land per unit requirement of 1,742 square feet. The RCHD zone is a high density residential zone within the Clackamas Regional Center boundary and under the Design Plan area, described in Chapter 10 of the County Comprehensive Plan. There is also a small (0.54) acre parcel that is zoned OSM (Open Space Management), which is part of the Church's parking lot.



EAGLE LANDING

FIGURE 1

sienna architecture company

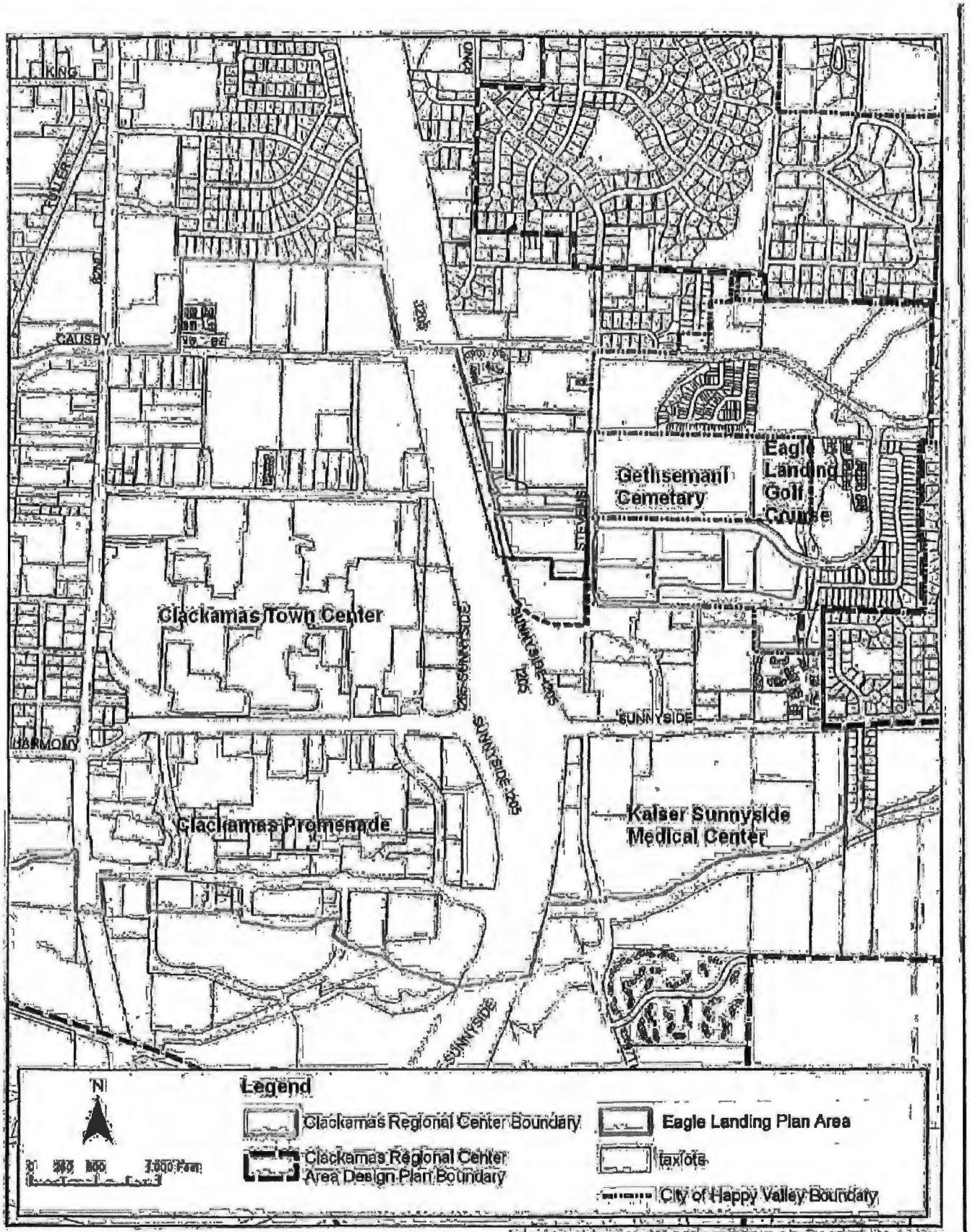


FIGURE 2

Eagle Landing Mixed Use Development: Subject Site Location



CITY BOUNDARY
VERITAS INVESTMENT OWNERSHIP
CLACKAMAS COUNTY DEVELOPMENT AGENCY OWNERSHIP
NEW HOPE COMMUNITY CHURCH INC.

TAX MAPS
1 2E 34CB
1 2E 33DB
1 2E 33DC
1 2E 33DA

FIGURE 3

B. Summary of Proposed Amendments

Text Amendments to the City of Happy Valley Development Code, Section16.23.010 (Mixed Use Commercial and Employment Districts)

Specifically, this proposal includes modifications to Section 16.23.010 (Commercial and Employment Districts) which establish the purpose of the new Regional Center Mixed Use (RCMU) zone (16.23.010.A.), permitted uses (Table 16.23.010-1), and development standards (Table 16.23.010-2 and 16.23.010.D). Proposed text amendments to Chapter 16.23 are included in Exhibit A in this application. The existing Mixed Use Employment-Neighborhood Commercial (MUE-NC) district is not in use anywhere in the City. At the request of Happy Valley Staff, the existing MUE-NC zone will be replaced with the proposed RCMU zone and standards have been formatted to fit the existing code structure.

Key elements of the new RCMU zone include:

- Allows a wide range of uses of office, retail and residential uses.
- Requires master plan approval for the entire Eagle Landing Plan Area. The Eagle Landing Plan Area, which will be shown on Map X-CRC-2, includes both the Happy Valley and Clackamas County portions of the Concept Plan area. This approach will necessitate joint or concurrent review of the future master plan by Happy Valley and Clackamas County.
- Establishes minimum residential dwelling unit requirements for the entire master plan area to address Clackamas County's concern about no net loss of dwelling units. These dwelling units could be provided in either Happy Valley or Clackamas County.
- Establishes a minimum 600,000 square feet commercial / office requirements for the portion of the Eagle Landing Plan Area zoned RCMU. This square footage would have to be provided in Happy Valley in order to help ensure that Happy Valley meets its employment targets. Minimum residential and non-residential targets will also ensure that the master plan will achieve Metro's target of 60 persons per acre for Regional Centers.
- Requires submittal of a phasing plan if the minimum requirements are proposed to be met over multiple phases.
- Establishes design standards for the master plan that are consistent with those required for master plans in Clackamas County's Planned Mixed Use (PMU) zones.
- Requires Design Review and consistency with the Happy Valley design standards for subsequent development within an approved master plan.

Text Amendments to the City of Happy Valley Development Code, Table 16.67.070-1

The legislative conversion of existing Clackamas County comprehensive plan designations/zoning districts to City comprehensive plan designation/zoning districts is governed by the provisions of Section 16.67.070, Annexations, and the Land Designation Conversion Table (Table 16.67.070-1). The Eagle Landing Mixed Use Development Concept Plan includes parcels outside of Happy Valley's existing city limits; when these parcels are annexed to the City they will be rezoned in accordance with the Table 16.67.070-1. The zoning on the parcels outside of Happy Valley is currently high density residential (HDR) and regional center high density residential (RCHD). However, the applicant has a concurrent application being reviewed

by Clackamas County to change the zoning on these parcels to a new Planned Mixed Use zone (PMU 6). The applicant is requesting that Table 16.67.070-1 be amended to include the proposed County PMU 6 zone and to show that the automatic conversion of PMU 6 zoning is to the Regional Center Mixed Use zone (RCMU) upon annexation to Happy Valley. Proposed text amendments to Table 16.67.070-1 are Exhibit B in this application.

Map Amendments to the Clackamas Regional Center Area Design Plan to Expand CRC Boundary

The applicant also requests amendments to Clackamas Regional Center maps shown on the Happy Valley Comprehensive Plan maps X-CRC-1, X-CRC-2 and X-CRC-3 to include the subject parcels. Specifically, the applicant requests the maps be amended as follows:

- Map X-CRC-1 – amend the Regional Center boundary to include Eagle Landing Mixed Use Development Concept Plan parcels that that are not within the current boundary as shown on Figure 4.
- Map X-CRC-2 – amend to show the proposed RCMU zone on parcels within the amended Regional Center boundary and within Happy Valley and the boundaries of the Eagle Landing Plan Area as shown on Figure 5.
- Map X-CRC-3 - amend the Regional Center boundary to include Eagle Landing Mixed Use Development Concept Plan parcels and extend the Local Street Grid designation onto these parcels as shown on Figure 6.

The City of Happy Valley and Clackamas County have adopted very similar versions of the Clackamas County Regional Center Area Design Plan. The applicant has requested that Clackamas County make a similar series of map amendments to its version of the Clackamas Regional Center Design Plan, so the resulting maps will be consistent between jurisdictions.

Map Amendments to the Comprehensive Plan/Zoning Plan Map to Apply Mixed Use Zone

The Applicant is requesting that the subject site be rezoned from Office Commercial (OC) to Regional Center Mixed Use (RCMU) as shown in Figure 7.

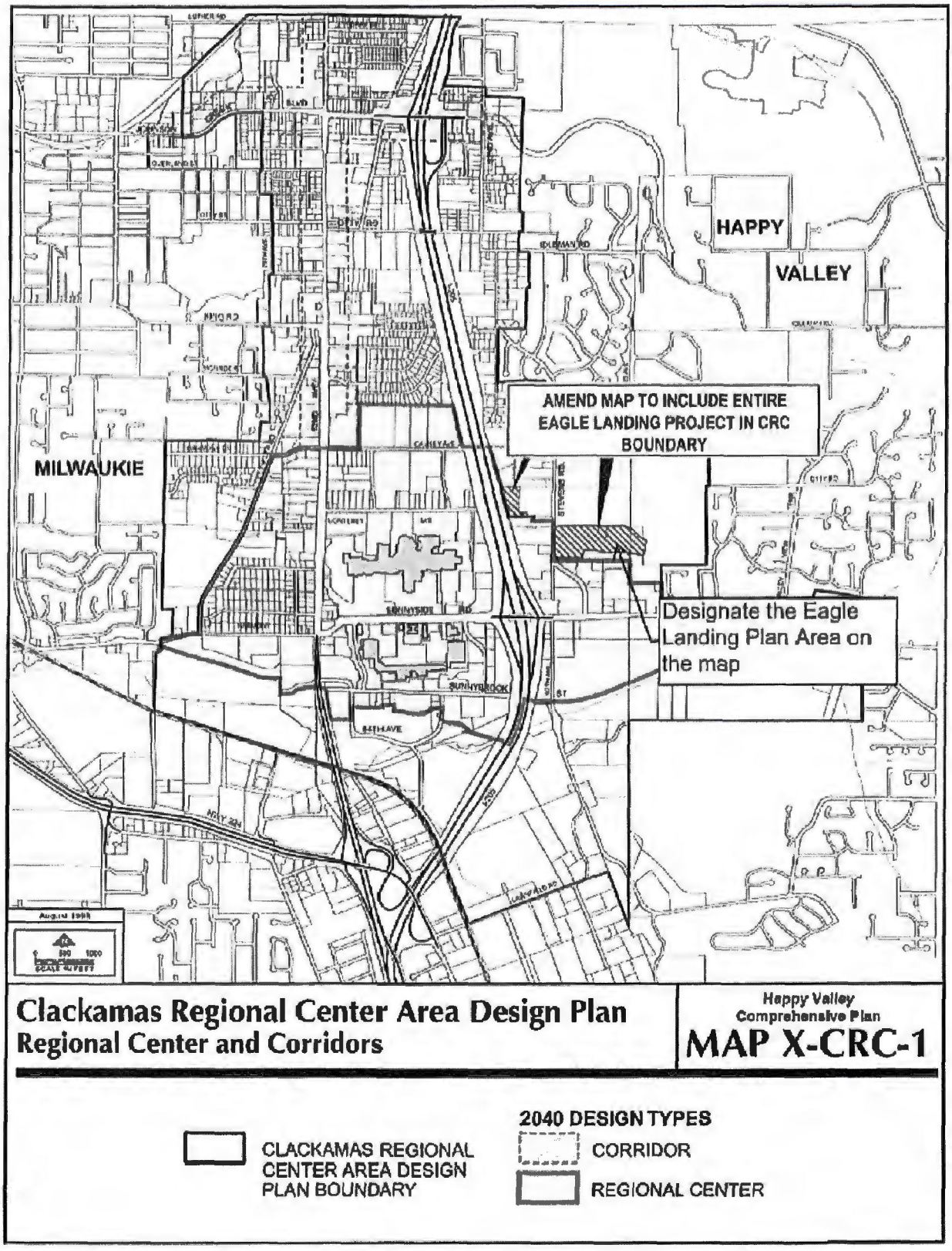
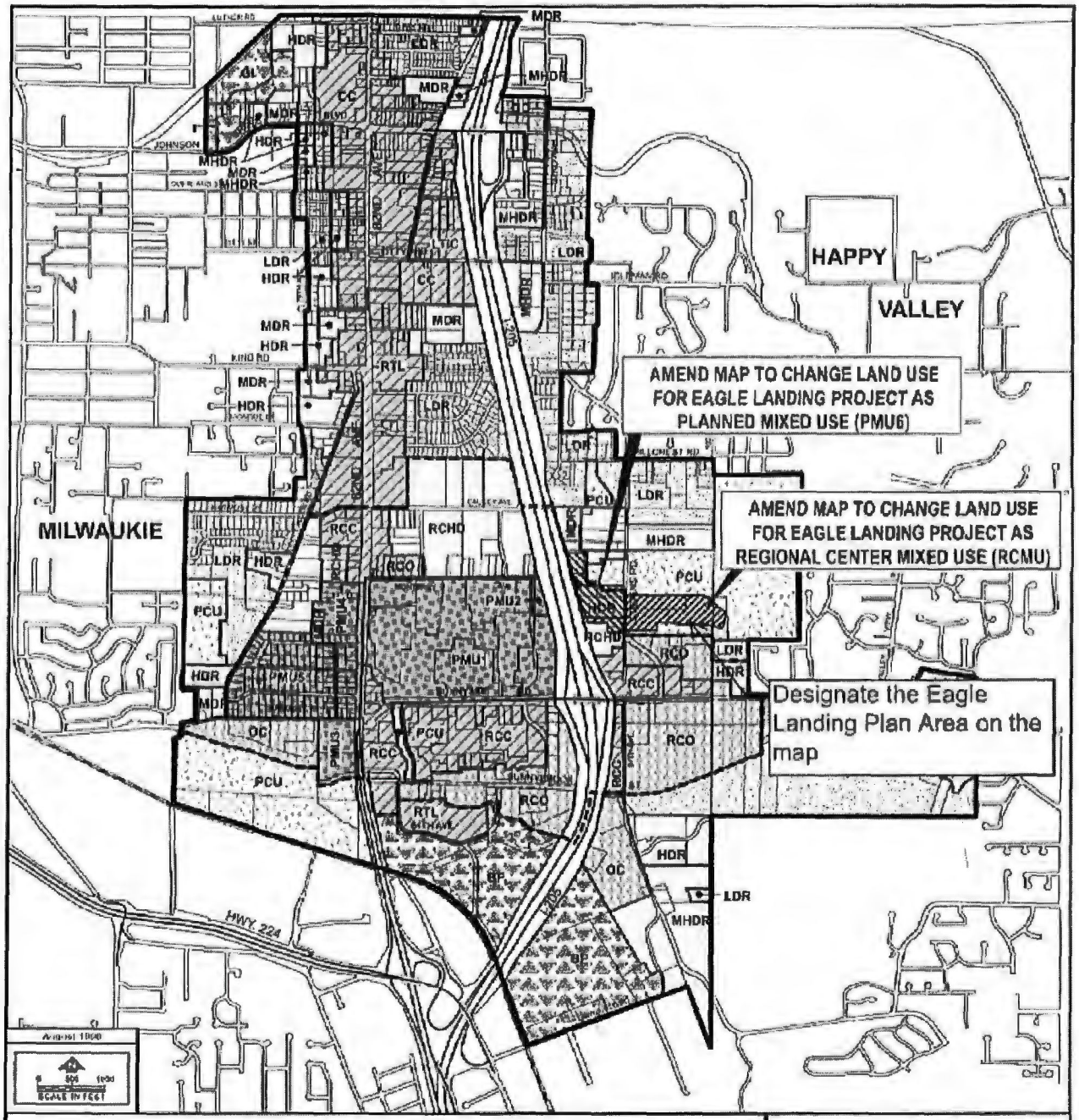

HAPPY
VALLEY
AMEND MAP TO INCLUDE ENTIRE EAGLE LANDING PROJECT IN CRC BOUNDARY
MILWAUKIE
Designate the Eagle Landing Plan Area on the map
Clackamas Regional Center Area Design Plan
Regional Center and Corridors
Happy Valley Comprehensive Plan
MAP X-CRC-1
2040 DESIGN TYPES
CLACKAMAS REGIONAL CENTER AREA DESIGN PLAN BOUNDARY
CORRIDOR
REGIONAL CENTER

FIGURE 4



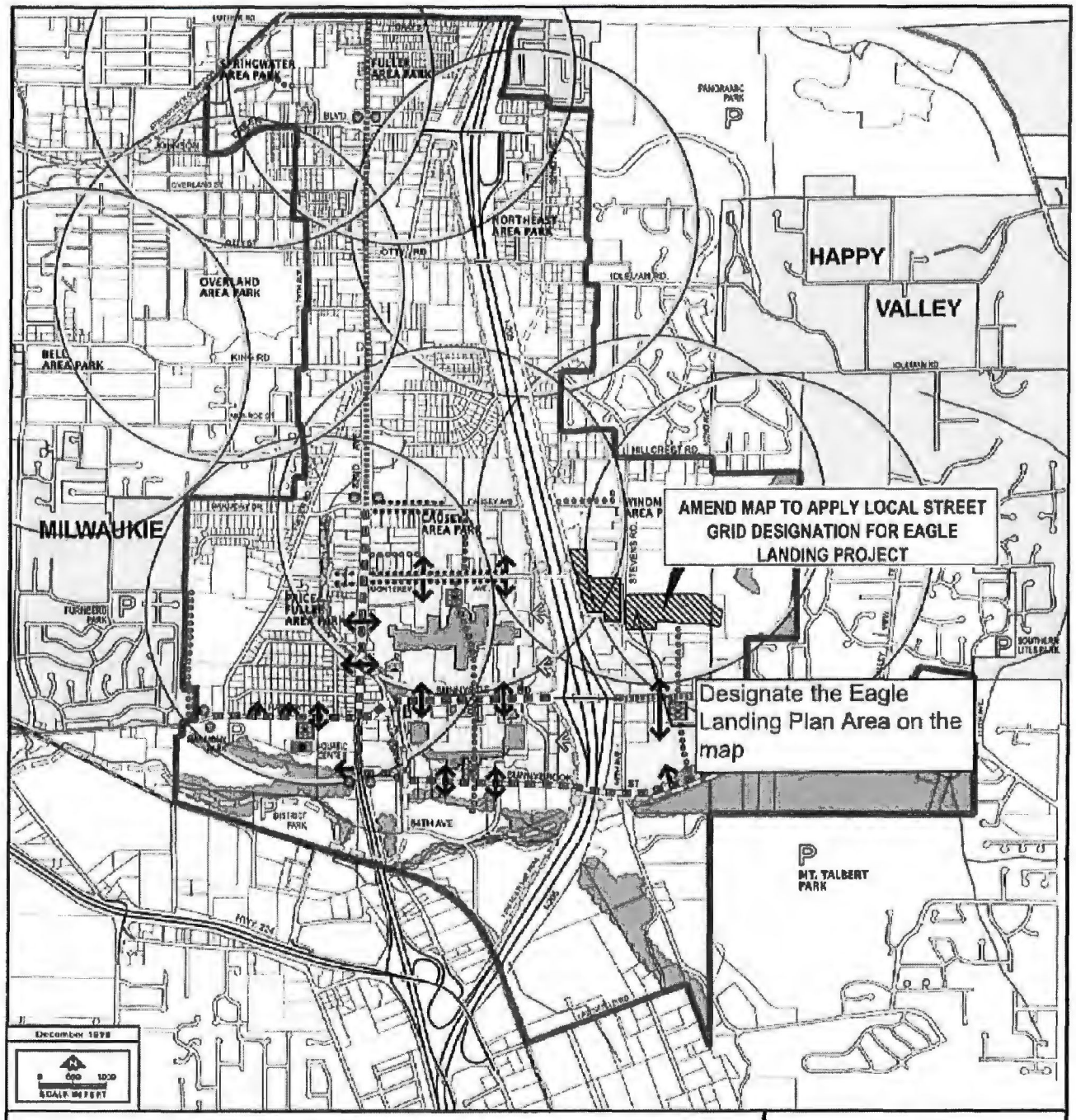
Clackamas Regional Center Area Design Plan
Land Use Plan Map

Happy Valley Comprehensive Plan

MAP X-CRC-2

LDR	LOW DENSITY RESIDENTIAL	RCC	REGIONAL CENTER COMMERCIAL	PMU	PLANNED MIXED USE
MDR	MEDIUM DENSITY RESIDENTIAL	RC	RETAIL COMMERCIAL	BP	BUSINESS PARK
MHDR	MEDIUM HIGH DENSITY RESIDENTIAL	CC	CORRIDOR COMMERCIAL	LI	LIGHT INDUSTRIAL
HDR	HIGH DENSITY RESIDENTIAL	LTIC	LOW TRAFFIC IMPACT COMM.	GI	GENERAL INDUSTRIAL
RCHD	REGIONAL CENTER HIGH DENSITY RES.	RCO	REGIONAL CENTER OFFICE		DESIGN PLAN BOUNDARY
PCU	PUBLIC AND COMMUNITY USE	OC	OFFICE COMMERCIAL		REGIONAL CENTER BOUNDARY

FIGURE 5

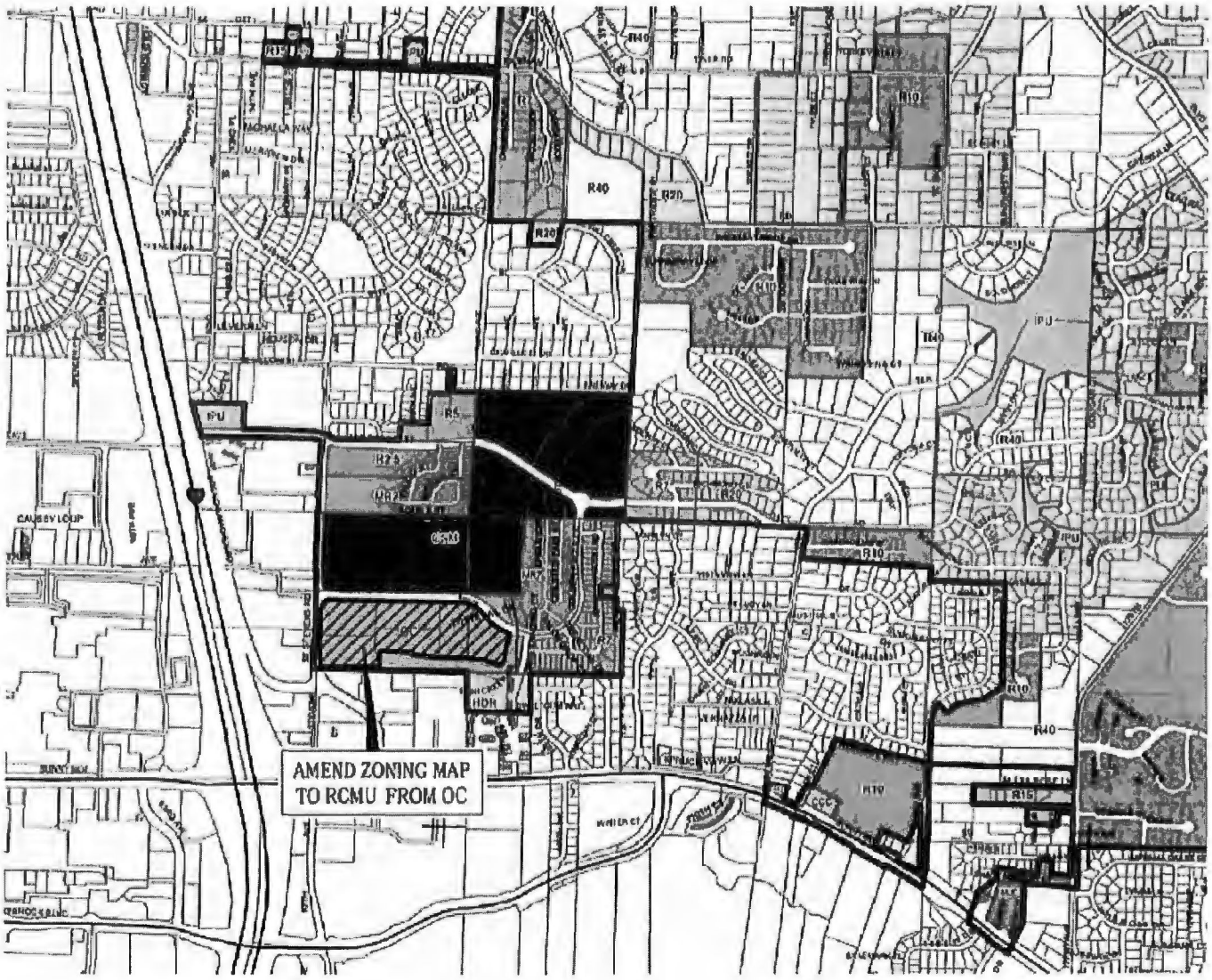


Clackamas Regional Center Area Design Plan
Urban Design Elements

Happy Valley Comprehensive Plan
MAP X-CRC-3

- STUDY AREA BOUNDARY
- COMMITTED ROAD
- MAIN STREET
- BOULEVARD
- SPECIAL STREET STANDARD
- STREET CONNECTION
- LOCAL STREET GRID
- OFF-STREET PEDESTRIAN LINKAGE
- MULTI-USE PATH
- POTENTIAL COMMUNITY CENTER
- GENERAL LOCATION OF NEEDED PARKS
- PARK - OPEN SPACE
- GREENWAY TRAIL
- PLAZA
- NATURAL FEATURES
- PRIMARY GATEWAY
- FREEWAY GATEWAY

FIGURE 6



CITY OF HAPPY VALLEY LAND USE ZONING

- R-5 (1 Unit / Per 5,000 Sq. Ft)
- R-7 (1 Unit / 7,000 Sq. Ft.)
- R-8.5 (1 Unit / 8,500 Sq. Ft.)
- R-10 (1 Unit / 10,000 Sq. Ft.)
- R-15 (1 Unit / 15,000)
- R-20 (1 Unit / 20,000 Sq. Ft.)
- R-40 (1 Unit / 40,000 Sq. Ft.)
- Future Urban – 10 acres (FU10)
- Planned Mixed Use (PMU)
- Mixed Use Residential – Single Family (MUR-S)
- Mixed Use Residential – Attached (MUR-A)
- Mixed Use Residential – Multi-Family Low Density (MUR-M1)
- Mixed Use Residential – Multi-Family Medium Density (MUR-M2)
- Mixed Use Residential – Multi-Family High Density (MUR-M3)
- Mixed Use Residential – Mixed Buildings (MUR-X)
- Single-Family Attached Residential (SFA)
- Institutional and Public Use – (IPU)
- Sunnyside Village: Townhouse (VTH)
- Sunnyside Village: Office (VO)
- Sunnyside Village: Commerical (VC)
- Mixed Use Commercial (MUC)
- Mixed Use Employment (MUE)
- Employment Center
- Industrial Campus (IC)
- Community Commercial Center (CCC)
- Mixed Commerical Center (MCC)
- Rock Creek Mixed Employment (RC-ME)

FIGURE 7

C. Consistency with City of Happy Valley Development Code

Chapter 16.61 Types of Review Procedures

16.61.040 Type III Procedure (Quasi-Judicial).
A. Type III decisions apply to all quasi-judicial decisions and include, but are not limited to: non-expedited annexations; property owner or developer initiated comprehensive plan map/land use district map amendments or text amendments; design review II; Class B home occupation permits; Class C variances; major modifications; master plans; planned unit developments; expedited and non-expedited subdivisions; and conditional use permits. With the exception of expedited annexations and Master Plans over 20 acres in size combined with comprehensive plan map/land use district map amendments, the public hearing and land use decision for these applications occur before the Planning Commission. Expedited annexations are processed as an ordinance pursuant to Chapter eight of the City's Charter, effective January 1, 2001. The final decision shall occur before the City Council. The City Council shall be the only local review authority, and shall decide to approve, approve with conditions or deny expedited annexation requests. Master plans that are paired with comprehensive plan map/land use district map amendments over 20 acres in size receive a recommendation from the Planning Commission to the City Council, the City Council shall be the final review authority.

Response: The property owner (Veritas Investment Company, LLC) is initiating a comprehensive plan map/land use district map amendment and a text amendment. In accordance with Section 16.61.040 Type III Procedure (Quasi-Judicial), both of these applications are reviewed through a Type III quasi-judicial procedure.

B. Pre-application Conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 16.61.060.C.

Response: The Applicant initially participated in a pre-application conference with City of Happy Valley planning staff on July 21, 2009 and has met with City staff on a number of occasions since that time to discuss the project.

C. Application Requirements.
1. Application forms. Type III applications shall be made on forms provided by the Planning Official or designee; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.
2. Submittal Information. When a Type III application is required, it shall:
a. Include the information requested on the application form;
b. Be filed with three copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 16.62 (Land Use Review), 16.63

(Land Divisions), 16.66 (Modifications), 16.68 (Code Interpretations), and 16.69 (Miscellaneous Permits);
c. Be accompanied by the required fee; and
d. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in Subsection 16.61.040.D. The records of the Clackamas County Assessor's Office are the official records for determining ownership. The applicant shall prepare the public notice mailing list. -The applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.
3. Statement of Disclosure. All applications for annexations, comprehensive plan map/zoning map amendments, text amendments, variances, conditional use permits, subdivisions, planned unit developments, etc. and all appeals shall be accompanied by a statement of ownership or interest disclosure.

Response: The application contains the required Type III application form and includes information required of this application type, including a completed application form, three copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making, the required fee; a set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application and a completed Statement of Disclosure.

16.61.060 General Provisions (I)(22). Prior Conditions of Land Use Approvals.
a. Incorporating Prior Conditions of Land Use Actions. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning regulations. This may result from a change of the content of zoning regulations or from legislative zone changes including annexation rezonings. This subsection addresses situations where a use or development was approved with conditions as a part of a land use or limited land use review under zoning regulations that no longer apply to the site. The regulations stated below apply to all prior conditions of approval unless the conditions of approval or the ordinance adopting the conditions specifically refer to the situations outlined below and provide for the continuance of the conditions. In that instance, the conditions of approval will continue to apply.
b. Zone Changes. If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping.
c. Conditional Uses.
i. An Allowed Conditional Use. If a use was an approved conditional use under the prior regulations, and is a conditional use under the new regulations pertaining to the site, any conditions of approval shall continue to apply.
ii. Use Allowed Outright. If the use is a permitted use, the conditions of approval shall continue to apply.
iii. Use No Longer Allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and shall continue to meet the conditions, as well as the nonconforming use regulations.

Response: In 1998, Clackamas County approved a comprehensive plan and zone change on approximately 60 acres that was then occupied by the Top O' Scott Golf Course for a mixed use development known as Eagle Landing.

When the City of Happy Valley annexed portions of the Eagle Landing project, it adopted Clackamas County's conditions of approval as Chapter 16.36 of the Development Code. Chapter 16.36 covers a larger planning area including Phase IA, Phase IB and Phase II. Phase II was developed under the Mt. Scott Village Planned Unit Development (PUD) approved by Clackamas County. The focus of this application is one portion of Phase IA. In parallel with this quasi-judicial application, the City of Happy Valley is initiating a legislative amendment to delete Chapter 16.36 from the Development Code.

16.61.080 Neighborhood Meetings.
Applicants filing Type II or Type III applications are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed development. Applicants are encouraged to hold a neighborhood meeting with a recognized neighborhood or community organization. If no organization exists, then the applicant may hold a meeting with adjacent property owners who will receive public notice (a minimum 300 ft. radius from subject property.)

Response: The Applicant has held a number of meetings with the community, most recently a community-wide town hall meeting was held on March 21, 2011. An invitation was mailed to surrounding neighbors. Approximately 300 community members attended this meeting. The Sunnyside CPO and Southgate Milwaukee CPO were also both invited and attended. In addition, the Applicant has participated in regular meetings with Sunnyside CPO over the last three years. Meetings dates with the community include: March 21, 2011, January 30, 2011, January 31, 2010, January 25, 2009, September 14, 2008, June 6, 2008, March 2, 2008, January 27, 2008, November 18, 2007, May 6, 2007, March, 2007, and January 14, 2007.

16.61.090 Traffic Impact Studies
The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.
A. When a Traffic Impact Study is Required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:
1. A change in zoning or a plan amendment designation;
2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);
3. An increase in site traffic volume generation. Increase in site traffic volume generation shall be subject to the City's Transportation Impact Study Guidelines;

4. An increase in peak hour volume of a particular movement to and from the State highway by 20 percent or more;
5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by ten vehicles or more per day;
6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; and,
7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.
B. Traffic Impact Study Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

Response: A full Traffic Impact Analysis was prepared by David Evans and Associates and is included as Exhibit "C" of this application. For the purposes of analyzing the proposed plan and zone amendments, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed RCMU zoning. The Traffic Impact Analysis concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

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

16.67.010 Purpose.

Response: No response required.

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. A change in the text may be initiated by as few as one person desiring a revision in the wording, scope, direction or organization of the plan. A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five percent (75%) of the property owners or authorized agents who own or represent at least seventy-five (75%) percent of the land area involved in the petition of change, which must correspond to a logically defined neighborhood or block of multiple properties, or include a single parcel of such size as to merit consideration as a future neighborhood if approved as part of a future subdivision or planned unit development application. 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 title at any time.

Response: As described above, the Applicant requests the text and map amendments as follows:

- Text Amendments to the City of Happy Valley Development Code, Section 16.23.010 (Mixed Use Commercial and Employment Districts) to create a new Regional Center Mixed Use (RCMU) zone;
- Text Amendments to the City of Happy Valley Development Code, Table 16.67.070-1 to address the future annexation of land zoned PMU-6;
- Map Amendments to the Clackamas Regional Center Area Design Plan to Expand CRC Boundary; and
- Map Amendments to the Comprehensive Plan/Zoning Plan Map to apply the new RCMU zone to the applicant's property.

The Applicant is the property owner of 100% of the properties affected by the amendments requested in this application.

B. Amendments to the land development code. An amendment to any chapter or section of this title for the purpose of adding or deleting words or subjects, broadening or narrowing scope, providing direction, clarification or improvement of the development code may be initiated by any person or persons, including the city itself. See sections 17.67.020 and 16.67.030 of this chapter.

Response: The Applicant is initiating a text amendment to the City of Happy Valley's development code. Specifically, the Applicant is requesting amendments to the City of Happy Valley Development Code, Section 16.23.010 (Mixed Use Commercial and Employment Districts) to create a new Regional Center Mixed Use (RCMU) zone; and, the City of Happy Valley Development Code, Table 16.67.070-1 to address the annexation of land zoned PMU-6.

16.67.030 Quasi-Judicial Amendments
A. Applicability of Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial comprehensive plan map/district map amendments shall follow the Type III procedure, as governed by Section 16.61.040, using standards of approval in Subsection 16.67.030.C. The approval authority shall be as follows:
1. The Planning Commission shall be the review authority for comprehensive plan map/land use district map amendments paired with Master Plans under 20 acres in size;
2. The Planning Commission shall make a recommendation to the City Council on an application for all other comprehensive plan map/land use district plan map amendments. The City Council shall decide such applications.
3. The City Council shall be the review authority for annexations that involve the legislative conversion of existing Clackamas County comprehensive plan designations/zoning districts to City comprehensive plan designation/zoning districts, per the provisions of Section 16.67.070.

Response: The property owner is initiating a comprehensive plan map/land use district map amendment and a text amendment. In accordance with Section 16.61.040 Type III Procedure (Quasi-Judicial), both of these applications are reviewed through a Type III quasi-judicial procedure.

B. Filing requirements.
1. In order to have a complete application for any proposed text amendment, the applicant shall submit:
a. The necessary application forms, and a narrative addressing applicable comprehensive plan objectives and policies, as well as the review criteria within Section 16.40.041.
2. In order to have a complete application for a proposed comprehensive plan map/zoning map or specific area map amendment, the applicant shall submit:
a. The necessary application forms, and a narrative addressing applicable Comprehensive Plan goals and policies, as well as the review criteria within Section 16.61.040.
b. A conceptual development plan illustrating a proposed street system, lot pattern, neighborhood circulation plan within a five hundred (500) foot radius of the subject site, and any natural resource or steep slopes areas;
c. A traffic study prepared by a professional, Oregon-licensed traffic engineer. If a master plan that requires a full traffic impact analysis is required for a comprehensive plan map amendment/land use district map, a subsequent master plan may satisfy this provision, as determined by the Planning Official.

Response: This application is for both a text amendment and a map amendment. Narrative addressing the review criteria for both the text and map amendments is included in this application as outlined below. The conceptual development plan is included as Figure 1. A traffic study is attached as Exhibit "C" of this application.

C. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:
1. Approval of the request is consistent with the Statewide Planning Goals;

Response: Narrative addressing consistency with the Statewide Planning Goals is included in Section F of this application.

2. Approval of the request is consistent with the applicable Goals and Policies of the City's Comprehensive Plan;

Response: Narrative addressing consistency with the City's Comprehensive Plan is included in Section D of this application.

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

Response: The subject site is within the Portland Metro UGB and the Clackamas Regional Center Area Design Plan boundary, and a portion of the Eagle Landing Plan Area is currently within the designated Clackamas Regional Center (CRC) boundary. The regional center is served by urban-level facilities and utilities. The subject site is served by Clackamas County Fire District #1, Mt. Scott Water District #3, and Clackamas County (sewer) Service District #1.

A Traffic Impact Analysis was prepared by David Evans and Associates and is included as Exhibit "C" of this application. For the purposes of analyzing the proposed plan and zone amendments, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed PMU6 zoning. The Traffic Impact Analysis concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

Detailed plans for transportation and public facilities will be required as part of the master planning process that will occur before development, and detailed plans will be subject to Clackamas County and City of Happy Valley road standards or other criteria that the jurisdictions specify.

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

Response: The proposed changes to the text and map are in the public interest with regard to both neighborhood and community conditions. Functionally, the subject site is part of the greater Clackamas Town Center area which serves as a regional hub for retail and employment. Located adjacent to the I-205 freeway, with its regional access and visibility, the subject site is very well suited to regional mixed use development. The subject site area is also well served by existing and planned transit. Two bus routes serve the area of the subject site, and eight bus lines currently serve the CTC Transit Center and the Clackamas Town Center. Light rail service runs along I-205 between Clackamas Town Center and Gateway, and the South Corridor Project includes plans for light rail from Milwaukie, south of the subject site, to Portland. It would be difficult to re-create the mixed use advantages of this site elsewhere in the current boundaries of the City of Happy Valley. Sites of this size, with this level of accessibility and visibility, are very rare in the East Metro trade area.

The purpose of the proposed new Regional center mixed use (RCMU) district is to "...provide for urban development within the boundaries of the Clackamas Regional Center (CRC). A wide range of uses is permitted within the district. The district is intended to create a quantifiable

sustainable mixed use area with high employment and housing densities, structured parking, and significant amenities in an urban design that is accessible by a range of transportation modes. To ensure that the mix of uses and urban form are consistent with the objectives of the district, master plan approval is required prior to development." Because the new RCMU zoning district can only be applied within the Clackamas Regional Center, it is consistent with City and regional goals of concentrating development where services and infrastructure are available. By requiring master planning of the entire Eagle Landing Plan Area and establishing development standards that will ensure high-quality mixed use development, the proposed RCMU district is consistent with City and regional policies and goals for orderly growth and livability.

As illustrated by the Concept Plan (Figure 1), the intent of the requested text and map amendments is to allow residential, office, retail, religious, and entertainment uses in a single district. The Concept Plan envisions both vertical and horizontal mix of use, with housing above retail and retail uses mixed with office uses and envisions a community with environmentally friendly green multi-use infrastructure, including renewable and sustainable energy concepts. As described in Exhibit D, the proposed development at Eagle Landing would add density and a mix of uses, all within a walkable environment, near multiple transportation options, within an existing Regional Center designated to accommodate just this type of more intense development. By focusing development within the existing Center, it protects other lower-density neighborhoods from additional growth, while leveraging and building upon the extensive commercial activity and transportation investments already in the area.

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

Response: A full Traffic Impact Analysis was prepared by David Evans and Associates and is included as Exhibit "C" of this application. Section 6.2 of the Transportation Impact Analysis addresses Transportation Planning Rule Compliance.

16.67.060 Transportation Planning Rule Compliance.
A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 16.61.090. "Significant" means the proposal would:
1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the City's Transportation System Plan ("TSP"); or
2. Change the standards implementing a functional classification system; or

3. As measured at the end of the planning period identified in the TSP, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or Article 16.6 Administration of Land Use and Development page 16.6-74
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP.
B. Amendments That Affect Transportation Facilities. Except as provided in Subsection C, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility [identified in the TSP]. This shall be accomplished by one of the following:
1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the TSP to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or,
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
4. Amending the planned function, capacity or performance standards of the transportation facility; or
5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.
C. Exceptions. Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the TSP, may be approved when all of the following criteria are met:
1. The amendment does not include property located in an interchange area, as defined under applicable law;
2. The currently planned facilities, improvements or services are not adequate to achieve the standard;
3. Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

Response: A full Traffic Impact Analysis was prepared by David Evans and Associates and is included as Exhibit "C" of this application. Section 6.2 of the Transportation Impact Analysis addresses Transportation Planning Rule Compliance.

D. Consistency with the Comprehensive Plan Policies

Urbanization 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.

Response: Adequate levels of services and facilities are available to support the proposed land use amendment. The entire subject site is within the Portland metro urban growth boundary and the Clackamas Regional Center Area Design Plan boundary. The Regional Center is served by urban-level facilities and utilities. The entire subject site (both the Clackamas County and City of Happy Valley parcels) are serviced by Clackamas County Fire District #1, Mt. Scott Water District #3, and Clackamas County (sewer) Service District #1. Detailed plans for public facilities will be required as part of the master planning process that will occur before development, and plans will be subject to review by service providers.

In addition to utilities and services mentioned above, transportation facilities are also adequate to support the proposed change to RCMU. A Traffic Impact Analysis was prepared by David Evans and Associates and is included as Exhibit "A" of this application. For the purposes of analyzing the proposed plan and zone amendments, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed RCMU zoning. The Traffic Impact Analysis concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

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

Response: The subject site is within the Clackamas Regional Center Area Design Plan boundary, is adjacent to the designated Clackamas Regional Center, and currently retains the County zone designation of Office Commercial (OC). The current OC zoning and land use approvals allow for a mix of office and commercial uses. The proposed RCMU zoning would allow for a broader mix of uses as well as a higher intensity of development. As described in Exhibit D, "the synergy of different uses working together can increase the investment value and market value of the project. In a well-designed mixed-use project each use generates additional revenue from the other uses (i.e. office users use the on-site shopping and dining, and local employees are a source of additional demand for the residential space.) Similarly, the uses serve as amenities for each other in a broader sense (i.e. uses can share parking and infrastructure, or

benefit from exposure to the visitors and customers of the other use types.)" Allowing for mixed use development on the subject site would make intensive use of a key location in an existing Regional Center, with excellent transportation access and visibility. Local residents will have a range of options to combine live, work and play on-site.

In addition, the proposed zone new RCMU district requires a minimum of 600,000 square feet of office and commercial uses be provided within the City of Happy Valley while also allowing for residential development. The submitted conceptual development plan (Figure 1) shows how proposed RCMU zoning could be implemented on the subject site.

Housing Policies

Policy 45: The City shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Response: In addition to requiring a minimum of 600,000 square feet of office and commercial development be provided on the subject site, the proposed RCMU district will allow a range of housing types, including high-rise single-family housing and senior living units. The proposed RCMU district will also allow both vertical and horizontal mixed use, including housing above retail and retail uses mixed with office users. The RCMU district will help ensure that Happy Valley has adequate numbers of higher density housing units in a mixed-use area that can provide for the needs of those employed in the vicinity and that is easily accessed by the existing transportation system and transit.

Policy 46: The City shall provide a range of housing that includes land use districts that allow senior housing, assisted living and a range of multi-family housing products. This range improves housing choice for the elderly, young professionals, single households, families with children, and other household types.

Response: High density residential and senior housing are both allowed uses under the proposed RCMU district. The proposed redesignation of the parcels that are subject to this application from OC to RCMU will enable a mixed use development on the site, including higher density residential development than what would be allowed today, if annexed.

Policy 48: The Land Development Code will be revised to comply with the Comprehensive Plan to allow for changes over time as the City goals and policies change

Response: The Applicant is requesting changes to local land use requirements to support future development in an area that is adjacent and to the west of the existing Eagle Landing development. This land was part of the planning for a multi-phased project, first approved in 1998. The Applicant is now requesting amendments to the plans and codes that enabled development so that requirements can now support an evolved planning concept (Eagle Landing Mixed Use Development Concept Plan) reflective of current land use needs and market conditions.

Specifically, this proposal includes modifications to Section 16.23.010 (Commercial and Employment Districts) which establish the purpose of the new Regional Center Mixed Use (RCMU) zone (16.23.010.A.), permitted uses (Table 16.23.010-1), and development standards (Table 16.23.010-2 and 16.23.010.D). Proposed text amendments to Chapter 16.23 are included in Exhibit A in this application. The existing Mixed Use Employment-Neighborhood Commercial (MUE-NC) district is not in use anywhere in the City. At the request of Happy Valley Staff, the existing MUE-NC zone will be replaced with the proposed RCMU zone and standards have been formatted to fit the existing code structure.

Land Use Element Policies

Policy 49: To ensure orderly development in the City of Happy Valley.

Response: The Applicant is applying concurrently to Clackamas County and the City of Happy Valley for land use designation and code amendments to be applied to the Eagle Landing Plan Area to ensure that it can be developed a in the future as a coherent, well planned mixed-use development. The Applicant ultimately intends to implement a development concept as one planned development, at the same time meeting the requirements for jobs, housing, and transportation performance in both jurisdictions.

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

Response: The Applicant has a conceptual plan for the Eagle Landing Plan Area that shows how allowed land uses and densities, as proposed in a new RCMU land use designation, can use the land to its best advantage. A key feature in this, a future phase of the Eagle Landing development, is the proximity to existing employment in Clackamas Town Center and the Kaiser Sunnyside Medical Center and the availability of existing transportation systems, including transit and the light rail station. The land use applications being reviewed by both the County and the City are intended to provide a regulatory framework that will result in a seamless future mixed-use development, well-integrated with existing uses in the vicinity.

Policy 51E: Residential land uses will be organized to form complete neighborhoods. Complete neighborhoods include a variety of housing types, park and open space, a definable center (e.g. a park or school) and edge (e.g. transportation or open space corridor), a mix of uses, and a well-connected network of streets and pedestrian ways. The degree to which each of these characteristics is provided will vary with the location and context of the neighborhood.

Response: While not strictly a residential land use designation, the proposed RCMU zone will enable the development of a complete community with a variety of housing types as well as a range of commercial, employment and institutional uses, open space and a well-connected network of streets and pedestrian ways.

Commercial and Employment Element Policies

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

Response: The Applicant is seeking the requested amendments in order to enable future development of an urban scale mixed use development concept next to the existing Eagle Landing development. The proposed RCMU district will enable residential, office, and commercial development at intensities, and through appropriate mixes of uses, that can complement nearby employment areas. The proposed amendments will encourage this desirable type of development in this area by enabling the Applicant to implement the Eagle Landing Mixed Use Development Concept Plan, covering approximately 32 acres in Clackamas County and Happy Valley.

Policy 54C: Happy Valley shall ensure that all commercial and office centers are accessible by transit, bicyclist and pedestrians, generally as shown within the City's current Transportation System Plan.

Response: The Eagle Landing Plan Area is uniquely suited for development at urban intensities due to its location near existing employment areas, its access to transit (bus and light rail), and the existence of a transportation system already improved with sidewalks and bike lanes. SE Stephens Road and SE Monterey Avenue provide access to the site and both roadways are improved to urban standards. Circulation internal to the site will be determined at the time of master plan approval, but the Concept Plan illustrates how the roadway system might function. In addition, the applicant is requesting an amendment to the Clackamas Regional Center Map X-CRC-3 to extend the Local Street Grid designation on to the subject site. This designation requires "...an interconnected public or private street system that provides multi-modal access to all activities and uses."

Clackamas Regional Center Design Plan Policies

Section I, Land Use Policies

Map X-CRC-2 illustrates the Land Use Plan designations for the Clackamas Regional Center Design Plan Area. The following uses are allowed:

1.0 Mixed Use

Mixed uses shall be allowed in the Clackamas Regional Center Design Plan area in areas designated Commercial, High Density Residential and Regional Center High Density Residential. A mix of uses will be required to be master planned in Planned Mixed Use designated areas.

Response: The proposal will accommodate residential, office, retail, religious, and entertainment uses as envisioned in the Concept Plan. The RCMU designation requires that a conceptual master plan for the Eagle Landing Plan Area be prepared. The entire subject site is within the Eagle Landing Plan Area; therefore, a master plan will be reviewed by the City of Happy Valley before the subject site can be developed.

b. Section II, Land Use Policies for the CRC Design Type Area

1.0 Within the Regional Center boundary shown on Map CRC-1, areas shall be planned to:

1.1 Provide for high intensity development to accommodate projected regional increases in housing and employment, including mixed use development.
1.2 Provide for and capitalize on high quality transit service.
1.3 Allow for a mix of land uses to support public transportation and bicycle and pedestrian usage.
1.4 Provide for the open space and recreation needs of residents and employees of the area.
1.5 Support a multimodal street network.

Response: As illustrated by the Concept Plan, the requested plan amendment will allow for a high intensity mix of residential, employment, and public uses projecting ratios of 2.5 people per residential unit and one person per 350-500 square feet for employment development. These uses and intensities would be permitted by the RCMU designation that is proposed for the subject site.

The subject site area will be well served by existing and planned transit. Two bus routes serve the area of the subject site, and eight bus lines currently serve the CTC Transit Center and the Clackamas Town Center. Light rail service runs along I-205 between Clackamas Town Center and Gateway, and the South Corridor Project includes plans for light rail from Milwaukie, south of the subject site, to Portland. The current Clackamas Regional Center Area Design Plan, Map X-CRC-6, shows a transit network that extends into the proposed development area. Transit service includes frequent bus and primary bus services on Monterey Avenue, a conceptual loop transit, and a regional rapid bus that would parallel I-205. A park & ride facility shown on Map X-CRC-6 at Monterey Avenue has already been constructed on the other side (west side) of I-205.

By enabling compact development, the proposed amendments support the recreational needs of residents and employees as well as the multimodal street network. The Concept Plan includes a pedestrian mall. The roadway network illustrated in the Concept Plan provides connections through the subject site and at the very least will provide pedestrian and bicycle facilities as required by the County and City according to the functional classifications of the roadways, if not enhanced facilities detailed in a master plan. The Concept Plan includes several public plazas and open space. The open space will help serve stormwater and public facilities purposes.

2.0 Planned Mixed Use

The Clackamas County Planned Mixed Use designation and similar City of Happy Valley districts allow for master planning and development of key opportunity sites in areas designed on Metro's 2040 Growth Concept map. Generally, because of size, location, good access, and proximity to supportive land uses and existing or planned transportation improvements, these sites can accommodate more growth than other areas and sites within the plan boundary.

2.1 Create an area with a mix of land uses, both within the site itself (mix of uses) and within buildings (mixed uses), which:

a. Provide for high employment and residential densities that support use of public transportation.
b. Protect key natural features.
c. Provide for essential public facilities and services, including parks and public spaces.
d. Are accessible by all modes of transportation.

Response: The Eagle Landing Plan Area is within the existing Clackamas Regional Center Design Plan Boundary and partially within the current Regional Center Boundary. It is currently designated primarily for office and commercial uses. Amending the Regional Center Boundary to include the entire site and rezoning the site to RCMU would allow a greater mix of uses than are allowed within the current OC designation.

The proposed RCMU district will accommodate the unique development opportunities of the Concept Plan. Preliminary development concepts identify an urban scale, mixed use center with an estimated 2,000,000 square feet of development in the Concept Plan area and roughly half of this on the subject site. The plan includes residential, office, retail, religious, and entertainment uses in a single district.

The RCMU zoning allows a range of housing types including high-rise condominium housing and senior living units for purchase and lease. The Concept Plan envisions both vertical and horizontal mix of use, with housing above retail and retail uses mixed with office uses. The planned mix of uses results in an overall density of 157 persons per gross acre for the Eagle Landing Plan Area.

Table 3
Current Happy Valley Approval for Subject Site vs. Concept Plan Uses

Use	Current Approval	Concept Plan
Residential Senior Living Condominiums	0	450 units
Office	600,000	500,000 sf
Retail Hotel Athletic Facility	150,000	230,000 sf

2.2 Establish through zoning required and allowed land uses, transportation improvements and design standards that encourage and support pedestrian-oriented streets, buildings and public places. Apply specific requirements to specific Clackamas County Planned Mixed Use sites or future applicable City of Happy Valley sites through zoning.

Response: The purposes of the RCMU designation include to: "provide for urban development within the boundaries of the Clackamas Regional Center. A wide range of uses is permitted within the district. The district is intended to create a quantifiable sustainable mixed use area with high employment and housing densities, structured parking, and significant amenities in an urban design that is accessible by a range of transportation modes. To ensure that the mix of uses and urban form are consistent with the objectives of the district, master plan approval is required prior to development." As written, the RCMU district is intended to implement the planned mixed use policies of the Clackamas Regional Center Area Design Plan.

2.3 Apply the Clackamas County Planned Mixed Use designation or applicable City of Happy Valley development district within the Regional Center as shown on Map X-CRC-1.

Response: The subject site is within the existing Clackamas Regional Center Design Plan Boundary and partially within the current Regional Center Boundary. The Applicant is requesting to amend Map X-CRC-1 to include the entire site within the Regional Center. As written, the RCMU district is intended to implement the planned mixed use policies of the Clackamas Regional Center Area Design Plan.

6.0 Amendments to the Clackamas Regional Center Boundary
The Clackamas Regional Center boundary may be amended to include property within the Clackamas Regional Center and within the City of Happy Valley when all of the following criteria are met:

6.1 The property is contiguous to the Clackamas Regional Center boundary.

Response: The subject site is within the existing Clackamas Regional Center Design Plan Boundary and contiguous to the current Regional Center Boundary.

6.2 The area is, or is planned to be, a focus of compact, high density development with a mix of uses.

Response: The proposed map amendments enable a compact, high density development with a mix of uses as illustrated by the Concept Plan. The Concept Plan proposes both a vertical and horizontal mix of uses. The uses include senior housing, condominiums, office, retail, including hotel and athletic facility, a church, and a convention/community center. The density of housing and employment is appxoximately157 persons per acre. As shown in Table 3, there is a mix of uses at urban densities.

6.3 The area has, or is planned to have, high quality transit service, and a multi-modal street network.

Response: The County Comprehensive Plan outlining the future CRC transit network is contained in Map X-CRC-6. The plan shows frequent bus service, 10-minute frequency on Monterey; primary bus service, 15-minute frequency, on Sunnyside Road; and a loop shuttle on Stevens and Monterey connecting to the CRC and park and ride facility at Monterey. The park and ride facility has already been constructed across I-205, west of the subject site, and thus the Applicant is also requesting a correction to Map X-CRC-6 to reflect that. Specifics on existing transit services are contained in the Traffic Impact Analysis, Section 3.2 Transit Facilities (Exhibit C).

The roadway network shown in the Concept Plan connects the subject site to surrounding areas. The plan also shows several plazas and pedestrian connections through proposed conceptual development. Master planning for the site will need to demonstrate that the roadways provide adequate pedestrian and bicycle facilities pursuant to adopted standards based on roadway functional classification or other Clackamas County and City of Happy Valley approval criteria.

6.4 The area has, or is planned to have; a density of 60 persons per acre on lands developed or planned to be developed (not including open space, parks, plazas or natural areas).

Response: The proposed map amendments enable a compact, high density development with a mix of uses as illustrated by the Concept Plan. The Concept Plan includes parcels in both the County and the City of Happy Valley. The Eagle Landing Plan Area is approximately 32 acres with approximately 17.7 acres in Happy Valley. County staff provided the formula for calculating persons per acre in the Clackamas Regional Center planning area. The ratios are listed by general land use category:

Residential: 2.5 persons per unit
Office: 1 person per 350 square feet of building area
Retail: 1 person per 500 square feet of building area

For simplicity in this calculation, the Applicant is not taking deductions for open spaces/plazas, etc., because they are not required to demonstrate that the Concept Plan can achieve the minimum density of 60 persons per acre.

The following table lists the proposed uses by general land use category along with units and square footage.

Table 4
Eagle Landing Mixed Use Development Concept Plan Uses and Densities
(Subject Site, Happy Valley)

Use	Happy Valley	Ratio	Total Persons
Residential Senior Living Condominiums	450 units	2.5 per unit	1,125
Office	500,000 sf	1:350 sf	1,429
Retail Hotel Athletic Facility	230,000 sf	1:500 sf	460
Total			3,014

Given the subject site size of approximately 17.7 acres, the 3,014 Happy Valley residents and employees envisioned by the Concept Plan create a density of about 170 persons per acre. This exceeds the minimum requirement of 60 persons per acre.

Section X. Roads and Streets System Policies

4.0 Congestion Performance Standards for portions of 82nd Avenue and Sunnyside Road located within the Regional Center boundary shall be as follows:

Congestion Performance Standards (Level of Service)

	Preferred Operating Standard	***Acceptable Operating Standard***	***Exceeds Deficiency Threshold***
Mid-day one-hour	*C or better*	*E*	*F or worse*
Peak two-hour	*E first hour* *E second hour*	*F first hour* *E second hour*	*F first hour* *F second hour*

Response: The Applicant is requesting a boundary change to include the entire subject site within the Clackamas Regional Center. A full Traffic Impact Analysis prepared by David Evans and Associates addressing compliance with the County's Congestion Performance Standards, is included as Exhibit "C" of this application.

6.0 Provide for roadway and infrastructure improvements sufficient to support minimum planned development intensity and density.
7.0 The Clackamas Regional Center Plan includes transportation and infrastructure planning that identifies certain needed roadway and infrastructure improvements necessary to support future development in the Clackamas Regional Center.
8.0 These improvements, in conjunction with frontage improvements normally and legally exacted concurrent with development, are sufficient to support the minimum planned development intensity and density within the Regional Center. Developers in the Regional Center are entitled to rely on the improvements that are listed as funded in the (5) Five Year

Capital Improvement Plan, as if they are already in place when submitting a master plan at the minimum densities and for approval of each phase of a multi-phase development project. 9.0 Amendments to the City's Comprehensive Plan/Zoning Map for any properties located within city limits within the Clackamas Regional Center shall not be authorized unless it is demonstrated that the improvements described in Policy 7.1 and 7.2 will remain adequate to support planned development intensity and density for the Clackamas Regional Center.

Response: The relevant projects listed in the Clackamas County CIP (including the Monterey Avenue improvements between 82nd Avenue and 92nd Avenue and the Sunnyside Road improvements) have all been completed. For the purposes of analyzing the proposed plan and zone amendments in the Traffic Impact Analysis, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed RCMU zoning.

The Traffic Impact Analysis concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

There are existing 12-inch water lines in SE Monterey Avenue and SE Stephens Road. There is a 12-inch line from SE Stephens Road to tax lot T1 S R2E 33DB 400. Sunrise Water Authority is the water provider and Clackamas County Service District #1 is the sewer provider. The Eagle Landing Mixed Use Development Site Plan (Exhibit E) shows existing utilities.

Section XVI Housing Policies

1.0 Provide for a range and variety of housing types (size and density) and variety of ownership and rental opportunities, in a range of prices.

Response: The RCMU district allows for a range of housing types, including high-rise single-family and senior living units. It will also allow both vertical and horizontal mixed use, including housing above retail and retail uses mixed with office users. The RCMU zone will help ensure that Happy Valley has adequate numbers of higher density housing units in a mixed-use area that can provide for the needs of those employed in the vicinity and that is easily accessed by the existing transportation system and transit.

2.0 Encourage housing opportunities for employees in the Clackamas Regional Center Design Plan Area by investigating partnerships to develop housing for workers in the area.

Response: The proposed map amendments enable a compact, high density development with a mix of uses. The Concept Plan includes 865 units of senior living housing and condominiums,

as well as office, retail, and institutional uses. Much of this housing will be available to workers in the Regional Center area.

3.0 Replace housing capacity lost in the study area by future Comprehensive Plan Map/Zoning Map changes. Any application for a change to the City's Comprehensive Plan Map/Zoning Map within the Clackamas Regional Center Design Plan Area will be accompanied by a demonstration of how an equal amount of housing capacity is replaced on another site, or constructed on the site as part of a mixed use development to be located within the Clackamas Regional Center Design Plan Area.

Response: The current zoning on the subject site is Office Commercial, therefore there is no potential loss of housing capacity with the redesignation of this site to RCMU.

E. Compliance with Regional Plans

Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to be consistent with Metro's adopted Urban Growth Management Functional Plans and the Regional Framework Plan. This document demonstrates that the proposed Eagle Landing Mixed Use Development Concept is in conformance with Metro Plans.

2040 Growth Concept

Metro adopted the 2040 Growth Concept in 1995. It is a concept of land-use and transportation policies that allows Metro and the metropolitan area cities and counties to manage growth. The Growth Concept states the preferred form of regional growth and development: to contain growth within a carefully managed Urban Growth Boundary. The Growth Concept is an integrated set of objectives, which guide all implementing policies in the Charter-required Regional Framework Plan. The 2040 Growth Concept identifies ten urban design types as the "building blocks" of the regional strategy for managing growth:

1. *Central City-downtown Portland*
2. *Main Streets-traditional commercial identity linked to the immediate neighborhood*
3. *Regional Centers-centers of commerce and local government services serving a market area of hundreds of thousands of people, with compact employment and housing development served by high-quality transit-Clackamas Town Center is one of eight Regional Centers.*
4. *Town Centers-provide localized services to tens of thousands of people within a two- to three-mile radius, well served by transit*
5. *Station Communities-development centered around a light-rail or high-capacity-transit station*
6. *Neighborhoods-inner neighborhoods are slightly more compact and outer neighborhoods have slightly larger lots and fewer street connections*
7. *Corridors-major streets that serve as key transportation routes for people and goods, served extensively by transit*
8. *Industrial areas and freight terminals-hubs for regional commerce, and for truck, marine, air and rail cargo with access centered on rail, the regional freeway system and key roadway connections*

9. Rural reserves/open spaces-Rural reserves are lands outside the UGB that provide a visual and physical separation between urban areas and farm and forest lands. Open spaces include parks, stream and trail corridors, wetlands and floodplains
10. Neighboring cities/green corridors—communities that have a significant number of residents who work or shop in the metropolitan area

Response; Metro identifies Clackamas Town Center as a regional center in the 2040 Growth Concept. The proposed amendments to the Happy Valley Development Code, Clackamas Regional Center Design Plan and Happy Valley Comprehensive Plan/Zoning Map are consistent with Metro's regional strategy for managing growth. The proposed amendments are consistent with, and indeed support to a greater degree existing local requirements. Metro's goal of compact employment and housing development served by transit is also addressed by the proposed amendments. They will provide the policy and regulatory framework that enables the Eagle Landing Mixed Use Development Concept Plan (Figure 1). This concept plan envisions a vertical and horizontal mix of uses with an overall density of 157 persons per acre, including 430,000 square feet of retail, 730,000 square feet of office, 865 units of residential, and institutional uses. The area is well served by existing transit and light rail service. The South Corridor Project includes plans for light rail from Milwaukie, south of the subject site, to Portland.

Regional Framework Plan

Metro originally adopted The Regional Framework Plan in 1997 and amended it in 2005. The Oregon Land Conservation and Development Commission acknowledged the Regional Framework Plan and its implementing ordinances on December 8, 2000. The plan unites all of Metro's adopted land-use planning policies and requirements. While the Urban Growth Management Functional Plan sets out requirements for cities and counties, the Regional Framework Plan directs Metro's efforts to manage the impacts of growth through an integrated set of planning policies. The Plan establishes "Fundamentals," eight values that synthesize the 2040 Growth Concept and regional policies. The Regional Framework Plan builds upon the Fundamentals to establish policies on land use, transportation, parks and greenspaces, water and air quality, natural hazards planning, and management and implementation issues. Implementation of these policies is through the Urban Growth Management Functional Plan and Chapter 3.01 of the Metro Code (Urban Growth Boundary).

Response: Because the Urban Growth Management Functional Plan implements the Regional Framework Plan policies, the consistency of the proposed amendments with the Regional Framework Plan is addressed below, in the responses regarding its consistency with the Urban Growth Management Functional Plan.

Urban Growth Management Functional Plan

Urban Growth Management Functional Plan establishes specific requirements and tools for local governments to help the region meet the growth management goals established in the 2040 Growth Concept. The Urban Growth Management Functional Plan is Section 3.07 of the Metro Code. Code sections are not addressed specifically unless they directly pertain to the proposal.

Title 1 (Metro Code Sections 3.07.110 - 3.07.170)

Requirements for Housing and Employment Accommodation - This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location.

3.07.170 Design Type Density Recommendations
A. For the area of each of the 2040 Growth Concept design types, the following average densities for housing and employment are recommended to cities and counties:
Regional Centers - 60 persons per acre

Response: The proposed text and map amendments enable a mixed use development like that illustrated by the Concept Plan. Given the subject site size of approximately 17.7 acres, the 3,014 Happy Valley residents and employees envisioned by the Concept Plan create a density of about 170 persons per acre. This exceeds the minimum requirement of 60 persons per acre.

Title 2 (Metro Code Sections 3.07.210 - 3.07.220)

Regional Parking Policy - The Metro 2040 Growth Concept calls for more compact development to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. This title establishes regionwide parking policies that set the minimum number of parking spaces that can be required by local governments for certain types of new development. It does not affect existing development. Parking maximums are also specified. By not creating an over supply of parking, urban land can be used most efficiently.

Response: The proposed map amendments enable a compact, high density development with a mix of uses. As shown in Figure 1, the Concept Plan includes structured parking. As will be required for conceptual master plans submitted under the RCMU district, the Concept Plan includes pedestrian pathways to ensure walkability within the subject site and connections to adjacent development and multi-modal facilities. The plan envisions compact development of vertically and horizontally mixed retail, residential, office, and institutional uses with a density of approximately 170 persons per acre in the subject site.

Title 3 (Metro Code Sections 3.07.310 - 3.07.370)

Water Quality, Flood Management and Fish and Wildlife Conservation

Response: According to the Clackamas County mapping system (CMap), all parcels on the subject site are identified as "lower risk" or "lowest risk" for earthquake, "likely not in a flood zone," and "moderate risk" or "lowest" risk for wildfire. There are no slopes over five percent on the subject site. The subject site is not within 50 feet of a stream. No regionally significant fish and wild habitat areas are identified on or near the subject site.

Title 4 (Metro Code Sections 3.-07.410 - 3.07.440)

Industrial and Other Employment Areas - Title 4 places restrictions of certain uses in three designations on the 2040 Growth Concept Map: Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas.

Response: The subject site is not within a designated Regionally Significant Industrial Area, Industrial Area, or Employment Area on the 2040 Growth Concept map; therefore this title does not apply.

Title 5 (Metro Code Sections 3.07.510-3.07.540)

Neighbor Cities and Rural Reserves

Response: The subject site is not in a neighbor city (Canby, Sandy and North Plains) or near a Rural Reserve; therefore this title does not apply.

Title 6 (Metro Code Sections 3.07.610 - 3.07.650)

Central City, Regional Centers, Town Centers and Station Communities - The intention of Title 6 is to enhance the Centers designated on 2040 Growth Concept Map by encouraging development in these Centers. Metro will work with cities and counties to implement development strategies which will include an analysis of the barriers to development, an accelerated review process for preferred types of development, an analysis of incentives to encourage development and a program to adopt the incentives. Cities and counties are encouraged to site government offices in Centers and are required to report on the progress made in their Centers to Metro every two years.

Response: The Eagle Landing Plan Area is partially within the Clackamas Regional Center, and the Applicant proposes to amend the Happy Valley comprehensive plans and zoning ordinance to include the entire site within the Clackamas Regional Center in order to develop the subject site as one integrated, master planned, high-density, transit-oriented, mixed use development. The proposal will implement Title 6.

Title 7 (Metro Code Sections 3.07.710-3.07.760)

Affordable Housing - This section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels. The intent of Title 7 is to provide a choice of housing types, reduce barriers to sufficient and affordable housing for all income levels in the region, create housing opportunities commensurate with the wage rates of jobs available across the region, initiate a process for addressing current and future needs for affordable housing, and reduce concentrations of poverty.

Response: No housing capacity will be lost within the Clackamas Regional Center. The Concept Plan will provide 865 units within the Regional Center (450 units on the subject site and 415 within the remainder of the Eagle Landing Plan Area).

Title 8 (Metro Code Sections 3.07.810-3.07.890)
Compliance Procedures

Response: This title establishes compliance procedures for cities and counties. It does not apply to master plan or development proposals.

Title 9 (Metro Code Sections 3.07.910-3.07.920)
Performance Measures

Response: This title relates to Metro's assessment of progress towards implementation, and does not apply to this application.

Title 11 (Metro Code Sections 3.07.1105 - 3.07.1140)

Planning for New Urban Areas - The purpose of this title is to guide planning of areas brought into the UGB for conversion from rural to urban use.

Response: The entire subject site is within the urban growth boundary (UGB). Therefore, this title does not apply.

Title 12 (Metro Code Sections 3.07.1210 - 3.07.1240)

Protection of Residential Neighborhoods - The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Response: The Eagle Landing Plan Area is bounded by the Gethsemane Cemetery and Eagle Landing Golf Course to the north, I-205 to the west, Kaiser Medical Center to the south, and open space and residential development to the east. As illustrated by the Concept Plan, development in this location could provide a mixed-use buffer between the transportation corridor, employment uses, and the residential neighborhoods in the vicinity. Implementation of the Concept Plan would provide amenities such as the athletic/recreation facilities, a convention/community center, trails, parks, and public plazas and meeting spaces for the surrounding neighborhoods.

Title 13 (Metro Code Sections 3.07.130 - 3.07.1370)

Nature in Neighborhoods - The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

Response: The subject site is not near a stream. Areas within the subject site and the Eagle Landing Plan Area that are not developed would provide parks and open space, including natural stormwater storage and treatment.

F. Statewide Planning Goals and Transportation Planning Rule

The foundation of Oregon's program for land use planning is the 19 Statewide Planning Goals that express the state's policies on land use and on related topics. The Oregon Land Conservation

and Development Commission has acknowledged the Clackamas County Comprehensive Plan and the City of Happy Valley Comprehensive Plan as consistent with the Statewide Planning Goals. This document demonstrates the Eagle Landing Mixed Use Development Concept's consistency with the Statewide Planning Goals.

Goal 1 Citizen Involvement

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Response: The Happy Valley Comprehensive Plan and Development Code amendments, as well as the subsequent master plan approval process, will follow Happy Valley land use procedures, which include public involvement components that satisfy the requirements of Goal 1.

Goal 2 Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Response: The Applicant is proposing amendments to the Happy Valley Comprehensive Plan and Development Code and maps to bring the entire subject site within the Clackamas Regional Center (CRC) boundary, and so that all the parcels within the subject site would be consistently zoned as regional center mixed use (RCMU). The rest of the Eagle Landing Plan Area is located within unincorporated Clackamas County, and the standards for the PMU and RCMU designations are consistent between both Clackamas County and the City of Happy Valley. The proposal changing the subject site land use designations to RCMU and associated map corrections do not require an exception to any Statewide Planning Goal.

Goal 3 Agricultural Lands

Response: The subject site is not on land designated as agricultural by the City of Happy Valley. Therefore, this goal does not apply.

Goal 4 Forest Lands

Response: The subject site is not on land designated as forest by the City of Happy Valley. Therefore, this goal does not apply.

Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

Response: The City of Happy Valley has not identified Goal 5 resources on the subject site.

Goal 6 Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Response: This goal applies primarily to local governments. Any potential environmental quality impacts associated with developing the subject site will be considered at the time of master plan approval and/or development review. For now, the Concept Plan illustrates pedestrian-oriented elements to reduce driving and air pollution in the district and open space to help with natural stormwater storage and filtration.

Goal 7 Areas Subject To Natural Disasters and Hazards

Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

Response: According to the Clackamas County mapping system (CMap), all parcels on the subject site (both in Clackamas County and the City of Happy Valley) are listed as "lower risk" or "lowest risk" for earthquake, "likely not in a flood zone, " and "moderate risk" or "lowest" risk for wildfire. There are no slopes over five percent on the subject site.

Goal 8 Recreation Needs

This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

Response: The Concept Plan that is enabled by adopting the RCMU land use designation includes public recreational facilities such as trails, parks, plazas, meeting spaces, and a convention/community center that would serve the area. The Concept Plan is not a proposed destination resort.

Goal 9 Economy Of The State

Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Response: The purpose of the proposed map amendments is to enable a compact, high density development with a mix of uses. Johnson Reid, LLC prepared an Analysis of Employment and

Impacts of Mixed- Uses at the Eagle Landing Development (Exhibit D). The analysis found that "Due to the greater concentration of uses, the proposed mixed-use development has the potential to house significantly more employment over a traditional development, offering more employment opportunities to residents of Eagle Landing as well as Happy Valley and Clackamas. The report also found that "...a mixed-use development may also achieve build-out sooner than disparate single uses, which would bring employment to the site more quickly." The development of the Concept Plan is expected to provide 7,500 construction and at least 3,000 permanent jobs. The number of permanent jobs could be as much as 30% higher given new higher density formats for retail and office uses that are expected to locate within Eagle Landing.

The Johnson Reid analysis also found that:

A mixed-use development has the potential to achieve greater density, more built form, at a higher property value relative to traditional development. This combination should increase the property's assessed value, and therefore promise enhanced tax revenues overtime for local tax districts

The higher achievable rent and price levels found in mixed-use development will tend to correlate with higher-wage office employment, higher-end retail, and higher quality of residential development.

The transformational goal of the Eagle Landing project is to create an emerging lifestyle that offers a creative and entrepreneurial atmosphere where business can thrive and innovation can flourish. This is in part because the design concept encourages housing to be built closer to where people work and shop, which will facilitate and encourage wellness in a "5 minute walk-able" community. The Concept Plan calls for 430,000 square feet of retail, 730,000 square feet of office, 865 units of residential, institutional uses, as well as walking trails, public parks and meeting spaces, and parking could be located on the subject site. The size, accessibility, and location of the subject site and Eagle Landing Plan Area are unique in the region. There are no other developable/redevelopable areas of more than 30 acres in such close proximity to an interstate highway, light rail, bus network, major retail center (Clackamas Town Center and Promenade), and major employer (Kaiser Sunnyside Medical Center).

Goal 10 Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Response: The City of Happy Valley has an acknowledged Comprehensive Plan containing housing policies consistent with Goal 10. This proposal demonstrates compliance with these policies in earlier sections of this report. As noted previously, with the proposed amendment to RCMU, no housing capacity will be lost within the Clackamas Regional Center. As envisioned by the Concept Plan, the Eagle Landing Plan Area would provide 865 units.

Goal 11 Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than. be forced to respond to development as it occurs.

Response: The subject site is within the Portland Metro UGB and the Clackamas Regional Center Area Design Plan boundary, and a portion of the subject site is currently within the designated Clackamas Regional Center (CRC) boundary. The regional center is served by urban-level facilities and utilities. The subject site is served by Clackamas County Fire District #1, Mt. Scott Water District #3, and Clackamas County (sewer) Service District #1. When the Applicant applies for master plan approval and subsequent development permits for the Concept Plan, they will meet or exceed Happy Valley requirements for service and utility provision.

Goal 12 Transportation and the Transportation Planning Rule

The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

Response: A Traffic Impact Analysis was prepared by David Evans and Associates and is included as Exhibit "A" of this application. Section 6.2 of the Transportation Impact Analysis addresses Transportation Planning Rule Compliance. For the purposes of analyzing the proposed plan and zone amendments, the currently assumed mix and density of land uses described in the Concept Plan represent a reasonable worst case build-out scenario under the proposed PMU6 zoning. The Traffic Impact Analysis concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

In addition, the area is well served by existing transit, with eight bus lines currently serving the Clackamas Town Center and CTC transit center. Two bus routes serve the area of the subject site, all wheelchair-accessible. Light rail service runs along I-205 between Clackamas Town Center and Gateway. The South Corridor Project includes plans for light rail from Milwaukie, south of the subject site, to Portland. Details on existing transit services are contained in the Traffic Impact Analysis, Section 3.2 Transit Facilities

Goal 13 Energy

Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy based upon sound economic principles."

Response: The purpose of the proposed map amendments is to enable a compact, high density development with a mix of uses as illustrated by the Concept Plan. The location of the subject site and the design of the Concept facilitate energy conservation in terms of transportation. Three bus routes serve the area of the subject site and light rail service runs along I-205 between Clackamas Town Center and Gateway. The Concept Plan includes pedestrian pathways connecting destinations within the subject site, as well as connecting the subject site to the surrounding area and the transit system.

Goal 14 Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Response: The subject site is within the Portland metropolitan area UGB. The purpose of the proposed map amendments is to enable a compact, high density development with a mix of uses as illustrated by the Concept Plan. The Concept Plan proposes a vertical and horizontal mix of uses at an urban density of approximately 143 people per acre for the subject site.

Goal 15 Willamette Greenway

Response: The subject site is not in the vicinity of the Willamette River; therefore Goal 15 does not apply.

Goals 16 – 19

Goal 19 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources

Response: The subject site is not in the near the ocean or in a coastal area. Therefore, Goals 16 through 19 do not apply.

Chapter 16.23 Commercial and Employment Districts

16.23.010 Mixed Use Commercial and Employment Districts

A. Purpose

1. Mixed use commercial (MUC). Mixed use commercial will provide for convenience commercial needs of residential neighborhoods and office workers in locations adjacent to and mixed in with residential and office areas. The location of services and offices near residential units and major transportation networks should promote use of alternative modes of transportation such as bus ridership, bicycle and pedestrian activity. Retail uses should be primarily located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented towards the street or accessway with clearly marked entrances. Blank frontage walls at street level are discouraged. Development boundaries and patterns are not defined by type of use (i.e., retail and office); instead the district allows a variety of permitted uses to occur throughout the commercial district. The commercial uses are meant to provide a concentration of commercial and office uses to create an active area.
2. Mixed use employment (MUE). The mixed use employment district will provide for development of office, employment and medium density residential uses. The MUE neighborhood commercial sub district provides for neighborhood scale retail needs.
3. ~~MUE neighborhood commercial (MUE – NC) sub district. In order to provide retail uses which serve the surrounding neighborhoods and employment areas of the MUE district, the neighborhood commercial sub district establishes uses and standards for the development of commercial and residential uses with good visibility from arterials, collectors and local streets within the MUE district.~~ **Regional center mixed use (RCMU). The regional center mixed use district will provide for urban development within the boundaries of the Clackamas Regional Center. A wide range of uses is permitted within the district. The district is intended to create a quantifiable sustainable mixed use area with high employment and housing densities, structured parking, and significant amenities in an urban design that is accessible by a range of transportation modes. To ensure that the mix of uses and urban form are consistent with the objectives of the district, master plan approval is required prior to development. The RCMU District implements the planned mixed use policies of the Clackamas Regional Center Area Design Plan.**

B. *Permitted Uses*

Table 16.23.010-1 identifies the land uses that are allowed in the MUC, MUE and ~~MUE-NC~~ **RCMU** Districts.

Table 16.23.010-1: Mixed Use Districts: Permitted Uses
MUC, MUE and ~~MUE-NC~~ RCMU
P=Permitted; C=Conditional Use; X=Prohibited

Use	MUC	MUE	~~MUE—NC Subdistrict~~ RCMU[1]
Commercial--Retail Uses			
Art and craft supply stores, studios	P	P[1]	P
Bakeries	P	P[1]	P
Banks, savings and loan associations, loan companies, ATMs	P	P[1]	P
Barber shops, beauty salons	P	P[1]	P

Exhibit 2

Use	MUC	MUE	~~MUE—NC Subdistrict~~ RCMU[1]
Bed and breakfast inns	P	P[1]	P
Bicycle sales, supplies, repair service	P	P[1]	P
Book stores	C	C	~~C~~ P
Camera stores	P	P[1]	P
Coffee shops, cafes, sandwich shops and delicatessens	P	P[1]	P
Drug stores	P	P[1]	P
Dry cleaners and tailors	P	P[1]	P
Florists	P	P[1]	P
Hardware and garden supplies	P	P[1]	P
Home furnishing stores	P	P[1]	P
Gift stores	P	P[1]	P
Grocery, food, specialty foods, and produce stores	P	P[1]	P
Hotels	P	P[1]	P
Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities.	P	P[1]	P
Exercise and tanning studios	P	P[1]	P
Interior decorating shops, sales and service	P	P[1]	P
Laundromats	P	P[1]	P
Music shops, sales and service	P	P[1]	P
Optometry and optical goods, sales and service	P	P[1]	P
Photo finishing, photography studios	P	P[1]	P
Rental stores, without outdoor storage	P	P[1]	P
Restaurants full service	P	P[1]	P
Restaurants--Drive through	P	C	~~C~~ P
Apparel and secondhand stores	P	P[1]	P
Service stations	C	C	C
Shoe sales and repair stores	P	P[1]	P
Sporting goods, sales and service	P	P[1]	P
Stationary stores	P	P[1]	P
Taverns, bars and cocktail lounges (prohibited 1,500 feet from school uses)	C	C	C
Theaters or assembly halls	C	C	~~C~~ P
Yogurt and ice cream stores	P	P[1]	P
Vehicular service	P	P[1]	P
Veterinarian services and pet supplies	P	P[1]	P
Video rental stores	C	C	~~C~~ P
Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination through the design review process.	P	P[1]	P

Use	MUC	MUE	~~MUE – NC Subdistrict~~ RCMU[1]
Commercial – Offices			
Professional and administrative offices	P	P	P
Medical office buildings	P	P	P
Residential			
Low Density[2]	P	P	P
Medium and High Density[3] *(Note: Mixed use buildings with residential and commercial are allowed in addition to single use residential buildings.)*	P	X	~~X~~ P
Senior housing	P	P	P
Home occupation (Section 16.69.020)	P	P	P
Industrial			
Manufacturing and production	X	P	~~X~~C
Industrial services	X	P	X
Flex-space	X	P	X
Wholesale sales	X	P	X
Institutional			
Churches, synagogues, temples or places of worship	C	C	~~C~~ P
Public park, usable open space	C	C	~~C~~ P
Public and private schools (includes day care)	C	C	~~C~~ P
Commercial Day care centers (adult and child care facilities)	P	P[4]	P
Community service	P	P	P
Civic Uses			
Libraries, post offices, community centers, etc.	P	P	P
Other			
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P	P	P
Wireless communication facilities	Per Chapter 16.44.020	Per Chapter 16.44.020	Per Chapter 16.44.020

NOTES:

1) ~~Use permitted according to MUE NC rules.~~ Uses in the RCMU district are subject to additional standards in Section 16.23.010.D.

2) Low density multi-family residential shall be developed in accordance with the standards of the MUR-M1 district.

3) Medium density multi-family residential shall be developed in accordance with the standards of the MUR-M2 district and high density multi-family residential shall be developed in accordance with the standards of the MUR-M3 district.

C. Development Standards. The development standards in Table 16.23.010-2 apply to all uses, structures, buildings, and development in the MUC, MUE and ~~MUE-NC~~ **RCMU** Districts.

Table 16.23.010-2: Development Standards for MUC, MUE and ~~MUE-NC~~ RCMU

Standard	MUC	MUE	~~MUE-NC~~ RCMU
Residential Density:[1]			
Low Density (maximum)	24 du/net acre	24 du/net acre	~~NA-~~24 du/net acre
Low Density (minimum)	15 du/net acre[2]	15 du/net acre[2]	~~NA-~~15 du/net acre[2]
Medium Density (maximum)	34 du/net acre	NA	~~NA-~~34 du/net acre
Medium Density (minimum)	25 du/net acre[2]	NA	~~NA-~~25 du/net acre[2]
High Density (maximum)	50 du/net acre	NA	~~NA-~~50 du/net acre
High Density (minimum)	35 du/net acre[2]	NA	~~NA-~~35 du/net acre[2]
Lot Size (minimum)	Variable[3]	Variable[3]	~~See 16.23.010.D.3.~~ Variable[3]
Lot Width (minimum)	Variable[3]	Variable[3]	Variable[3]
Lot Depth (minimum)	Variable[3]	Variable[3]	Variable[3]
Floor Area ratio			~~See 16.23.010.D.3~~
Nonresidential FAR (minimum)	0.25:1[4]	0.25:1[4]	0.25:1[4]
Nonresidential FAR (maximum)	5:1	2:1	5:1
FAR for mixed use building with residential uses (minimum)	0.25:1	0.25:1	0.25:1
FAR for mixed use building with residential uses (maximum)	5:1	3:1	5:1
Landscaping (minimum)	Variable[5]	Variable[5]	Variable[5]
Building Setbacks (minimum):	Variable[3]	Variable[3]	Variable[3]
Building Height (maximum)	65 feet[3]	65 feet[3]	~~65 feet~~ Variable[3]

NOTES:
1) Density calculations shall be made pursuant to Section 16.63.020.F.
2) Minimum density of eighty (80) percent of each sub-area is required.
3) Building height is measured pursuant to Chapter 16.12 Definitions. Standards are flexible and shall be determined through the master plan process or a design review.
4) Must include a shadow plan to establish future development.
5) Pursuant to Section 16.42.030, fifteen (15) percent of the net developable area must be usable open space.

D. Additional Standards for the ~~MUE-NC sub-district.~~ **RCMU district.**

1. **Location**
   The RCMU district may only be located within the boundaries of the Clackamas Regional Center and may only be applied to land within the Eagle Landing Plan Area as designated on Happy Valley Comprehensive Plan Map X-CRC-2 (as amended).

2. Master Plan Required.
   a. The RCMU district is a Planned Mixed Use area and is subject to the master plan requirements of Chapter 16.65 except as modified by this section.
   b. The master plan shall include the entire Eagle Landing Plan Area as designated on Happy Valley Comprehensive Plan Map X-CRC-2 (as amended).

3. Mix of Uses Required.
   a. A mix of uses is required. At a minimum the following uses shall be accommodated within the master plan:
      (1) 584 dwelling units within the Eagle Landing Plan Area.
      (2) 600,000 square feet of office or commercial development within the RCMU district.

4. Phasing Plan. For multi-phased developments where the required mix of uses is proposed to be achieved in phases, a Development Phasing Plan shall be submitted as a part of the master plan application.
   a. The Development Phasing Plan shall demonstrate:
      (1) How the required mix of uses will be provided through phasing, including the approximate locations, amount in square feet (a size range may be provided), and timing of each use.
      (2) How on-site circulation, parking, landscaping and other on-site improvements will function, after the completion of each phase and following complete build-out of the development site.
      (3) If a size range(s) for a use(s) is provided, the Development Phasing Plan shall demonstrate how both the minimum and maximum amounts enabled by the range meet the requirements of this section.
   b. The Development Phasing Plan shall also identify in what order and how proposed public utilities, public facilities and other improvements and amenities necessary to support the project will be constructed, dedicated or reserved.

5. Development Standards. The master plan for the Eagle Landing Plan Area shall be designed to implement the policies and elements of the adopted Clackamas Regional Center Area Design Plan. In addition, the master plan and subsequent development within the RCMU district shall be subject to the following standards:

   a. Buffering. When existing residential uses are located adjacent to a RCMU master plan site, such uses shall be buffered from the RCMU master plan site with landscaped buffers or by the location of streets, parks, plazas, greenways, or lower density residential uses in the RCMU master plan.

   b. Access and Circulation. Circulation on site must meet the minimum requirements shown on the Urban Design Elements map, and in addition:

      (1) Internal Circulation: An internal circulation system shall include a network of public, private and internal streets. Private streets shall function like local streets, with curbs, sidewalks or raised walking surfaces on both sides, street trees, pedestrian scale lighting,

and connections to state, county or public streets. This internal street network shall create developable sites defined by streets.

In addition, the internal circulation system may include a range of secondary facilities, including service roads, driveways, drive aisles, and other similar facilities. The overall intent is to provide a pattern of access and circulation that provides a clear and logical network of primary streets that have pedestrian orientation and amenities. A secondary network of pedestrian ways and vehicular circulation will supplement this system.

(2) Driveways: Internal driveways shall not be located between buildings and the streets to which building entrances are oriented.

(3) On street parking: Parking in the travel way may be provided on private or internal streets. This parking will not count as surface parking under the maximum parking ratio requirements of Section 16.43.030, but may be counted toward minimum parking requirements.

(4) Off-street paths: The internal circulation system may provide for off-street bicycle paths, pedestrian paths, and greenway paths to link civic spaces, retail centers, and neighborhoods.

c. Pedestrian oriented areas. The master plan shall include pedestrian oriented areas which do not front solely on arterial streets and parking fields. The purpose of this standard is to enhance the pedestrian experience and "village feel" of the centers. As part Master Plan review, applicants shall demonstrate compliance with this standard by using a combination of the following, or similar, concepts and guidelines:
(1) Provision of a "main street" and/or village center area that is framed by buildings oriented to both sides of the street or center.
(2) On-street parking.
(3) Storefront character, with entries oriented to the street, large display windows, and front facades broken into divided bays.
(4) Public plazas and promenades.
(5) Strong corners, as described in Happy Valley Style Architectural Design Standards.
(6) Residential uses on upper stories.
(7) Public uses in prominent locations.

d. Building Height. Permitted minimum and maximum building heights shall be established by the approved master plan for all subsequent development. Buildings heights should emphasize creating a compact urban form in a context-sensitive and sustainable manner.

d. Building Orientation. New buildings shall have at least one public entrance oriented to a state, county, public, or private street. Buildings shall have first floor windows with views of internal activity or display cases, and the major entrance on the building facade facing the street the building is oriented to. Additional major entrances may also be allowed facing minor streets and parking areas.

e. Structured Parking adjacent to pedestrian facilities. Parking structures located within 20 feet of pedestrian facilities including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the facade facing the pedestrian facility. Techniques to use include, but are not limited to:

(1) Provide retail, office or similar uses on the ground floor of the parking structure with windows and activity facing the pedestrian facility; or,

(2) Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; or,

(3) Provide pedestrian amenities in the transition area between the parking structure and the pedestrian facility, including landscaping, trellises, trees, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.

(4) The above listed techniques and features, and others of similar nature, must be used so that blank walls are not created.

f. Parking and loading. Parking and loading shall meet the requirements of Chapter 16.43 and the landscaping requirements of Chapter 16.42.

g. Drive-through window facilities. Drive-through window facilities are allowed subject to the standards in Section 16.44.090

h. Gateways. Provide for a gateway at a key intersection with special design and landscape treatment that are intended to provide a visual announcement that people are entering a special area.

i. Public Facilities: The City may require the provision of, or participation in, the development of public facility improvements to implement the Clackamas Regional Area Plan. Such improvements include, but are not limited to, the following:
(1) Road dedications and improvements;
(2) Traffic Signals;
(3) Transit facilities;
(4) Sidewalks, crosswalks, bump-outs and other pedestrian improvements;
(5) Storm drainage facilities;
(6) Sewer and water service lines and improvements;
(7) Underground utilities;
(8) Street lights;
(9) Street trees, landscaping; and
(10) Open space, greenways, plazas and parks.

j. Maintenance Mechanisms: The City may require the formation of a maintenance agreement or other suitable mechanism to assure that the following maintenance responsibilities are adequately addressed:
   (1) To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting.
   (2 To maintain landscaping, street furniture, storm drainage and similar streetscape improvements developed in the public right of way.

k. Open Space. Master plans shall contain a minimum of twenty (20) percent useable open space. Open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:
   1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
   2. The open space shall be conveyed in accordance with one of the following methods:
      a. By dedication to a public agency as publicly owned and maintained open space. Open space proposed for dedication must be acceptable to the Planning Official with regard to the size, shape, location, improvement, environmental condition;
      b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

l. Design Review. New development in the district shall be subject to 16.62, Design Review (including Section 16.46.010 and Appendix B, Happy Valley Style.

~~1. Definitions.~~

~~a. Site. As used in this section, the word "site" is the total area brought forward in a development application identified for development with neighborhood commercial uses.~~

~~b. Mixed Use Building. As used in this section, the term "mixed use building" means a building that has more than one use or tenant, is more than one story tall (i.e. vertical mixed use), and no more than fifty (50) percent of the gross leasable area is occupied by commercial retail uses, as listed in Table 16.22.010-1.~~

~~2. Location.~~

~~a. The MUE neighborhood commercial sub district may be located anywhere within the area designated as MUE on the Rock Creek Plan map or other areas designated MUE in the City's Comprehensive Plan map.~~

~~b. MUE neighborhood commercial sites shall be designated on planned mixed use master plans created in accordance with Section 16.31.020 or design review plans submitted under Chapter 16.62, design review, Site Development Plan.~~

~~c. Only one MUE neighborhood commercial site shall be allowed within the MUE portion of a Master Plan developed in accordance with Section 16.31.020. If an MUE area is developed without a Master Plan because the MUE area is less than five acres, than the maximum MUE neighborhood~~

commercial area shall be that listed in Table 16.23.010-3. Neighborhood commercial development in the MUE district shall not be phased to avoid the maximum site size limits.

3. Site Size and Allowable Floor Area Standards.

a. Dimensional standards for retail development in the neighborhood commercial sub district are located in Table 16.23.010-3.

Table 16.23.010-3[1]
Maximum Areas for MUE Neighborhood Commercial Retail Uses

	Street Frontage Arterial[2]	Street Frontage Collector[2]	Street Frontage Local Street[2]
Maximum retail only site area	3 acres	2 acres	1 acre
Maximum retail only building footprint area	10,000 square feet	5,000 square feet	3,000 square feet
Maximum individual retail use area (gross leasable area)	5,000 square feet	5,000 square feet	3,000 square feet
Maximum retail only building floor area ratio (measurement of building footprint area relative to the neighborhood commercial site area)	0.25:1	0.25:1	0.25:1

[1] Note: this table applies standards only for tenants or buildings that are proposed solely for retail use. Mixed use buildings, as defined in Subsection 16.23.010.D.1.b are not regulated by this table.
[2] In case of multiple frontages, use higher classification.

b. A conditional use permit is required to increase dimensional standards in Table 16.23.010-3. Maximum site area shall not be increased by a CUP or any other adjustment.

c. Street Frontage. In Table 16.23.010-3 means the location of the adjacent street as classified in the city's TSP. In cases where there is more than one access from more than one street type, the higher street classification in accordance with the city's Transportation System Plan shall be used for determining the appropriate development standards.

d. This section regulates the amount of area occupied either by a retail use or retail building size permitted in accordance with Table 16.23.010-3.

i. Maximum Individual Retail Use Area. The maximum area for each separate retail use listed in Table 16.23.010-3 means the area occupied by a discreet user as determined at the time of tenant improvement building permits or other mechanism such as design review application. Uses are considered separate when there is a fire rated wall separating two uses. The area of each use shall be measured from inner wall to inner wall not including hallways and common areas (gross leasable area).

ii. Maximum Single Use Retail Building Footprint Area. The maximum building area for a single use retail building shall be measured by the area contained within the footprint of the building, as measured from outside wall to outside wall, regardless of dividing walls or separate tenant areas.

iii. This standard shall not apply to a mixed use building, as defined in Section 16.23.10.D.1.b.

EXHIBIT B

PROPOSED AMENDMENTS TO TABLE 16.67.070-1

16.67.070 Annexations.

A. Except as provided in subsection B of this section, when a property or area is annexed to the City from unincorporated Clackamas County with an accompanying Clackamas County Comprehensive Plan designation and zone, the action by the City Council to annex the property or area shall include an ordinance to amend the City's Comprehensive Plan map/zoning map to reflect the conversion from the County designation/zone to a corresponding City designation/zone, as shown in Table 16.67.070-1 below.

Table 16.67.070-1 Land Designation Conversion Table

Clackamas County Zone	City of Happy Valley Zone
Urban/Rural Residential	
R-2.5	SFA
R-5	R-5
R-7	R-7
R-8.5	R-8.5
R-10	R-10
R-15	R-15
R-20	R-20
MR-1	MUR-M1
MR-2	MUR-M2
HDR	MUR-M3
RA-2	R-15
FU-10	FU-10
Natural Resources	
EFU	EFU*
Commercial	
NC	MUE-~~NC~~
C-2	MCC
C-3	MCC
RCC	MCC
RCO	MUC
OC	CCC

RCHD	MUR-M2
OA	MUC
PMU6	**RCMU**
Industrial	
I-2	IC
I-3	IC
BP	EC
Special Districts	
OSM	IPU
Sunnyside Village	
VR-4/5	VR-4/5*
VR-5/7	VR-5/7*
VCS	IPU
VA	VA*
VO	VO
VTH	VTH

*Annexation of these zoning districts would require the creation of a new Comprehensive Plan designation/zoning district within the City that would mirror the applicable Clackamas County designation/zone

B. When an unincorporated property within the East Happy Valley Comprehensive Plan area, Aldridge Road Comprehensive Plan area, or the Rock Creek Mixed Employment Comprehensive Plan area is annexed to the City, the property shall be rezoned to the applicable zoning designation in the Comprehensive Plan pursuant to the applicable requirements of the Land Development Code.

C. For any proposed annexation to the City, application shall be made directly to the City of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form, the City shall schedule a public hearing before the City Council. The City may utilize any lawful annexation process under state, regional or local law, including the expedited annexation process established in the Metro Code. An expedited annexation process shall be sent directly to the City Council for review. Expedited annexations shall be processed as an ordinance pursuant to the City of Happy Valley Charter.

D. For any proposed deannexation from the City, application shall be made directly to the City of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form the City shall schedule a public hearing before the City Council. (Ord. 398 § 1, 2010; Ord. 389 § 1(Exh. A), 2009)

August 2011

Traffic Impact Analysis
Eagle Landing Mixed Use Concept



Prepared by:

DAVID EVANS AND ASSOCIATES INC.
2100 SW River Parkway
Portland OR, 97201

Exhibit 3

Eagle Landing
Traffic Impact Analysis

August 25th, 2011

Prepared by:

DAVID EVANS AND ASSOCIATES INC.

David Evans and Associates, Inc.
2100 SW River Parkway
Portland, OR 97201



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1 Introduction

In 1998, Clackamas County approved a comprehensive plan and zone changes on approximately 60 acres that were then occupied by the Top O' Scott Golf Course for a mixed-use development known as Eagle Landing. The Eagle Landing project included single-family residential, multi-family residential, office/commercial, and supportive retail uses. In addition, the project included significant improvement to and dedication of public facilities, including major roadways, trails, and open space amenities.

The comprehensive plan and zone map amendments approved by the County in 1998 included conditions of approval that affected project timing by requiring the completion of several new Clackamas Regional Center (CRC) area roads before Eagle Landing development could take place. These public transportation projects included:

I-205 Frontage Road and Monterey Over crossing	Completed
Sunnybrook Road Extension	Completed
I-205/Sunnyside Road Split Diamond Interchange	Completed
Sunnyside Road widening from I-205 to 122nd Avenue	Completed

In January 2003, the applicant secured a modification to the conditions of approval because construction of the public roads was assured. The modification resulted in the property being rezoned, which removed obstacles to securing financing for on-site improvements. With those changes, the project moved forward with master planning.

David Evans and Associates, Inc. (DEA) conducted the Eagle Landing transportation analysis for the original 1998 land use application and the 2003 traffic analysis. These studies demonstrated that under expected build out conditions, with all public and privately financed transportation improvements in place, traffic from the Eagle Landing mixed use development would meet the County's adopted transportation level of service standards.

Since then, the developers have acquired more land to the west of what is now considered Eagle Landing. This land is currently occupied by the New Hope Church and a small one-level apartment complex. Given that there are proposed changes to the mix of use and addition of uses, the original traffic analysis conclusions no longer hold true.

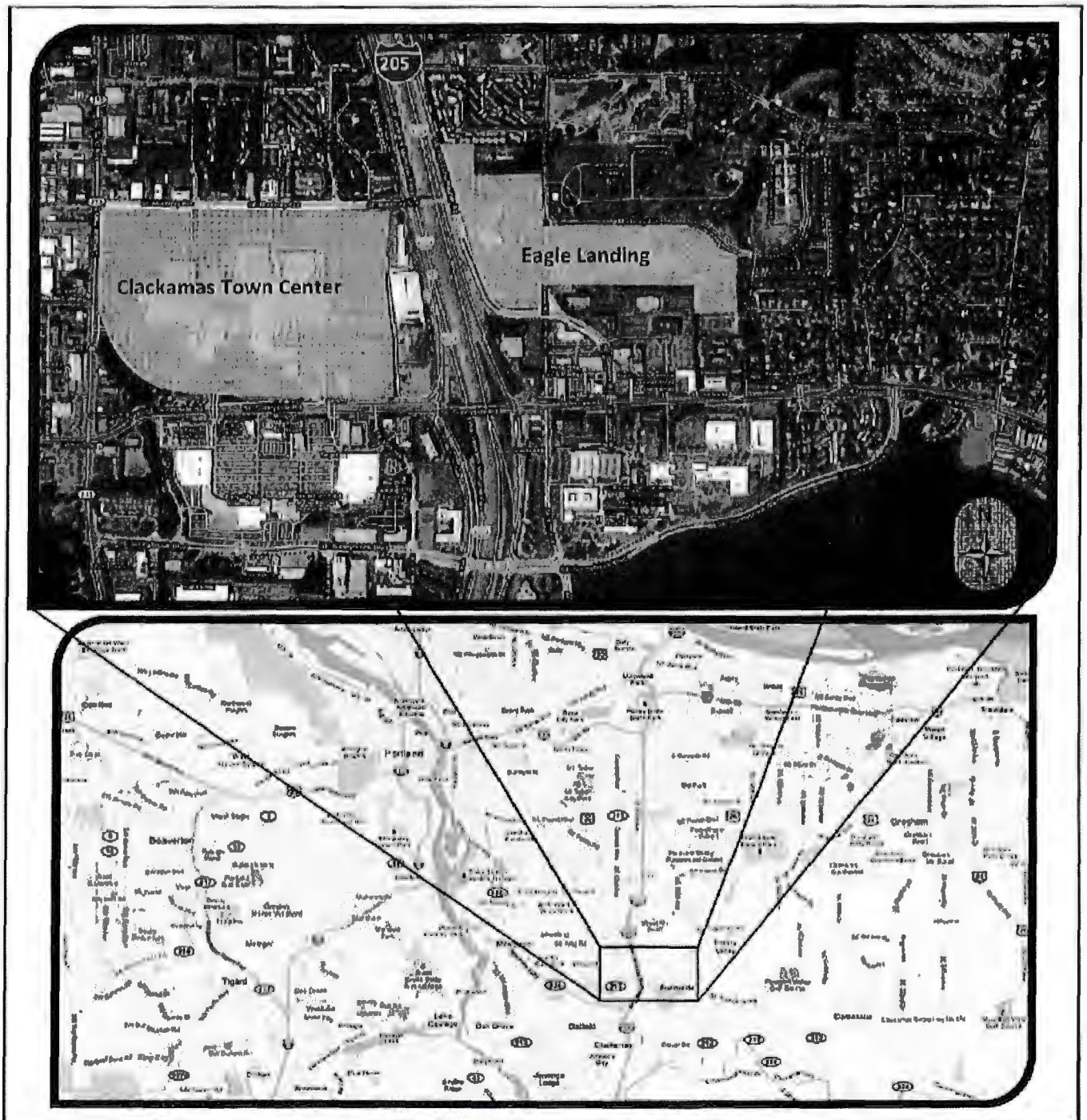
This traffic analysis is intended to study the currently proposed level of development for the total build out scenario for Eagle Landing for a study are that has been expanded to include State and City of Happy Valley facilities. DEA will show that with minor improvements to the existing roadway network, traffic from the Eagle Landing mixed use development will meet the County's, City of Happy Valley's, and State's adopted transportation performance standards.

1.1 Study Area

The Eagle Landing study area lies wholly in Clackamas County and partially in the City of Happy Valley in the southeast quadrant of Portland Metropolitan Area (see Figure 1). It is bounded by Causey Avenue/William Otty Road to the north, Sunnybrook Boulevard to the south, 82nd Avenue to the west, and Valley View Terrace to the east (roads are all S.E. prefix). During the

previous Eagle Landing traffic studies conducted by DEA, the Sunnyside Road corridor was identified as the critical area road segment based on prevailing traffic volumes and operations.

For this study, DEA focused its analysis along the Sunnyside Road corridor between 93rd Avenue and Valley View Terrace. From 82nd Avenue to the I-205 SB ramps, the corridor currently operates as a seven-lane roadway serving the I-205 interchange ramps as well as the Clackamas Town Center. The bridge over I-205 currently operates as a five-lane roadway and serves the I-205 interchange ramps. From the I-205 northbound ramp terminal to just east of Stevens Road, the westbound corridor is a three-lane facility with left-turn pockets and the eastbound corridor is a two-lane facility with left-turn pockets and serves primarily adjacent commercial land uses. From Stevens Road east to just west of Sunnybrook Boulevard, the corridor is a five-lane facility with eastbound and westbound left-turn pockets. From just west of Sunnybrook Boulevard to the east, the corridor is a seven-lane facility with eastbound and westbound left-turn pockets. The corridor from Stevens Road east serves primarily mixed single family and multi-family residential uses.



DAVID EVANS AND ASSOCIATES INC.

Eagle Landing

FIGURE 1

Site Vicinity

Eagle Landing Mixed Use Development

2 Analysis Parameters

2.1 Performance Standards

ODOT, Clackamas County, and the City of Happy Valley all maintain separate performance standards, which apply to the Eagle Landing Traffic Impact Study. **Figure 2** depicts the governing jurisdiction for each intersection within performance standards for the Eagle Landing study area.

2.1.1 Clackamas County

As peak hour traffic operations have neared and reached capacity at times along Sunnyside Road, Clackamas County staff has focused on evaluating arterial Level of Service (LOS) as the performance measure for arterial operations.

Current Clackamas County arterial traffic operations performance standards vary within and outside of the CRC. The Eagle Landing study area falls within the CRC boundary except for the portion of Sunnyside Road east of 104th Court extending eastward to Valley View Terrace. Within the CRC (along 82nd Avenue and Sunnyside Road), Clackamas County follows the two-hour LOS standard for regional centers outlined in Clackamas County's Concurrency Ordinance. The standard specifies that within the CRC (any intersections along 82nd Avenue and Sunnyside Road), traffic operate with no worse than one hour of LOS F and one hour of LOS E during peak conditions, and with one hour at LOS E during the Midday peak. Outside of the CRC, Clackamas County follows the standard outlined in the Clackamas Regional Center Transportation System Plan (CRCTSP) of LOS D during the peak hours as well as the Clackamas County Zoning and Development Concurrency Ordinance (January 2007).

Table 1 summarizes the Clackamas County arterial LOS criteria for Sunnyside Road based on the Highway Capacity Manual (HCM) criteria for a Class II arterial, which most closely characterizes Sunnyside Road within the analysis corridor. The Stevens/Bob Schumacher corridor is classified as a minor arterial between Sunnyside and Monterey, and as a collector to the north of Monterey.

2.1.2 ODOT

ODOT maintains jurisdiction over ramp terminals serving I-205 at Sunnyside Road as well as 82nd Avenue. The 1999 Oregon Highway Plan (OHP) states that ramp terminals must operate with a volume-to-capacity (V/C) ratio at or below 0.90. At a V/C of 0.90, off-ramp queuing should also be short enough such that traffic leaving the freeway can safely stop before reaching any queued traffic. The OHP does allow on-ramp V/C ratios to be above 0.90 when the on-ramp is metered (as in the intersections of Sunnyside Road at the I-205 northbound intersection and the Sunnybrook Boulevard at the I-205 southbound ramp). Within the study area, 82nd Avenue is within the CRC Regional Center boundary. This allows for a maximum V/C ratio of 1.1 during the peak hours and a maximum V/C ratio on 0.99 during the 2nd Hour of the AM and PM peak periods.

Table 1. Level of Service Description for Class II Arterial Roadway

Level of Service	Average Travel Speed (MPH)	Description
A	> 35.0	This level of service describes relatively free flowing conditions at average travel speeds, usually about 90 percent of free flow speed. Vehicles are seldom impeded in their ability to maneuver in the traffic stream. Delay at signalized intersections is minimal.
B	> 28.0 – 35.0	This level represents generally unimpeded traffic operations at average travel speeds, usually 70 percent of free flow speed. Ability to maneuver in the traffic stream is only slightly impeded.
C	> 22.0 – 28.0	This level represents stable operations; however ability to maneuver and change lanes in mid-block locations may be more restricted than in LOS B. Lower speeds of about 50 percent of free flow are expected.
D	> 17.0 – 22.0	LOS D borders on a range in which small increases in flow may cause substantial increases in approach delay and associated decreases in arterial speed. Average travel speeds about 40 percent of free flow.
E	> 13.0 – 17.0	This level is characterized by significant delays and average travel speeds less than one-third of free flow conditions. LOS E generally causec by some combination of adverse progression, high signal density, high volumes, extensive delays at critical intersections, and inappropriate signal timing.
F	≤ 13.0	LOS F characterizes arterial flow at extremely low speeds, from less than one-third to one-quarter of free flow speed. Intersection congestion is likely.

Source: Transportation Research Board, Highway Capacity Manual 2000, 2000, P. 15-3

2.1.3 Happy Valley

According to Policy 5a of the Happy Valley Transportation System Plan (Adopted in February 2006):

> "All signalized intersection shall operate at level of service D or better during the peak hour of analysis. All unsignalized intersections shall operate at level of service E or better (based on average approach delay) for all side street approaches during the peak hour of analysis. The City shall utilize these standards to evaluate land use actions and proposed mitigations."

2.2 Modeling Assumptions

Metro's VISUM travel demand model was used to forecast future conditions for the 2035 Alternatives. The model relies on socioeconomic data (e.g., households and employment) to determine travel demand and system attributes (e.g., roadway capacity, speeds, distances, and transit capacity and routes) to represent the transportation supply.

The regional travel demand uses a four-step process that includes the following components:

- **Trip generation** determines the location, magnitude, and purpose of trip-making based on land use and socioeconomic input data.
- **Trip distribution** identifies origin and destination travel patterns by calculating trip lengths and travel times from transportation system attributes.
- In **mode choice**, trips are sorted into the various vehicle, transit, and in some cases, walk and bike modes.



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Eagle Landing

Legend

This intersection must meet ODOT & Clackamas County Standards

This intersection must meet Clackamas County Standards

This intersection must meet City of Happy Valley Standards

FIGURE 2

Governing Jurisdiction at Study Area Intersections

Eagle Landing Mixed Use Development

- Through trip assignment, routing paths for vehicle and transit trips are determined for several time periods throughout the day.

While the model is effective at estimating overall travel patterns, oftentimes there are inconsistencies associated with using raw turning movement volumes at an intersection level. These may include the all-or-nothing trip assignment, driveways and access points not coded into the model, and entire transportation analysis zones (TAZs) loading onto the roadway network in one or two locations. One of these inconsistencies is the traffic split between Sunnyside and Sunnybrook in the 2035 VISUM network. VISUM continues to assign trips onto Sunnyside even though it is approaching capacity and the alternative, Sunnybrook, is relatively congestion-free.

The VISUM outputs were used for trip distribution percentages as well as for growing the existing 2011 counts to 2035 volumes. The difference method was chosen to estimate the 2035 turning movement volumes from existing turning movement counts. Where the difference method resulted in unrealistic volumes, the ratio method was used. For more information on the difference method or the ratio method, please refer to chapter 8 of the NCHRP 255[1] report. Furthermore, additional steps were taken to account for driveways that exist, but are not modeled in VISUM.

Adjustments had to be made to the VISUM model to more accurately portray turning movements within the study area. For more information regarding these adjustments refer to the Technical Memorandum titled, "Eagle Landing Traffic Impact Analysis Revisions to the Forecasting Model" contained in Appendix A.

2.3 Synchro/SimTraffic Model

The Synchro software is based upon procedures outlined in the 2000 HCM for intersections and arterials and explicitly evaluates traffic operations under a coordinated system of signalized intersections. It also explicitly calculates traffic arrival types, calculates right-turn-on-red capacity, and determines average and maximum expected queue lengths. SimTraffic animates corridor traffic conditions where traffic may spill over from one intersection to another.

At times, peak hour traffic along the Sunnyside Road corridor operates under "forced flow" conditions where traffic demand exceeds capacity. Such flow is characterized by long delays and can result in traffic spilling over from one intersection into adjacent intersections. Under these conditions, and in light of the fact that the Sunnyside Road analysis corridor operates under coordinated signal control, the Synchro/SimTraffic analysis software tools were chosen to evaluate intersection and arterial operations along Sunnyside Road. SimTraffic simulates traffic operations under congested conditions and was used to evaluate arterial speed operations along the corridor. The SimTraffic results support evaluation of arterial LOS.

For this analysis, seven runs of the SimTraffic analysis were completed. The most and least congested of the seven runs were thrown out and the remaining five were averaged.

[1] *"National Cooperative Highway Research Program Report 255: Highway Traffic Data For Urbanized Area Project Planning and Design"*

3 Existing (2011) Conditions

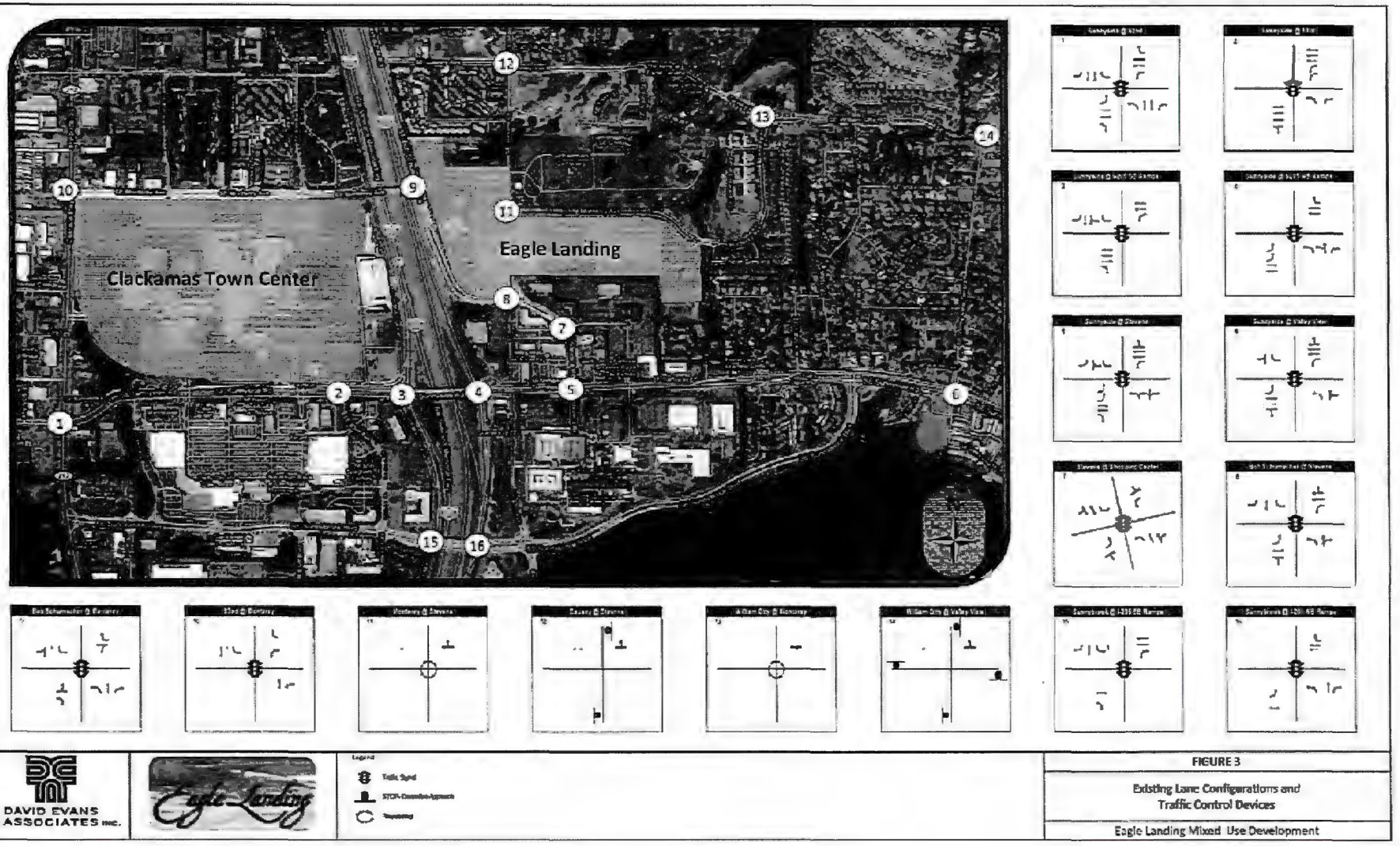
The Eagle Landing study area lies in Clackamas County in the southeast quadrant of the Portland Metropolitan area (see http://r3-dea.com/default.aspxnorth, Sunnybrook Boulevard to the South, 82nd Avenue to the west and Valley View Terrace to the east (roads are all S.E. prefix). During previous Eagle Landing traffic studies conducted by DEA, the Sunnyside Road corridor was identified as the critical area road segment based on prevailing traffic volumes and operations. It is also important to analyze the Bob Schumacher Road/Stevens Road corridor since it is currently functioning as a north/south arterial parallel to I-205.

3.1 Existing Roadway Facilities

For this study, DEA focused its analysis along the Sunnyside Road corridor between 93rd Avenue and Valley View Terrace. From 93rd Avenue to the I-205 SB ramps, the corridor currently operates as a seven-lane roadway serving the I-205 interchange ramps as well as the Clackamas Town Center. The bridge over I-205 currently operates as a five-lane roadway and serves the I-205 interchange ramps. From the I-205 northbound ramp terminal to just east of Stevens Road, the westbound corridor is a three-lane facility with left-turn pockets and the eastbound corridor is a two-lane facility with left-turn pockets and serves primarily adjacent commercial land uses. From Stevens Road east to just west of Sunnybrook Boulevard, the corridor is a five-lane facility with eastbound and westbound left-turn pockets. From just west of Sunnybrook Boulevard eastward, the corridor is a seven-lane facility with eastbound and westbound left-turn pockets. The corridor from Stevens Road east serves primarily mixed single family and multi-family residential uses.

Within the study area, Bob Schumacher Road/Stevens Road operates as a five-lane roadway and serves as a route between the Clackamas Town Center and Sunnyside Road, as well as serving the adjacent commercial land uses.

Table 2 summarizes the transportation facilities within the study area. **Figure 3** shows the existing lane configurations and traffic control devices at the study area intersections.



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Eagle Landing

FIGURE 3

Existing Lane Configurations and Traffic Control Devices

Eagle Landing Mixed Use Development

Table 2. Existing Roadway Characteristics

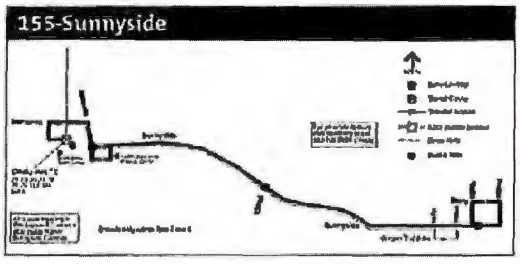
Street	Classification	Lanes	Posted Speed (MPH)	Bicycle Lanes	Sidewalks
Sunnyside					
82nd Ave. to I-205 Overpass	Major Arterial	8	40	Yes	Yes
I-205 Overpass	Major Arterial	5	40	No	Yes
I-205 Ramps to Stevens	Major Arterial	6	40	Yes	Yes
Stevens to 106th	Major Arterial	5	40	Yes	Yes
East of 106th	Major Arterial	7	40	Yes	Yes
Stevens Road					
Sunnyside to Bob Schumacher	Arterial	5	35	Yes	Yes
Bob Schumacher to Causey	Minor Arterial	5	30	Yes	Yes
Bob Schumacher Road					
Stevens to Monterey	Arterial	5	30	Yes	Yes
Monterey Avenue					
Stevens to William Otty	Collector	2	25	No(1)	Yes
I-205 Overpass to 82nd Avenue	Minor Arterial	3	30	Yes	Yes
Causey Avenue					
Bob Schumacher to Monterey	Collector	2	25	No(1)	Yes
William Otty Road					
Monterey to Valley View	Collector	2	25	Yes	Yes
Valley View Terrace					
William Otty to Sunnyside	Collector	2	25	No	Partial

Notes:
(1) These roadways utilize 20 foot travel lanes with a planter strip median. There is adequate space for automobile and bicycle traffic.

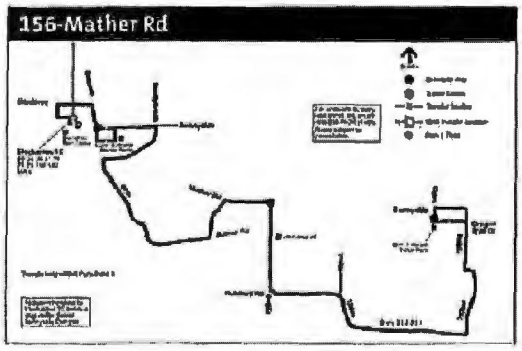
3.2 Transit Facilities

Currently there are two Tri-Met bus routes within the study area, both wheelchair-accessible. The existing transit routes/service levels within the study area are summarized below, followed by the nine other Tri-Met bus routes coming servicing the Clackamas Town Center (CTC).

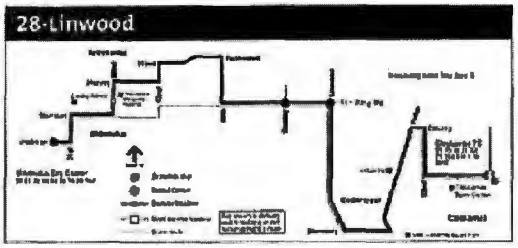
Route 155. Bus route 155 provides access between CTC Transit Center and 157th & Sunnyside Road via the route identified in the map. Route 155 operates on 40-minute headways on weekdays and 45-minute headways on weekends.



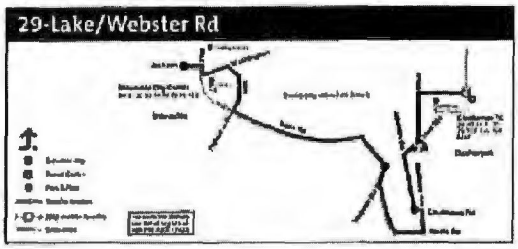
Route 156. Bus route 156 provides access between CTC Transit Center and the Mark O. Hatfield Transit Plaza (147th & Sunnyside Road) via the route identified in the map. Route 156 operates on 80-minute headways on weekdays.



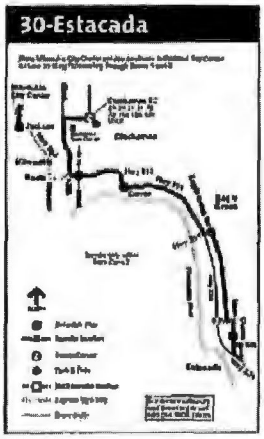
Route 28. Bus route 28 provides access between Milwaukie Transit Center and CTC Transit Center via the route identified in the map. Route 28 only offers service on weekdays. It operates on 60 to 75-minute headways.



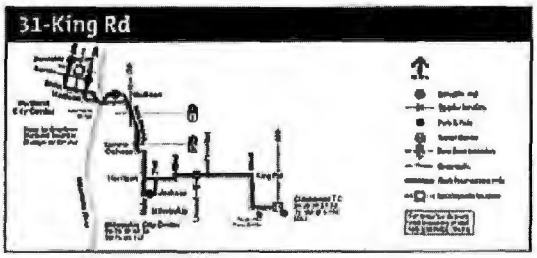
Route 29. Bus route 29 provides access between Milwaukie Transit Center and CTC Transit Center via the route identified in the map. Route 29 only offers service on weekdays. It operates on 62-minute headways during the morning and 80-minute headways during the afternoon.



Route 30. Bus route 30 provides access between The Clackamas Town Center and Estacada via the route indicated in the map. On weekdays in the AM and PM peak period, the route is extended from The Clackamas Town Center and makes an additional final/original stop, respectively, in Downtown Portland. Route 30 offers service on weekdays and Saturdays. It operates on headways ranging between 25 and 60-minute headways on weekdays and 60-minute headways on Saturdays.



Route 31. Bus route 31 provides access between The Clackamas Town Center and Milwaukie via the route indicated in the map. On weekdays in the AM/PM peak period, the route is extended from Milwaukie and makes an additional final/original stop in Downtown Portland. Route 31 operates on headways ranging between 25 and 60-minute headways on weekdays and 60-minute headways on weekends.

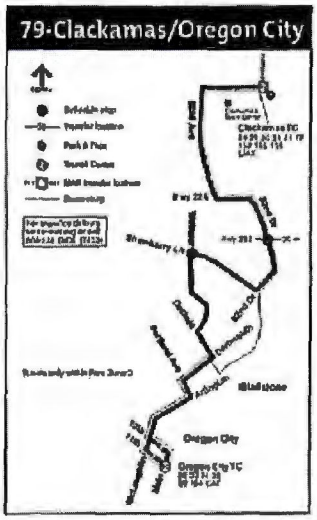


Route 71. Bus route 71 provides access between CTC Transit Center and Lents via the route indicated in the map. Route 71 is a regional bus route offering service on both weekdays and weekends. It operates on headways between 15 and 30-minute headways.



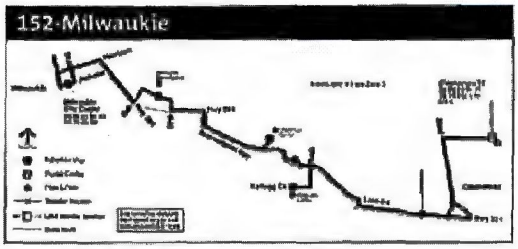
Route 72. Bus route 72 provides access between Swan Island and the CTC Transit Center via the route identified in the map. Route 72 is a frequent service bus and runs on 7 to 30-minute headways every day of the week.



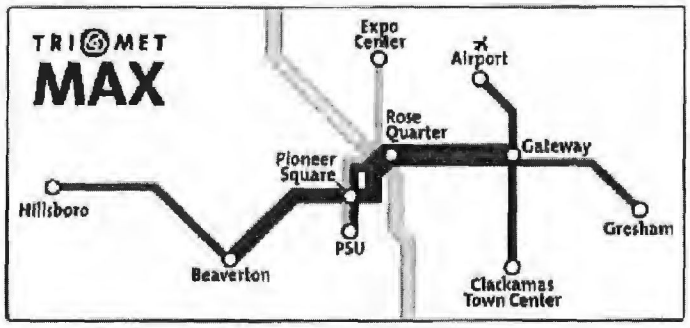


Route 79. Bus route 79 provides access between CTC Transit Center and the Oregon City Transit Center via the route identified in the map. Route 79 is a regional bus route offering service on both weekdays and weekends. It operates on 30 to 35-minute headways.

Route 152. Bus route 152 provides access between CTC Transit Center and the Clackamas Town Center via the route identified in the map. Route 152 only offers service on weekdays. It operates on 30-minute headways during the AM and PM peak periods and 75-minute headways during the rest of the day.



MAX Green Line. The light rail green line provides access between the CTC Transit Center and Portland State University in Downtown Portland via the route identified in the map below. The Green Line operates on 10 to 30-minute headways daily.



3.3 Analysis Period

According to turning movement counts collected in 2007, and similar to the original 1998 land use application, the critical traffic period in 2007 was be the evening PM peak period. The analysis assumes that the PM peak hour will be the period from 4:30-5:30 PM. This is consistent with earlier traffic studies for Eagle Landing that were conducted in 1998, 2000 and 2003. Additionally, the morning peak hour of 7:15-8:15 AM, and the Midday peak hour of 12:00-1:00 PM were also analyzed.

For the PM peak period, two-hour delay based LOS was also calculated. For this analysis, the side-hour consists of the two 30-minute periods on either side of the PM peak hour. Inspection of existing and predicted future corridor volume trends indicates that side hour traffic volumes are expected to continue to be approximately 88 percent of the PM peak hour volumes.

3.4 SimTraffic Model Calibration

Before the analysis could begin the Synchro and SimTraffic models were calibrated for local conditions. For the calibration, traffic volumes, lane configurations, lane utilization and signal timing were input into the Synchro and SimTraffic models. The SimTraffic model was then run for the PM peak hour. The hour long simulation was conducted with a Peak Hour Factor (PHF) to replicate the peaking traffic patterns within the peak hour. Average speed and 95th percentile queue lengths (i.e., 95 percent of the peak hour queues will be shorter) were output from the SimTraffic model and compared to conditions observed during field visits. Desired travel speeds, turning speeds, and headway factors in the SimTraffic model were adjusted and the PM peak hour was re-simulated and, once again, compared to the field observations. This process was repeated until the model output was within 20% of the actual field observations. Given the limited field data used for this (and most) traffic analysis, the manufacturers of SimTraffic consider calibration to within 20% of actual a realistic goal. A 10% calibration is considered excellent but generally requires more detailed field data such as acceleration rates, reaction times, headways, and free flow speeds. Seven SimTraffic simulations seeds were run with the best and worst performing runs being thrown out. The remaining five were averaged to obtain an average model run.

3.5 2011 Existing Traffic Conditions

This section summarizes the traffic conditions within the study area for the year of 2011.

3.5.1 2011 Traffic Volumes

Traffic counts at the study intersections were conducted on various days in January and February 2007 during the weekday evening (4 to 6 PM) peak period as well as the weekday morning (7 to 9 AM) peak period. The Midday counts were conducted at a limited number of intersections (determined by Clackamas County) in October 2007 during the weekday Midday (11:30 to 1:30) peak period. The counts were used to determine the weekday AM, Midday and PM peak hour of traffic within the study area. Analysis of the counts shows an AM peak hour between 7:15 and 8:15, the Midday peak hour is between 12:00 and 1:00 and a PM peak hour between 4:30 and 5:30.

In early 2011, volume comparisons were conducted within the study area to determine the validity of the 2007 counts. All intersections under Clackamas County or City of Happy Valley jurisdiction showed little to no growth in traffic volumes since the 2007 counts were conducted. The six intersections under ODOT jurisdiction, however, did show modest growth between 2007 and 2009. Therefore, the 2011 existing traffic volumes are based on a synthesis of count data from 2007 and 2009. In some locations, minor modifications have been made to turn movement volumes to account for the use of multiple volume sets.

Figure 4 depicts the 2011 existing AM and PM turning movement volumes and **Figure 5** depicts the 2011 existing Midday turning movement volumes. The raw intersection counts are found in Appendix B.

3.5.2 2011 Intersection Operations

Figure 6 depicts the intersection operational results for the year 2011. The full Synchro/SimTraffic outputs are contained in Appendix C. There are no intersections currently operating worse than LOS D during the AM or Midday peak hour.

During the PM peak hour, the intersections of 82nd Avenue at Sunnyside Road and 82nd Avenue at Monterey Avenue are operating at LOS F due to near capacity operations. Also the southbound I-205 ramp terminal at Sunnyside Road and the intersection of Sunnyside Road at Stevens Road are operating at LOS E and all of the ramp terminals have V/C ratios below 0.90.

3.5.3 2011 Intersection Queuing

This section describes the presence and extent of queuing within the study area. When a movement at an intersection is operating near or above capacity, a queue starts to form. Depending on intersection operations, these queues can grow long enough to spill out from turn lanes and begin to affect through lanes. If an entire approach is over capacity, the resulting queuing can affect the entire roadway segment.

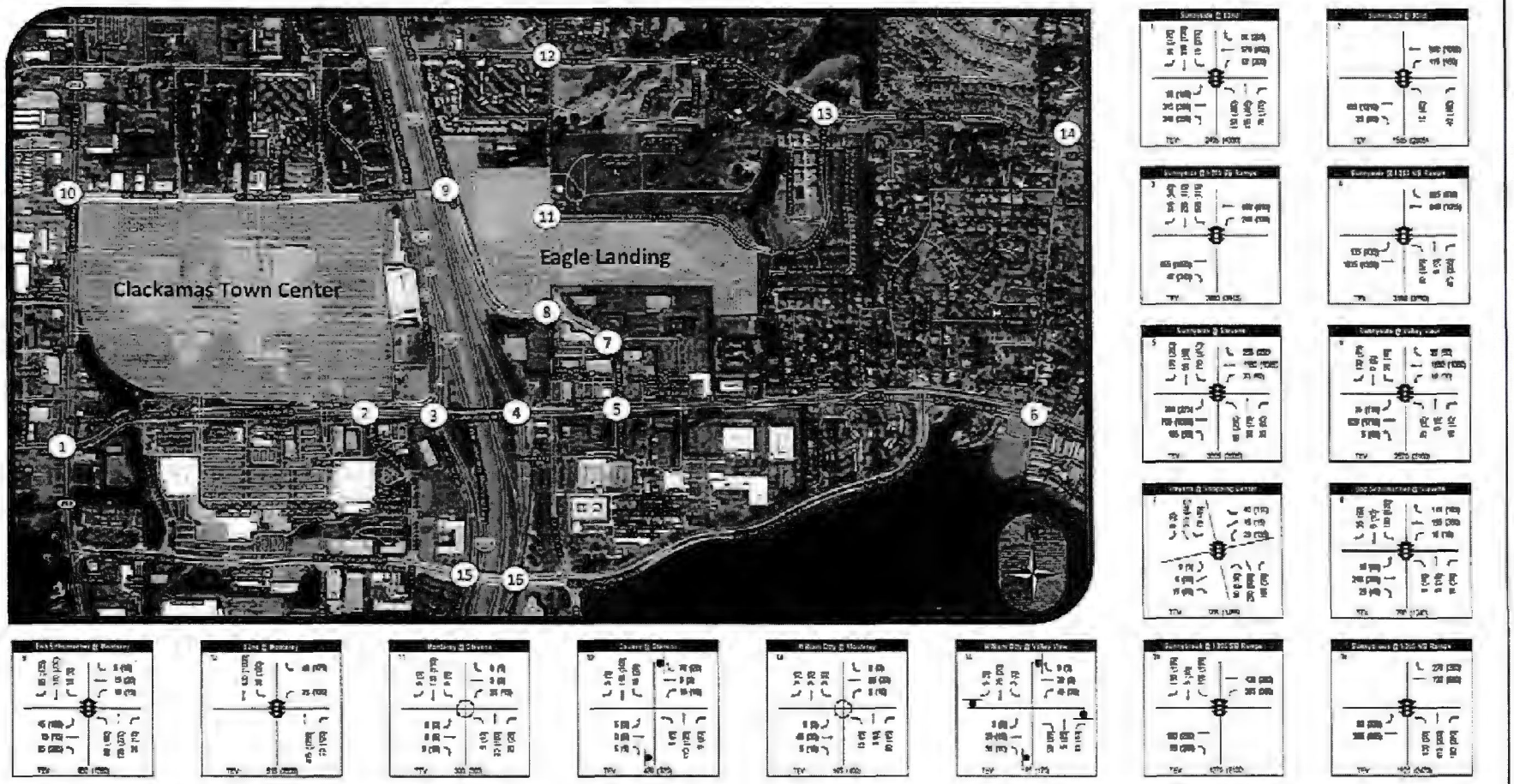
Table 3 summarizes queue lengths within the study area and the available queuing storage for supplemental turn lanes. These queue lengths are summarized to give a reference point from which to compare future queue lengths.

Table 3. 2011 Existing Queue Lengths by Movement

Intersection	Movement	Queue Length PM	Queue Length Midday	Queue Length AM	Available Storage
Sunnyside @ 82nd Avenue	EBL	200	200	125	150
	EBT	275	200	150	-
	EBR	225	100	100	235
	WBL	275	250	100	275
	WBT	275	200	250	-
	WBR	200	125	50	-
	NBL	250	225	150	175
	NBT	650	325	150	-
	NBR	250	200	50	175
	SBL	125	125	125	80
	SBT	>1000	775	150	-
	SBR	150	150	100	100
Sunnyside @ 93rd Ave	EBT	150	150	75	-
	EBTR	125	150	50	-
	WBL	100	125	100	150
	WBT	100	100	75	-
	NBL	150	150	50	-
	NBR	75	75	50	-
Sunnyside @ I-205 SB Ramp	EBT	275	200	125	-
	EBR	50	50	25	-
	WBL	250	275	250	200
	WBT	550	675	275	-
	SBL	625	275	400	450
	SBLT	800	275	425	-
	SBT	950	175	325	-
	SBR	375	75	125	450
Sunnyside @ I-205 NB Ramp	EBL	250	300	100	175[1]
	EBT	150	175	150	-
	WBT	975	525	250	-
	WBR	575	175	175	-
	NBL	100	125	75	300
	NBLT	100	125	500	-
	NBR	150	175	700	-
Sunnyside @ Stevens	EBL	175	225	225	425[1]
	EBT	400	250	175	-
	EBR	175	150	75	175
	WBL	175	125	150	170
	WBT	975	250	500	-
	WBTR	375	250	500	270
	NBL	300	175	50	-
	NBLTR	375	275	150	-
	SBL	250	225	150	190
	SBLT	500	475	175	-
	SBR	350	125	100	-
Sunnyside @ Valley View Terrace [2]	EBL	150	-	75	300
	EBT	100	-	75	-
	EBTR	150	-	100	-
	WBL	50	-	25	100
	WBT	100	-	150	-
	WBTR	150	-	175	-
	NBL	75	-	75	50
	NBTR	50	-	50	-
	SBL	75	-	50	100
	SBTR	75	-	125	-
Monterey @ 82nd Avenue	WBL	650	150	100	100
	WBR	>1000	75	50	-
	NBT	400	300	100	-
	NBR	150	125	50	150
	SBL	350	150	75	900
	SBT	>1000	125	50	-

Intersection	Movement	Queue Length PM	Queue Length AM	Available Storage
Stevens @ Shop Entrance[2]	EBL	25	25	-
	EBTR	75	50	-
	WBL	150	50	-
	WBTR	100	75	-
	NBL	125	100	170
	NBT	125	75	-
	NBTR	125	100	-
	SBL	75	75	130
	SBT	225	100	-
	SBTR	200	75	-
Stevens @ Bob Schumacher [2]	EBL	50	50	285
	EBT	100	75	-
	EBTR	100	75	-
	WBL	50	50	175
	WBT	125	75	-
	WBTR	125	75	-
	NBL	75	25	80
	NBTR	75	50	-
	SBL	100	125	250
	SBLT	50	25	-
	SBR	50	50	300
Monterey @ Bob Schumacher[2]	EBLT	150	75	-
	EBR	50	50	500
	WBLT	50	50	-
	WBR	50	25	80
	NBL	175	100	275
	NBT	75	50	-
	NBTR	100	75	-
	SBL	25	50	150
	SBT	100	75	-
	SBTR	125	75	150
Monterey @ Stevens[2]	EBLTR	25	25	-
	WBLTR	25	25	-
	NBLTR	25	25	-
	SBLTR	25	25	-
Causey @ Stevens[2]	EBLT	25	50	300
	EBR	25	50	-
	WBL	50	50	300
	WBTR	50	75	-
	NBL	25	25	300
	SBL	25	50	200
Monterey @ Causey[2]	EBTR	25	25	-
	WBLT	25	25	-
	NBLR	25	25	-
William Otty @ Valley View Terrace[2]	EBLTR	50	75	-
	WBLTR	50	50	-
	NBLTR	75	50	-
	SBLTR	50	50	-
Sunnybrook @ SB I-205 Ramp[2]	EBT	125	50	-
	EBR	50	25	200
	WBL	150	200	200[1]
	WBT	100	50	-
	SBL	100	75	-
	SBLT	100	100	-
	SBR	75	100	200
Sunnybrook @ NB I-205 Ramp[2]	EBL	125	50	200[1]
	EBT	150	100	-
	WBT	125	125	-
	NBL	100	125	200
	NBLT	150	175	-
	NBT	125	200	500
	NBR	75	25	500

Notes: [1] The storage length for these movements only pertains to one of the two lanes
[2] This intersection not analyzed during the Mid-Day peak period



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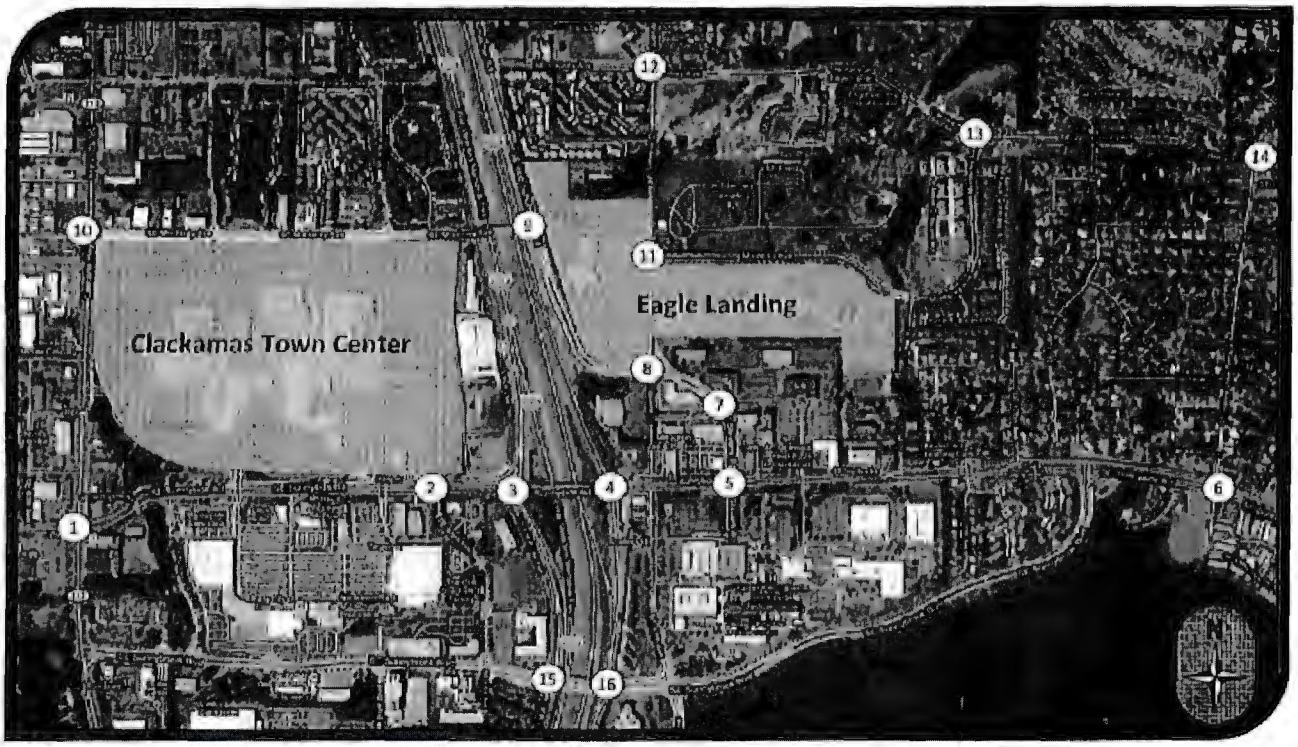
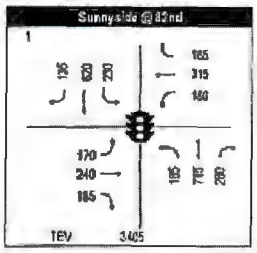
Eagle Landing

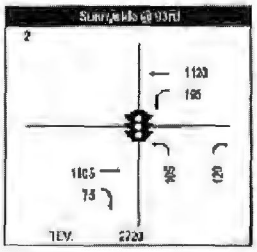
FIGURE 4

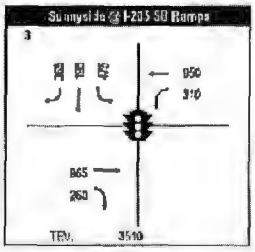
2011 Existing Conditions
Turning Movement Volumes
AM & PM Peak Hours

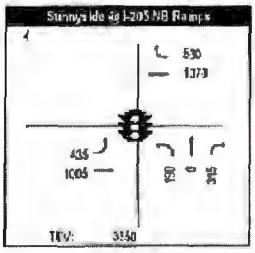
Eagle Landing Mixed Use Development

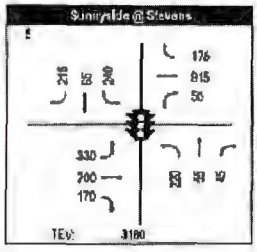


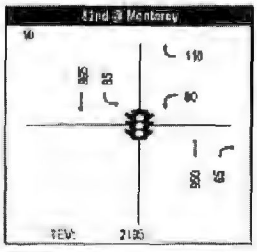












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Eagle Landing

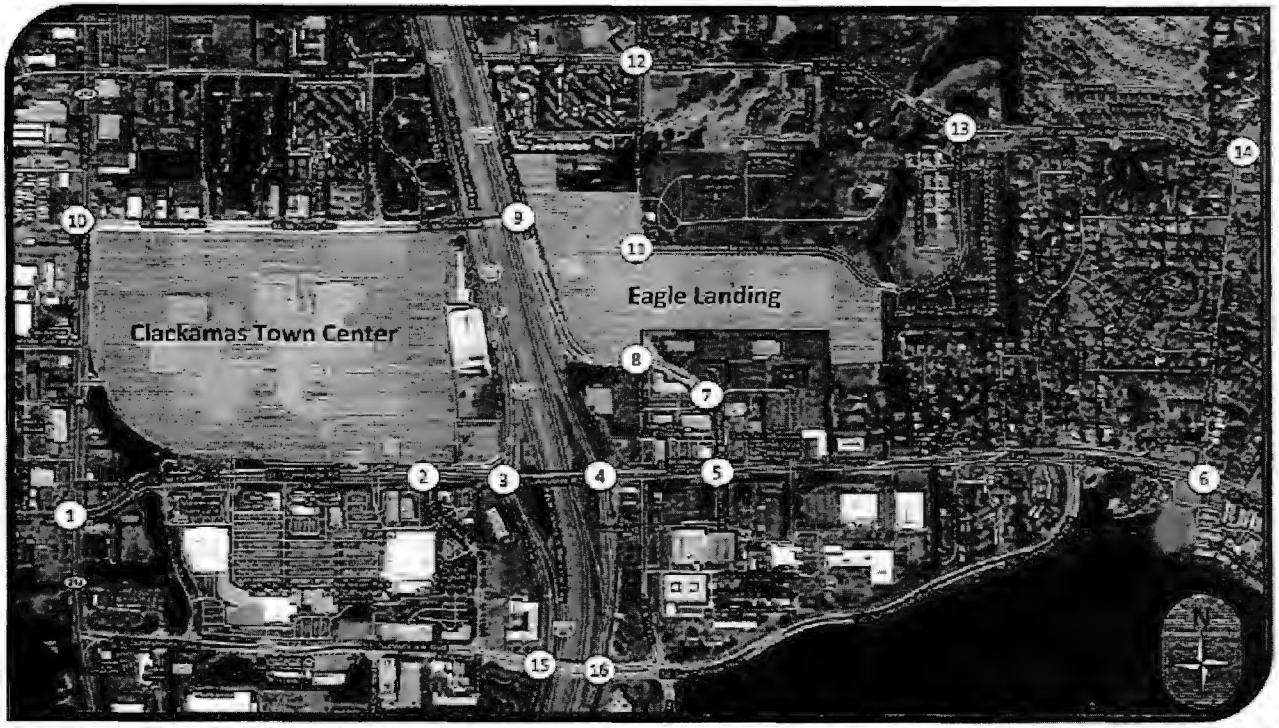
Legend

- Traffic Signal
- STOP-Controlled Approach
- Roundabout
- AM (PM) 1-hour AM (PM) Peak Turning Movement Volume
- Available Turning Movement
- TEV: Total Entering Volume

FIGURE 5

2011 Existing Conditions
Turning Movement Volumes
Midday Peak Hour

Eagle Landing Mixed Use Development



DAVID EVANS AND ASSOCIATES INC.

Eagle Landing

FIGURE 6

2011 Existing Conditions Operational Results

Eagle Landing Mixed Use Development

3.5.4 2011 Corridor Operations

The Sunnyside corridor (between Valley View Terrace and SE 93rd Avenue for the AM and PM analysis and between Stevens and 93rd Avenue during the Midday analysis) and the Bob Schumacher/Stevens corridors were analyzed using the SimTraffic software to examine the corridor as a whole rather than just the individual intersections.

All corridors are operating at LOS D or better in the AM and PM peak hours as can be seen in **Table 4.** During the Midday peak hour, both eastbound and westbound Sunnyside Road operate at LOS E.

Table 4. Existing Corridor Operations

	Sunnyside Corridor						Bob Schumacher/Stevens Corridor			
	AM		MD		PM		AM		PM	
Direction	Speed	LOS	Speed	LOS	Speed	LOS	Speed	LOS	Speed	LOS
Westbound/Northbound	26	C	14	E	20	C	24	B	22	C
Eastbound/Southbound	31	B	16	E	28	C	21	C	18	C

Notes:
Results generated with the use of SimTraffic.
Arterial LOS worksheets from SimTraffic can be found in Appendix C.

3.6 Safety Summary

A safety analysis was conducted to determine if there were any significant documented safety issues within the Sunnyside Corridor analysis area, from 82nd Avenue at Sunnyside Road to Valley View Terrace at Sunnyside Road. Recommended measures at specific locations or general strategies for improving overall safety are then reported. The safety analysis included a review of crash history data supplied by the ODOT Crash Analysis and Reporting Unit and through Clackamas County for a five-year period (2006 through 2010). The crash information through ODOT is collected from police reports (local/county/state), and required crash reports from drivers who have been in accidents. These reports are compiled by ODOT staff into a computer database by day/month/calendar year and by location. It should also be noted that this analysis only accounts for those crashes that were reported. In Oregon, legally reportable crashes are those involving death, bodily injury or damage to any one person's property in excess of $1,500.

3.6.1 Calculation of Crash Rates

The crash rates were calculated from ODOT-provided crash data. For a crash to be considered associated with an intersection, it must occur within 0.05 mile (265 feet) of the intersection. Beyond this distance, crash data would be placed in the segment category. However, no portions of Sunnyside Road are longer than 0.1 miles without an intersection; therefore, there are no segments to analyze.

Intersection crash rates were calculated using the following equations:

$$rate_{int} = \frac{(Crashes \cdot 1{,}000{,}000)}{(365 \cdot Years \cdot ADT)}, \text{ where}$$

$Rate_{int}$ = Crash rate per Million Entering Vehicles (MEV)
Crashes = Number of crashes during the time segment
Years = Number of years being studied
ADT = Average Daily Traffic volume entering the intersection

The number of crashes was determined from ODOT crash data. The sum of the total PM peak hour entering volumes, from each leg, was multiplied by ten in order to estimate an intersection ADT. Crash rates were then calculated for the entire five-year study period.

3.6.2 Intersection Crash Rates

There are no sections of Sunnyside Road, without side street access, long enough to warrant a roadway segment analysis; therefore, all of the reported crashes were categorized into an intersection area of influence. The reported crashes in the years 2006 through 2010 were summarized by location for each of the study area intersections. Intersection crash rates were calculated and are shown in **Table 5**.

Table 5. Intersection Crash Rate Summary

Intersection		Crashes	ADT	5-Year Crash Rate
1	Sunnyside @ Valley View Terrace	20	31,600	0.35
2	Sunnyside @ SE Sunnybrook Boulevard	33	30,700	0.59
3	Sunnyside @ SE 106th Avenue	1	31,600	0.02
4	Sunnyside @ SE 105th Avenue	8	33,100	0.13
5	Sunnyside @ SE 104th Avenue	5	34,300	0.08
6	Sunnyside @ Sunnyside Hospital \ Mt. Scott Medical Center	48	37,700	0.73
7	Sunnyside @ SE Stevens Road	53	39,100	0.74
8	Sunnyside @ SE 97th Avenue	14	40,600	0.19
9	Sunnyside @ I-205 NB Ramps	78	47,400	0.90
10	Sunnyside @ I-205 SB Ramps	99	54,600	0.99
11	Sunnyside @ SE 93rd Avenue	41	26,100	0.86
12	Sunnyside @ Clackamas Town Center East	27	32,300	0.46
13	Sunnyside @ Clackamas Town Center West	11	28,600	0.21
14	Sunnyside @ SE 84th Avenue	4	21,200	0.10
15	Sunnyside @ Cut-Through Driveway to SE 82nd Avenue	2	18,200	0.06
16	**Sunnyside @ SE 82nd Avenue**	**104**	**54,100**	**1.05**

Source: County Road Crash Listing, ODOT Crash Analysis and Reporting Unit

As a rule of thumb, intersections with crash rates of 1.0 or above are potentially problematic and are candidates for further investigation. As **Table 5** shows, all but one of the intersection crash rates below the threshold value of 1.0 with the exception being the intersection of 82nd Avenue at Sunnyside Road. A detailed summary of crashes is reported in **Table 6**.

Table 6. Crash Details Summary

Sunnyside Road at:		Crash Type					Total Crashes	Severity				
		Rear[1]	SS-O[2]	Turn[3]	Angle[4]	Other[5]		Fatal[6]	A[7]	B[8]	C[9]	PDO[10]
1	Valley View Terrace	9	2	5	2	2	20	0	3	2	8	7
2	SE Sunnybrook Boulevard	14	2	12	1	4	33	0	2	3	2	26
3	SE 106th Avenue	1	0	0	0	0	1	0	0	0	1	0
4	SE 105th Avenue	5	0	1	1	1	8	0	1	0	4	3
5	SE 104th Avenue	4	0	1	0	0	5	0	1	1	1	2
6	Sunnyside Hospital \ Mt. Scott Medical Center	30	4	6	4	4	48	0	0	4	21	23
7	SE Stevens Road	28	5	15	4	1	53	0	2	5	10	36
8	SE 97th Avenue	8	1	3	2	0	14	0	1	0	5	8
9	I-205 NB Ramps	52	4	19	1	2	78	0	1	5	19	53
10	I-205 SB Ramps	64	5	18	6	6	99	0	1	4	40	54
11	SE 93rd Avenue	12	2	23	2	2	41	0	4	2	13	22
12	Clackamas Town Center East	11	2	11	3	0	27	0	1	0	11	15
13	Clackamas Town Center West	5	1	3	0	2	11	0	1	0	3	7
14	SE 84th Avenue	0	0	2	2	0	4	0	0	1	2	1
15	Cut-Through Driveway to SE 82nd Avenue	0	0	1	0	1	2	0	0	0	1	1
16	**SE 82nd Avenue**	**53**	**6**	**25**	**10**	**10**	**104**	**0**	**4**	**6**	**36**	**58**

Notes:
(1) Rear-End Collision
(2) Sideswipe While Overtaking Collision
(3) Turning Movement Collision
(4) Angled Collision
(5) Miscellaneous collisions not filed under crash types 1 through 4.
(6) Fatal Injury
(7) Incapacitating Injury – Bleeding or Broken Bones
(8) Non-Incapacitating Injury
(9) Possible Injury – Complaint of Pain
(10) Property Damage Only

Source: County Road Crash Listing, ODOT Crash Analysis and Reporting Unit

The intersection of Sunnyside Road at 82nd Avenue is the only intersection that experienced a crash rate greater than the 1.0 rule of thumb. This intersection experienced a high number of rear-end and turning crashes during the five year study period. The majority of the rear-end crashes occurred on the north and southbound approaches to the intersection and the majority of the turning crashes were between one car making a southbound left-turn onto eastbound Sunnyside Road and the other driving northbound through the intersection. The crash patterns observed for this intersection are indicative of a highly congested intersection within the Portland Metropolitan area.

4 Future (2035) Background Traffic Analysis

4.1 2035 Roadway Facilities

Within the study area, Sunnyside Road and Bob Schumacher/Stevens Road are not scheduled for any improvements. An overpass connecting SE Causey Avenue on the west of I-205 to SE Causey Avenue on the east of I-205 is in Metro's 2035 RTP project list. This project has been put on hold by Clackamas County and therefore, to be conservative, will not be assumed for this analysis. For all roadway characteristics please refer back to **Table 2**.

4.2 2035 Background Traffic Conditions

This section depicts the traffic conditions within the study area if the currently proposed Eagle Landing development were not to be built.

4.2.1 2035 Background Traffic Volumes

Because the 2035 VISUM traffic model includes the approved Eagle Landing land uses, 2035 Background Traffic volumes were derived directly from existing volumes and model forecasts as described in Section 2.6. **Figure 7** depicts the 2035 AM and PM peak hour background turning movement volumes while **Figure 8** depicts the 2035 Midday peak hour background volumes.

4.2.2 2035 Background Traffic Operations

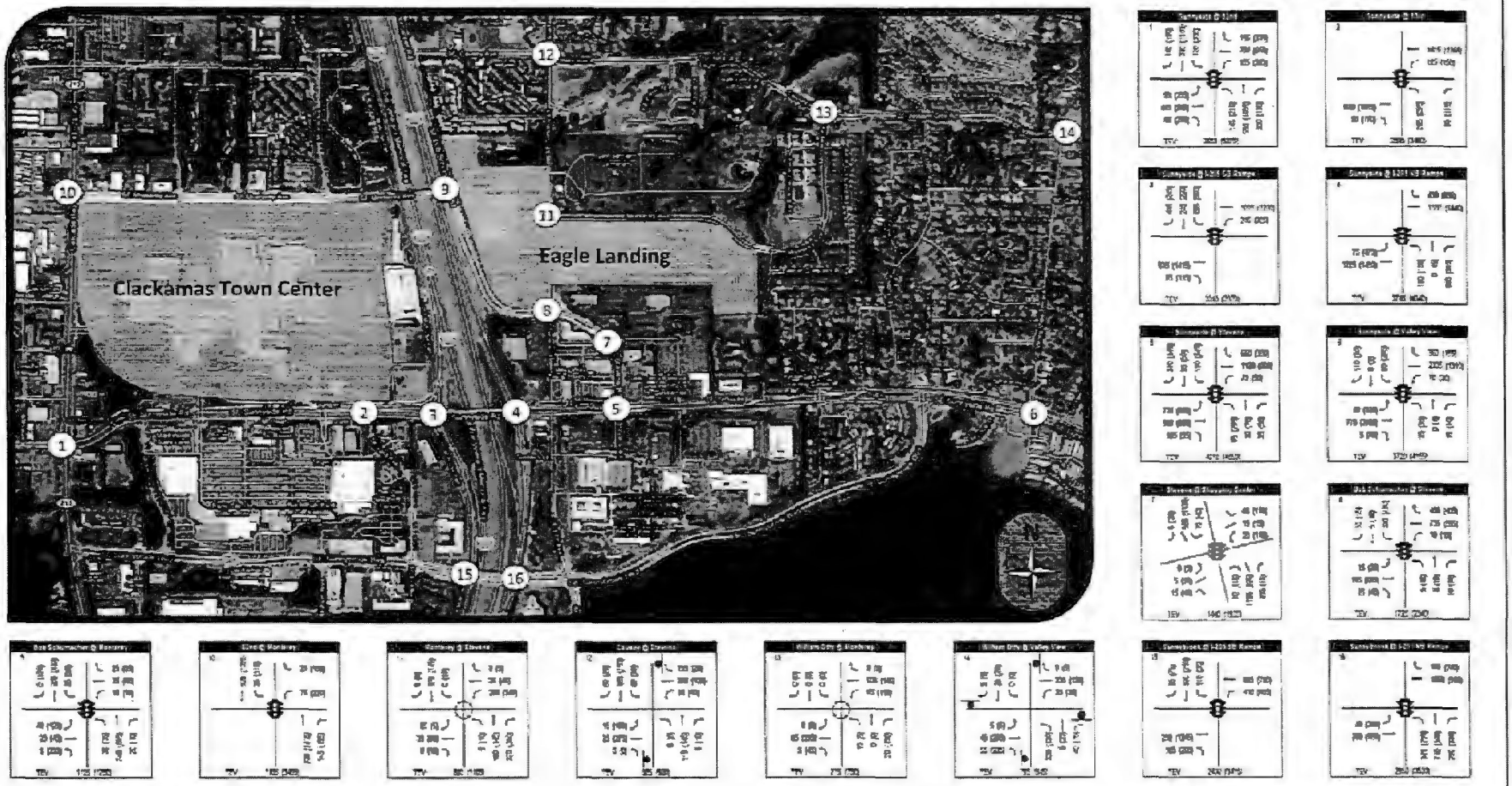
Figure 9 depicts the intersection operational results for the year 2035 analysis. The full Synchro/SimTraffic outputs are contained in Appendix D.

During the AM peak hour all four interchange ramp terminals (Sunnyside at NB and SB I-205 and Sunnybrook at NB and SB I-205) are expected to operate at LOS F as well as the intersection of Sunnyside Road at Stevens Road. However, only the Sunnyside at I-205 NB ramp terminal would have a V/C (1.02) greater than the ODOT V/C ratio standard of 0.90 for the ramps.

During the Midday peak hour, the intersection of Sunnyside Road at 82nd Avenue is expected to operate at LOS F while remaining under ODOT's V/C ratio standard with a V/C of 0.91. The intersections of: 1) Sunnyside at the NB I-205 ramp terminal, 2) Sunnyside at Stevens, and 3) Monterey at 82nd Avenue are expected to operate at the Clackamas County standard of LOS E.

During the PM peak hour following nine intersections are expected to operate beyond standards at LOS F:

- Sunnyside @ 82nd
- Sunnyside @ I-205 NB
- Sunnyside @ Stevens
- Bob Schumacher @ Stevens
- Bob Schumacher @ Monterey
- Monterey @ 82nd



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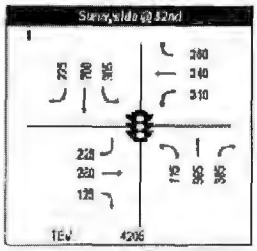
Eagle Landing

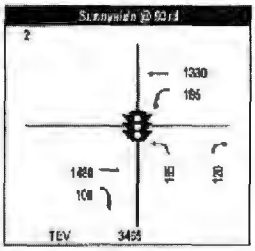
FIGURE 7

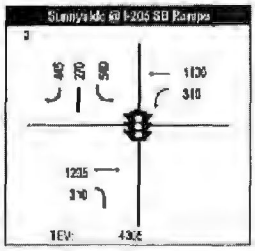
2035 Background Conditions
Turning Movement Volumes
AM & PM Peak Hours

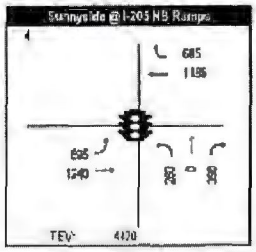
Eagle Landing Mixed Use Development

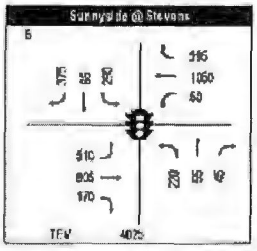


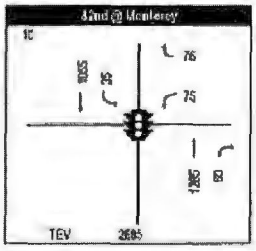












DAVID EVANS AND ASSOCIATES INC.

Eagle Landing

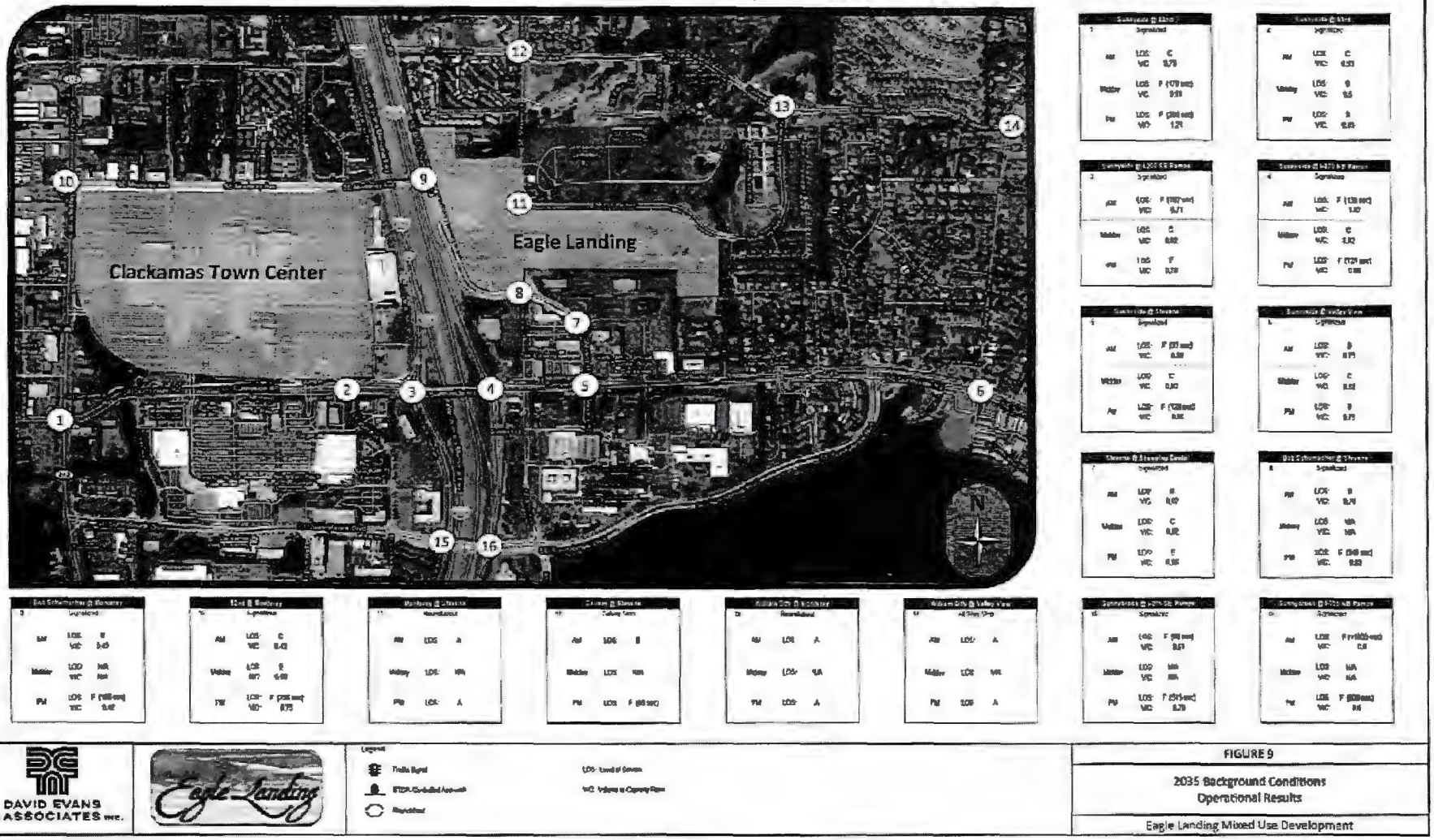
Legend

- Traffic Signal
- STOP-Controlled Approach
- Roundabout
- ## (##) 1-Hour AM (PM) Peak Turning Movement Volume
- Available Turning Movement
- TEV: Total Entering Volume

FIGURE 8

2035 Background Conditoins
Turning Movement Volumes
Midday Peak Hour

Eagle Landing Mixed Use Development



DAVID EVANS AND ASSOCIATES INC.

Eagle Landing

FIGURE 9

2035 Background Conditions
Operational Results

Eagle Landing Mixed Use Development

- Causey @ Stevens
- Sunnybrook @ I-205 SB
- Sunnybrook @ I-205 NB

During the PM peak hour, the eastbound left-turn at the intersection of Stevens and Sunnyside would be over capacity and would cause a queue to extend westward back through the I-205 northbound ramp terminal. This queue would extend back along the northbound frontage road between Sunnybrook and Sunnyside and would impact operations in both directions on Sunnybrook Boulevard as well as the northbound I-205 off-ramp to Sunnybrook. The southbound approach to the intersection of Stevens at Sunnyside would also operate deficiently and the associated queue would extend back through the intersections of Stevens at the Shopping Center, and Bob Schumacher at Stevens Road. The southbound left-turn at Bob Schumacher and Stevens would also be over capacity and the resulting queue would spill back through the roundabout at Stevens and Monterey to and through the intersection of Stevens at Causey. Due to the analysis results of the roundabout at Stevens and Monterey coming from Sidra and not SimTraffic, the system congestion seen in SimTraffic is not depicted in the operations shown for the roundabout.

Also during the PM peak period, there is expected to be significant queuing emanating from the intersection of Sunnyside at 82nd Avenue. Both the north and southbound approaches to the intersection are expected to operate over capacity causing congestion to impact upstream intersections in both directions. The southbound queue would extend to and through the intersection of Monterey at 82nd and would also cause congestion on westbound Monterey that would extend back to roughly the I-205 overcrossing.

4.2.3 2035 Background Traffic Queuing

Table 7 summarizes queue lengths within the study area for the 2035 Background Conditions. This table is intended to be a reference point for assessing the impacts of the additional trips generated by the proposed Eagle Landing development.

Table 7. 2035 Background Conditions Queue Lengths by Movement

Intersection	Movement	Queue Length PM	Queue Length Midday	Queue Length AM	Available Storage
Sunnyside @ 82nd Avenue	EBL	225	225	150	150
	EBT	425	225	225	-
	EBR	275	100	50	235
	WBL	350	325	200	275
	WBT	425	250	200	-
	WBR	175	175	125	-
	NBL	250	200	225	175
	NBT	>1000	725	500	-
	NBR	250	275	275	175
	SBL	125	125	150	80
	SBT	>1000	>1000	225	-
	SBR	125	175	150	95
Sunnyside @ 93rd Ave	EBT	825	225	175	-
	EBTR	775	200	125	-
	WBL	125	125	100	150
	WBT	200	125	175	-
	NBL	600	200	550	-
	NBR	500	75	425	-
Sunnyside @ I-205 SB Ramp	EBT	700	300	650	-
	EBR	225	50	225	-
	WBL	250	275	275	200
	WBT	725	650	750	-
	SBL	575	300	525	450
	SBLT	1000	300	>1000	-
	SBT	700	250	>1000	-
	SBR	175	150	325	450
Sunnyside @ I-205 NB Ramp	EBL	525	425	450	175*
	EBT	750	475	775	-
	WBT	900	625	850	-
	WBR	800	525	775	-
	NBL	75	175	75	300
	NBLT	>1000	>1000	>1000	-
	NBR	>1000	>1000	>1000	-
Sunnyside @ Stevens	EBL	425	475	425	425*
	EBT	750	900	500	-
	EBR	100	175	50	175
	WBL	175	150	175	170
	WBT	>1000	475	>1000	-
	WBTR	675	350	375	270
	NBL	600	200	75	-
	NBLTR	700	350	175	-
	SBL	250	250	225	190
	SBLT	475	650	350	-
	SBR	550	325	325	-
Sunnyside @ Valley View Terrace [2]	EBL	125	-	75	300
	EBT	200	-	50	-
	EBTR	200	-	100	-
	WBL	75	-	25	100
	WBT	275	-	725	-
	WBTR	325	-	775	-
	NBL	75	-	75	50
	NBTR	50	-	50	-
	SBL	150	-	100	100
	SBTR	400	-	125	-
Monterey @ 82nd Avenue	EBL	25	50	25	-
	EBTR	175	150	100	-
	WBL	550	275	125	395*
	WBTR	>1000	125	75	-
	NBL	175	75	175	150
	NBT	525	350	275	-
Stevens @ Shop Entrance [2]	EBL	25		25	-
	EBTR	75		50	-
	WBL	175		50	-
	WBTR	100		75	-
	NBL	125		75	170
	NBT	225		175	-
	NBTR	250		225	-
	SBL	150		100	130
	SBT	575		225	-
	SBTR	600		225	-
Stevens @ Bob Schumacher [2]	EBL	225		50	285
	EBT	>1000		75	-
	EBTR	>1000		75	-
	WBL	50		50	175
	WBT	275		175	-
	WBTR	375		250	-
	NBL	75		25	80
	NBTR	75		50	-
	SBL	300		225	250
	SBLT	750		75	-
	SBR	150		50	300
Monterey @ Bob Schumacher [2]	EBLT	975		75	-
	EBR	550		25	500
	WBLT	75		50	-
	WBR	50		50	80
	NBL	50		50	275
	NBT	200		150	-
	NBTR	225		175	-
	SBL	125		75	150
	SBT	>1000		75	-
	SBTR	225		75	150
Monterey @ Stevens [2]	EBLTR	25		25	-
	WBLTR	75		100	-
	NBLTR	100		100	-
	SBLTR	50		50	-
Causey @ Stevens [2]	EBL	50		50	300
	EBTR	50		75	-
	WBL	50		75	300
	WBTR	100		250	-
	NBL	25		25	300
	SBL	100		50	200
Monterey @ Causey [2]	EBTR	25		25	-
	WBLT	25		25	-
	NBLR	25		50	-
William Otly @ Valley View Terrace [2]	EBLTR	125		75	-
	WBLTR	75		125	-
	NBLTR	100		125	-
	SBLTR	50		50	-
Sunnybrook @ SB I-205 Ramp [2]	EBT	>1000		500	-
	EBR	175		100	200
	WBL	225		150	200*
	WBT	75		150	-
	SBL	500		550	-
	SBLT	525		625	-
	SBR	200		175	200
Sunnybrook @ NB I-205 Ramp [2]	EBL	375		325	200*
	EBT	150		250	-
	WBT	>1000		>1000	-
	NBL	200		225	200
	NBLT	>1000		>1000	-
	NBT	125		200	500
	NBR	75		25	500

Notes: (1) The storage length for these movements only pertains to one of the two lanes.
(2) This intersection was analyzed during the Mid-Day peak period

4.2.4 2035 Background Traffic Corridor Operations

The Sunnyside corridor between Valley View Terrace and 93rd Avenue, and the Bob Schumacher/Stevens corridors were analyzed using the SimTraffic software to determine if the corridors as a whole would meet jurisdictional standards. Results are summarized in **Table 8**

In the AM peak hour, all corridors are expected to operate at LOS D or better.

In the Midday peak hour, both the east and westbound Sunnyside Corridors are expected to operate at LOS E due to near capacity operations at the I-205 northbound ramp terminal and at Stevens Road.

In the PM peak hour, the Bob Schumacher/Stevens Corridor is expected to operate at LOS F in the southeast bound direction as a result of the near capacity operations at the intersection of Sunnyside and Stevens. The westbound Sunnyside corridor is also expected to operate above standards at LOS E, also due to near capacity operations at the intersection of Sunnyside and Stevens. Despite the eastbound queuing on Sunnyside approaching Stevens, the eastbound Sunnyside corridor is expected to operate at LOS C due to free flow conditions east of Stevens.

Table 8. 2035 Background Traffic Corridor Operations

	Sunnyside Corridor						Bob Schumacher/Stevens Corridor			
	AM		MD		PM		AM		PM	
Direction	Speed	LOS	Speed	LOS	Speed	LOS	Speed	LOS	Speed	LOS
Westbound/Northbound	18	D	16	E	15	E	21	C	17	D
Eastbound/Southbound	28	B	16	E	27	C	18	C	3	F

Notes:
Results generated with the use of SimTraffic.
Arterial LOS worksheets from SimTraffic can be found in Appendix C.

5 Future (2035) Total Traffic Analysis

This section of depicts the total traffic conditions within the study area if the currently proposed Eagle Landing development were to be built. One potential design plan can be seen in **Figure 10.**

5.1 Site Trip Generation

Trip generation for the Proposed Eagle Landing site is complicated. The proposed site plan encompasses an area that is currently occupied by the New Hope Church and a small 37 unit low rise apartment complex north and east of SE Bob Schumacher Road, west of SE Stevens Road, and south of SE Monterey Avenue. It also includes the currently approved Eagle Landing site east of SE Stevens Road and south of SE Monterey Avenue in the vacant unimproved lot. The existing and approved uses are already included in the background conditions analysis; thus, the Total Traffic Conditions reflect the additional trips that would be generated on the site with the proposed development scenario.

The Institute of Transportation Engineers (ITE) report, Trip Generation, 8th Edition, was used to calculate the AM and PM peak hour trips. A separate methodology was used to estimate midday peak hour trips because standard rates are not available. After the initial trip generation was estimated, trip reductions were applied to reflect pass-by traffic attracted to the site along with internal trips that remain entirely within the site.

5.1.1 Trip Reductions

The ITE Trip Generation Handbook discusses pass-by trips as:

> "...made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the generator. Pass-by trips are not diverted from another roadway."

The methodology in chapter 5 if the ITE Trip Generation Handbook was used to arrive at a pass-by percentage for the Shopping Center, ITE land use code 820. ITE defines internal trip reduction as:

> "...a percentage reduction that can be applied to the trip generation estimates for individual land uses to account for trips internal to the site."

The following is an important note taken from the Trip Generation Handbook:

> "It is important to note that these [internal trip] reductions are applied externally to the site (i.e., at entrances, at adjacent intersections, and on adjacent roadways). The trip reduction for internally captured trips is separate from the reduction for pass-by trips. These are two distinct phenomena, and both could be applicable for a proposed development. The

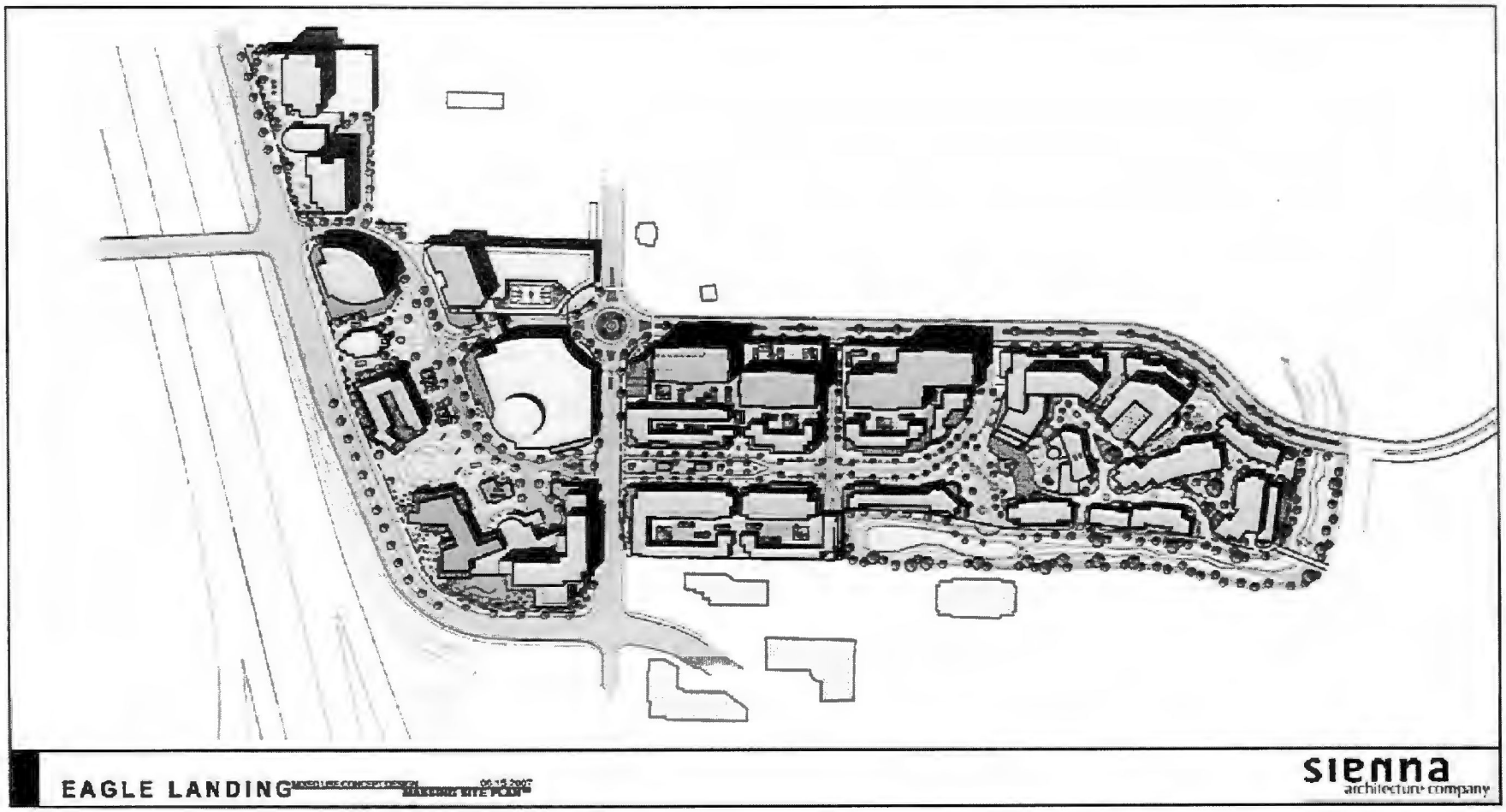


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FIGURE 10

Eagle Landing Mixed Use
Conceptual Design Plan

Eagle Landing Mixed Use Development

internal trips, if present, should be subtracted out before pass-by trip reductions are applied..."

The methodology in chapter 7 of the ITE Trip Generation Handbook was used to calculate internal trip reduction volumes.

5.1.2 AM and PM Peak Period Trip Generation

Table 9 depicts the total AM and PM peak hour trips associated with the proposed Eagle Landing development, including the trips of the currently approved, but not constructed, Eagle Landing Site, the low-rise apartments just to the south of the New Hope Church Site, and the New Hope Church. (Appendix E contains worksheets for the internal capture computations for the AM and PM peak hours.)

Table 9. Total AM & PM Peak Driveway Trips Generated By The Proposed Development

Land Use	ITE Code	Area	PM Peak Hour			AM Peak Hour		
			In	Out	Total	In	Out	Total
Office (Commercial)	710	600,000 S. F.	128	623	751	692	94	786
Internal Trips[2]			28	23	51	6	14	20
Additional Network Trips			99	601	700	686	80	766
Condominiums (Residential	230	745 Units	209	103	312	44	214	257
Internal Trips[2]			69	61	130	12	24	36
Additional Network Trips			140	42	182	31	190	221
Senior Adult Housing (Residential)	252	120 Units	7	5	12	5	4	9
Internal Trips[2]			2	2	4	1	0	1
Additional Network Trips			5	3	8	4	4	8
Shopping Center (Commercial)	820	480,000 S. F.	873	946	1820	293	187	480
Internal Trips[2]			92	107	199	38	26	64
Pass-By Tips (mixed)[1]			195	210	405	64	40	104
Additional Network Trips			586	629	1215	191	121	312
Hotel (Residential)	310	120 Units	38	33	71	31	20	51
Internal Trips[2]			12	11	23	9	2	11
Additional Network Trips			25	22	47	22	18	40
Church (Commercial)	Adjusted Field Data	121,000 S. F.	160	203	363	206	68	274
Internal Trips[2]			0	0	0	0	0	0
Additional Network Trips			160	203	363	206	68	274
Trips Generated			1415	1913	3328	1271	587	1858
Internal Trips[2]			204	203	408	66	66	132
Pass-By Tips			195	210	405	64	40	104
Total Additional Network Trips			**1015**	**1500**	**2515**	**1141**	**481**	**1622**

Notes:

(1) Pass-by trip were calculated with the methodology used in chapter 5 of the ITE Trip Generation Handbook, 8th Edition. The associated pass-by percentage, calculated from the fitted curve equation in figure 5.5, was 25%.

(2) Internal trips were calculated using the methodology used in chapter 7 of the ITE Trip Generation Handbook, 8th Edition

Source: ITE Trip Generation Manual, 8th Edition

Table 10 depicts the background trips associated with the Eagle Landing development: the trips of the currently approved, but not constructed, Eagle Landing Site; the trips generated by the low-rise apartments just to the south of the New Hope Church Site; and the trips associated with the New Hope Church itself.

Table 10. Net AM & PM Peak Driveway Trips Assumed in the Background

Land Use	ITE Code	Area	PM Peak Hour			AM Peak Hour		
			In	Out	Total	In	Out	Total
Office (Commercial)	710	600,000 S. F.	128	623	751	692	94	786
Internal Trips[2]			13	9	22	0	4	4
Additional Network Trips			115	614	729	692	94	782
Senior Adult Housing (Residential)	252	108 Units	7	4	11	4	4	8
Internal Trips[2]			2	2	4	1	1	2
Additional Network Trips			5	2	7	3	3	6
Low Rise Apartments (Residential)	Field Data	37 Units	40	22	62	16	20	36
Internal Trips[2]			13	12	25	6	7	13
Additional Network Trips			27	10	37	10	13	23
Shopping Center (Commercial)	820	150,000 S. F.	401	434	835	92	59	151
Internal Trips[2]			22	28	50	12	8	20
Pass-By Tips (mixed)[1]			129	138	267	28	18	46
Additional Network Trips			250	268	518	52	33	85
Church (Commercial)	Adjusted Field Data	121,000 S. F.	160	203	363	206	68	274
Internal Trips[2]			0	0	0	0	0	0
Additional Network Trips			160	203	363	206	68	274
Trips Generated			735	1287	2021	1010	246	1256
Internal Trips[2]			50	50	100	19	20	39
Pass-By Tips			129	138	267	28	18	46
Total Additional Network Trips			**556**	**1098**	**1654**	**963**	**208**	**1171**

Notes:

(1) Pass-by trip were calculated with the methodology used in chapter 5 of the ITE Trip Generation Handbook, 8th Edition. The associated pass-by percentage, calculated from the fitted curve equation in figure 5.5, was 25%.

(2) Internal trips were calculated using the methodology used in chapter 7 of the ITE Trip Generation Handbook, 8th Edition

Source: ITE Trip Generation Manual, 8th Edition

Table 11 depicts the Total Net NEW driveway trips associated with the expansion of the currently approved Eagle Landing development. Because the trips associated with the currently approved, but not constructed, Eagle Landing Site, the low-rise apartments just to the south of the New Hope Church Site, and the trips associated with the New Hope Church itself are already accounted for in the background traffic analysis, they have been removed from the Net New totals.

Table 11. Net NEW AM & PM Peak Driveway Trips.

Land Use	ITE Code	Net New Area	PM Peak Hour			AM Peak Hour		
			In	Out	Total	In	Out	Total
Office (Commercial)	710	0 S. F.	0	0	0	0	0	0
Internal Trips			15	14	29	6	10	16
Additional Network Trips			-15	-14	-29	-6	-10	-16
Condominiums (Residential	230	745 Units	209	103	312	44	214	257
Internal Trips			69	61	130	12	24	36
Additional Network Trips			140	42	182	31	190	221
Senior Adult Housing (Residential)	252	12 Units	1	0	1	1	0	1
Internal Trips			0	0	0	0	-1	-1
Additional Network Trips			1	0	1	1	-1	0
Low Rise Apartments (Residential)	Field Data[1]	-37 Units	-40	-22	-62	-16	-20	-36
Internal Trips			-13	-12	-25	-6	-7	-13
Additional Network Trips			-27	-10	-37	-10	-13	-23
Shopping Center (Commercial)	820	330,000 S. F.	473	512	985	201	128	329
Internal Trips			70	80	150	26	18	44
Pass-By Tips			67	72	139	39	23	59
Additional Network Trips			336	360	696	139	87	226
Hotel (Residential)	310	120 Units	38	33	71	31	20	51
Internal Trips			12	11	23	9	2	11
Additional Network Trips			25	22	47	22	18	40
Church (Commercial)	Adjusted Field Data	0 S. F.	0	0	0	0	0	0
Internal Trips			0	0	0	0	0	0
Additional Network Trips			0	0	0	0	0	0
Trips Generated			680	627	1307	261	342	603
Internal Trips			154	154	308	47	47	94
Pass-By Tips			67	72	139	36	23	59
Total Additional Network Trips			**459**	**401**	**860**	**178**	**272**	**450**

Notes:

(1) Trip rates for the Low Rise are based on actual field data collection at the site driveway.

Source: ITE Trip Generation Manual, 8th Edition

5.1.3 Midday Peak Period Trip Generation

After consulting with Clackamas County regarding the Midday trip generation for the proposed Eagle Landing development, the following methodology was agreed upon. The trip generation rates and percentage of inbound versus outbound trips were the main difference between Midday and peak period trip generation.

The following bullets summarize the assumptions behind the trip generation rates for each land use assumed for the Midday analysis:

- **Office**: There is no additional office space over and above what has already been approved. Therefore, there are no Midday trip generation rates assumed.
- **Condominiums**: A study by Lancaster Engineering at the Sandy Bluff Subdivision averaged trips into and out of the subdivision for three days. This count resulted in a Midday rate of 0.31 trips per single detached household with 53% entering and 47% exiting. The ratio between daily trip generations for condominium versus single family residence was 61%. After this conversion factor was applied to the Sandy Bluff Subdivision, a final trip rate of 0.19 trips per condominium, with 53% entering and 47% exiting, was used.
- **Senior Adult Housing**: A study by Lancaster Engineering, similar to that used for the Condominiums, was used for the Senior Adult Housing. This study resulted in a rate of 0.52 trips per Senior Adult Housing Unit, with 57% entering and 43% exiting.
- **Shopping Center**: For a lack of better information, and by Clackamas County staff recommendation, the PM peak period trip generation rates were used for the Shopping Center, but with the assumption of 50% entering and 50% exiting.
- **Hotel**: A driveway trip study was conducted by David Evans and Associates at the Residence Inn at 2115 SW River Parkway in Portland. This study resulted in a trip generation rate of 0.11 trips per unit during the Midday peak.
- **Church**: There is no expansion of the church proposed over and above what has already been approved. Therefore, there are no Midday trip generation rates assumed

Internal captures as well as pass-by trips were assumed in accord with the 8th Edition of the ITE Trip Generation Handbook. Detailed tables of the trip generation are contained in Appendix F and detailed internal capture summaries are contained in Appendix G. **Table 12** depicts only the TOTAL NET NEW trips added to the network.

Table 12. Total Net NEW Midday Peak Driveway Trips

Land Use	ITE Code	NET NEW Area	Midday Peak Hour		
			In	Out	Total
Office (Commercial)	Counted & Adjusted[1]	0 S. F.	0	0	0
Internal Trips			-3	0	-3
Additional Network Trips			-3	0	-3
Condominiums (Residential	Counted & Adjusted[1]	745 Units	71	71	142
Internal Trips			-26	-24	-50
Additional Network Trips			45	47	92
Senior Adult Housing (Residential)	Counted & Adjusted[1]	12 Units	25	25	50
Internal Trips			-9	-9	-18
Additional Network Trips			16	16	32
Low Rise Apartments (Residential)	Counted	-37 Units	-31	-31	-62
Internal Trips			11	11	22
Additional Network Trips			-20	-20	-40
Shopping Center (Commercial)	820	330,000 S. F.	492	492	984
Internal Trips			-24	-30	-54
Pass-By Tips			-85	-80	-165
Additional Network Trips			383	382	765
Hotel (Residential)	Counted & Adjusted[1]	120 Units	8	5	13
Internal Trips			-3	-2	-5
Additional Network Trips			5	3	8
Church (Commercial)	Counted & Adjusted	0 S. F.	0	0	0
Internal Trips			0	0	0
Additional Network Trips			0	0	0
Trips Generated			565	562	1127
Internal Trips			-54	-53	-107
Pass-By Tips			-85	-80	-166
Total Additional Network Trips			**426**	**429**	**855**

Notes:
(1) A: Clackamas County request, ITE rates were adjusted based on collected field data in the Portland Metro area

Source: ITE Trip Generation Manual, 8th Edition

5.2 Trip Distribution

Trip distribution for the AM, Midday and PM peak periods is described below.

5.2.1 AM and PM Peak Period Trip Distribution

The trip distribution was derived from the Metro regional VISUM Model using a select zone analysis. The future trip distribution was quite different between the land uses; therefore, residential and non-residential trips have different distribution patterns. Because the net new driveway trips for the New Hope Church and the office uses are relatively low, the corresponding trips were assumed to have the same distribution as the Commercial trips. **Table 13** depicts the assumed trip distribution. One minor modification to the VISUM distribution was implemented during the PM peak period. Due to the presence and extent of southbound queuing on 82nd Avenue, all site generated trips accessing 82nd Avenue via Monterey Avenue were assumed to cross over I-205 at a location farther north and use either Bob Schumacher or Stevens to access the site

Table 13. AM & PM Peak Trip Distribution Percentages for the Proposed Development

	Residential Percentages				Commercial Percentages			
	AM		PM		AM		PM	
Road Segment	IN	OUT	IN	OUT	IN	OUT	IN	OUT
North on SE Stevens Road	0	0	11	11	0	0	9	10
North on SE Bob Schumacher Road	38	33	22	16	7	10	11	6
North on 82nd Avenue Via Monterey	0	15	0	0	0	5	0	0
West on Monterey Past 82nd Avenue	5	4	8	8	1	1	2	2
South on 82nd Avenue Via Monterey	0	4	0	0	0	0	0	0
South on 93rd Avenue Via Sunnyside	5	4	0	6	2	3	0	2
Clackamas Town Center Via Sunnyside	12	9	11	12	5	8	9	5
West On Sunnyside	0	0	0	0	7	9	4	4
South on I-205 via the Sunnyside Interchange	0	15	7	13	15	15	9	16
West on Sunnybrook Boulevard	0	0	5	0	1	5	6	3
East on Sunnybrook Boulevard	0	0	3	0	2	0	2	0
North on I-205 via the Sunnyside Interchange	16	0	10	11	21	15	16	10
Hospital Access	5	5	5	5	2	8	6	8
Shopping Center Access	0	3	5	4	0	0	0	0
East on SE Sunnyside Road	14	6	7	10	36	20	25	33
East on SE William Otty Road	5	2	4	4	1	1	1	1

Source: Metro Regional Travel Demand Forecasts (VISUM)

The trip distribution patterns were applied to the calculated additional trips in **Table 11** to assign the site-generated traffic to the network. **Figure 11** depicts the total AM and PM peak hour site-generated trips.

5.2.2 Midday Trip Distribution

Table 14 summarizes the Midday trip distribution percentages for the Eagle Landing Development. These percentage figures were based on a synthesis of AM and PM peak hour trip distribution percentages. **Figure 12** depicts the total Midday site-generated trips.

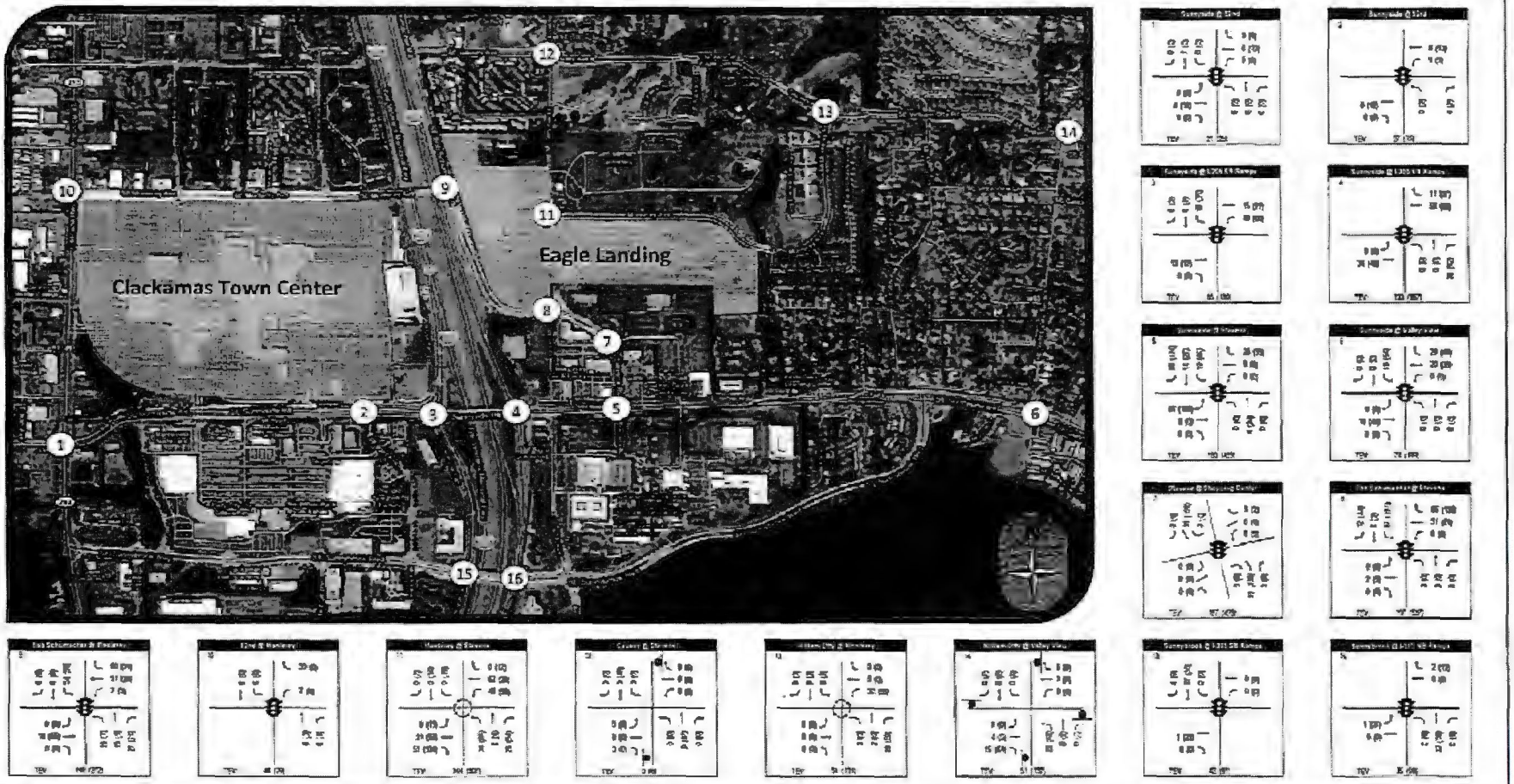

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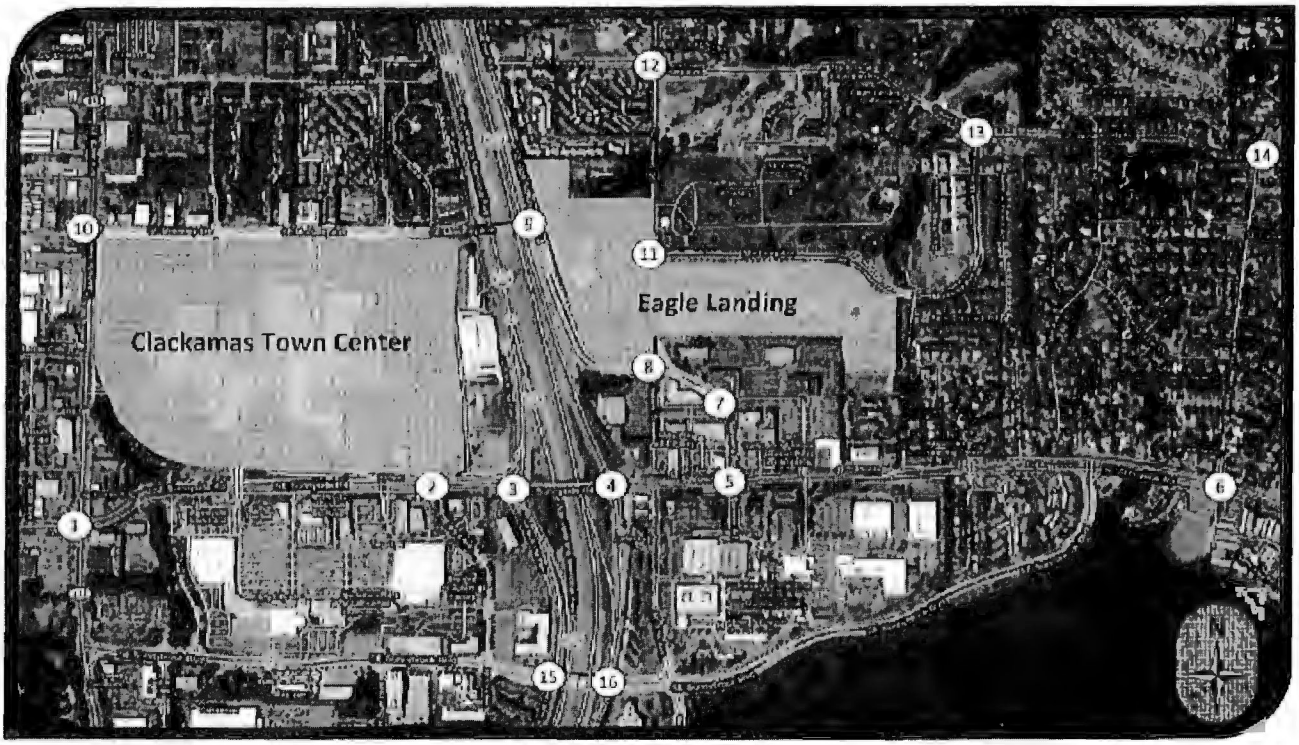
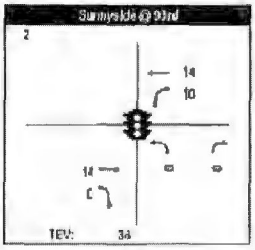
FIGURE 11

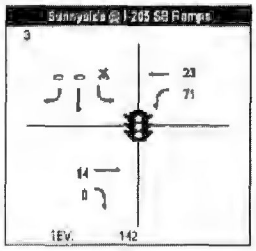
Site Generated
Turning Movement Volumes
AM and PM Peak Hours

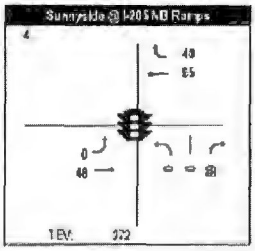
Eagle Landing Mixed Use Development

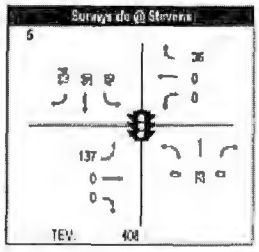


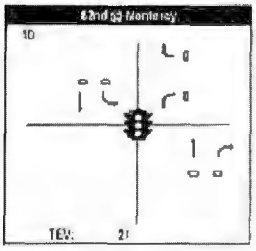












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Legend

- Traffic Signal
- STOP-Controlled Approach
- Roundabout
- AM (PM) 1-Hour AM (PM) Peak Turning Movement Volume
- Available Turning Movement
- TEV: Total Entering Volume

FIGURE 12

Site Generated
Turning Movement Volumes
Midday Peak Hour

Eagle Landing Mixed Use
Development

Table 14. Midday Trip Distribution Percentages for the Proposed Development

	Residential Percentage		Commercial Percentage	
	IN	OUT	IN	OUT
North on SE Stevens Road	12	11	9	10
North on SE Bob Schumacher Road	22	16	11	6
North on 82nd Avenue Via Monterey	0	0	0	0
West on Monterey Past 82nd Avenue	8	8	2	2
South on 82nd Avenue Via Monterey	0	0	0	0
Shopping Center on the north Side of SE Sunnyside Road	5	4	0	0
South on 93rd Avenue Via Sunnyside	0	6	0	2
Clackamas Town Center Via Sunnyside	11	12	9	5
West On SE Sunnyside Road	0	0	4	4
South on I-205 via the Sunnyside Interchange	8	13	9	16
East on SE Sunnybrook Boulevard	3	0	2	0
West on SE Sunnybrook Boulevard	5	0	6	3
North on I-205 via the Sunnyside Interchange	10	11	16	10
Hospital on the south side of Sunnyside Road	5	5	6	8
East on SE Sunnyside Road	7	10	25	33
East on SE William Otty Road	4	4	1	1

Source: DEA synthesis of AM and PM Metro Regional Travel Demand Forecasts (VISUM)

5.3 2035 Total Traffic Volumes

The Total Traffic volumes were calculated by combining the additional trips generated by the proposed Eagle Landing development to the 2035 background traffic volumes. **Figure 13** depicts the 2035 Total AM and PM peak hour turning movement volumes while **Figure 14** depicts the Midday peak hour volumes.

5.4 2035 Total Traffic Operations

Figure 15 depicts the intersection mitigations that would be required for the net increase in traffic demand associated with the proposed Eagle Landing development to not have an adverse impact on the local transportation infrastructure system. The resulting operations, after the mitigations are in place, would either meet jurisdictional standards or would be improved over that of the background conditions.

Figure 16 depicts the intersection operational results for the year 2035 total traffic analysis. The full Synchro/SimTraffic outputs are contained in Appendix H.

During the AM peak hour all study area intersections are expected to operate at LOS D or better.

During the Midday peak hour the intersection of Sunnyside Road at 82nd Avenue is expected to operate at LOS F but with slightly less delay than under the background conditions. All other study area intersections are expected to operate at LOS E or better.

During the PM peak hour, the intersections of Sunnyside at 82nd and Monterey at 82nd are expected to operate at LOS F; however, the additional trips generated by the proposed Eagle

Landing development that would travel through this intersection would result in an immeasurable change in either V/C ratio or delay as compared with the 2035 Background Conditions. Therefore, no measurable impact from the proposed development is anticipated. All other study area intersections are expected to operate at LOS D or better. The intersections of Sunnyside at I-205 southbound and Sunnyside at I-205 northbound are expected to operate with V/C ratios of 0.94 and 0.93, respectively. This is below the background conditions where the two intersections are expected to operate with V/C ratios of 0.96.

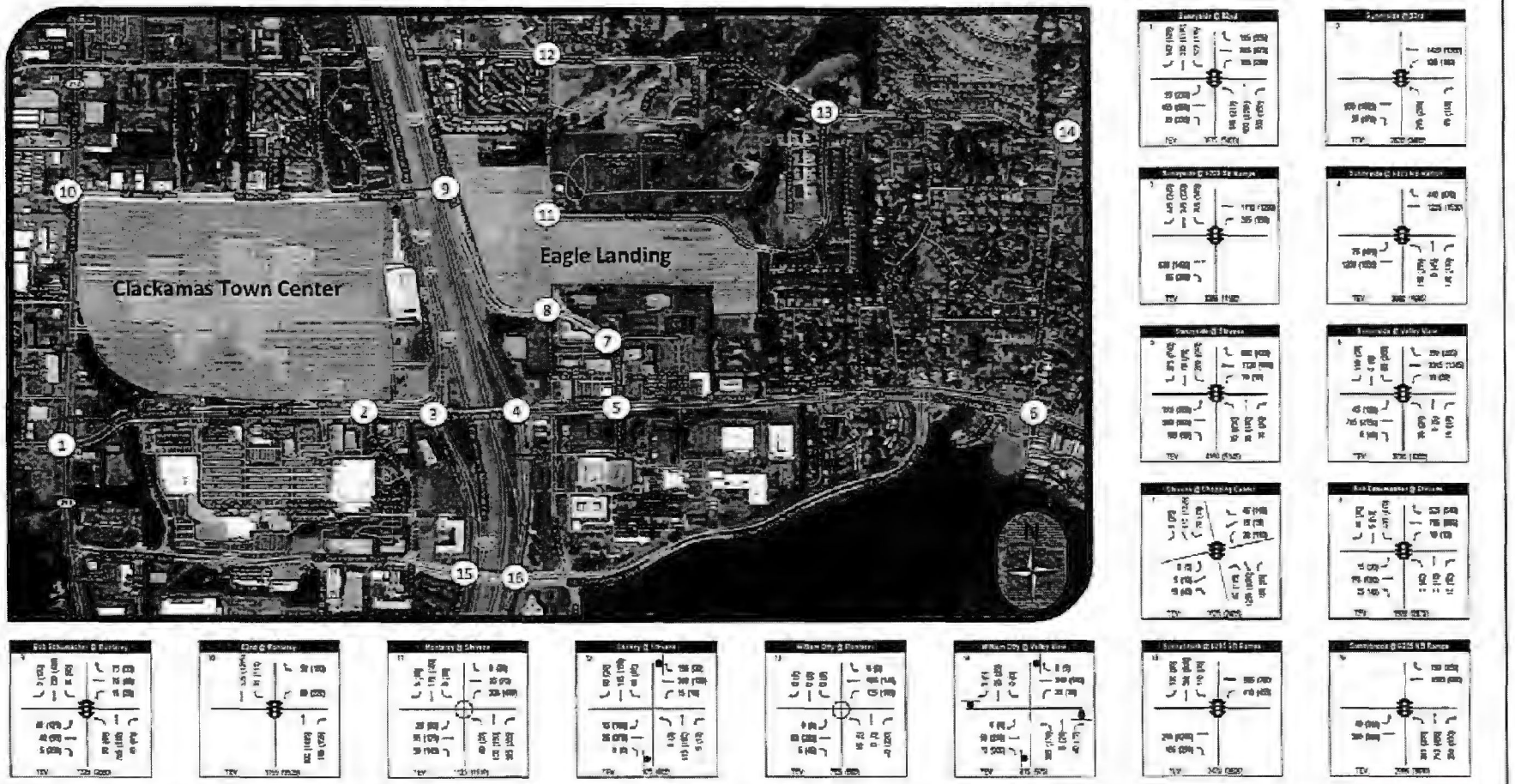
5.4.1 2035 Total Traffic Queuing

Table 15 summarizes queue lengths within the study area for the 2035 Total Traffic Conditions. The following list highlights the most noteworthy changes in queue lengths as compared with 2035 Background Conditions:

The closer an intersection is to capacity, the larger the variance in the SimTraffic model runs. The queue length differences at the intersection of 82nd Avenue at Sunnyside Road can be contributed to model variation.

The southbound left turn at the intersection of Sunnyside Road and the I-205 southbound ramp terminal is expected to exceed its available storage length in the Midday peak period under build conditions with a queue length of 475 feet, but vehicles exiting I-205 would still have plenty of time for perception, reaction, and braking distance.

The Eagle Landing development traffic at the intersection of Sunnyside Road at Stevens Road impacts would be offset by the mitigations that are proposed (**Figure 15**) for this intersection. The Eagle Landing site generated traffic would not create any safety issues at this intersection.



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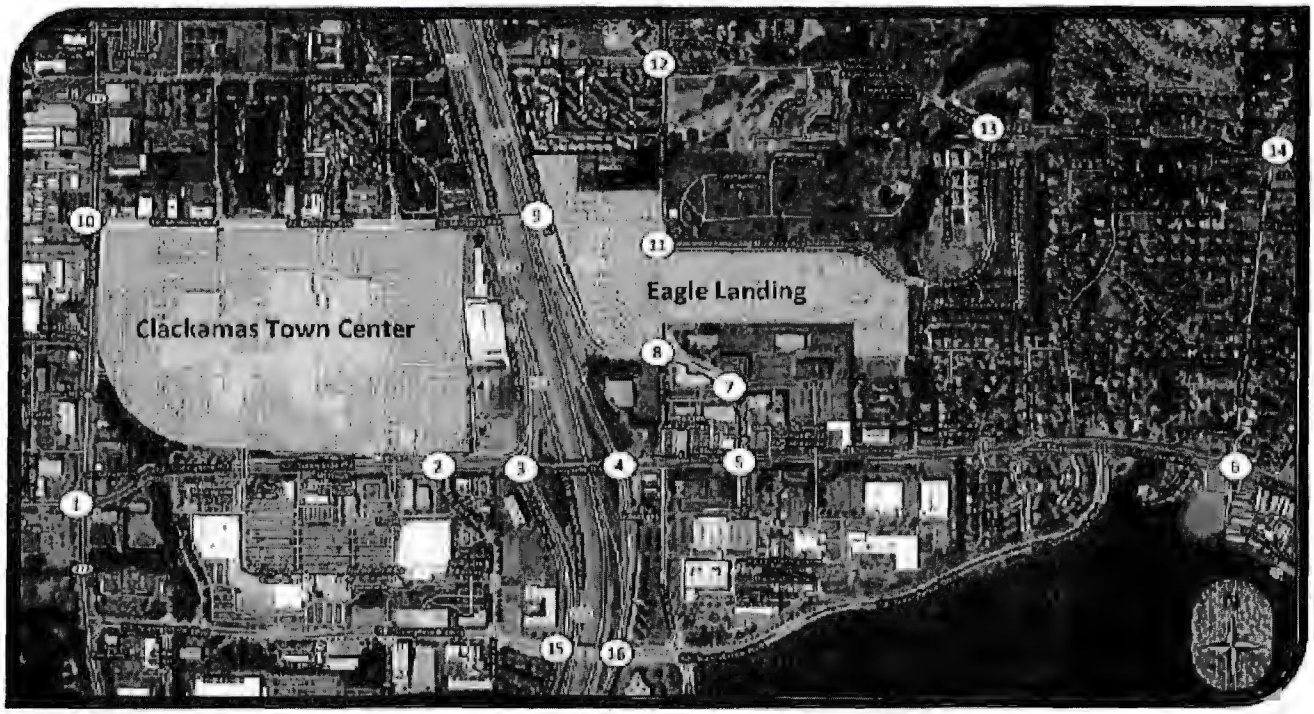
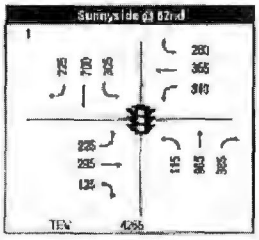
Eagle Landing

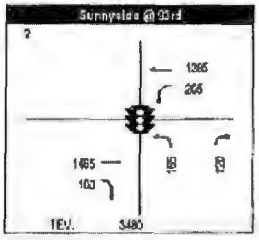
FIGURE 13

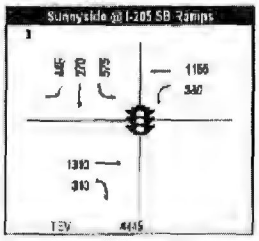
2035 Total Conditions
Turning Movement Volumes
AM & PM Peak Hours

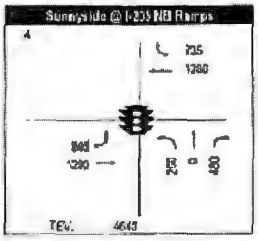
Eagle Landing Mixed Use Development

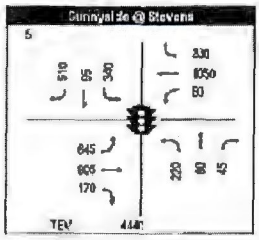


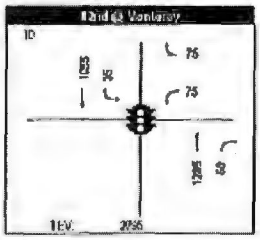












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Eagle Landing

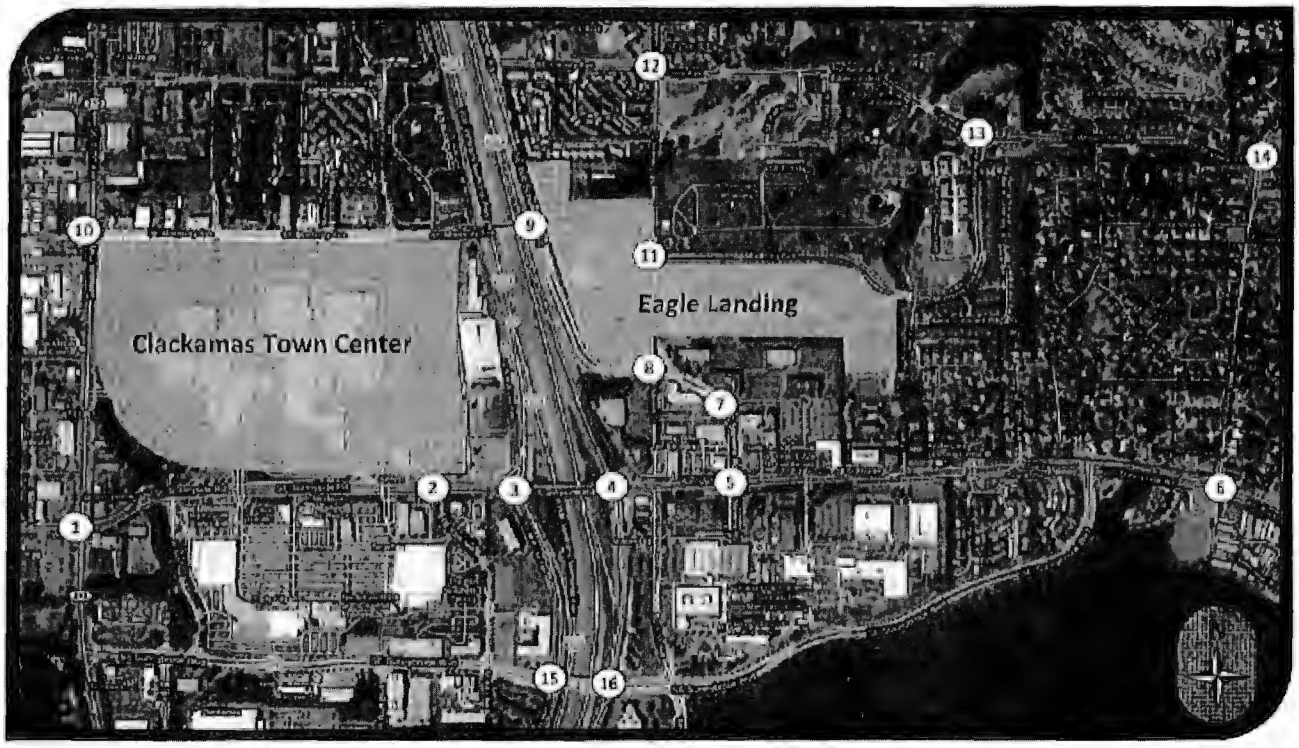
Legend

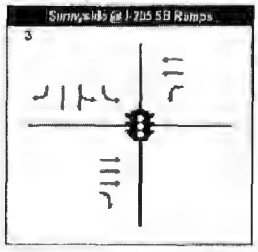
- Traffic Signal
- STOP-Controlled Approach
- Roundabout
- ## (##) 1-Hour AM (PM) Peak Turning Movement Volume
- Available Turning Movement
- TEV: Total Existing Volume

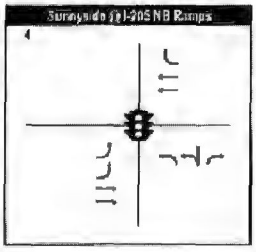
FIGURE 14

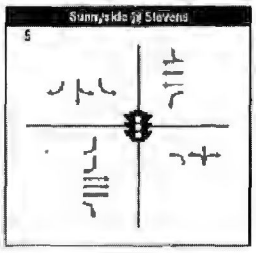
2035 Total Conditions
Turning Movement Volumes
Midday Peak Hour

Eagle Landing Mixed Use Development

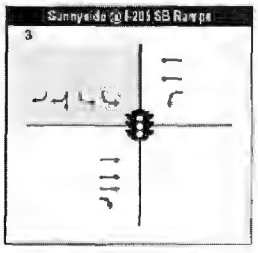


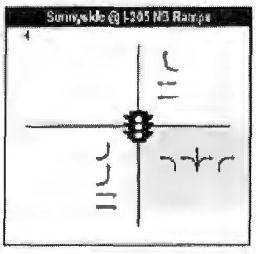


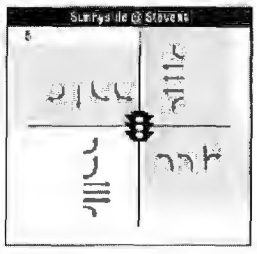


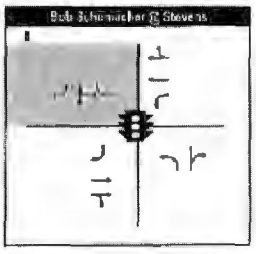












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Eagle Landing

Legend

Traffic Signal

FIGURE 15

Proposed Intersection Mitigations

Eagle Landing Mixed Use Development



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Eagle Landing

FIGURE 16

2035 Total Conditions
Operational Results

Eagle Landing Mixed Use Development

Table 15. 2035 Build Conditions Queue Lengths by Movement

Intersection	Movement	Queue Length PM	Queue Length Midday	Queue Length AM	Available Storage
Sunnyside @ 82nd Avenue	EBL	225	225	150	150
	EBT	450	250	200	-
	EBR	275	100	75	235
	WBL	350	325	175	275
	WBT	475	250	300	-
	WBR	225	175	125	-
	NBL	250	200	200	175
	NBT	>1000	750	450	-
	NBR	225	275	275	175
	SBL	125	125	150	80
	SBT	>1000	>1000	225	-
	SBR	125	175	125	95
Sunnyside @ 93rd Ave	EBT	250	200	125	-
	EBTR	250	200	100	-
	WBL	125	150	125	150
	WBT	175	125	250	-
	NBL	375	225	350	-
	NBR	200	100	100	-
Sunnyside @ I-205 SB Ramp	EBT	475	300	175	-
	EBR	75	125	25	-
	WBL	175	250	275	200
	WBT	425	700	450	-
	SBL	425	475	425	450*
	SBTR	325	675	350	-
	SBR	75	400	125	450
	EBL	325	375	250	175*
Sunnyside @ I-205 NB Ramp	EBT	250	275	575	-
	WBT	400	850	400	-
	WBR	175	750	75	-
	NBL	175	200	300	300
	NBLTR	300	250	775	-
	NBR	200	175	675	-
	EBL	475	300	500	425*
Sunnyside @ Stevens	EBT	625	275	825	-
	EBR	100	125	50	175
	WBL	150	150	150	170
	WBT	400	575	>1000	-
	WBR	300	250	350	100
	NBL	150	250	75	-
	NBTR	175	150	75	-
	SBL	400	225	250	190*
	SBT	550	450	500	-
	SBR	250	250	275	190
	EBL	175	-	100	300
Sunnyside @ Valley View Terrace [2]	EBT	300	-	75	-
	EBTR	325	-	100	-
	WBL	75	-	50	100
	WBT	250	-	325	-
	WBTR	325	-	425	-
	NBL	75	-	75	50
	NBTR	50	-	50	-
	SBL	150	-	100	100
	SBTR	375	-	100	-
	EBL	25	50	25	-
Monterey @ 82nd Avenue	EBTR	225	150	100	-
	WBL	550	375	125	395*
	WBTR	>1000	200	100	-
	NBL	275	125	175	150
	NBT	575	350	300	-
	NBR	175	100	150	150
Stevens @ Shop Entrance [2]	EBL	25	25		-
	EBTR	75	50		-
	WBL	100	50		-
	WBTR	100	75		-
	NBL	150	125		170
	NBT	250	275		-
	NBTR	275	300		-
	SBL	125	100		130
	SBT	725	200		-
	SBTR	675	225		-
Stevens @ Bob Schumacher [2]	EBL	75	50		285
	EBT	350	75		-
	EBTR	375	75		-
	WBL	75	50		175
	WBT	400	225		-
	WBTR	475	325		-
	NBL	75	25		80
	NBTR	100	50		-
	SBL	350	175		250
	SBLT	900	175		-
	SBR	225	50		300
Monterey @ Bob Schumacher [2]	EBLT	150	75		-
	EBR	75	25		500
	WBLT	100	75		-
	WBR	50	50		80
	NBL	75	75		275
	NBT	250	225		-
	NBTR	275	250		-
	SBL	125	100		150
	SBT	175	75		-
	SBTR	175	75		150
Monterey @ Stevens [2]	EBLTR	125	50		-
	WBLTR	150	100		-
	NBLTR	150	125		-
	SBLTR	75	50		-
Causey @ Stevens [2]	EBL	75	50		300
	EBTR	275	75		-
	WBL	50	100		300
	WBTR	100	350		-
	NBL	25	25		300
	SBL	50	50		200
Monterey @ Causey [2]	EBTR	50	25		-
	WBLT	25	75		-
	NBLR	50	25		-
William Otty @ Valley View Terrace [2]	EBLTR	175	75		-
	WBLTR	75	100		-
	NBLTR	125	150		-
	SBLTR	50	50		-
Sunnybrook @ SB I-205 Ramp [2]	EBT	300	100		-
	EBR	225	25		200
	WBL	250	175		200
	WBT	150	175		-
	SBL	350	100		-
	SBLT	375	375		-
	SBR	200	175		200
Sunnybrook @ NB I-205 Ramp [2]	EBL	175	50		200*
	EBT	150	100		-
	WBT	200	375		-
	NBL	175	200		200
	NBLT	275	325		-
	NBT	225	300		500
	NBR	150	50		500

Notes: (1) The storage length for these movements only pertains to one of the two lanes
(2) This intersection not analyzed during the Mid-Day peak period

5.4.2 2035 Total Traffic Corridor Operations

As can be seen in **Table 16**, all corridors in all time periods would operate at LOS E or better. It should be noted that the southbound Bob Schumacher/Stevens corridor is expected to operate at 11 mph instead of 3 mph in the background conditions.

Table 16. 2035 Total Traffic Corridor Operations

	Sunnyside Corridor						Bob Schumacher/Stevens Corridor			
	AM		MD		PM		AM		PM	
Direction	Speed	LOS	Speed	LOS	Speed	LOS	Speed	LOS	Speed	LOS
Westbound/Northbound	21	D	14	E	23	C	19	C	16	D
Eastbound/Southbound	30	B	18	D	29	B	19	C	11	E

Notes:
Results generated with the use of SimTraffic.
Arterial LOS worksheets from SimTraffic can be found in Appendix C.

6 Conclusions and Recommendations

Based on the findings of the traffic impact analysis, the proposed Eagle Landing Development can be implemented while maintaining acceptable levels of service on the surrounding transportation system. This analysis has resulted in the following findings and recommendations:

6.1 Conclusions

In all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:

- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),

At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

6.1.1 Existing Conditions

The only intersections to operate at LOS F under existing conditions are the intersections of 82nd Avenue at Sunnyside Road and 82nd Avenue at Monterey Avenue in the PM peak hour. The poor LOS is due to near capacity operations and high turning volumes.

6.1.2 2035 Background Traffic

The following intersections are expected to operate outside of jurisdictional standards:

- 82nd Avenue at Sunnyside Road (Midday and PM)
- 82nd Avenue at Monterey Avenue (PM)
- Sunnyside Road at the I-205 southbound ramp terminal (AM)
- Sunnyside Road at the I-205 northbound ramp terminal (Midday and PM)
- Sunnyside Road at Stevens Road (AM and PM)
- Stevens Road at Bob Schumacher Road (PM)
- Stevens Road at Causey Avenue (PM)
- Monterey Avenue at Bob Schumacher Road (PM)
- Sunnybrook Boulevard at I-205 southbound ramp (AM and PM)
- Sunnybrook Boulevard at I-205 northbound ramp (AM and PM)

6.1.3 2035 Total Traffic

The intersection of 82nd Avenue at Sunnyside Road would fail to meet Clackamas County and ODOT standards in the PM peak hour and fail to meet Clackamas County standards in the Midday and PM peak hours, due to over capacity operations causing large queues to form approach this intersection in both the north and southbound directions. The intersection of 82nd Avenue at Monterey Avenue would fail to meet Clackamas County standards in the Midday and PM peak hours due to the southbound queue from 82nd Avenue at Sunnyside Road extending northward through this intersection and causing it to fail. However, because these intersections would not measurably worsen between background and total conditions, no impact from the proposed development is anticipated.

The intersection of Sunnyside Road and the I-205 northbound ramp would fail to meet ODOT V/C standards in the Midday and PM peak hours. However the V/C ratio for the intersection is expected to be lower than that of the background conditions due to the proposed mitigations (summarized in **Figure 15**) and therefore no impact from the proposed development is anticipated.

6.2 Transportation Planning Rule Compliance

Division 12 of the Oregon Administrative Rule was prepared by the Department of Land Conservation and Development to implement Statewide Planning Goal 12 (Transportation) by addressing transportation planning. OAR 660-12-0060 addressed Plan and Land Use Amendments and requires that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the transportation system. If a plan or land use regulation amendment is considered to significantly affect a transportation facility, then the rules require the local government to adopt measures to reduce the impacts.

A description of the proposed zoning changes, the resulting trip generation calculations, and the proposed mitigation to address impacts are presented below.

6.2.1 Summary of Zoning Changes

The Eagle Landing development is located partially within City of Happy Valley boundaries and partially within unincorporated Clackamas County. This creates a more complex dynamic when addressing current and proposed zoning. The proposed zoning (for both jurisdictions) will be written to require a single Master Plan to be submitted to both jurisdictions for the project as a whole. This way, all cumulative impacts will be addressed at once.

The proposed zoning does not remove any of the currently allowed uses but expands the type, density, and permissible building height of the proposed uses resulting in a more compact and densely developed live/work environment. This type of environment is in line with goals of the Clackamas Regional Center Area Design Plan, which include:

- Allow and promote compact development as a means to encourage efficient use of land, promote non-auto trips, and protect air quality

- Promote development patterns which use land efficiently and support transportation investments
- Transition towards more intensive use of land through infill and redevelopment, and phased development of infrastructure and urban design improvements
- Accommodate and encourage appropriate land uses in the Regional Center and along Corridors

The existing and proposed zoning for both Clackamas County and Happy Valley are presented below.

CLACKAMAS COUNTY ZONING

Existing: The portion of land within the study area under Clackamas County jurisdiction is currently zoned High Density Residential (HDR) and Regional Center Special High Density Residential (RCHD).

Clackamas County Zoning and Development Ordinance (ZDO) states that within the HDR zoning, the primary allowed uses are:

A. *Multifamily dwellings; three-family dwellings;*
B. *Two-family dwellings; congregate housing facilities;*
C. *Condominiums, subject to Section 803;*
D. *Nursing homes, subject to Section 810;*
E. *Utility carrier cabinets, subject to Section 830;*
F. *Bed and breakfast residences and inns, subject to Section 832; and*
G. *Wireless telecommunication facilities listed in Subsections 835.04(B) and (C) subject to Section 835.*

Clackamas County ZDO states that within the RCHD zoning, the primary uses area:

A. *Multifamily dwellings; congregate housing facilities;*
B. *Condominiums, subject to Section 803;*
C. *Nursing homes, subject to Section 810;*
D. *Utility carrier cabinets, subject to Section 830; and*
E. *Wireless telecommunication facilities listed in Subsections 835.04(B) and (C), subject to Section 835.*

Proposed: This portion of the study area is proposed to be zoned as PMU-6 with no differences in the allowed primary uses. PMU-6 is specifically designated for the Eagle Landing site and is intended to do the following:

A. *Create a quantifiable sustainable mixed use area with high employment and housing densities, structured parking, and high amenities in an urban design,*
B. *Create a distinct area that is accessible by a range of transportation modes,*
C. *Assure that the district is pedestrian accessible and a quality pedestrian environment is created, and*
D. *Provide for essential public facilities and services.*

HAPPY VALLEY ZONING

Existing: The portion of land within the study area under The City of Happy Valley jurisdiction is currently zoned under the County designation of Office Commercial (OC).

Clackamas County ZDO states that within the OC zoning, the primary allowed uses are:

A. *The following uses shall occupy office-type structures:*
   1. *Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturer's representatives, property management, and corporate and administrative offices;*
   2. *Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing and bookbinding services;*
   3. *Light manufacturing, assembly, research and development uses that have physical and operational requirements which are similar to other office uses allowed in this district;*
   4. *Banks, credit unions, and savings and loan, brokerage, and other financial institutions;*
   5. *Business services such as duplicating, photocopying, mailing and stenographic services, employment agencies, business management services, notary public, office and communications equipment and service, and real estate offices;*
   6. *Any use that the Planning Director finds to be similar to one or more of those specified above and consistent with the Comprehensive Plan and the purposes of Section 507. A request for a determination under Subsection 507.03(A)(8) shall be processed as an Interpretation pursuant to Subsection 1305.03.*

B. *Colleges, educational institutes, and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers;*

C. *Galleries and museums; small-scale (seating capacity up to 500) assembly or convention facilities, and theaters for performing arts; exhibition halls, libraries, senior centers and fraternal organizations;*

D. *The following service commercial uses may be provided within an OC development, up to a maximum of 20 percent of the gross floor area of the development. Service commercial uses are allowed only in conjunction with another primary use and must be established concurrently with, or after, another primary use:*
   1. *Personal services such as laundry, dry cleaning, tailor, barber and beauty salons, shoe repair, photo processing services, and tanning salons;*
   2. *Cafes and delicatessens which serve at least breakfast and/or lunch; and catering services. No drive-through window service shall be allowed;*
   3. *Video sales and rentals;*
   4. *Bakeries; and*
   5. *Any use that the Planning Director finds to be similar to one or more of those specified in Subsections 507.03(D)(1) through (4) and consistent with the Comprehensive Plan and the purposes of Section 507. A request for a determination under Subsection 507.03(D)(5) shall be processed as an Interpretation pursuant to Subsection 1305.03;*

E. *High density residential, subject to Section 303;*

F. *Bed and breakfast residences and inns, subject to Section 832;*

G. *Parking structures and areas which serve developments located within the OC district or a park-and-ride; transit stations and bus shelters; and*

H. *Wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835.*

Proposed: This portion of the study area is proposed to be zoned as RCMU. Allowing for the following primary uses, as shown in the proposed amendments to Chapter 16.23:

A. *Commercial – Retail Uses*
B. *Commercial – Offices*
C. *Industrial*
D. *Institutional*
E. *Civic Uses*
F. *Other (including residential)*

6.2.2 Comparison of Trip Generation

Two tables were created to compare the trip ends associated with a reasonable worst case build out of the existing zoning with the worst case build out of the proposed zoning. The currently assumed mix and density of land uses proposed for the Eagle Landing mixed use development represent a reasonable worst case build-out scenario for the proposed zoning.

Table 17 is disaggregated between the two governing jurisdictions, while the proposed zoning is not disaggregated as a single master plan must be submitted to each jurisdiction that incorporates both the County and City owned land. The PM peak hour is shown as it is the highest total trip generator. Because the church that currently resides on a portion of the parcel under the jurisdiction of Clackamas County has a higher trip generation rate than any of the allowed residential uses it was assumed to remain in place.

Table 17. PM Peak Driveway Trip Generation for Build-Out under Existing Zoning

Governing Jurisdiction and Current Zoning Code	Total Lot Size	Maximum Leasable Area	Assumed Land Use	ITE Code	Existing Zoning		
					In	Out	Total
City of Happy Valley Zoned Office Commercial	21.5 Acres	600,000[3] S. F.	Office	710	128	623	751
			Internal Trips[2]		13	9	22
			Additional Network Trips		115	614	729
		150,000[3] S. F.	Shopping Center	820	401	434	835
			Internal Trips[2]		21	28	49
			Pass-By Trips[1]		129	138	267
			Additional Network Trips		251	268	519
Clackamas County Zoned: Regional Center High Density	9.5 Acres	123[4] Units	Condominiums	230	48	24	72
			Internal Trips[2]		16	13	29
			Additional Network Trips		32	11	43
Clackamas County Zoned: High Density Residential	4.9 Acres	121,000 S. F.	Church	Adjusted Field Data	160	203	363
			Internal Trips[2]		0	0	0
			Additional Network Trips		160	203	363
			Trips Generated		737	1284	2021
			Internal Trips[2]		50	50	100
			Pass-By Trips		129	138	267
			Additional Network Trips		558	1096	1654

Notes:

(1) Pass-by trip were calculated with the methodology used in chapter 5 of the ITE Trip Generation Handbook, 8th Edition. The associated pass-by percentage, calculated from the fitted curve equation in figure 5.5, was 25%

(2) Internal trips were calculated using the methodology used in chapter 7 of the ITE Trip Generation Handbook, 8th Edition

(3) The portion of land currently under The City of Happy Valley Jurisdiction is currently approved for 750,000 sq. ft. of office (commercial) with up to 20 percent Retail.

(4) The 4.9 Acres of land currently under Clackamas County Jurisdiction is zoned as HDR allowing for up to 25 dwelling units per acre.

Source: ITE Trip Generation Manual, 8th Edition

Table 18 summarizes reasonable worst case assumptions for full build out. The proposed zoning would increase the total PM peak hour trips by 65 percent, while the additional network trips would only increase by about 50 percent. These additional trips would be added to the street network, increasing overall demand on the transportation system.

The proposed zoning provides one benefit that can be seen through the higher percentage of internally captured trips. Under the existing zoning, less than five percent of the total trips generated would be internal trips while under the proposed zoning, the internal trip rate is more than 12 percent. This benefit is also reflected in some of the individual uses. Five times the number of allowed dwelling units would be allowed while the total trip ends associated with the residential uses would only increase by roughly four times. The leasable square footage for retail would increase by 220 percent while the trip ends would only increase by 150 percent.

Table 18. PM Peak Driveway Trip Generation for Build-Out under Proposed Zoning

To be split between the Clackamas County and City of Happy Valley parcels based on the leasing plan that will be submitted with the future Master Plan.	Maximum Leasable Area	Land Use	ITE Code	Proposed Zoning		
				In	Out	Total
	600,000 S. F.	Office	710	128	623	751
		Internal Trips[2]		28	23	51
		Additional Network Trips		99	601	700
	745 Units	Condominiums	230	209	103	312
		Internal Trips[2]		69	61	130
		Additional Network Trips		140	42	182
	120 Units	Senior Adult Housing	252	7	5	12
		Internal Trips[2]		2	2	4
		Additional Network Trips		5	3	8
	480,000 S. F.	Shopping Center	820	873	946	1820
		Internal Trips[2]		92	107	199
		Pass-By Trips[1]		195	210	405
		Additional Network Trips		586	629	1215
	120 Units	Hotel	310	38	33	71
		Internal Trips[2]		12	11	23
		Additional Network Trips		25	22	47
	121,000 S. F.	Church	Adjusted Field Data	160	203	363
		Internal Trips[2]		0	0	0
		Subtotal Driveway Trips		160	203	363
		Additional Network Trips		1415	1913	3328
		Internal Trips[2]		204	203	408
		Pass-By Trips		195	210	405
		Additional Network Trips		1015	1500	2515

Notes:

(1) Pass-by trip were calculated with the methodology used in chapter 5 of the ITE Trip Generation Handbook, 8th Edition. The associated pass-by percentage, calculated from the fitted curve equation in figure 5.5, was 25%.

(2) Internal trips were calculated using the methodology used in chapter 7 of the ITE Trip Generation Handbook, 8th Edition

(3) The portion of land currently under The City of Happy Valley Jurisdiction is currently approved for 750,000 sq. ft. of office (commercial) with up to 20 percent Retail.

(4) The 4.9 Acres of land currently under Clackamas County Jurisdiction is zoned as HDR allowing for up to 25 dwelling units per acre.

Source: ITE Trip Generation Manual, 8th Edition

6.2.3 Impacts and Mitigation Required for TPR Compliance

There are several ways that an amendment to zoning could potentially cause a significant impact (660-12-0060(1)). In the case of the proposed zoning changes associated with the Eagle Landing development, this traffic study has determined that there would be a significant impact as defined under 660-12-0060 (1)(c):

> *... A plan or land use regulation amendment significantly affects a transportation facility if it would:*
>
> *(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;* (NOT APPLICABLE)
>
> *(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;* (APPLICABLE) *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.* (APPLICABLE)

When a significant effect has been determined, compliance with section (1) must be accomplished through one or a combination of a number of measures outlined in subsection (2) of 660-12-0060. Mitigation measures proposed in this traffic study for the proposed zoning change fall under subsection (2)(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."

The mitigations shown in **Figure 15** and described below in Section 5.3 would allow all study area intersections to either operate within jurisdictional standards, or to have improved performance over that of the background conditions.

Under subsection (3):

... 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; (APPLICABLE)

(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; (APPLICABLE)

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

Under subsection (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; (NOT APPLICABLE)

(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; (APPLICABLE)

(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; (NOT APPLICABLE) *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. (NOT APPLICABLE)

In order to help ensure compliance with subsection (6)(b),it is suggested that the proposed map amendment to rezone the subject site from Office Commercial (OC) to Regional Center Mixed Use (RCMU) be accepted with a condition of approval requiring that a Transportation Demand Management (TDM) plan be provided as part of the submittal of the master plan for the Eagle Landing development.

Thus, the proposed zoning change can satisfy the requirements for TPR compliance.

6.3 Recommendations

Construct the network of streets, driveways, and parking garages shown in the conceptual site plan incorporating the following improvements:

- Align the west end of the new east-west public street to become the east leg of the new four leg intersection at Monterey and Bob Schumacher.
- Align the east end of the new east-west public street to become the west leg of the current roundabout at the intersection of Monterey at Stevens.

- Construct an internal circulation road south of and parallel to the existing Monterey Avenue.
- Construct additional north-south internal access and circulation roads within the study area where noted on **Figure 10** (the conceptual leasing plan).

Mitigate adverse intersection operations as shown in **Figure 15** and described below:

- The southbound approach to intersection number three, Sunnyside at the southbound I-205 ramp terminal, currently has a dedicated left-turn lane, a shared left-through lane, a dedicated through lane and a dedicated right-turn lane. The proposed lane configurations would be two dedicated left-turn lanes, a shared through-right lane, and a dedicated right-turn lane. The other approaches would not be changed. The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.
- The northbound approach to intersection number four, Sunnyside at the northbound I-205 ramp terminal, currently has a dedicated left-turn lane, a shared left-through lane and a dedicated right-turn lane. The proposed lane configurations would be a dedicated left-turn lane, a shared left-through-right lane and a dedicated right-turn lane. The other approaches would not be changed. The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.
- The southbound approach to intersection number eight, Bob Schumacher at Stevens, currently has a dedicated left-turn lane, a dedicated through lane, and a dedicated right-turn lane. The proposed configurations would be a dedicated left-turn lane, a shared left-through lane, and a dedicated right-turn lane. The other approaches would not be changed. The proposed mitigation would require signal modification, sign modifications and striping modifications but no roadway widening.
- Three approaches to intersection number five, Sunnyside at Stevens, would need to undergo significant modifications to comply with jurisdictional standards. The existing westbound shared through-right lane would need to be extended back approximately 500 feet and converted to a through only lane. A dedicated right-turn lane approximately 100 feet long would also need to be added to the westbound approach. A second dedicated left-turn lane would be needed on both the northbound and southbound intersection approaches (to replace the shared through-left lanes) which would require widening the roadway on one or both sides. These intersection enhancements include but might not be limited to right-of-way acquisition, roadway capacity enhancements, signal modification, sign modifications and striping modifications.

DAVID EVANS
AND ASSOCIATES INC.

MEMORANDUM

DATE:	January 30, 2012
TO:	Dan Johnson, Clackamas County Michael Walter, City of Happy Valley
FROM:	Josh Anderson P.E., PTOE
SUBJECT:	**Addendum to Eagle Landing Traffic Impact Analysis**
PROJECT:	VERL00000013 – Eagle Landing Community Development
COPIES:	Gail Curtis (Oregon Department of Transportation); Neil Nedelisky (Veritas Investments)

This memorandum serves as an addendum to the Eagle Landing Mixed Use Concept Traffic Impact Analysis (TIA), dated August 2011.

After submittal of the above mentioned TIA, staff from the Oregon Department of Transportation (ODOT) were concerned as to the way the signal timing was modified for the I-205 interchange. After reviewing the timing assumed in the TIA, ODOT staff provided modified signal timing for the interchange and requested that some additional analysis be performed using the modified timing plans. The following analysis is a summary of the results found in that analysis.

Signal Timing Changes

The following bullets summarize changes made to existing signal timing when optimizing for this analysis:

- 82nd Avenue
  - At Sunnyside Road
    - Same as existing
  - At Monterey Avenue (DEA modification)
    - Added an eastbound phase to accommodate a 4-leg intersection
    - Updated timing to account for higher east/west demands associated with the extension of Monterey Avenue to Fuller Rd.
    - Updated offset to 5 seconds from 16 seconds.
- Sunnyside Corridor
  - At 93rd Avenue (ODOT modification)
    - Slight modification in splits to accommodate new traffic patterns
  - At southbound I-205 Ramp (ODOT modification)
    - Slight modification in splits to accommodate new traffic patterns
  - At northbound I-205 Ramp (ODOT modification)
    - Add a northbound right-turn overlap phase
    - Adjust splits to accommodate new traffic patterns
    - Remove northbound right-turn-on-red
  - At Stevens Road (ODOT modification)
    - Change from split phasing to protected phasing

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Exhibit 4

        - Add westbound right turn overlap
        - Change eastbound left-turn to lead
        - Change north and southbound left-turn to lead
        - Adjust splits to accommodate new traffic patterns
    - At Valley View Terrace (DEA modification)
        - Change eastbound left-turn to lead
        - Slight modification to splits (add 4 seconds to side street max)
- Bob Schumacher Corridor
    - At shopping center access
        - Same as existing
    - At Stevens Road (DEA modification)
        - Adjust splits to accommodate new traffic patterns
    - At Monterey Avenue (County requested modification)
        - Change from split to permitted east/west phasing at Counties request
        - Adjust splits to accommodate new traffic patterns
- Sunnybrook Boulevard Corridor
    - At southbound I-205 Ramp
        - Same as existing
    - At northbound I-205 Ramp
        - Same as existing

Proposed Roadway Mitigations

The proposed roadway mitigations are shown in **Figure 1** at the end of this memorandum and listed in the following bullets.

- Sunnyside Road at I-205 Southbound Ramp (updated from August 2011 TIA)
    - The mitigation proposed in the Traffic Impact Analysis was removed as it is not necessary to meet ODOT or County standards.
- Sunnyside Road at I-205 Northbound Ramp (updated from August 2011 TIA)
    - Northbound approach - The original traffic study showed the modification of the existing shared left-through lane to a shared left-through-right lane. This mitigation was altered to maintain the current shared left-through lane and add a second dedicated northbound right-turn lane. The new dual right-turn lanes would be controlled by the signal and would be channelized through the use of a splitter island. The analysis was conducted assuming that the northbound right-turns would not be allowed to turn on red. However, it would be preferable to design the new northbound right-turn lanes to allow right-turns to happen when the light is red.
- Sunnyside Road at Stevens Road
    - Northbound approach (updated from August 2011 TIA) – An additional northbound left-turn lane is required from the hospital onto Sunnyside Road. To accomplish this, one of the southbound exiting lanes (access from Sunnyside to the hospital) would be converted from a through lane to a northbound left-turn lane. This modification would improve the intersection alignment and allow for the proposed protected north/south phasing rather than the existing split phasing.
    - Westbound approach (consistent with August 2011 TIA) – The rightmost shared through-right lane would be extended to a length of 700 feet and converted to a dedicated through lane. A new, 100-foot long, right-turn lane would be added.
    - Southbound approach (consistent with August 2011 TIA) – The currently shared through-left lane would be converted to a dedicated through lane. A second left-turn lane would be provided. The resulting lane configuration would be one dedicated right-turn lane, one dedicated through lane, and two dedicated left-turn lanes.

- Bob Schumacher at Stevens Road
    - Southbound approach (consistent with August 2011 TIA) – The currently dedicated through movement would be modified to a shared through-left turn lane. The resulting land configuration would be one dedicated left-turn lane, one shared through-left lane, and one dedicated left-turn lane.

Operational Results

This section summarizes the future year 2035 operations of the updated Eagle Landing Traffic Impact Analysis. At the request of ODOT, six intersections were analyzed in the AM peak hour, and at Clackamas County request, all 16 intersections were analyzed in the PM peak hour. No additional analysis was performed for the midday peak hour. **Figure 2,** at the end of this memorandum, summarizes the results.

AM Peak Hour Operations:

- All six intersections are expected to operate at or below a V/C ratio of 0.84 with LOS at or below LOS C, meeting all applicable ODOT standards.

PM Peak Hour Operations:

- All signalized intersections are expected to operate below a V/C ratio of 0.90 and meet all applicable ODOT standards with the exception of the intersection of Sunnyside at 82nd, which operates at a V/C ratio of 1.22 (the same as no-build).
- All signalized intersections are expected to operate with LOS D or better and meet all applicable Clackamas County standards, with the exception of the two intersections along 82nd Avenue, which operate at LOS F due to a standing southbound queue emanating from the intersection of Sunnyside at 82nd Avenue and extending back through the intersection of Monterey at 82nd Avenue. Overall delays are similar to that of the no build scenario.
- All unsignalized intersections are expected to operate at LOS A on an overall basis, which meets all applicable City of Happy Valley standards.

Table 1, below, depicts the expected arterial corridor operations along Sunnyside and Bob Schumacher. As shown, all corridors are expected to operate at a LOS that meets County standards.

Table 1. 2035 Amended Total Traffic Corridor Operations

	Sunnyside Corridor		Bob Schumacher/Stevens Corridor	
	PM		PM	
Direction	Speed	LOS	Speed	LOS
Westbound/Northbound	23	C	18	D
Eastbound/Southbound	28	B	12	E

Notes: Speed results generated with the use of SimTraffic
LOS obtained from HCM Urban Street LOS Tables assuming class 2 for Sunnyside and class 3 for Bob Schumacher. .

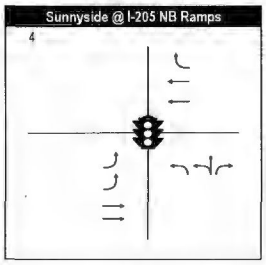
Table 2, on the following page, summarizes the expected queuing at all study area intersections. In most areas, queuing is similar to that of the previous total conditions summarized in the August 2011 TIA, with the exception being the area immediately surrounding the I-205 interchange ramps and the Sunnyside/Stevens intersection suffering from notable less congestion and queuing.

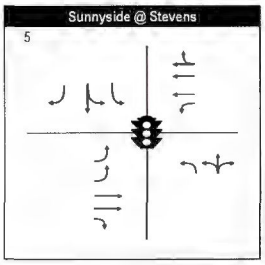
Table 2. 2035 Amended Total Conditions Queue Lengths by Movement

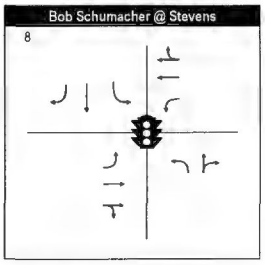
Intersection	Movement	Queue Length PM	Queue Length AM	Available Storage
Sunnyside @ 82nd Avenue	EBL	225	-	150
	EBT	525	-	-
	EBR	275	-	235
	WBL	350	-	275
	WBT	450	-	-
	WBR	175	-	-
	NBL	250	-	175
	NBT	>1000	-	-
	NBR	225	-	175
	SBL	125	-	80
	SBT	>1000	-	-
	SBR	125	-	95
Sunnyside @ 93rd Ave	EBT	250	125	-
	EBTR	225	75	-
	WBL	125	100	150
	WBT	75	125	-
	NBL	350	350	-
	NBR	100	50	-
Sunnyside @ I-205 SB Ramp	EBT	400	200	-
	EBR	50	25	-
	WBL	275	200	200
	WBT	425	175	-
	SBL & SBLT	300	325	450*
	SBT	200	200	-
	SBR	100	250	450
Sunnyside @ I-205 NB Ramp	EBL	175	25	175*
	EBT	125	150	-
	WBT	400	250	-
	WBR	175	25	-
	NBL	125	100	300
	NBLTR	150	125	-
	NBR	200	350	-
Sunnyside @ Stevens	EBL	400	425	425*
	EBT	475	400	-
	EBR	125	150	175
	WBL	150	150	170
	WBT	400	525	-
	WBR	225	350	100
	NBL	150	75	-
	NBTR	200	100	-
	SBL	375	125	190*
	SBT	550	150	-
	SBR	250	200	190
Sunnyside @ Valley View Terrace [2]	EBL	175	-	300
	EBT	275	-	-
	EBTR	325	-	-
	WBL	75	-	100
	WBT	250	-	-
	WBTR	300	-	-
	NBL	75	-	50
	NBTR	50	-	-
	SBL	150	-	100
	SBTR	975	-	-
Monterey @ 82nd Avenue	EBL	375	-	-
	EBTR	400	-	-
	WBL	550	-	395*
	WBTR	>1000	-	-
	NBL	175	-	150
	NBT	525	-	-
	NBR	150	-	150
Stevens @ Shop Entrance [2]	EBL	25	-	-
	EBTR	75	-	-
	WBL	100	-	-
	WBTR	100	-	-
	NBL	125	-	170
	NBT	250	-	-
	NBTR	275	-	-
	SBL	125	-	130
	SBT	700	-	-
	SBTR	650	-	-
Stevens @ Bob Schumacher [2]	EBL	50	-	285
	EBT	325	-	-
	EBTR	350	-	-
	WBL	75	-	175
	WBT	425	-	-
	WBTR	525	-	-
	NBL	75	-	80
	NBTR	75	-	-
	SBL	300	-	250
	SBLT	425	-	-
	SBR	150	-	300
Monterey @ Bob Schumacher [2]	EBLT	150	-	-
	EBR	100	-	500
	WBLT	75	-	-
	WBR	50	-	80
	NBL	75	-	275
	NBT	225	-	-
	NBTR	250	-	-
	SBL	125	-	150
	SBT	150	-	-
	SBTR	150	-	150
Monterey @ Stevens [2]	EBLTR	125	-	-
	WBLTR	150	-	-
	NBLTR	150	-	-
	SBLTR	75	-	-
Causey @ Stevens [2]	EBL	200	-	300
	EBTR	200	-	-
	WBL	50	-	300
	WBTR	100	-	-
	NBL	25	-	300
	SBL	50	-	200
Monterey @ Causey [2]	EBTR	50	-	-
	WBLT	25	-	-
	NBLR	50	-	-
William Otty @ Valley View Terrace [2]	EBLTR	150	-	-
	WBLTR	75	-	-
	NBLTR	125	-	-
	SBLTR	50	-	-
Sunnybrook @ SB I-205 Ramp [2]	EBT	350	75	-
	EBR	250	25	200
	WBL	225	225	200
	WBT	125	175	-
	SBLT	300	225	-
	SBT	325	225	-
	SBR	175	100	200
Sunnybrook @ NB I-205 Ramp [2]	EBL	150	50	200*
	EBT	225	75	-
	WBT	200	200	-
	NBL	175	175	200
	NBLT	250	300	-
			275	
	NBT	200		500
	NBR	125	50	500

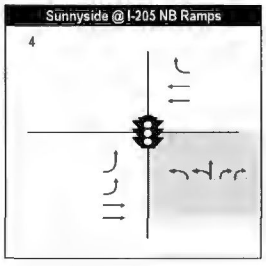
Notes: (1) The storage length for these movements only pertains to one of the two lanes
(2) This intersection not analyzed during the Mid-Day peak period

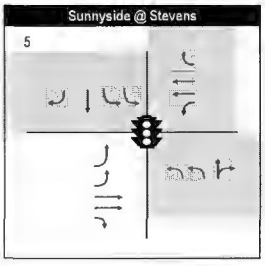


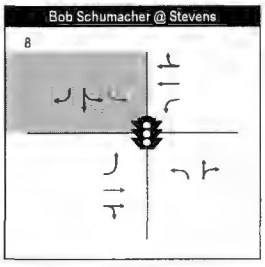












DAVID EVANS AND ASSOCIATES INC.

Eagle Landing

Legend

Traffic Signal

Proposed Change in Roadway Geometry

FIGURE 1

Proposed Intersection Mitigations

Eagle Landing Mixed Use Development



Sunnyside @ 82nd		
1	Signalized	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	F
	V/C:	1.22

Sunnyside @ 93rd		
2	Signalized	
AM	LOS:	B
	V/C:	0.53
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	B
	V/C:	0.62

Sunnyside @ I-205 SB Ramps		
3	Signalized	
AM	LOS:	B
	V/C:	0.67
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	C
	V/C:	0.84

Sunnyside @ I-205 NB Ramps		
4	Signalized	
AM	LOS:	B
	V/C:	0.64
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	B
	V/C:	0.66

Sunnyside @ Stevens		
5	Signalized	
AM	LOS:	C
	V/C:	0.78
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	D
	V/C:	0.89

Sunnyside @ Valley View		
6	Signalized	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	C
	V/C:	0.85

Stevens @ Shopping Center		
7	Signalized	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	C
	V/C:	0.75

Bob Schumacher @ Stevens		
8	Signalized	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	C
	V/C:	0.75

Bob Schumacher @ Monterey		
9	Signalized	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	B
	V/C:	0.55

82nd @ Monterey		
10	Signalized	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS	F
	V/C:	0.80

Monterey @ Stevens		
11	Roundabout	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
PM	LOS	A

Causey @ Stevens		
12	2-Way Stop	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
PM	LOS:	A

William Otty @ Monterey		
13	Roundabout	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
PM	LOS:	A

William Otty @ Valley View		
14	All Way Stop	
AM	LOS:	N/A
	V/C:	N/A
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	A

Sunnybrook @ I-205 SB Ramps		
15	Signalized	
AM	LOS:	B
	V/C:	0.58
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS	C
	V/C:	0.82

Sunnybrook @ I-205 NB Ramps		
16	Signalized	
AM	LOS:	B
	V/C:	0.55
Midday	LOS:	N/A
	V/C:	N/A
PM	LOS:	B
	V/C:	0.59

DAVID EVANS AND ASSOCIATES INC.

Eagle Landing

Legend

LOS: Level of Service

V/C: Volume to Capacity Ratio

FIGURE 2

2035 Total Conditions
Operational Results

Eagle Landing Mixed Use Development

MEMORANDUM

DATE: February 28, 2011

TO: Mr. Neil Nedelisky
VERITAS INVESTMENTS

FROM: Brendan Buckley
JOHNSON REID, LLC

SUBJECT: Analysis of Employment and Impacts of Mixed-Uses at Eagle Landing Development

---

JOHNSON REID was retained by Veritas Investments to examine the employment impacts and potential for success of a large master-planned mixed use development in Happy Valley and Clackamas County. This memo discusses the potential consequences of building an integrated mixed-use center as envisioned versus building a series of traditional segregated uses on separate parcels.

The proposed Eagle Landing development is planned on roughly 36 acres near Clackamas Town Center. The site is located partially in the City of Happy Valley, and partially in unincorporated Clackamas County. As envisioned, the development will house a mix of uses including residential, office, retail and institutional. The site plan calls for integrating these complimentary uses into an active urban center, with opportunities for living, employment and shopping all on-site. In addition, the site is well-located to leverage the existing Clackamas Town Center shopping and employment hub. Nearby transit and the freeway offer access to and from the rest of the region.

Based on the analysis summarized in this memo, JOHNSON REID concludes that creating an integrated mixed-use center should improve employment levels and overall success of the development, in comparison to developing the parcels as segregated uses based on current zoning.

I. EMPLOYMENT

JOHNSON REID performed an analysis of potential employment levels at Eagle Landing under the currently approved segregated-use program, and under the proposed mixed-use program. The estimates of employment are based on the amount of new real estate space proposed under the two scenarios, and the average square footage of space used per employee for different types of uses.

As presented in Figure 1, the proposed master-planned mixed-use development could dramatically increase the amount of employment achieved on the total site by an estimated 660 employees, or 28% more than under the currently approved segregated uses.

Exhibit 5

FIGURE 1: COMPARISON OF POTENTIAL EMPLOYMENT

Currently Approved Uses: Estimated Employment

Real Estate Category	Sq. Ft.	Sq. Ft./ Empl.	Estimated # of Employees
Office:	600,000	300	2,000
Retail:	150,000	500	300
Institutional:[1]	78,000	2,000	39
Total:	828,000		2,339

[1] Church

Proposed Mixed-Use Development: Estimated Employment

Real Estate Category		Sq. Ft.	Sq. Ft./ Empl.	Estimated # of Employees
Office:		600,000	300	2,000
Retail:		430,000	500	860
Hotel:	120 rooms	80,000	0.5 empl./room	60
Institutional:[1]		160,000	2,000	80
Total:		1,270,000		3,000

[1] Church, auditorium, YMCA

Estimated Gain in Employment:	***661***	***28%***

Sources: Johnson Reid, Urban Land Institute, Fishkind and Associates: "Orlando, FL Fiscal Impact Analysis Model"

Due to the greater concentration of uses, the proposed mixed-use development has the potential to house significantly more employment over a traditional development, offering more employment opportunities to residents of Eagle Landing as well as Happy Valley and Clackamas. For reasons discussed below, a mixed-use development may also achieve build-out sooner than disparate single uses, which would bring employment to the site more quickly.

II. POLICY CONSIDERATIONS

The development of a more integrated mixed-use center at the Eagle Landing site would be in keeping with broader local and regional policy goals.

The regional "Growth Concept" as administered by the Metro regional government outlines a system of inter-related transportation improvements and land uses. This development pattern is designed to guide higher growth into designated areas called "centers" in order to relieve growth

pressure on the region's urban growth boundary, as well as existing neighborhoods. The designated centers are planned to achieve higher densities of housing and employment uses in the future, and be served by strong multi-modal transportation options.

The designated centers around the region range from "Town Centers", to larger "Regional Centers", to Portland's "Central City". Each size of center is envisioned to achieve increasing levels of mixed uses and intensity of development to support the Growth Concept.

In the case of Eagle Landing, the Clackamas Town Center area is already a designated Regional Center, the largest type of center outside of the Central City. It is the location of a large concentration of existing retail and employment uses.

Recently, Metro undertook a major assessment of growth policies and progress, in order to set the course for coming decades. Out of this planning effort, Metro's Chief Operating Officer issued a Community Investment Strategy discussing regional goals and recommendations towards achieving them.

Taking this report as a guide, it seems clear that development of Eagle Landing as an integrated mixed-use development within this Regional Center, as opposed to a collection of traditional segregated uses, would better serve multiple policy goals:

- "The region should make the most of what we have with policy and investment actions that maintain and improve existing communities and protect our urban growth boundary." (Pg. 11)
- "[R]einforce existing downtowns, main streets and employment areas...." (Pg. 13)
- "Make it easy for workers to get to jobs by ensuring that a range of transportation options – including transit, walking and biking – serve employment areas." (Pg. 16)
- "Local governments should reduce... inefficiency by working collaboratively with their neighbors to resolve issues that cut across jurisdictional boundaries." (Pg. 19)

The report goes on to present the Amberglen plan in Hillsboro as a model case study. The description of Amberglen would apply just as accurately to the proposed mixed-use Eagle Landing:

- "Transformation of suburban development;
- Creating intensive, mixed-use development;
- Achieving higher levels of density close to major employers;
- Providing high quality amenities and an urban pedestrian environment;
- Supporting regional transportation infrastructure." (Pg. 12)

(All quotes are from "Community Investment Strategy: Building a sustainable, prosperous and equitable region", Metro, August 2010.)

The proposed development at Eagle Landing would add density and a mix of uses, all within a walkable environment, near multiple transportation options, within an existing Regional Center

designated to accommodate just this type of more intense development. By focusing development within the existing Center, it protects other lower-density neighborhoods from additional growth, while leveraging and building upon the extensive commercial activity and transportation investments already in the area.

III. Economic Performance of Mixed-Use vs. Traditional Development

Intensive mixed-use development of the type envisioned at Eagle Landing is still a relatively new phenomenon, having grown in popularity over the last decade or so. While multiple examples of this development form exist around the country, there has been relatively little quantitative analysis on how mixed-use development performs relative to traditional development.

Johnson Reid conducted a review of existing research and articles on this topic. Much of the existing research is qualitative, but provides good insights into the popularity and success of mixed use development.

In addition, Johnson Reid has conducted analysis in the past for Metro which examined the positive impacts of a mixed-use environment on residential property values. This study provided some lessons relevant to Eagle Landing, which are discussed in more detail after the review of existing research.

Why Mixed Use Development?

By some estimates, mixed-use development (ranging from small to large scale) now accounts for nearly 20% of development. Reasons cited by real estate professionals for the growing popularity of mixed use development are:

- The live-work-play environment is convenient in a single location
- Desire to live and/or work in a town center or "main street" environment
- Reducing traffic congestion, commute times
- Rising land prices are making more density necessary
- The format is increasingly encouraged by public agencies[1]

Do Mixed Uses Increase Value?

Multiple sources cite real estate professionals whose experience shows that a mixed use environment adds value:

> "There certainly is a value-added premium to mixed-use projects in terms of rents we can command for retail or office and the sales per square foot we can command for residential housing. *These complementing uses are viewed as a significant amenity for everyone."* [Emphasis added]
> David Brainerd, Madison Marquette development company[2]

[1] "The Concept and Drivers of Mixed-Use Development", Michael P. Neimira, 2007.
[2] "Mixed-use: A Conversation with Wells Fargo", Places Magazine Online, 2009.

The synergy of different uses working together can increase the investment value and market value of the project. In a well-designed mixed-use project each use generates additional revenue from the other uses (i.e. office users use the on-site shopping and dining, and local employees are a source of additional demand for the residential space.) Similarly, the uses serve as amenities for each other in a broader sense (i.e. uses can share parking and infrastructure, or benefit from exposure to the visitors and customers of the other use types.)[3]

A study prepared for the National Association of Industrial and Office Properties attempted to quantify the price premiums that can be achieved by office space in mixed-use development vs. non-mixed use. The study found that in multiple markets there is a significant positive premium for mixed-use real estate of as much as 10%, while in other markets the results were inconclusive.[4]

Mixed Use Amenities as Driver of Value

JOHNSON REID has previously completed analysis for Metro demonstrating that some of the added value found in mixed-use environments can be attributed to the availability of amenities such as dining, shopping and services within walking distance. The literature review also supported this conclusion.

The 2007 Urban Living Infrastructure study employed a hedonic model to measure the impact on residential values of specific commercial offerings within a 1.5 block distance. The study used home sale data from six key, mixed-use neighborhoods in the Portland metro area. Some key findings:

- The proximate availability of a range of urban amenities have a substantive impact on achievable residential pricing.
- The primary benefit of urban amenities is related to convenience, often expressed in savings in time and travel cost. The ability to reach a number of amenities within a pedestrian range is of particular value.
- Development of a greater number of residential units within walking distance of a commercial concentration increases the viability of that concentration, attracting a superior tenant mix that then increases the premium for residential uses. Thus a virtuous cycle of investment and reinvestment across all uses can be established.[5]

The implication of this study is that it is precisely the nature of a mixed-use development, having multiple complimentary uses in close proximity, which adds additional value to each separate use, and makes the development as a whole more successful.

---

[3] "Mixed Use Development: A Review of Professional Literature" Joseph S. Rabianski, J. Sherwood Clements, 2007

[4] "Price Premiums and Mixed-Use Development," Dominic F. Minadeo, 2009.

[5] "*Urban Living Infrastructure: An Assessment of the Marginal Impact of Urban Amenities on Residential Pricing*, Executive Summary", Johnson Gardner, Metro, 2007.

Implications of the Added Value of Mixed Use

While the enhanced property value of a mixed-use development benefits the developer or investors, what are the broader implications of these findings for other stakeholders, such as the jurisdiction or community in which the development is located? Some potential implications:

- A mixed-use development has the potential to achieve greater density, more built form, at a higher property value relative to traditional development. This combination should increase the property's assessed value, and therefore promise enhanced tax revenues overtime for local tax districts.
- The higher achievable rent and price levels found in mixed-use development will tend to correlate with higher-wage office employment, higher-end retail, and higher quality of residential development.
- Higher pricing also makes certain types of development more feasible (such as greater density and structured parking) that might not normally be feasible at lower pricing levels. Therefore, the goal of more intensive land use in the Regional Center could be better met by mixed use development achieving higher pricing.
- To the extent that a master-planned development can achieve synergy among the uses, with each use enhancing the others, such a development has the potential to develop and provide the local benefits in a more timely fashion than segregated uses developing on different parcels on different timelines.

IV. CONCLUSIONS FOR THE EAGLE LANDING DEVELOPMENT

Based on the analysis summarized in this memo, JOHNSON REID concludes that creating an integrated mixed-use center should improve employment levels and overall success of the development, in comparison to developing the parcels as segregated uses based on current zoning.

- **Greater Employment Potential:** The proposed mixed-use program will house more employment over time than segregated uses as currently approved or allowed on the parcels as currently zoned. The expanded floor plans of the proposed development can accommodate over 600 additional jobs, or a 30% increase.

- **In Keeping with Policy Goals:** The proposed program is in keeping with local policy goals. It would make intensive use of a key location in an existing Regional Center, with excellent transportation access and visibility. Local residents will have a range of options to combine live, work and play on-site.

- **Integrated Mixed Uses Strengthen Each Other:** A well-designed mixed-use environment each use benefits from the presence of the others while providing an amenity in its own right. Because of this relationship, each use is more successful than it would otherwise be. For instance, all things being equal, employment uses should provide more and higher-quality jobs than an equivalent development outside of a mixed use environment. In

addition, the disparate uses split costs such as parking, green space and other infrastructure.

- **Mixed Use Pricing Supports Higher Quality Development:** The higher pricing achievable in mixed-use projects should support a higher quality of development, and attract higher-wage employment and higher-end businesses to the site. In addition, higher pricing makes larger buildings and structured parking more feasible.

- **Higher Values Benefit Local Jurisdictions:** The higher value achievable in a mixed-use development translates to higher assessed property values and greater property tax revenue for local taxing districts.

- **Master Plan Makes Full Build-Out More Timely and Likely:** Approaching the entire site as a master-planned development provides a unified vision and more certainty for the full build-out of the site, as well as a marketing tool for prospective tenants. The presence of a larger vision facilitates the entire project moving forward, from planning to financing to construction. While master-planned development can take many years of process prior to breaking ground, it still commonly proceeds at a faster pace than piecemeal development of many separate parcels, while providing a more cohesive result.

Oregon
John A. Kitzhaber, MD., Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8531

February 3, 2012

Michael Walter, AICP
Economic & Community Development Director
City of Happy Valley
16000 S.E. Misty Road
Happy Valley, OR 97086

RE: **Eagle Landing CPA-10-11/LDC-08-11**

Dear Michael,

The applicant, ODOT, Clackamas County and you and your staff have been working diligently the past month to agree upon the transportation analysis and proposed mitigation associated with the proposed Comprehensive Plan and Zoning Text and Map Amendments for Eagle Landing's expansion. As a result of these collaborative efforts, ODOT supports the applicant's proposed mitigation with the conditions of approval listed below as well as Clackamas County's conditions relating to Sunnyside Road/Stevens Road and Stevens Road/Bob Schumacher intersections in order to mitigate the impacts to the state system.

Please keep in mind, if there are changes to any of the recommended mitigations reflected in the conditions, a formal change of conditions needs to be requested by the applicant. This will allow ODOT to review the proposed mitigations for consistency with the recent amendments to the Transportation Planning Rule (TPR), effective January 2012 (per OAR 660-012-0060(2)(e)).

Conditions of Approval Need to Address State System

A. Prior to development the applicant shall design and construct dual right-turn lanes at the I-205/Sunnyside northbound interchange off-ramp located at the I-205 and Sunnyside Interchange intersection in accordance with ODOT's Roadway Standards. The required dual right-turn lanes shall include a curbed, pedestrian island (also known as a "pork-chop") to form a two-phase pedestrian crossing.

B. The conditions of approval recommended by Clackamas County relating to Sunnyside Road/Stevens Road and Stevens Road/Bob Schumacher intersections shall be incorporated into the final conditions in order to address queuing and safety of I-205 and the I-205/Sunnyside Road interchange.

C. Any changes in mitigation intended to provide system-wide benefits to balance "significant effect" as defined by OAR 660-012-0060(2)(e) shall require a formal change in condition in order for ODOT to provide written approval.

Exhibit 6

Thank you again for spearheading a collaborative process to help balance the proposed development and transportation system needs as defined by your local code. I can be reached at 503-731-8206 should you or others wish to discuss this letter further.

Sincerely,

Gail Curtis, AICP
Senior Land Use and Transportation Planner

C: Avi Tayar, PE, ODOT
Marty Jensvold, PE, ODOT

Attach: Findings

Oregon
Theodore R. Kulongoski, Governor

Oregon Department of Transportation
ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

TO: Gail Curtis – Senior Planner
Region 1 Planning

FROM: Avi Tayar, P.E. - DRAFT
Development Review Team Leader
Region 1

DATE: February 2, 2012

RE: FINDINGS: Eagle Landing Mixed Use Concept
I-205 SS & SB Interchange areas
OR 213 SS & Monterey Intersections
Clackamas County, OREON

ODOT staff has reviewed the Transportation Impact Analysis (TIA) for the proposed Eagle Landing Mixed Use Concept dated August 2011 and the Addendum to the TIA dated January 30, 2012. The TIA and Addendum letter were prepared by David Evans and Associates, inc. (DEA) for the proposed Comprehensive Plan and Zoning Text and Map Amendments.

Introduction
The proposal is for development of Eagle Landing Mixed Use area located in Clackamas County and partially in the City of Happy Valley in the southeast quadrant of Portland Metropolitan Area. The study area is bounded by Causey Avenue/William Otty Road to the north, Sunnybrook Boulevard to the south, 82nd Avenue to the west, and Valley View Terrace to the east. Within the study area, ODOT's jurisdiction includes ramp terminals serving I-205 at Sunnyside and Sunnybrook Roads as well as OR 213 (SE 82nd Avenue). According to Oregon Highway Plan (OHP), the maximum Volume to Capacity ratio (v/c) at an interchange within a metropolitan area for ramp terminals may, under certain circumstance increase to as much as 0.9 but not exceed it. The v/c ratio for OR 213 (SE 82nd Avenue) within the CRC Regional Center boundary is 1.1 during the peak hour and 0.99 during the 2nd hour of the AM and PM peak period. The affected I-205 interchanges are Sunnyside and Sunnybrook and on OR 213 the affected intersections are Monterey and Sunnyside roads.

Traffic Study Analysis Methodology

ODOT accepts the modeling assumptions presented in the TIA as they relate to Metro's VISUM travel demand and Synchro/SimTraffic models used to evaluate traffic operations under a coordinated system of signalized intersections.

Existing Conditions (2011)
According to the TIA, all I-205 Interchange terminals operate with V/C ratios below 0.90 and all OR 213 Intersections operates with V/C below 1.1 during the AM, PM and Midday, Peak hours. ODOT can accept the above. In addition, the TIA indicates an existing queuing issue that exceeds the available storage for the southbound left-turn at the I-205 SB off-ramp at Sunnyside Road.

Future Background Conditions (2035)
According to the TIA, the northbound off-ramp at the I-205 Sunnyside interchange is expected to operate at v/c ratio of 1.02 during the AM peak hour and 0.96 during the PM peak hour, exceeding ODOT's standard of 0.9 V/C. In addition, the intersection of OR 213 and Sunnyside is expected to operate at V/C ratio of 1.22 during the PM peak hour, exceeding ODOT's standard of 1.1 V/C. In addition, the TIA indicates an existing queuing issue that exceeds the available storage at the I-205 Sunnyside and Sunnybrook interchange ramps.

Trip Generation AM and PM Periods
The new (net) total AM & PM peak additional network trips associated with the proposed Eagle Landing Mixed Use development is presented in Table 11 of the TIA. ODOT has reviewed and accepts the reported numbers.

Future Total Conditions (2035)
According to the TIA, the future total conditions are reported with proposed roadway mitigations listed below. The expected operations of the updated Eagle Landing TIA (letter Addendum) meet ODOT standard. During the AM Peak Hour, all interchanges and intersection operate below 0.84 meeting ODOT applicable standards. During the PM Peak Hour, all interchange signals are expected to operate below a V/C ratio of 0.9, Meeting ODOT's applicable standards. The intersection of OR 213 and Sunnyside is expected to operate and the same level as future background conditions indicating no significant effect at the intersection. ODOT has reviewed and accept the applicant's findings.

Proposed Roadway Mitigation
The applicant's Addendum to the Eagle Landing TIA proposes the following improvements which were included in order to establish the Future Total Conditions (2035) above:

> **"I-205 Sunnyside Interchange Northbound Ramp - Add a Second Dedicated Northbound Right-turn Lane creating a new dual right-turn lanes controlled by the signal and channelized through the use of a "splitter island" to serve pedestrians."**

In addition, other improvements are proposed including improvements at Sunnyside Road/Stevens Road and Stevens Road/Bob Schumacher intersections that are

essential for safe operations of the Sunnyside Road corridor and to prevent potential queuing concerns along the corridor that could otherwise negatively impact the operation and safety of I-205 and the I-205/Sunnyside Road interchange. Conditions of approval for the related improvements are reflected in Clackamas County's recommended conditions of approval.

Conclusion
ODOT concurs with the applicant's findings that there will be no "significant affect" to the state system as defined by the Transportation Planning Rule with the with the conditions of approval outlined below and in Clackamas County's recommended conditions relating to at Sunnyside Road/Stevens Road and Stevens Road/Bob Schumacher intersections to address queuing and safety of I-205 and the I-205/Sunnyside Road interchange.

Conditions of Approval

A. Prior to development the applicant shall design and construct dual right-turn lanes at the I-205/Sunnyside northbound interchange off-ramp located at the I-205 and Sunnyside Interchange intersection in accordance with ODOT's Roadway Standards. The required dual right-turn lanes shall include a curbed, pedestrian island (also known as a "pork-chop") to form a two-phase pedestrian crossing.

B. The conditions of approval recommended by Clackamas County relating to Sunnyside Road/Stevens Road and Stevens Road/Bob Schumacher intersections shall be incorporated into the final conditions in order to address queuing and safety of I-205 and the I-205/Sunnyside Road interchange.

C. Any mitigation intended to provide system-wide benefits to balance "significant effect" as defined by OAR 660-012-0060(2)(e) shall only be acceptable with written approval from ODOT.

If there are any questions regarding the contents of this memorandum, please contact me at (503) 731-8221.

CLACKAMAS COUNTY

Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

DATE: February 7, 2012

TO: Michael Walter, AICP
Happy Valley Economic & Community Development Director

FROM: Rick Nys, P.E., PTOE
Traffic Engineer, Clackamas County

RE: Eagle Landing CPA-10-11/LDC-08-11 (Revised Staff Report)

County staff has reviewed the applicant's August 2011 Traffic Impact Analysis and subsequent January 30, 2012 Addendum completed by David Evans and Associates for the proposed Comprehensive Plan and Zoning Text and Map Amendments. We have also reviewed the land use application.

We have the following comments:

County staff concurs that with the proposed improvements and/or conditions below, the proposed Comprehensive Plan and Zoning Text and Map Amendments satisfy the requirements of the Transportation Planning Rule (TPR) of OAR 660-012-0060 and the requirements of Chapter 16.67 of the City of Happy Valley Development Code. All County intersections studied will operate adequately per the County Transportation System Plan (Chapter 10 - Clackamas Regional Center Area Design Plan of the County's Comprehensive Plan), will be mitigated appropriately per the TPR, or the facilities are not significantly affected.

Staff largely concurs with the proposed improvements recommended as mitigation for the application. Several of the improvements could be very difficult to implement as they would require the purchase of right-of-way and modification to private property that is not currently under the control of the applicant or alternately, other improvements may better serve the travelling public.

Recently, the TPR was updated with flexibility for jurisdictions to implement improvements that before would have resulted in certain vehicular based transportation enhancements if the land use action was determined to have a significant effect. Now, jurisdictions have the flexibility to require projects that would result in other betterments to the transportation system that may better serve users other than vehicular users or provide other improvements that better meet the needs of a jurisdiction. That provision is found in OAR 660-012-0060(2)(e).

With the conditions provided below, the TPR is met by providing measures that either directly mitigate the impacts of the action or provide system-wide benefits to balance the significant effect of the action.

Recommended Conditions of Approval

Prior to occupancy of the first phase of development associated with this land use action or as determined by a future traffic impact study including a phasing plan for improvements approved as part of a Master Plan application, the applicant shall provide the following:

1. The applicant shall design and construct improvements or provide the County with funds in the amount equal to the estimated cost of improvements to design and construct improvements to the south leg of the intersection of Sunnyside Road/Stevens Road as listed below. All improvements shall be compliant with the Clackamas County Roadway Standards. The applicant may choose from Option A, B, or C below to satisfy this condition.

   A. The applicant shall construct an additional travel lane on the south leg of the intersection which creates a lane configuration consisting of dual northbound left turn lanes, and a northbound through-right shared lane. Obtain the construction rights to construct such improvements. Travel lanes shall be a minimum of 11 feet in width. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

      OR

   B. The applicant shall convert the south leg of the intersection from two southbound lanes, a northbound left turn lane and a northbound left-through-right shared lane to one southbound lane, dual northbound left turn lanes, and a northbound through-right shared lane subject to traffic analysis establishing acceptable queuing and level of service. Obtain the construction rights to construct such improvements. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

      OR

   C. The applicant shall provide the County with funds in the amount equal to the estimated cost of improvements at the intersection of Sunnyside Road/Stevens Road to construct the improvements as described above in "A" or "B" as approved by Clackamas County. The estimate and funds shall include the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, signing, striping, signal improvements, right-of-way, private property, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of loss of private property that would be displaced on the property at taxlot 22E04A 00200 and/or taxlot 22E04A 00190. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "A", "B", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

2. The applicant shall design and construct improvements or provide the County with funds in the amount equal to the estimated cost of improvements to the east leg of the intersection of Sunnyside Road/Stevens Road and Sunnyside/10100 block intersection as listed below. All

improvements shall be compliant with the Clackamas County Roadway Standards. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width. The applicant may choose from Option A or B below to satisfy this condition.

A. At the intersection of Sunnyside/Stevens Road, the applicant shall extend the existing northernmost westbound through lane to a total length of 700 feet to the east. Acquire the land area necessary for public right of way to construct improvements. Right-of-way shall be dedicated to the County. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

   OR

B. At the intersection of Sunnyside/Stevens Road extend the existing northernmost westbound through lane as far as feasible to a maximum total length of 700 feet without requiring the applicant to acquire additional public right-of-way. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

   For any distance less than the maximum distance of 700 feet from the intersection of Sunnyside/Stevens, the applicant shall provide the County with funds in the amount equal to the estimated cost of improvements including the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping, signal improvements, right-of-way, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of the right-of-way. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "A", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

3. The applicant shall design and construct improvements or provide the County with funds in the amount equal to the estimated cost of improvements to design and construct improvements on the east leg of the intersection of Sunnyside Road/Stevens Road. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width. The applicant may choose from Option A or B below to satisfy this condition.

   A. The applicant shall construct a westbound right turn lane with a width of 12 feet, length of 100 feet and appropriate tapers. Acquire the land area necessary for public right of way to construct improvements. Right-of-way shall be dedicated to the County. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement.

      OR

   B. The applicant shall provide the County with funds in the amount equal to the estimated cost of improvements to construct the improvements as described above in "A". The estimate and funds shall include the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage,

signing, striping, signal improvements, land area needed for right-of-way, displaced parking stalls, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of the necessary land area for public right-of-way and parking stalls that would be displaced at taxlot 12E33DD01302. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "A", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

4. The applicant shall design and construct improvements or provide the County with funds in the amount equal to the estimated cost of improvements to the intersection of Sunnyside/Stevens Road. The applicant may choose from Option A or B below to satisfy this condition.

   A. The applicant shall design and construct improvements to convert the existing northbound/southbound traffic signal phasing from "split" to "protected" left turn phasing. The applicant shall acquire the necessary construction rights and/or land area for right-of-way as needed. Right-of-way shall be dedicated to the County. The applicant shall provide the necessary improvements to ensure adequate truck turning movements for northbound and southbound left turns. The applicant shall construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement. All improvements shall be compliant with the Clackamas County Roadway Standards. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width.

   B. The applicant shall provide the County with funds in the amount equal to the estimated cost of improvements to construct the improvements as described above in "A". The estimate and funds shall include the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, signing, striping, signal improvements, land area needed for right-of-way, construction rights, displaced parking stalls, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of the necessary land area for public right-of-way and/or construction rights. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "A", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

5. The applicant shall design and construct improvements or provide the County with funds in the amount equal to the estimated cost of improvements to the north leg of the intersection of Sunnyside Road/Stevens Road as listed below. All improvements shall be compliant with the Clackamas County Roadway Standards. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width. The applicant may choose from Option A or B below to satisfy this condition.

   A. At the intersection of Sunnyside/Stevens Road, the applicant shall construct a southbound right turn lane lane with a minimum width of 12 feet, minimum length of 140 feet and appropriate tapers. Construct a southbound bike lane with a minimum width of 6 feet, minimum length of

140 feet and appropriate tapers. Convert the existing southbound right turn lane to a southbound through lane. Convert the existing southbound left turn lane/through lane to a southbound left turn lane. The southbound right turn lane shall be controlled with a "right turn overlap". Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement. The applicant shall acquire the necessary rights and/or land area and design and construct those improvements. Right-of-way shall be dedicated to the County.

OR

B. The applicant shall provide the County with funds in the amount equal to the estimated cost of improvements at the intersection of Sunnyside Road/Stevens Road to construct the improvements as described above in "A". The estimate and funds shall include the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, signing, striping, signal improvements, right-of-way, private property drive aisle, state BOLI wages, 20% engineering and 30% contingency, to facilitate this improvement. The applicant shall provide an appraisal estimating the value of the land area for public right-of-way and loss of private property drive aisle that would be displaced on the property at 12E33DD00400. These funds will be for the purpose of satisfying OAR 660-012-0060 through the construction of the improvements described in "A", or transportation system management measures, minor transportation measures and/or improvements that would benefit other than motor vehicular travel modes. The cost estimate is subject to approval of the County. All improvements shall be compliant with the Clackamas County Roadway Standards.

6. The applicant shall design and construct improvements to the north leg of the intersection of Bob Schumacher Road/Stevens Road. The improvements shall include converting the southbound approach from its existing southbound left, through, and right turn lane configuration to a southbound left, left/through and right turn lane configuration. Construct the necessary pavement, tapers, curbing, sidewalk, landscaping, drainage, utilities, signing, striping and signal improvements to facilitate this improvement. The improvement shall include a southbound left turn queue storage of 425 feet or greater. Improvements to sidewalk, travel lanes and bicycle lanes shall match or exceed that of the existing width.

DKS *Associates*
TRANSPORTATION SOLUTIONS

January 26, 2012

Michael Walter
City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

Subject: Conditions of Approval for the Eagle Landing Zone Change

Dear Michael:

DKS Associates has completed our technical review of the Eagle Landing Traffic Impact Analysis (TIA)[1] prepared by David Evans and Associates[2]. Based on our January 12th meeting between City Staff, ODOT, Clackamas County, DEA and the applicant, we determined that there were several items needed to be addressed. Since that time, an additional meeting between ODOT, Clackamas County, DEA and the applicant occurred on January 24th. Based on input from ODOT[3] and Clackamas County[4], it appears that significant progress has been made in terms of the traffic analysis. Based on this progress, we are comfortable issueing recommended conditions of approval for the zone change.

RECOMMENDED CONDITIONS OF APPROVAL

Proposed conditions of approval for the development are provided below:

- Construct improvements as agreed upon by ODOT and the applicant for the I-205 ramp terminals.
- Construct improvements as agreed upon by Clackamas County and the applicant for intersections on Sunnyside Road
- Include Travel Demand Management (TDM) measures to be included in the site's Master Plan, which could include: On-site Transportation Coordinator, Ridesharing (Drive Less Connect and Preferential Parking), Guaranteed Ride Home, Bicycle Facilities, and Shuttle Bus Services

Sincerely,

***DKS** Associates*
A Corporation

Michael Tomasini, P.E., PTOE
Transportation Engineer

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[1] Anderson, Joshua, David Evans and Associates Inc. "Traffic Impact Analysis-Eagle Landing Mixed Use Concept." August 2011.
[2] Tomasini, Michael, "Review of the Eagle Landing Traffic Impact Analysis." Letter to the City of Happy Valley, January 12, 2012
[3] Curtis, Gail, RE: Eagle Landing Zone Change/Reg. Center Boundary Adjustment email, ODOT, January 25, 2012.
[4] Tomasini, Michael. Phone conversation with Rick Nys, Clackamas County Traffic Engineer, January 25, 2012.

Exhibit 8

NOTICE OF PUBLIC HEARINGS

CITY OF HAPPY VALLEY

PLANNING COMMISSION AND CITY COUNCIL

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

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, FEBRUARY 14, 2012 at 7:00 p.m.
and
HAPPY VALLEY CITY COUNCIL will hold a
PUBLIC HEARING on
TUESDAY, MARCH 6, 2012 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:

"EAGLE LANDING MIXED-USE CONCEPT", INCLUDING THE CREATION OF A NEW ZONE – REGIONAL CENTER MIXED USE (RCMU) AS PART OF DEVELOPMENT CODE TEXT AMENDMENTS; COMPREHENSIV PLAN MAP/ZONING MAP AMENDMENTS; AND, AMENDMENTS TO THE CLACKAMAS REGIONAL CENTER AREA DESIGN PLAN

On February 14, 2012, the City of Happy Valley Planning Commission and on March 6, 2012, the City of Happy Valley City Council will hold public hearings regarding the proposed "Eagle Landing Mixed-Use Concept" (File No. CPA-10-11/LDC-08-11). The proposed amendments, including copies of the applicable criteria and related public records, are available for inspection at the City of Happy Valley City Hall located at 16000 SE Misty Drive, Happy Valley, OR 97086. **All written comments on the proposed amendments must be received by Friday, January 27, 2012 at the above address.** For additional information concerning the file, please contact Justin Popilek, Associate Planner at 503-783-3810, or write to justinp@ci.happy-valley.or.us. The City Council is the final local review authority and will consider the Comprehensive Plan Map/Zoning Map amendments, development code text amendments, and an Ordinance at the public hearing. Applicable criteria for this review are generally set forth in:

- Happy Valley Comprehensive Plan Policies;
- Happy Valley Land Development Code
- Metro Urban Growth Management Functional Plan; and,
- Oregon 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 Marylee Walden, City Recorder, at 503.783.3800

Exhibit 9

CITY OF HAPPY VALLEY

16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086
(503) 783.3800
FAX: (503) 658.5174

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission will hold a public hearing on the **14th day of February, 2012** at the hour of 7:00 p.m. at the City of Happy Valley City Hall, and the Happy Valley City Council will hold a public hearing on the **6th day of March, 2012** at the hour of 7:00 p.m. at the City of Happy Valley City Hall, 16000 SE Misty Drive, in the City of Happy Valley, Oregon, in regard to the following matter:

DOCKET NUMBER

CPA-10-11/LDC-08-11	"EAGLE LANDING MIXED-USE CONCEPT", INCLUDING THE CREATION OF A NEW ZONE – REGIONAL CENTER MIXED USE (RCMU) AS PART OF DEVELOPMENT CODE TEXT AMENDMENTS; COMPREHENSIV PLAN MAP/ZONING MAP AMENDMENTS; AND, AMENDMENTS TO THE CLACKAMAS REGIONAL CENTER AREA DESIGN PLAN

Veritas Investment Company, applicant and property owner, is requesting a Comprehensive Plan map /zoning map amendment and associated Development Code text amendments pertaining to several properties located within "Eagle Landing". Specifically, the applicant has proposed Development Code text amendments to replace an existing zone (Mixed Use Employment-Neighborhood Commercial – MUE-NC) with a new zone (Regional Center Mixed Use – RCMU); amending the existing Clackamas Regional Center Area Design Plan to include the subject site; and, amending the City's Comprehensive Plan/zoning map to change the subject properties from County Office Commercial (OC) to City RCMU. The subject properties are generally located south of SE Monterey Avenue and east of SE Stevens Road and can be further described as Clackamas County Assessor Map Nos. 12E33DA: Tax Lots 400, 500, 600, 700, and 800.

The Planning Commission will make a recommendation to the City Council to approve, approve with conditions or deny CPA-10-11/LDC-08-11. The City Council will render a final decision to approve, approve with conditions or deny the application. The Planning Commission and City Council will base their recommendations and decisions regarding this application in accordance with the applicable Statewide Planning Goals; applicable Oregon Administrative Rules (OAR's); applicable Titles of the Metro Functional Plan; applicable Objectives and Policies from the City of Happy Valley Comprehensive Plan and Clackamas Regional Center Area Design Plan; and, applicable sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code, including Chapter 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments). All written comments must be received by the City of Happy Valley, 16000 SE Misty Drive, Happy Valley, OR 97086 by **5:00 p.m., on Wednesday, February 1, 2012.**

Exhibit 10

Testimony should pertain to the applicable criteria. The decision will be made in accordance with said criteria, and may be appealed to the State Land Use Board of Appeals (LUBA). Failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the Planning Commission/City Council an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with LUBA. 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 conditions of approval with sufficient specificity to allow the Planning Commission/City Council to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, records concerning this matter, and the City's staff report and recommendation to the hearings body (available 7 days prior to hearing date) are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m. weekdays), please call for an appointment. For additional information, contact Justin Popilek, Associate Planner at the above address and phone number.

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

Notice to mortgagee, lien holder, vendor, or seller: The City of City of Happy Valley Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

_____

Justin Popilek
Associate Planner

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1207 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

TELEPHONE (503) 248-0808
FAX (503) 228-4529

February 14, 2012

Hand Delivered
Planning Commission
City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

Re: Docket No. CPA-10-11/LDC-08-11– Eagle Landing Mixed Use Concept

Dear Chair and Members of the Planning Commission:

I represent Allen Woodell, Trustee, owner of the properties known as Two Town Center and Three Town Center, immediately adjacent to and south of the subject site. Since 1998, as the planning for the Eagle Landing property has proceeded through several iterations with Clackamas County, followed by annexation and entry into a Development Agreement with the City of Happy Valley, we have successfully raised issues relating to buffers and set backs between Eagle Landing and the Town Center properties, drainage, and the location of any bicycle and pedestrian path which might connect these properties. The resolution of these concerns is reflected by the land use decisions made by both the county and the city over the past 14 years.

In order to maintain continuity and avoid any slip between cup and lip, we have worked with city staff to prepare the attached additional language for proposed HVDC Chapter 16.23. This language would replace a critical provision of Chapter 16.36, the entirety of which is proposed for deletion in this application.

In the event that no final action is taken tonight, or final action is taken but the attached language is not adopted, we would request that the record be held open for additional written testimony for a period of seven days.

Thank you for your consideration.

Very truly yours,

Jeffrey L. Kleinman

JLK:cme
Enclosure
cc: client

Exhibit 11

HVDC 16.23.010.D.5.m (Proposed)

In proposed HVDC 16.23.010.D.5, add the following subsection "m" and redesignate existing subsection "m" (Design Review) as subsection "n."

m. **Other Applicable Provisions.** With respect to the adjacent properties lying south of the proposed RCMU District and east of SE Stevens Road ("Adjacent Properties"), the provisions of the following Clackamas County land use decisions, including conditions of approval, which benefit the Adjacent Properties and apply or relate to buffering, required setbacks, drainage, and location of any bicycle and pedestrian path, shall remain in effect. The master plan and subsequent development within the RCMU District shall comply with those provisions.

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.

Mark Dane Planning Inc.

Mark Dane – Principal
13005 SW Foothill Drive
Portland, OR 97225
Phone: 503.332.7167
Fax: 503.641.5352

Memo

TO: City of Happy Valley Planning Commission

FROM: Mark Dane Planning Inc.

This memorandum is being submitted on behalf of the Aspen 504 LLC in opposition to the proposed land use action for Eagle Landing RCMU CPA-10-11/LDC-08-11 as submitted to the Planning Commission. Aspen 504 LLC is the fee owner of Lot 7, Eagles Landing, which is adjacent to the property subject to the proposed land use action. Given the substantial impact of this project not only on the adjacent landowners but also on the City of Happy Valley the following narrative is submitted. The memorandum is broken down into three areas: issues of concern about the application and its implications as proposed; recommended changes to the conditions of approval should the Planning Commission wish to approve the application; Specific conflicts with both the City's Land Use Ordinances, and the Goals and Objectives of the City Code. The issues referenced by page number from the February 14 Planning Commission Hearing Agenda package

Throughout the hearing, both staff, and the applicant repeatedly returned to the fact that the proposed zone land uses action is on property that is part of a larger previously approved Master Plan- the 'Greater Eagle Landing Master Plan" approved as a Planned Development encompassing single family and multifamily residential office / commercial and supportive retail uses. The initially approved and constructed phases consisted of the single family, and multi family portions of the project (of around 400 units) in anticipation of future supportive office commercial and retail phases, that were also detailed out in the Master Plan. Specific zoning was put in place to support the new commercial 'town center'. The application before you is a request to rezone a portion of this master plan, and a request made on behalf of only a portion of the land owners within this Master Planned Area.

At the hearing much was made of the history of the project, the magnificent models, and promises of a truly pedestrian friendly, job making town center. Similar promises were made during the application process for the previous approvals, and it was those promises of an active, dense town center that led, in part, to the size, type, and density of the high end condos and town homes. The town center was not developed, roads were left unfinished, and the County, and City had to complete much public infrastructure that was necessary for public safety but abandoned by the same developer making similar promises today. We believe that the original vision for the town center envisioned by the original approvals remains compelling, but in light of our collective experience, we are concerned that there are insufficient controls to ensure that this collective vision is ultimately achieved. Furthermore, we see some indications in the staff report that the original vision for the town center may have changed:

Exhibit 12

On Page 16 of the packet the staff report recommends that drive-through restaurants, video stores, and movie theaters change from being conditional use to permitted. When I think of these three uses together I tend to think strip mall. Maybe that's not the case, but is perhaps cause for concern. On page 17 "Manufacturing" (which was previously banned) has been added as a conditional use. This type of land use is unusual for a retail office center, and was not mentioned to my recollection in the hearing.

Throughout the earlier portions of the staff report there are several changes that are recommended, such as On page 21– 16.23.010.D.5.j & k change from 'may' to 'shall'. The revision of wording will offer the City greater leverage in ensuring the applicable tasks are performed . On pages 42 & 43 it is noted that for approval of a zone change the minimum requirement is *"avoid further degradation".* While this is a true statement given the current level of traffic congestion, and back ground traffic the Planning Commission is entitled to seek a better solution that the minimum offered by the applicant. There is an opportunity to improve conditions, and reduce traffic congestion from its current levels. In part the responsibility of a planning commission is to work towards planning a better community rather than one that keeps things the way they are or worse, and in so doing meeting the minimum standards. The Code does permit the Planning Commission to hold the applicant to a higher standard.

On Page 45 – ODOT comments include the statement. *" Prior to development the applicant shall design and construct dual right-tum lanes....".* elsewhere in the current staff report improvements are currently conditioned to compliance occurring "prior to occupancy" (of the buildings). This is not what ODOT recommends, and the condition should be changed to more closely reflect their direction.

On page 46 the following language states "*Staff largely concurs with the proposed improvements recommended as mitigation for the application.* ***Several of the improvements would be very difficult to implement as they would require the purchase of right-of-way and modification to private property that is not currently under the control of the applicant*** *or alternately, other improvements may better serve the travelling public. Recently, the TPR was updated with flexibility for jurisdictions to implement improvements that before would have resulted in certain vehicular based transportation enhancements if the land use action was determined to have a significant effect. Now, jurisdictions have the flexibility to require projects that would result in other betterments to the transportation system that may better serve users other than vehicular users or provide other improvements that better meet the needs of a jurisdiction. That provision is found in OAR 660-012-0060(2)(e).*

Before the project is approved, either the owners of the property not under the control of the applicant should either agree to the improvements as proposed, or sign over the rights to develop their property. Without these pieces the most significant issue of this project - the traffic impacts, can NOT be mitigated, and thus the Conditions of the State, County, and City not satisfied.

Page 47 discusses citizen involvement, yet no where in the 233- page packet was the input of these many meetings discussed.

Goal 1: Citizen Involvement (660-015-0000(1))
Goal 1 specifies that each city adopt a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the ongoing land-use planning process. This program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues."

Where is the input from the meetings, and are all those who signed up to be notified of these proceedings all being sent their copies of the proposal as submitted to the Planning Commission. If they are not this is in direct contradiction to Goal 1.

On the same page (p47) Goal 10 is briefly touched upon. This goal specifies that
" each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types".

Given the substantial nature of the proposal there was very little to be gleaned from the applicants study of the City's housing inventory, and how this zone change would impact it. No mention of ANY low income housing, so the question arises does this plan in not providing an adequate argument about housing rise to the bar.

On Page 48, Goal 11 calls for efficient planning of public services including water and fire protection. It also notes that *"public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs".* Based upon the staff report it appears that to date the future water supply has not been evaluated by the Sunrise Water Authority. Based on this assertion and the lack of water studies I would be concerned about the adequacy of both supply, given the substantial increase in demand, and the water pressure, based both on the supply, and the approved elevations.

On the same page its states that *"(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..."* Outside of the issue of property ownership there is a continuing concern that the street system will NOT function properly, and have an adequate capacity, and a level of performance that meets the minimum standard. In staffs own report they state that most of the intersections can meet

these requirements with the proposed mitigation. But that 82nd at both Sunnyside & Monteray don't function at the appropriate standard.

Should staff not see this as a problem and decide to proceed, it is asked that the recommended improvements outlined on pages 56-57 be completed prior to the vertical construction of the Center.

Under 3.07.640 C on pages 60-61 it states that "*C. Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:. The types of housing listed in the* ***"needed housing"*** *statute, ORS 197.303(1);*
2. The types of housing identified in the city's or county's housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and
The proposed zone change is fatally linked to the proposed design of the Town Center, and while the list of uses within the proposed RCMU Comprehensive Plan designation/zoning district reflect does reflect housing types including those listed in ORS 197.303(1) the application does not detail how it will meet these needs. This ties into Housing Policy 45 on page 62 of the packet that states " *The City shall encourage the availability of adequate numbers of needed housing units* ***at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households*** *and allow for flexibility of housing location, type and density".*

I was unable to find where the applicant had addressed how this requirement would be specifically met. Given the opportunity to make a specific offer of reserving perhaps 10% of the housing to be sold or rented at 80% of "Average Family Income" it would seem appropriate that compliance with this policy require such a condition.

Page 64 of the report notes in policy 51E "*Residential land uses will be organized to form complete neighborhoods. Complete neighborhoods include a variety of housing types,* ***park and open space****, a definable center (e.g. a* ***park*** *or school) and edge (e.g. transportation or open space corridor), a mix of uses, and a well connected network of streets and pedestrian ways. The degree to which each of these characteristics is provided will vary with the location and context of the neighborhood.* The argument at the hearing was made that the adjacent open space to the north which was part of the original Master Plan helped this denser commercial portion of the project meet this requirement. If the applicant argues that this property is not part of the Master Plan it need to provide its own parks. This issue is again raised on Page 68 under 2.1c *"Provide for essential public facilities and services,* ***including parks*** *and public space"* and again on Page 71,

On page 70 the staff report notes that *"the proposed RCMU zone does not provide for a minimum office employment density or have specific limits to retail development".* The obvious concern here is that without specific limits, combined with the changes to the uses to allow outright a drive-through and 'video-stores' could the property be developed in a manner that it was not described in the hearing.

On Page 72 the report details through spread sheets the following information:

*Congestion Performance Standards for portions of 82nd Avenue and Sunnyside Road located **in** the Regional Center boundary*

One hour AOS = E, and 'F' for the 1st peak hour

*Congestion Performance Standards for portions of 82nd Avenue, Sunnyside Road and Johnson Creek Boulevard located within the Clackamas Regional Center Design Plan Area and **outside** the Regional Center boundary*

One hour AOS = D, and 'E' for the 1st peak hour

*Congestion Performance Standards for City street sections located **east** of the Regional Center boundary, yet within the Clackamas Regional Center Design Plan Area shall be as follows:*

One hour AOS = D, and 'E' for the 1st peak hour

From a layman's perspective, it appears that the level of traffic performance within the Regional Center's boundary is deemed as meeting the minimum standards while being at a 'Fail' for the first peak hour, and generally held to lower standards of performance than those areas outside of the Boundary.

On Page 74 of the report these concerns are identified again on 82nd. Specifically:

The Traffic Impact Analysis (Exhibit 3) concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met except for the following intersections:
- 82nd Avenue at Sunnyside Road (Midday and PM),
- 82nd Avenue at Monterey Avenue (PM),
At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.

On page 78 the details for the requirements of the plan amendment are called out:

Chapter 16.67 Comprehensive Plan Map, Specific Area Plans, and 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. A change in the text may be initiated by as few as one person desiring a revision in the wording, scope, direction or organization of the plan. A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five percent (75%) of the property owners or authorized agents who own or represent at least seventy-five (75%) percent of the land area involved in the petition of change, which must correspond to a logically defined neighborhood or block of multiple properties, or include a single parcel of such size as to merit consideration as a future neighborhood if approved as part of a future subdivision or planned unit development application. 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 title at any time.

This property was part of the Eagle Landing Master Plan. My question to the Planning Commission is simply why have the other property owners been excluded. The original approval was not a separate application the original zone approval was tied to the Master Plan, and thus should involve all the owners in said Plan.

On page 80-82, or the report the code states that *"conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:*

1. Approval of the request is consistent with the Statewide Planning Goals;"

As has been previously noted this application does not meet the standard of complying with some of the applicable Statewide Planning Goals, regarding Housing, Transportation, and process, and does not provide sufficient evidence regarding public participation.

Secondly that *" Approval of the request is consistent with the applicable Goals and Policies of the City's Comprehensive Plan;"*

A Finding of Fact addressing consistency with the Goals and Policies of the City's Comprehensive Plan is included, above. Therefore, this criterion is not satisfied.

The third level of review asks The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

From the Staff report, regarding transportation, and the lack of information regarding water supply, and fire protection the answer is no.

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

If this zone change creates more congestion, and creates 'unintended consequences the answer is no.

Lastly should staff seek to make changes to the conditions I would recommend On page 84 under conditions that the wording *'prior to occupancy'* in condition 4 be corrected to *'prior to permit approval'* which would more correctly reflected ODOTS proposed conditions mentioned previously in the report

Mark Dane Planning, Inc

Mark Dane

Mark Dane, Principal AICP

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1207 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

TELEPHONE (503) 248-0808
FAX (503) 228-4529

February 21, 2012

Via email (MichaelW@ci.happy-valley.or.us) and telefacsimile(503-658-5174)
Michael Walters
Economic & Community Development Director
City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

Re: Docket No. CPA-10-11/LDC-08-11- Eagle Landing Mixed Use Concept

Dear Mr. Walters:

I represent Allen Woodell, Trustee, owner of the properties known as Two Town Center and Three Town Center, immediately adjacent to and south of the subject site. Please place this letter and the enclosures into the Planning Commission record in the above casefiles.

As can be seen from the enclosed email messages of today, Bill Cox, attorney for the applicant, and I share related concerns in this matter. From my client's standpoint, we did not understand that the proposed new RCMU Zoning District and the newly proposed provisions of HVDC Chapter 16.23 would *not* apply to portions of Eagle Landing directly to the north of my client's Two Town Center property and beyond to the east. At the same time, the applicant apparently did not understand that HVDC Ch. 16.36 was to be entirely eliminated.

While the agreed amendment to Chapter 16.23 I presented on February 14 is essential, Chapter 16.36 remains highly relevant to portions of Eagle Landing, including residential areas, which would not be zoned RCMU. HV 16.36.050.B must remain intact to preserve the longstanding resolution of the issues we have discussed relating to buffers and setbacks between Eagle Landing and the Town Center properties, drainage, and the location of bicycle and pedestrian path connections, *vis-a-vis* the bordering areas of Eagle Landing which will not be rezoned to RCMU. Again, this will maintain continuity not only with Clackamas County's land use decisions since 1998, but the terms by which the city annexed Eagle Landing and entered into its Development Agreement with the applicant in 2005.

Exhibit 13

Because only a portion of the subject property will bear that zoning, Mr. Cox has additional concerns regarding any elimination of Chapter 16.36. Our respective concerns must be successfully addressed before the Planning Commission makes its recommendation to the City Council.

Thank you again for your assistance and your efforts in this matter.

Very truly yours,

Jeffrey L. Kleinman

JLK:cme
Enclosure
cc: client
Bill Cox, Esq.

Subj: **Retaining 16.36 as written**
Date: 2/21/2012 12:30:44 P.M. Pacific Standard Time
From: wccox@landuseattorney.com
To: MichaelW@ci.happy-valley.or.us, KleinmanJL@aol.com
CC: ccorliss@angeloplanning.com

Michael

Because the applicant remains concerned about the potential for unintended consequences resulting from deleting 16.36 as proposed we request that 16.36 be retained in full. It does not seem necessary to delete 16.36 causing all its provisions to become null and void upon rezoning the land. Without fully understanding what went into creating the terms of 16.36 originally it would be less mentally taxing if we just retain the current 16.36 as written and add a provision that any inconsistencies with the new language would be found in favor of the new language. Such a course of conduct would eliminate the concerns of Mr. Kleinman and his clients. The applicant requests that 16.36 be retained in full.

Respectfully,

Bill Cox

This is not my area of expertise, so I'll leave it to your professional judgment.

Regards,

Cathy
This email is privileged and confidential. Do not forward, copy or print without authorization. If misdirected, please notify us immediately. Thank you. William C.Cox Attorney at Law 0244 SW California Street Portland, Oregon 97219 503-246-5499 Office 503-244-8750 Facsimile

Subj: **Re: Request to add language to conditions-Eagle Landing**
Date: 2/21/2012 10:01:48 A.M. Pacific Standard Time
From: KleinmanJL@aol.com
To: wccox@landuseattorney.com
CC: MichaelW@ci.happy-valley.or.us

Bill,

I understand that, but there are prior protections that must not be eliminated. I will look the regulatory scheme over again shortly.

Jeff

Jeffrey L. Kleinman
Attorney at Law
The Ambassador
1207 SW Sixth Avenue
Portland, OR 97204
Tel (503) 248-0808
Fax (503) 228-4529

In a message dated 2/21/2012 9:59:27 A.M. Pacific Standard Time, wccox@landuseattorney.com writes:

> I believe that is what you requested. The RCMU zone does not include the pond area so there will be no change from the present protections. I just wanted it specific.

On 2/21/2012 9:50 AM, KleinmanJL@aol.com wrote:

> Bill,
>
> When I get back to the office later this morning. I'm going to have to look at how the buffer of Two Town Center by the detention pond area will continued to be legally preserved. Michael, do you have any thoughts on this?
>
> Bill, have you and the city resolved anything on retaining part of Ch. 16.36?
>
> Jeff
>
> Jeffrey L. Kleinman
> Attorney at Law
> The Ambassador
> 1207 SW Sixth Avenue
> Portland, OR 97204
> Tel (503) 248-0808
> Fax (503) 228-4529
>
> In a message dated 2/21/2012 9:26:47 A.M. Pacific Standard Time, wccox@landuseattorney.com writes:
>
> > The applicant has gone through the Kleinman/Bean suggestions to add subsection "m" to the proposed revisions of HVDC 16.23.010.D.5 and we do not believe they will impose any

additional obligations to what we can expect without them. I note that the requested additions relate only to buffering, setbacks, drainage, and bicycle-pedestrian paths on the southern boundary of the RCMU zone. That zone's eastern limit is west of the existing retention pond. The obligation would terminate at Stevens. The applicant accepts the suggestion as presented at the hearing by Mr. Kleinman in his letter dated 2/14/12.

—
This email is privileged and confidential. Do not forward, copy or print without authorization. If misdirected, please notify us immediately. Thank you. William C.Cox Attorney at Law 0244 SW California Street Portland, Oregon 97219 503-246-5499 Office 503-244-8750 Facsimile

NOTICE: This communication and its attachments are confidential and may be protected by the attorney-client privilege and/or work product doctrine. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Tax Advice Notice: IRS Circular 230 requires us to advise you that, if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties or for promoting, marketing, or recommending to anyone else any tax-related matters addressed herein. A taxpayer may rely on professional advice to avoid federal tax penalties if and only if the advice is reflected in a comprehensive tax opinion that conforms to strict requirements.

--
This email is privileged and confidential. Do not forward, copy or print without authorization. If misdirected, please notify us immediately. Thank you. William C.Cox Attorney at Law 0244 SW California Street Portland, Oregon 97219 503-246-5499 Office 503-244-8750 Facsimile

Oregon
John A. Kitzhaber, MD, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8531

February 23, 2012

Kenneth Koblitz, Chair
Planning Commission
City of Happy Valley
16000 S.E. Misty Road
Happy Valley, OR 97086

RE: **Eagle Landing CPA-10-11/LDC-08-11**

Dear Chair Koblitz and Planning Commission Members:

The purpose of this letter is to confirm ODOT's support for the staff-recommended, Condition #3 of the February 14, 2011 report to the Planning Commission regarding improvements to I-205, an interstate facility. Performance on Condition #3 at the time of building occupancy will correspond with the site-generated impacts. This approach has been applied to similar developments and is satisfactory to ODOT.

Gail Curtis

Gail Curtis, AICP
Senior Land Use and Transportation Planner

C: Neil Nedelisky, Applicant
Michael Walter, AICP, City of Happy Valley

Exhibit 14

EAGLE LANDING CONCEPT PLAN APPLICATION
(FILE NO. CPA-10-11/LDC-08-11

APPLICANT'S RESPONSES TO CONCERNS SUBMITTED BY OPPONENT MR. DANE ON FEBRUARY 21, 2012

Mr. Dane's Comments	***Applicants Responses.***
On Page 16 of the packet, the staff report recommends that drive-through restaurants, video stores, and movie theaters change from being conditional use to permitted. When I think of these three uses together I tend to think strip mall. Maybe that's not the case, but is perhaps cause for concern. On page 17 "Manufacturing" (which was previously banned) has been added as a conditional use. This type of land use is unusual for a retail office center, and was not mentioned to my recollection in the hearing.	*Mr. Dane seems to be misunderstanding the nature of the proposed amendments. The changes to the zone shown in highlight/strikeout do not show differences between the existing OC zoning and the proposed RCMU, but rather changes to the MUE-NC zone to replace it with the new RCMU. The MUE-NC zone is not currently in use and the code amendments were formatted in this fashion at the City's request. That said, in response to his specific suggestions:* *Video stores – Video stores are permitted in the current OC zone and should be permitted in the RCMU zone.* *Movie theaters - Theaters and Assembly Halls should be a permitted use in the RCMU zone. They were conditional uses in the MUE-NC zone because it was intended to allow neighborhood scale commercial. Assembly, convention facilities, theaters for performing arts, exhibition halls, libraries, senior centers and fraternal organizations are allowed in the OC zone currently. These uses are part of the comprehensive, interconnected community envisioned in the RCMU zone.* *Manufacturing - Our goal is to allow small-scale "artisan" manufacturing or R&D as a conditional use, which requires additional review for*

Exhibit 15

	compatibility. The current OC zoning allows "Light manufacturing, assembly, research, and development uses that have physical and operational requirements which are similar to other office uses allowed in this district", so in a sense we are actually making the new zone stricter by requiring conditional use approval. It is easy to conceive of circumstances when this type of use will be supportive of the comprehensive interconnected community. There are symbiotic characteristics of these type uses worthy of providing support for uses allowed outright in the RCMU. By making them conditional uses the City will have the opportunity to monitor and regulate any conflicting characteristics.
Throughout the earlier portions of the staff report there are several changes that are recommended, such as On page 21– 16.23.010.D.5.j & k change from 'may' to 'shall'. The revision of wording will offer the City greater leverage in ensuring the applicable tasks are performed.	*A search of page 21 as well as 16.23.010.D.5 failed to reveal the language being referenced in this statement. In order to allow sufficient flexibility to create the innovative community envisioned the word 'May' allows City Council discretion. 'Shall' precludes uses, which, at the time of code creation, had not been considered.*
On pages 42 & 43 it is noted that for approval of a zone change the minimum requirement is *"avoid further degradation"*. While this is a true statement given the current level of traffic congestion, and back ground traffic the Planning Commission is entitled to seek a better solution that the minimum offered by the applicant. There is an opportunity to improve conditions, and reduce traffic congestion from its current levels. In part the responsibility of a planning commission is to work towards planning a better community rather than one that keeps things the way they are or worse, and in so doing meeting the minimum standards. The Code does permit the Planning Commission to hold the applicant to a higher standard.	*Figure 9 of the Traffic Impact Analysis (shown on page 175 of the Conditions of Approval) depicts the predicted traffic operations in the year 2035 if the currently proposed zoning IS NOT approved (referred to as "Background Conditions"). Figure 2 of the addendum to the Traffic Impact Analysis (shown on page 213 of the Conditions of Approval) depict the predicted traffic operations in the year 2035 if the currently proposed zoning IS approved (referred to as "Total Conditions"). In the afternoon peak hour of the Background Conditions, eight signalized intersections are expected to operate under failing conditions. In the same afternoon peak hour under the Total Conditions, only TWO intersections are expected to operate under failing conditions.* *The proposed development and its associated mitigations result in an overall improvement to the transportation network in the vicinity of the proposed Eagle Landing development.* *The language is designed to assure proposed*

	alterations "do no harm" to the existing system. It is based upon the premise that if the applicant should not be required to provide improvements beyond those that its' proposal requires to safely function. It is another take on the Dolan concept of compensating for impacts.
On Page 45 – ODOT comments include the statement. *"Prior to development the applicant shall design and construct dual right-turn lanes....".* elsewhere in the current staff report improvements are currently conditioned to compliance occurring "prior to occupancy" (of the buildings). This is not what ODOT recommends, and the condition should be changed to more closely reflect their direction.	*In a letter submitted by ODOT to the City of Happy Valley on February 23rd, 2012. In this letter ODOT staff asserts that they "...confirm ODOT's support for the staff-recommended, Condition #3 of the February 14, 2011 report to the Planning Commission regarding improvements to I-205, an interstate facility. Performance on Condition #3 at the time of building occupancy will correspond with the site-generated impacts."*
On page 46 the following language states *"Staff largely concurs with the proposed improvements recommended as mitigation for the application.* ***Several of the improvements would be very difficult to implement as they would require the purchase of right-of-way and modification to private property that is not currently under the control of the applicant*** *or alternately, other improvements may better serve the travelling public. Recently, the TPR was updated with flexibility for jurisdictions to implement improvements that before would have resulted in certain vehicular based transportation enhancements if the land use action was determined to have a significant effect. Now, jurisdictions have the flexibility to require projects that would result in other betterments to the transportation system that may better serve users other than vehicular users or provide other improvements that better meet the needs of a jurisdiction. That provision is found in OAR 660-012-0060(2)(e).* Before the project is approved, either the owners of the property not under the control of the applicant should either agree to the improvements as proposed, or sign over the rights to develop their property. Without these pieces the most significant issue of this project - the traffic impacts, can NOT be mitigated, and	*It is the intent of the applicant to work with the City, County, and State to make sure that all NECESSARY improvements are constructed to mitigate the impacts of the proposed land use changes. Some of the mitigations proposed in the traffic study are not required for adequate traffic performance, but to meet an applicable standard. The updated TPR now allows the jurisdictions the flexibility to propose alternative betterments that are more appropriate in the eyes of the jurisdiction for the specific scenario. As said in the staff report. "Now, jurisdictions have the flexibility to require projects that would result in other betterments to the transportation system that may better serve users other than vehicular users or provide other improvements that better meet the needs of a jurisdiction."* *The quote above was written into the conditions of approval as a way of explaining the multiple options under each of the conditions written in section III.4. The County is stating that the applicant CAN build the improvement if the applicant so chooses, or the applicant can provide funds to the County in the amount of the proposed improvement and the County will use the funds that would result in other betterments to the transportation system as a whole.*

thus the Conditions of the State, County, and City not satisfied.	
Page 47 discusses citizen involvement, yet no where in the 233- page packet was the input of these many meetings discussed.	*Not sure there is a response needed here. Evidence at the hearing indicated years of neighborhood involvement.*
Goal 1: Citizen Involvement (660-015-0000(1)) *Goal 1 specifies that each city adopt a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the ongoing land-use planning process. This program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues."* Where is the input from the meetings, and are all those who signed up to be notified of these proceedings all being sent their copies of the proposal as submitted to the Planning Commission. If they are not this is in direct contradiction to Goal 1.	*See above. Also, see staff response indicating notice requirements have been satisfied.*
On the same page (p47) Goal 10 is briefly touched upon. This goal specifies that *" each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types".* Given the substantial nature of the proposal there was very little to be gleaned from the applicants study of the City's housing inventory, and how this zone change would impact it. No mention of ANY low income housing, so the question arises does this plan in not providing an adequate argument about housing rise to the bar.	*This property is currently zoned OC and therefore was not included in the City's existing housing inventory. Changes to the zoning on this site would provide additional housing in a range of types.* *The proposed RCMU does not include a requirement for affordable housing and Happy Valley does not use "inclusionary" zoning elsewhere in the City.*

On Page 48, Goal 11 calls for efficient planning of public services including water and fire protection. It also notes that *"public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs".* Based upon the staff report it appears that to date the future water supply has not been evaluated by the Sunrise Water Authority. Based on this assertion and the lack of water studies I would be concerned about the adequacy of both supply, given the substantial increase in demand, and the water pressure, based both on the supply, and the approved elevations.	*The requirement for adequate public facilities will be addressed at the time of master plan approval when specific information about the development size and water and sewer availability is known. By requiring that master plan approval precede any development, the proposed zone addresses this requirement.*
On the same page its states that *"(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..."* Outside of the issue of property ownership there is a continuing concern that the street system will NOT function properly, and have an adequate capacity, and a level of performance that meets the minimum standard. In staffs own report they state that most of the intersections can meet these requirements with the proposed mitigation. But that 82nd at both Sunnyside & Monteray don't function at the appropriate standard. Should staff not see this as a problem and decide to proceed, it is asked that the recommended improvements outlined on pages 56-57 be completed prior to the vertical construction of the Center.	*The intersections of Sunnyside at 82nd Avenue and Monterey at 82nd Avenue are not "Significantly Effected" by the proposed land use change.* *The proposed land use change is expected to generate 25 additional trips through the intersection of Sunnyside at 82nd Avenue during the afternoon peak hour, an increase of less than 0.5%.* *The proposed land use change is expected to generate 29 additional trips through the intersection of Monterey at 82nd Avenue during the afternoon peak hour, an increase of less than 0.9%.* *The additional trips are not expected to have an impact on the overall delay of either of the two intersections.*

Under 3.07.640 C on pages 60-61 it states that "*C. Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:. The types of housing listed in the* ***"needed housing"*** *statute, ORS 197.303(1);* *2. The types of housing identified in the city's or county's housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and* The proposed zone change is fatally linked to the proposed design of the Town Center, and while the list of uses within the proposed RCMU Comprehensive Plan designation/zoning district reflect does reflect housing types including those listed in ORS 197.303(1) the application does not detail <u>how</u> it will meet these needs. This ties into Housing Policy 45 on page 62 of the packet that states " *The City shall encourage the availability of adequate numbers of needed housing units* ***at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households*** *and allow for flexibility of housing location, type and density".* I was unable to find where the applicant had addressed how this requirement would be specifically met. Given the opportunity to make a specific offer of reserving perhaps 10% of the housing to be sold or rented at 80% of "Average Family Income" it would seem appropriate that compliance with this policy require such a condition.	*See comment about affordable housing above.* *This will be addressed at the time of master plan approval when specific information about the development is better known.*
Page 64 of the report notes in policy 51E "*Residential land uses will be organized to form complete neighborhoods. Complete neighborhoods include a variety of housing types,* ***park <u>and</u> open space,*** *a definable center (e.g. a* ***park*** *or school) and edge (e.g. transportation or open space corridor), a mix of uses, and a well connected network of streets and pedestrian ways. The degree to which each of these characteristics is provided will vary with the location and context of the neighborhood.* The	*Public parks are not reserved for specific neighborhoods to use, so residents within Eagle Landing will be free to use all public parks. The potential for future residents to use parks outside the area of proposed zone change does not require expanding the area of the zone change to include those parks.*

argument at the hearing was made that the adjacent open space to the north which was part of the original Master Plan helped this denser commercial portion of the project meet this requirement. If the applicant argues that this property is not part of the Master Plan it need to provide its own parks. This issue is again raised on Page 68 under 2.1c *"Provide for essential public facilities and services, **including parks** and public space"* and again on Page 71,	
On page 70 the staff report notes that *"the proposed RCMU zone does not provide for a minimum office employment density or have specific limits to retail development".* The obvious concern here is that without specific limits, combined with the changes to the uses to allow outright a drive-through and 'video-stores' could the property be developed in a manner that it was not described in the hearing.	*At the City's request, the Master Plan must include a minimum of 600,000 sf of office or commercial development within HV. Furthermore, the Master Plan is subject to a Type III discretionary review in front of the PC. Building footprints will be reviewed as part of the Master Plan.* *Currently, there is no size limit in the zone. We could establish a maximum ground floor building footprint for individual retail uses (e.g., 60,000 sf) based on what would work with the Concept Plan. The existing OC zoning does not have a building size limit, but retail uses are limited to 20% of the gross floor area of the development.*
On Page 72 the report details through spread sheets the following information: *Congestion Performance Standards for portions of 82nd Avenue and Sunnyside Road located in the Regional Center boundary* *One hour AOS = E, and 'F' for the 1st peak hour* *Congestion Performance Standards for portions of 82nd Avenue, Sunnyside Road and Johnson Creek Boulevard located within the Clackamas Regional Center Design Plan Area and **outside** the Regional Center boundary* *One hour AOS = D, and 'E' for the 1st peak hour* *Congestion Performance Standards for City street sections located **east** of the Regional Center boundary, yet within the Clackamas Regional Center Design Plan Area shall be as follows:* *One hour AOS = D, and 'E' for the 1st peak hour*	*Applicable standards state that the areas within Regional Centers are allowed to operate at lower levels of service (higher congestion) than adjacent areas outside of Regional Center boundaries.* *As stated by staff on Page 73 of the staff report, "The applicant is not proposing to utilize the Level of Service "F" (in the first hour) for the affected County roadways, but rater, identifies mitigation improvements that maintain a Level of Service E."*

From a layman's perspective, it appears that the level of traffic performance within the Regional Center's boundary is deemed as meeting the minimum standards while being at a 'Fail' for the first peak hour, and generally held to lower standards of performance than those areas outside of the Boundary.	
On Page 74 of the report these concerns are identified again on 82nd. Specifically: *The Traffic Impact Analysis (Exhibit 3) concludes that in all scenarios and time periods, intersection operations can be mitigated so that City of Happy Valley, Clackamas County and ODOT performance standards can be met <u>except for the following intersections</u>:* *- 82nd Avenue at Sunnyside Road (Midday and PM),* *- 82nd Avenue at Monterey Avenue (PM),* *At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations.*	*Applicant is not entirely sure of the concern. The opposition appears to be merely quoting the staff report and offers no evidence to the contrary.* *As stated, "At these intersections, additional traffic added by the proposed development would result in no measurable change in either V/C ratio or delay when compared with Background Conditions. Because conditions do not worsen over the Background, the requirements of the Transportation Planning Rule are met and the proposed development would have no impacts at these locations."*
On page 78 the details for the requirements of the plan amendment are called out: **Chapter 16.67 Comprehensive Plan Map, Specific Area Plans, and Land Use District Map and Text Amendments** [...] *16.67.015 Initiation of a plan amendment.* *A. <u>Any change in the text, map</u> 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. A change in the text may be initiated by as*	*Standard is met. As the standard clearly states a change must be initiated by at least seventy-five percent (75%) <u>of the property owners</u> or authorized agents who <u>own or represent at least seventy-five (75%) percent of the land area involved in the petition of change.</u> Applicant is owner of all the subject property. Emphasis added* *Only the property owners who will be subject to the zone change need to indicate their support for the application. The proposed amendment will not change the zoning on any adjacent parcels. There*

few as one person desiring a revision in the wording, scope, direction or organization of the plan. A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five percent (75%) of the property owners or authorized agents who own or represent at least seventy-five (75%) percent of the land area involved in the petition of change, which must correspond to a logically defined neighborhood or block of multiple properties, or include a single parcel of such size as to merit consideration as a future neighborhood if approved as part of a future subdivision or planned unit development application. 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 title at any time. This property was part of the Eagle Landing Master Plan. My question to the Planning Commission is simply why have the other property owners been excluded. The original approval was not a separate application the original zone approval was tied to the Master Plan, and thus should involve all the owners in said Plan.	*is no evidence to support the conclusion that area property owners are not in favor of this application. Area residents received notice of the hearing. The testimony of those residents in the area has been in favor.*
On page 80-82, or the report the code states that "conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:	
1. Approval of the request is consistent with the Statewide Planning Goals;" As has been previously noted this application does not meet the standard of complying with some of the applicable Statewide Planning Goals, regarding Housing, Transportation, and process, and does not provide sufficient evidence regarding public participation.	*See previous responses.*
Secondly that " *Approval of the request is consistent with the applicable Goals and Policies of the City's Comprehensive Plan;"* A Finding of Fact addressing consistency with the Goals and Policies of the City's Comprehensive	*Specificity is lacking. Staff report addresses the applicable standards. Opponent offers no evidence to the contrary.*

Plan is included, above. Therefore, this criterion is not satisfied.	
The third level of review asks The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and From the Staff report, regarding transportation, and the lack of information regarding water supply, and fire protection the answer is no.	*The opponent again fails to explain the basis for concern. The issues he raises are not relevant at this stage. The master plan will address utility and services availability.*
Lastly that *4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and* If this zone change creates more congestion, and creates 'unintended consequences the answer is no.	*Mere conjecture seems to be the content of this concern. Again, the opponent presents no evidence contradicting that in the application and staff report.*
Lastly should staff seek to make changes to the conditions I would recommend On page 84 under conditions that the wording *'prior to occupancy'* in condition 4 be corrected to *'prior to permit approval'* which would more correctly reflected ODOTS proposed conditions mentioned previously in the report	*See the letter submitted by ODOT to the City of Happy Valley on February 23rd, 2012. In this letter ODOT staff asserts that they "...confirm ODOT's support for the staff-recommended, Condition #3 of the February 14, 2011 report to the Planning Commission regarding improvements to I-205, an interstate facility. Performance on Condition #3 at the time of building occupancy will correspond with the site-generated impacts."* *Additionally, The proposed mitigations are required to allow the transportation system to operate at a level that meets applicable standards AFTER THE ADDITIONAL TRIPS ARE REALIZED ON THE TRANSPORTATION NETWORK. Before these trips are realized on the network, the proposed mitigations are not needed. The trips will not be realized on the network until the proposed building are OCCUPIED*

Comment made by Mark Dane at the hearing which does not appear to have been included in his written remarks.

Buffering and height transition with adjacent uses:	*The Master Plan will be subject to a Type III discretionary review. The master plan and subsequent development would be subject to the following standard: "a. Buffering. When existing residential uses are located adjacent to a RCMU master plan site, such uses shall be buffered from the RCMU master plan site with landscaped buffers or by the location of streets, parks, plazas, greenways, or lower density residential uses in the RCMU master plan."*

Respectfully submitted,

William C. Cox
Attorney for Applicant

City of Happy Valley

MEMORANDUM

DATE: March 6, 2012

TO: Planning Commission
Chris Crean, BEH

FROM: Michael D. Walter, AICP

SUBJECT: Local File No. CPA-10-11/LDC-08-11 (RCMU District)

As the Planning Commission will recall, Mr. Mark Dane (on behalf of Aspen 504 LLC) requested that the record be left open to allow submission of additional materials regarding the subject application. Mr. Dane's additional materials are included as Attachment 1.

Mr. William Cox, attorney for the applicant (Veritas), also submitted additional materials in response to Mr. Dane's comments. Mr. Cox's comments are included as Attachment 2.

In addition, a letter from the Oregon Dept. of Transportation dated February 23, 2012, reiterating the agency's support for the proposed Condition of Approval No. 3 was received, and is included as Attachment 3.

Staff notes that significant conversation has occurred between Mr. Cox and Mr. Jeffrey Kleinman, an attorney representing the interests of a property owner to the south of the proposed RCMU zoned area. The communication between Mr. Cox and Mr. Kleinman primarily focuses on the language from past Clackamas County land use decisions that is codified in Chapter 16.36 (Eagle Landing Sub-Area Plan) – which had been proposed for removal from Title 16 (Land Development Code) of the City's Municipal Code on recommendation of staff.

Based on the uncertainties associated with removing Chapter 16.36, and the City's desire to affect change within this area in collaboration with all affected property owners, staff has changed our recommendation to retain Chapter 16.36 "as is" until this issue (and the application of City Comprehensive Plan

designations/zoning districts to the remainder of the properties in the Eagle Landing area) can be encompassed in a single legislative action.

At the Planning Commission meeting on March 13, 2012 – the recommended course of action will be consideration of rebuttal testimony by the applicant (which did not occur at the last hearing date and should be limited to the issues associated with the record being left open – that is, not introducing new evidence), followed by questions of the applicant by the Planning Commission; questions of staff by the Planning Commission; and, final deliberations by the Planning Commission leading to a recommendation of approval, approval with conditions or denial.

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000 SE MISTY DRIVE
VALLEY, OREGON 97086

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APR 11 2012

LAND CONSERVATION
AND DEVELOPMENT

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