



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/02/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 010-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, January 16, 2013

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

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

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

Cc: Michael Walter, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP

DEPT OF

DEC 27 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Happy Valley**

Local file number: **CPA-08-12/LDC-08-12**

Date of Adoption: **12/4/2012**

Date Mailed: **12/20/12**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/21/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Conversion of previously annexed properties from County land use zones to applicable City comprehensive plan designations/zoning districts for properties located in the city limits within the greater "Windswept Waters" area.

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

Plan Map Changed from: **County OSM; R-7; and, MR-1**

to: **City IPU, R-7 and MUR-M1**

Zone Map Changed from: **County OSM; R-7; and, MR-1**

to: **City IPU, R-7 and MUR-M1**

Location:

Acres Involved: **120**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. _____

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

Clackamas County, Metro

Local Contact: **Michael D. Walter**

Phone: (503) 783-3800 Extension: 3839

Address: **16000 SE Misty Drive**

Fax Number: 503-658-5174

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

Zip: 97086-

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

CITY OF HAPPY VALLEY
ORDINANCE NO. 431

AN ORDINANCE INCORPORATING COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENTS IN ORDER TO IMPLEMENT CHANGES ENVISIONED WITHIN THE GREATER WINDSWEPT WATERS AREA.

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

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

WHEREAS, incorporation of the greater Windswept Waters area zoning conversions requires amendments to the Comprehensive Plan/Zoning Map that have been discussed in a citizen involvement process that included direct mail (including Measure 56 Notice), and the Planning Commission public hearing on November 13, 2012; and

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

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

NOW, THEREFORE, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

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

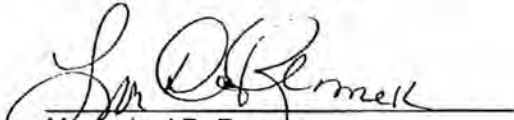
BE IT FURTHER DECLARED that this Ordinance shall become effective thirty (30) days after approval by the City Council.

This ordinance takes effect 30 days after adoption.

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

CITY OF HAPPY VALLEY

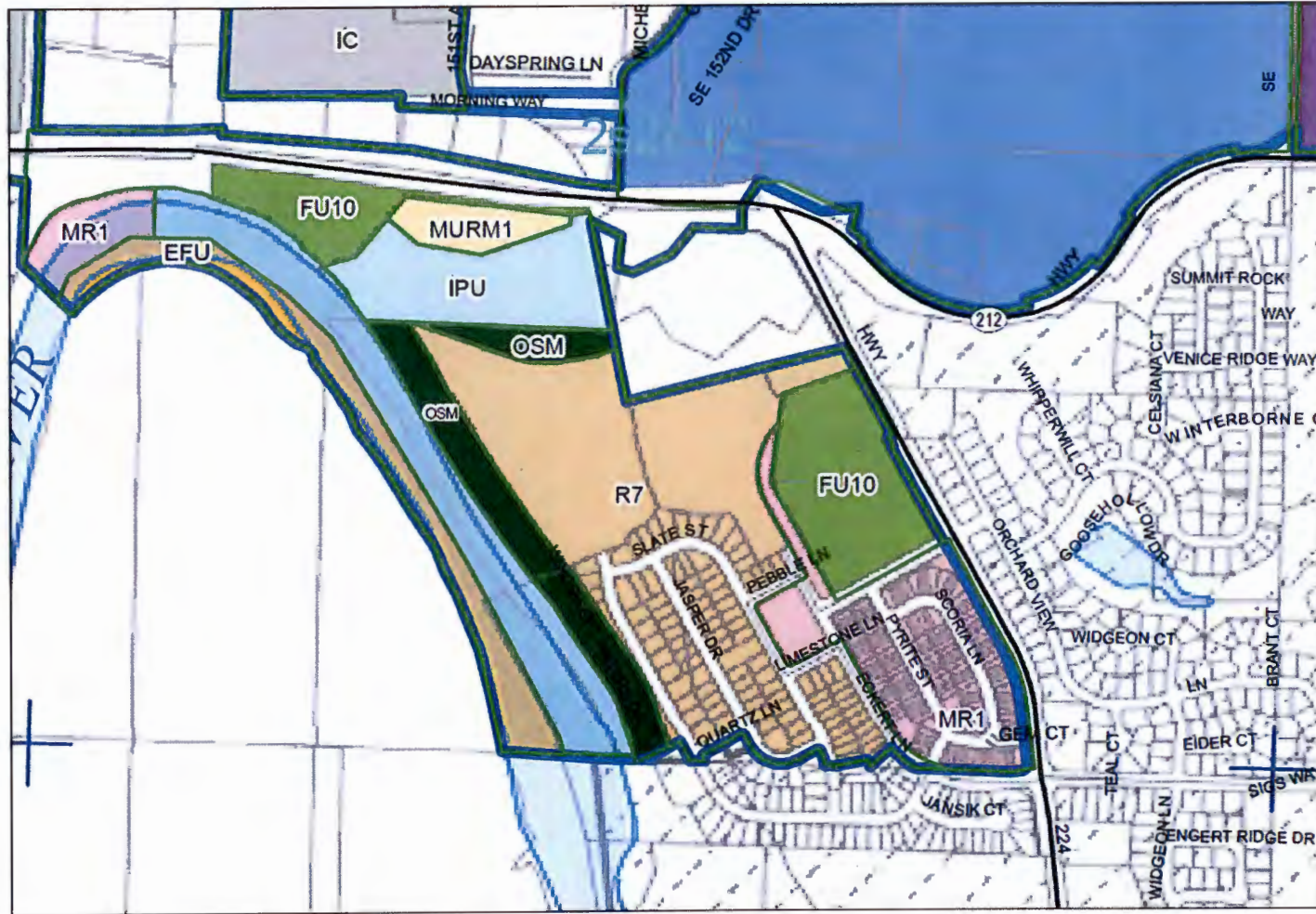
ATTEST:



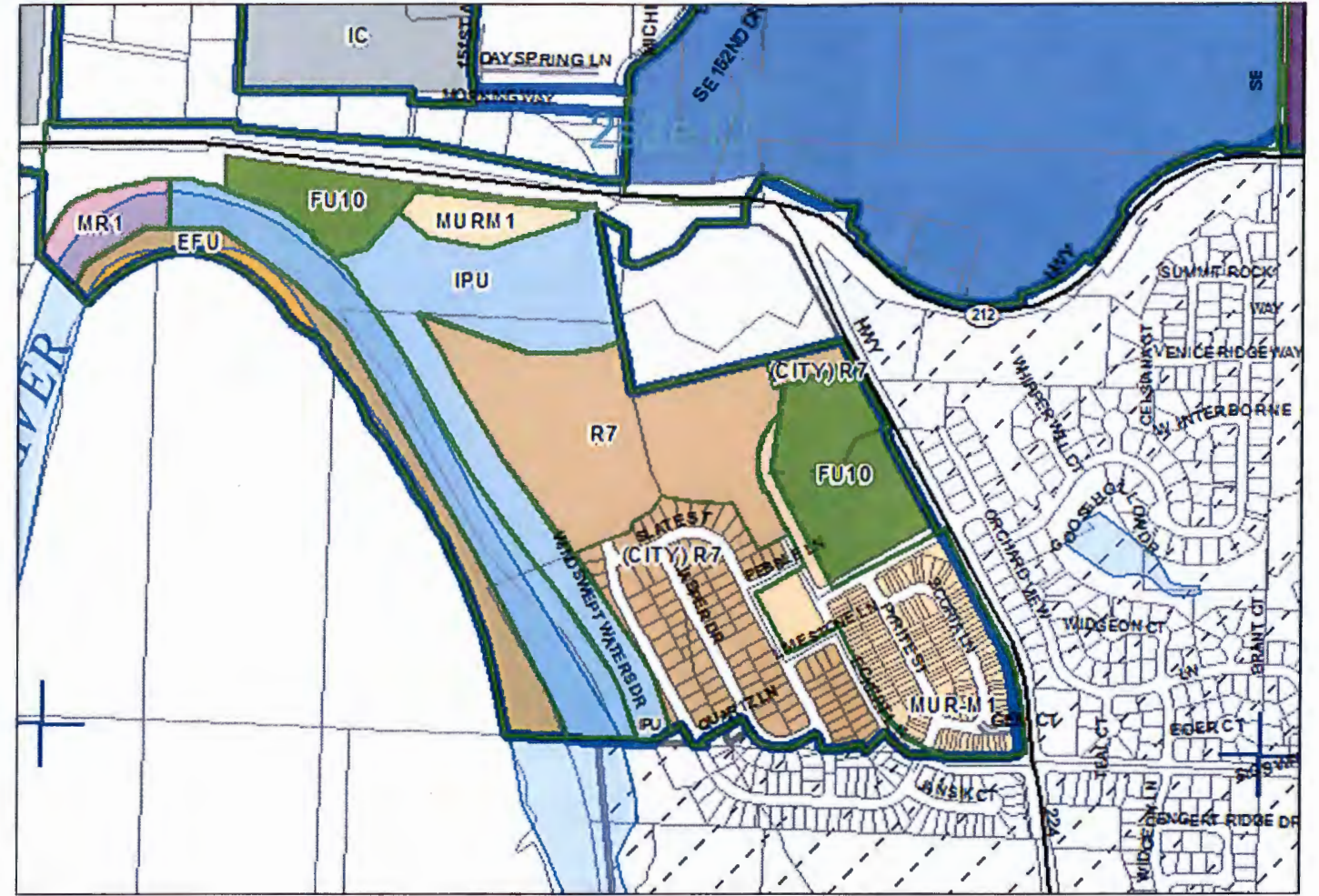
Mayor Lori DeRemer



Marylee Walden, City Recorder



Existing Zoning



Proposed Zoning

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

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

**WINDSWEPT WATERS LEGISLATIVE
COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENTS
(FILE NO. CPA-08-12/LDC-08-12)**

AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN MAP/ZONING MAP FOR THE PURPOSE OF CONVERTING THE EXISTING COUNTY ZONES TO CITY ZONES FOR SEVERAL PROPERTIES WITHIN AND ADJACENT TO "WINDSWEPT WATERS"

I. GENERAL INFORMATION:

APPLICABLE CRITERIA:

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

EXHIBITS:

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

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

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

EXHIBIT A

BACKGROUND:

- A portion of two previously approved Planned Unit Developments known as “Windswept Waters” and the “River Rim”, along with one additional Lot of Record (Tax Lot 101) make up the subject properties (Exhibit B), which were annexed into the City in 2007 and 2008. Of all the subject properties, only two are underdeveloped or undeveloped, Tax Lot 101 (a .94-acre Lot of Record containing one single-family residence) and an approximately one-acre portion of Tax Lot 1700 (platted as part of the “River Rim” – currently undeveloped). The subject properties were not assigned Happy Valley plan designations or zoning districts when they were originally annexed into the City, as the City’s “conversion matrix” did not exist at that time. As a result, the City has proposed to legislatively amend its Comprehensive Plan Map/Zoning Map to change the existing Clackamas County designations/zones to City designations/zones for the subject properties. It should be noted that it is highly problematic for the City to administer the County zoning, because utilization of the County’s Zoning Development Ordinance (ZDO) will refer one to many other code sections within the ZDO. The City’s own Land Development Code contains all applicable land use regulations and policies associated with development or re-development within these areas, and is the necessary code to reference in regard to any action within the subject area. Thus, the City seeks to convert all lands within the city limits to City of Happy Valley Comprehensive Plan Designations/Zoning Districts.

OBSERVATIONS:

PROPOSED COMPREHENSIVE PLAN/ZONING MAP AMENDMENTS:

- The City proposes to amend the Comprehensive Plan Map/Zoning Map to change the existing plan designations/zoning districts of the subject properties from Clackamas County “Urban Low Density Residential” (R-7), “Medium High Density Residential” (MR-1) and “Open Space Management” (OSM) to a combination of City “Low Density Residential” (R-7), “Mixed Use Residential-Multifamily Low Density Residential” (MUR-M1) and “Institutional and Public Use” (IPU). The configuration of the proposed designations/zones is depicted within Exhibit B. The proposed amendments reflect a “conversion” from the existing county plan designations/zoning districts to equivalent city plan designations/zoning districts.

II. FINDINGS OF FACT

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

“GOAL 1: CITIZEN INVOLVEMENT

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

Staff Response:

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

GOAL 2: LAND USE PLANNING

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

Staff Response:

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

The proposed amendments to the Comprehensive Plan represent minor changes, which will result in the conversion of existing county to city plan designations/zoning districts for the subject properties. The proposed city designations/zones are considered "equivalent" to the existing county designations/zones and will not result in intensified uses of the subject properties and only a minimal increase in allowable densities.

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

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

To conserve open space and protect natural and scenic resources.

Staff Response:

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

Most of the subject properties do not contain Goal 5 lands. However, one of these properties is located along the Clackamas River and contains its buffer and a steeply sloped embankment leading the river's shoreline. The proposed zone change on this property, from OSM to IPU, would acknowledge this existing resource and allow its continued use as open space.

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

GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY:

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

Staff Response:

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

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

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect life and property from natural disasters and hazards.

Staff Response:

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

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

GOAL 10: HOUSING

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

Staff Response:

The proposed amendments do not change any land designated for housing in the Comprehensive Plan, as the proposal is to convert the subject properties from their existing county designation/zone to an equivalent city designation/zone. Most of the subject properties have previously been developed with single-family attached and detached residences. The undeveloped/underdeveloped properties can be identified as Tax Lot 101 (a .94-acre Lot of Record containing one single-family residence) and an approximately one-acre portion of Tax Lot 1700 (platted as part of the “River Rim”). The approval of the proposed map amendments would allow Tax Lot 101 to be developed per the City’s R-7 standards and the affected portion of Tax Lot 1700 per the City’s MUR-M1 standards, which would provide the potential for additional housing units to meet the need of Happy Valley residents and the region.

The proposed map amendments are therefore consistent with Statewide Planning Goal 10.

GOAL 11: PUBLIC FACILITIES AND SERVICES

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

Staff Response:

Water service is provided by the Sunrise Water Authority. WES coordinates stormwater management, water quality and stream enhancement projects. Coordination with these agencies regarding public facilities and services for the developed subject properties was addressed through the “Windswept Waters” and “River Rim” land use approvals. With regard to the underdeveloped/undeveloped properties affected by this proposal, since the allowable density within the proposed zoning districts is the same or similar to that of the existing districts, no additional demand for utility infrastructure and services beyond what was anticipated with the City’s Comprehensive Plan will be created. As addressed below under Goal 12, the proposed amendments are expected to generate a minimal increase in traffic, but the planned transportation system in the area can absorb the additional traffic with no need for additional improvements beyond those identified in the City’s adopted Transportation System Plan (TSP). No amendments to the public facilities plans are necessary in order to accommodate the proposed map amendments.

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

GOAL 12: TRANSPORTATION

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

Staff Response:

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

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

***“OAR Chapter 660, Division 12 (Transportation Planning)
660-012-0060***

Plan and Land Use Regulation Amendments

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

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

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

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

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

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

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system

management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.

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

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

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

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

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

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

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

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

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

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

to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

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

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

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

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

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

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

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

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

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

(C) Interstate interchange area means:

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

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

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

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

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

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses

located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

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

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

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

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

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

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

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

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

- (a) Any one of the following:*
 - (A) An existing central business district or downtown;*
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;*
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or*
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.*
- (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:*
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:*
 - (i) Medium to high density residential development (12 or more units per acre);*
 - (ii) Offices or office buildings;*
 - (iii) Retail stores and services;*
 - (iv) Restaurants; and*
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.*
 - (B) Generally include civic or cultural uses;*
 - (C) A core commercial area where multi-story buildings are permitted;*
 - (D) Buildings and building entrances oriented to streets;*
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;*
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;*
 - (G) One or more transit stops (in urban areas with fixed route transit service); and*
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.*
- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
 - (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*
- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network*

connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:

(A) with a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) entirely within an urban growth boundary;

(C) with adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) with land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) located in one or more of the categories below:

(i) at least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) *A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.*

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

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

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

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

(C) *For the purpose of this section:*

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

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

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

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

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

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

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

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

(c) *A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the*

meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

- (A) Proposed amendment.*
- (B) Proposed mitigating actions from section (2) of this rule.*
- (C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.*
- (D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.*
- (E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities”*

Staff Response:

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

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

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

“General Policies

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

[...]

Staff Response:

The proposed set of Comprehensive Plan Map/Zoning Map amendments apply residential city zoning to undeveloped/underdeveloped lands that are free from environmental constraints and are well suited for future housing. The proposed amendments do not affect the city’s existing protections for steep slopes, stream corridors, flood areas, or other natural features.

The proposed map amendments are therefore consistent with the above plan policy.

Housing Element Policies

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

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

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

[...]

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:

As described within the previous response to Statewide Planning Goal 10, the proposed amendments do not change any land designated for housing in the Comprehensive Plan, as the proposal is to convert the subject properties from their existing county designation/zone to an equivalent city designation/zone. Most of the subject properties have previously been developed with single-family attached and detached residences. The undeveloped/underdeveloped properties, identified as Tax Lot 101 (a .94-acre Lot of Record) and an approximately one-acre portion of Tax Lot 1700 (platted as part of the “River Rim”), could develop under the City’s R-7 and MUR-M1 standards (respectively), which would provide the potential for additional housing units, of various types, which would work to meet the need of Happy Valley residents and the region.

The proposed map amendments are therefore consistent with the above plan policies.

Land Use Element Policies

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

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

[...]

Policy 51D: High Density Residential Attached (SFA, MUR-A, VTH, MUR-M and X). These districts provide for a variety of attached housing and neighborhood commercial uses. They are intended to make efficient use of land and public services, accommodate a range of housing needs, provide for compatible design at neighborhood scale, reduce reliance on the automobile for neighborhood travel, provide for walking, bicycling and transit use, and provide direct and convenient access to schools, parks and neighborhood services.

These districts may be applied near (generally within ¼ mile) of mixed use centers and districts, along collector and arterial streets, and within a block of streets planned for transit. They may also be part of master planned developments, where greater flexibility in their location may be considered.”

Staff Response:

The proposed map amendments provided additional lands designated as R-7 and MUR-M1. This will provide the opportunity for these areas to develop as a variety of single-family and multi-family housing types, which work to satisfy the housing needs of the City and surrounding areas, an action that is consistent with the above plan policies.

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

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

16.67.015 Initiation of a plan amendment.

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

Staff Response:

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

16.67.020 Legislative Amendments

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

Staff Response:

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

[...]

16.67.060 Transportation Planning Rule Compliance

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

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

Staff Response:

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

III. CONCLUSION:

Staff has determined that the above findings demonstrate that the proposed amendments to the City’s Comprehensive Plan/Zoning Map satisfy the requirements of the Statewide Planning Goals, the Transportation Planning Rule, City of Happy Valley Comprehensive Plan Policies and the City’s Land Development Code. Staff, therefore, recommends that the Planning Commission forward a recommendation of approval to the City Council on application CPA-08-12/LDC-08-12.



Existing Zoning



Proposed Zoning

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

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

- Date & Time:** Planning Commission, November 13, 2012, 7:00 p.m.
City Council, December 4, 2012, 7:00 p.m.
- Hearing Location:** City Hall, 16000 SE Misty Dr., Happy Valley, OR 97086;
- File & Subject:** CPA-08-12/LDC-08-12 (Windswept Waters Area Legislative Amendments).
- Proposal:** Comprehensive Plan/Zoning Map amendments from existing County designations/zones to applicable City designations/zones for lands already located in the city limits.
- Location:** Approximately 120 acres located within the greater "Windswept Waters Area".
- Applicant:** City of Happy Valley
- Applicable Criteria:** Applicable Statewide Planning Goals; applicable Oregon Administrative Rule (OAR) sections; and, applicable Sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code.
- Staff Contact:** Michael D. Walter, Economic & Community Development Director
503-783-3800

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

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

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

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

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

NOTICE OF PUBLIC HEARING

CITY OF HAPPY VALLEY

PLANNING COMMISSION AND CITY COUNCIL

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

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

Notice is hereby given that the

HAPPY VALLEY PLANNING COMMISSION will hold a **PUBLIC HEARING on TUESDAY, NOVEMBER 13, 2012** and the **HAPPY VALLEY CITY COUNCIL** will hold a subsequent **PUBLIC HEARING on TUESDAY, DECEMBER 4, 2012** both hearings to commence at **7:00 p.m.**

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

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

AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN MAP/ZONING MAP REGARDING PROPERTIES BEING AMENDED FROM COUNTY ZONING TO APPLICABLE CITY ZONING FOR PROPERTIES ALREADY LOCATED IN TH CITY LIMITS IN THE "WINDSWEPT WATERS" AREA. AMENDMENTS INCLUDE CHANGES FROM COUNTY OPEN SPACE MANAGEMENT (OSM) TO CITY INSTITUTIONAL & PUBLIC USE (IPU); COUNTY URBAN LOW DENSITY RESIDENTIAL (R-7) TO CITY LOW DENSITY RESIDENTIAL - 7,000 SQ. FT. (R-7); AND, COUNTY MEDIUM DENSITY RESIDENTIAL DISTRICT (MR-1) TO CITY MIXED-USE RESIDENTIAL (MUR-M1)

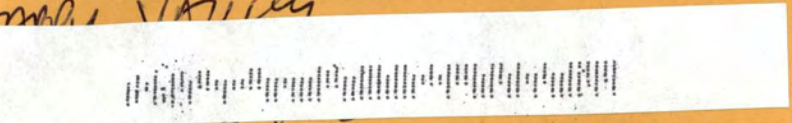
On November 13, 2012 and December 4, 2012, the City of Happy Valley will hold public hearings regarding proposed amendments to the City's Comprehensive Plan/Zoning Map (Local File No. CPA-08-12/LDC-08-12). Please see the attached material. **The proposed changes represent a conversion from County zoning to applicable City zoning - the layout, land use approvals, buildings, etc. associated with past Windswept Waters approvals do not change.** The file is available for inspection at the City of Happy Valley City Hall located at 16000 SE Misty Drive, Happy Valley, OR 97086. A copy of the entire file may be obtained electronically (by e-mail); for the cost of electronic transfer to a writable CD; or, copying costs for paper copies. All written comments must be received by Friday, October 26, 2012 at the above address. For additional information concerning the file, please contact Michael D. Walter, AICP at 503-783-3839, or write to michaelw@ci.happy-valley.or.us. The Planning Commission holds a first evidentiary public hearing in regard to the proposed map amendments, followed by a recommendation to the City Council. The City Council is the final local review authority and will consider the map amendments and an Ordinance at the subsequent public hearing. Applicable criteria for this review are generally set forth in:

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

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

EXHIBIT D

Mr. Walker



may on 9/28/12



DEPT OF

DEC 27 2012

LAND CONSERVATION
AND DEVELOPMENT

ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL ST. NE, SUITE 105
SALEM, OR 97301-2540