



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

05/22/2012

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 003-12

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: Friday, June 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: Justin Popilek, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	MAY 15 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Happy Valley**

Local file number: **CPA-02-12/LDC-02-12**

Date of Adoption: **5/8/2012**

Date Mailed: **5/10/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/30/2012

☐ 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".

Adopted a Comprehensive Plan Map/Zoning Map Amendment from Clackamas County Low Density Residential (R-7) and Open Space Management (OSM) to City of Happy Valley Comprehensive Plan designations/zoning districts of Low Density Residential (R-7), Medium Density Residential (R-5), and Institutional and Public Use (IPU) for all the subject properties (for the purpose fo creating a 150-Lot Planned Unit Development).

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

The proposal indicated there would be two evidentiary hearings with the final hearing taking place on June 8, 2012. It was determined that only one hearing was required, which occurred on May 8, 2012.

Plan Map Changed from: **Clk. Cnty. LDR and OSM** to: **City R-5, R-7, and IPU**

Zone Map Changed from: **Clk. Cnty. R-7 and OSM** to: **City R-5, R-7, and IPU**

Location: **1000' NW of State Hwy 224/SW Goosehollow Dr. Int.**

Acres Involved: **33**

Specify Density: Previous: **1 unit/7,000sq.ft.**

New: **Varies**

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

DLCD File No. 003-12 (19265) [17043]

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, ODOT, Metro

Local Contact: Justin Popilek Associate Planner

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

Address: 16000 SE Misty Dr

Fax Number: 503-658-5174

City: Happy Valley

Zip: 97086-

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

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

“Windswept Waters Phase 3”	) Planning Commission
Zone Change and PUD	) Approval of a Comprehensive Plan Map/ Zoning Map Amendment and 150-Lot Planned Unit Development (PUD)
	)
Applicant:	)
D.R. Horton, Inc.	) CPA-02-12/LDC-02-12/PUD-01-12

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

After providing notice and a staff report, the Planning Commission conducted an evidentiary hearing providing an opportunity to submit oral testimony and written evidence. The approval criteria for the applications for a Comprehensive Plan Map/Zoning Map Amendment and a 150-lot PUD are provided in the applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; applicable City of Happy Valley Comprehensive Plan Policies; and, applicable sections of the City of Happy Valley Municipal Code; Title 16-Land Development Code, including Chapters 16.22 (Residential Land Use Districts); 16.24 (Institutional Districts); 16.41 (Access and Circulation); 16.42 (Landscaping, Street Trees, Fences, and Walls); 16.43 (Parking and Loading); 16.44 (Special Standards for Certain Uses); 16.50 (Public Facilities); 16.61 (Types of Review Procedures); 16.63 (Land Divisions and Property Line Adjustments); and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments). After discussion and deliberation, the Planning

Commission voted to approve “Windswept Waters - Phase 3” (Comprehensive Plan Map/Zoning Map Amendment and 150-lot PUD – File No. CPA-02-12/LDC-02-12/PUD-01-12).

I. DESCRIPTION OF THE APPLICATION

D.R. Horton, Inc. submitted an application requesting a Comprehensive Plan Map/Zoning Map Amendment and 150-lot PUD , effectively changing the City’s Comprehensive Plan designation and land use zone on the subject site from “Urban Low Density Residential” (R-7) and “Open Space Management” (OSM) to a combination of City “Medium Density Single-Family Residential” (R-5), “Low Density Residential” (R-7) and “Institutional and Public Use” (IPU) and subdividing the subject site into 150 lots. The subject site is generally located 1,000 feet northwest of the intersection of SE Highway 224 and Goosehollow Drive, and is further described as Clackamas County Assessor Map Nos. 22E12: Tax Lots 104 and 194; and 22E12DC Tax Lots 4100-4400, 4900-6000, 6500-7100, and 9900.

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

II. ADOPTION OF FINDINGS

The Planning Commission specifically adopts the findings within the May 8, 2012 staff report in support of this order approving “Windswept Waters - Phase 3” (Comprehensive Plan Map/Zoning Map Amendment and 150-lot PUD – File No. CPA-02-12/LDC-02-12/PUD-01-12).

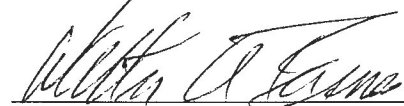
III. ORDER

The Planning Commission hereby approves “Windswept Waters - Phase 3” (Comprehensive Plan Map/Zoning Map Amendment and 150-lot PUD – File No. CPA-02-12/LDC-02-12/PUD-01-12) based on the findings provided herein and specifically adopted under Section II. This order requires compliance with the conditions set out in the Conditions of Approval from the Staff Report to the Planning Commission dated May 8, 2012, including any amended language.

ORDER OF THE PLANNING COMMISSION dated this 8th day of May 2012.

PLANNING COMMISSION, CITY OF HAPPY VALLEY

By:



Walter Barnes, Planning Commission Chair

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY

STAFF REPORT TO THE PLANNING COMMISSION

May 8, 2012

“WINDSWEPT WATERS 3”

COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT (CPA-02-12/LDC-02-12)
AND 150-LOT PLANNED UNIT DEVELOPMENT (PUD-01-12)

I. GENERAL INFORMATION

PROPOSAL:

The applicant, D.R. Horton, Inc., is proposing to amend the City’s Comprehensive Plan Map/Zoning Map (“one-map” system) to change the current plan designation/zoning district for the subject site from Clackamas County “Urban Low Density Residential” (R-7) and “Open Space Management” (OSM) to a combination of City “Medium Density Single-Family Residential” (R-5), “Low Density Residential” (R-7) and “Institutional and Public Use” (IPU). The applicant has also proposed to process a 150-lot Planned Unit Development (PUD) concurrent with the proposed amendments. The subject site consists of 24 previously platted lots and one previously platted tract (Tract “E” of “Windswept Waters”) totaling approximately 33.91 gross acres in size, the net developable acreage is less than 20 acres. The subject properties are located approximately 1,000 feet northwest of the intersection of SE Highway 224 and Goosehollow Drive. Staff has determined that the applicant’s proposal complies with the applicable requirements of the Statewide Planning Goals, Oregon Administrative Rules (OAR), and the City’s Comprehensive Plan and Land Development Code (LDC). **Therefore, staff recommends the Planning Commission APPROVE the proposed applications subject to the findings and conclusions in this report.**

APPLICANT AND PROPERTY OWNER:

D.R. Horton, Inc.
4380 SW Mcadam Avenue
Portland, OR 97239

APPLICANT’S REPRESENTATIVE:

Pacific Community Design, Inc.
13500 SW Pacific Highway, Suite 58
Tigard, OR 97223

EXHIBITS:

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

Exhibit 1 (dated March 13, 2012)

Applicant's Narrative

Exhibit 2 (dated February 17, 2012)

PUD/Zone Change Plan Set

Exhibit 3 (dated March 9, 2012)

Traffic Impact Analysis

Exhibit 4 (dated March 13, 2012)

Geotechnical Report

Exhibit 5 (undated)

Density Calculations

Exhibit 6 (dated March 7, 2012)

Comprehensive Plan Amendment/Zone Change Exhibit

Staff has submitted the following exhibits as part of the Staff Report:

Staff Exhibit A Service Provider Comments and Conditions

1. City of Happy Valley Engineering Division
2. Clackamas County Water Environment Services (WES)/Service District #1 (CCSD#1)
3. Clackamas Fire District #1 (CFD#1)
4. Sunrise Water Authority (SWA)
5. DKS Associates
6. Clackamas County Service District #5 (CCSD#5)

APPLICABLE CRITERIA:

- Applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; applicable City of Happy Valley Comprehensive Plan Policies; and applicable sections of the City of Happy Valley Municipal Code; Title 16-Land Development Code, including Chapters 16.22 (Residential Land Use Districts); 16.24 (Institutional Districts); 16.41 (Access and Circulation); 16.42 (Landscaping, Street Trees, Fences, and Walls); 16.50 (Public Facilities); 16.61 (Types of Review Procedures); 16.63 (Land Divisions and Property Line Adjustments); and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments).

SITE DESCRIPTION/ADJACENT LAND USE:

- The subject site consists of 24 previously platted lots and one previously platted tract, all platted as part of “Windswept Waters”, a 249-lot PUD that received land use approval through Clackamas County in 2005. Combined, the subject properties total approximately 33.91 gross acres of land, the net developable acreage is less than 20 acres, with the western portion of Tract “E” being inundated by the Clackamas River. Tract “E” of “Windswept Waters” consists of approximately 27 acres and was reserved for Phase 3 at the time of its platting and constitutes a majority of the subject site. The other 24 lots that make up the subject site are part of the first phase of “Windswept Waters” that was platted, but not constructed due to geotechnical concerns in the area of these lots. The subject site is the location of a former gravel quarry, where several “pits” were excavated and have since been filled-in for the purpose of reclaiming the property for residential development. The results of the past mining operation and subsequent filling of the resultant “pits” is discussed in great detail within the geotechnical study that was submitted by the applicant as Exhibit 4 and will be addressed later in this report. The existing surface condition of the subject site is that it has been “mass” graded and prepared for development, with little to no vegetative cover existing. There are several “stub” streets that were constructed as part of previous phases of “Windswept Waters” that terminate at southern boundary of the subject site.
- The subject site is bordered to the east by undeveloped lands located within the City and currently zoned Clackamas County “Future Urban - 10 acres” (FU-10) and “Medium High Density Residential” (MR-1). To the north of the subject site is a publicly owned property, which contains Rock Creek and its associated riparian corridor that almost fully consists of environmentally sensitive lands. Also, to the north of the subject site is a property that contains a single-family residence and several outbuildings that is zoned Clackamas County FU-10. Properties developed as part of previous phases of “Windswept Waters” border the subject site to the south. Finally, to the west of the subject site is the Clackamas River.

BACKGROUND:

- The subject properties were platted as part of the first phase of “Windswept Waters” in 2006. Windswept Waters was originally planned to have three phases, of which a portion of the first phase and all of the second phase have been constructed and platted, however the third phase and the remainder portion of the first phase was delayed due to geotechnical concerns pertaining to soil stability. It should be noted that the applicant does have a valid land use approval for the unconstructed portions of “Windswept Waters”, via an approved re-submittal application (RES-01-10) and a subsequent time extension (RESA-01-11). However, due to the findings of extensive geotechnical evaluations (done by “third-party” review) of the Phase 3 area and the unconstructed portion of Phase 1, it was determined that the layout of the previously approved site plan proposed lot construction to take place on land containing geological constraints. As a result, the applicant has opted to submit a significantly revised site plan as part of the proposed PUD application for the unconstructed portions of “Windswept Waters” (portion of Phase 1 and all of Phase 3). Due to the nature of the proposed changes, the applicant triggered the need for the proposed PUD application.

- The first phase of “Windswept Waters”, along with the future Phase 3 area, was annexed into the City in 2007, but was not assigned a City Comprehensive Plan designation or zoning district, as the City’s “conversion matrix” did not exist at that time. As a result, the applicant has submitted for the proposed Comprehensive Plan Map/Zoning Map amendment to change the existing Clackamas County designations/zones to City designations/zones. The City has encouraged the applicant to submit for the proposed amendments to allow for the City to administer its own development standards rather than that of Clackamas County. It should be noted that the second phase of “Windswept Waters” was not annexed into the City, but is in fact located within the City of Damascus.

COMPREHENSIVE PLAN/ZONING MAP AMENDMENT:

- The applicant’s proposal to amend the City’s Comprehensive Plan Map/Zoning Map is to change the subject site’s existing plan designation/zoning district from Clackamas County “Urban Low Density Residential” (R-7) and “Open Space Management” (OSM) to a combination of City “Medium Density Single-Family Residential” (R-5), “Low Density Residential” (R-7), and “Institutional and Public Use” (IPU). The applicant’s projected configuration of the proposed designations/zones is depicted within Exhibit 6. By requesting that the City’s R-5 designation/zone be applied to approximately six acres of the subject site (that is currently zoned County R-7), the proposed amendments would allow for the applicant to yield 40 additional dwelling units beyond the previously approved 249-lot “Windswept Waters” PUD. To offset the impact these additional units may have on the character of the proposed development, the applicant has proposed an approximately 3.7-acre park within “Windswept Waters - Phase 3”. This park is in addition to the 11.19 acres of open space that the applicant has provided as the location for a local trail that provides a potential connection point to a future regional trail, at this time named “Mt. Scott/Scouters Mountain Trail Loop”. It should be noted that the applicant has provided an actual development plan for the subject site in-lieu-of a conceptual development plan (a conceptual development plan is a minimum submittal requirement for a plan amendment/zone change).

TRAFFIC IMPACT ANALYSIS (TIA)/TRANSPORTATION PLANNING RULE COMPLIANCE:

- The applicant submitted an extensive TIA as part of their original “Windswept Waters” PUD proposal (approved by Clackamas County in 2005) that provides an evaluation of items such as trip generation and distribution, intersection/roadway safety, and capacity. As part of their current proposal, the applicant has supplied an update to the original TIA that addresses traffic related items as they pertain to the revised site plan and increased lot yield (40 units). Within this update the applicant’s Traffic Engineer provided a trip generation analysis (Exhibit 3, Page 8) that was based on the applicant’s current development plan for the subject site. This analysis indicates that if the subject site was to develop under the existing approval, “Windswept Waters” Phases 1, 2, and 3 would produce 185 weekday AM peak hour trips and 245 weekday PM peak hour trips. The analysis further indicates that if the subject site was to develop as the applicant currently proposes (City R-5 and R-7 zoning), the three phases of “Windswept Waters” would produce 280 weekday AM peak hour trips and 355 weekday PM peak hour trips. The TIA update also reports that the proposed amendments and site plan, if approved, would result in a net increase of 25 AM peak hour trips and 30 PM peak hour trips. The applicant’s TIA did not identify any immediate safety concerns or roadway capacity issues that would result from the approval of the proposed applications, considering the transportation related conditions of approval of the previous County land use approvals.
- It is required that a TIA submitted as part of an application for a Comprehensive Plan Map/Zoning Map amendment provide an analysis that addresses Oregon Administrative Rule (OAR) 660-012-0060, commonly referred to as the “Transportation Planning Rule” (TPR). Within this analysis, an applicant is required to determine if a proposed Comprehensive Plan Map/Zoning Map amendment would “significantly” impact an existing transportation facility, and if so, propose mitigating measures. As indicated in the TIA update, the applicant’s proposed amendments do comply with the TPR, meaning no significant impacts to adjacent roadways would result from the proposed Comprehensive Plan Map/Zoning Map amendment. The net increase in trips resulting from the proposed applications will not change the level of service on any of the neighboring transportation facilities. Therefore, no mitigating measures are proposed or required. The City’s Traffic Engineer (DKS Associates) has reviewed and concurred with the applicant’s findings within the TIA update.

150-LOT PLANNED UNIT DEVELOPMENT/REQUESTED EXCEPTIONS:

- The applicant has proposed a 150-lot PUD, which consists of 107 single-family detached lots and 43 single-family attached lots. As previously mentioned, the proposed lot layout is a modified version of an approved preliminary plat for Phase 3 of “Windswept Waters”. This modified version varies from the original in that it has configured the street system in a different manner, incorporated the aforementioned attached lots, “built-in” an approximately 3.7-acre private park, incorporated 24 platted, but unbuilt, lots from Phase 1 of “Windswept Waters”, and increases the original lot yield by 40 dwelling units. The applicant has illustrated within the plan set that was submitted as part of this application that the proposed PUD would be accessed through the extension of two local residential streets (SE Ekert Lane and SE Windswept Waters Drive) that currently terminate at the subject site’s southern boundary and were constructed as part of “Windswept Waters - Phase 1”. The applicant has submitted density calculations (Exhibit 5) that were prepared in accordance with the LDC and support the 150-lot site plan. Utilities such as public sanitary sewer, stormwater management, water, and electricity will all be provided to the proposed PUD through the applicant extended these services from the previously constructed phases of “Windswept Waters” to the subject site.
- The LDC requires applicants who propose a development as a PUD to dedicate 20 percent of the total site area as usable open space. For the subject proposal, the total gross site area is 33.91 acres, which means the applicant is required to dedicate a minimum of 6.78 acres as usable open space. The applicant has far exceeded the 20 percent threshold by dedicating 3.7 acres as a private active recreation park (Tract “I”) and 11.19 acres as a passive recreation area/open space (Tract “O”), for a total of 14.89 acres or 44 percent of the subject site. The applicant has submitted as part of their proposal a landscape plan that illustrates some of the proposed amenities within the active recreation area (Exhibit 2, Sheet L4.0). These amenities include: walking paths; picnic areas; large lawn area; and an active play area (details to be provided at the public hearing). The applicant has proposed that the 11.19-acre passive recreation area remain largely “as is” to protect the environmentally sensitive lands located within this area. The proposed improvements within the passive recreation area include the addition of a pedestrian trail tying into the existing pathway that was constructed as part of “Windswept Waters - Phase 1” and running north for the entire length of the subject site’s frontage along the Clackamas River. This trail is proposed to terminate at the northern boundary of the subject site and will provide an opportunity for the “Windswept Waters” trail system to connect to the proposed “Mt.Scott/Scouters Mountain Trail Loop” in the future.

- The applicant requests exceptions to several development standards found within the LDC. The applicant has indicated within their narrative (Exhibit 1, Page 29) that reductions to the minimum requirements for lot width; street frontage; and front, rear, and side yard setbacks have been requested to be approved as part of this PUD proposal. City staff has recommended most of these requested exceptions be approved by the Planning Commission (the requested 10-foot front yard setback for the proposed single-family attached homes has not been recommended for approval). The applicant has also requested two design modifications to the City's dimensional standards for public streets. It has been proposed that the public street system within "Windswept Waters - Phase 3" match the dimensions of the previously constructed phases of "Windswept Waters". As proposed all streets within Phase 3 would have a right-of-way width of 50 feet, two feet shy of meeting the City's standard for a local residential street that allows for parking on both sides. Due to concerns voiced by CFD #1 over emergency access, city staff has recommended that the Planning Commission deny this requested exception and require the applicant to restrict parking to one side of the street. The second requested design modification would allow for SE Slate Street to terminate as a "stub" street, rather than a cul-de-sac (standard requirement of the LDC), in two areas located directly adjacent to the aforementioned 3.7-acre park (depicted within Exhibit 2, Sheet 10). The applicant has proposed to encumber the "stub" portion of the right-of-way with a maintenance agreement stating that these areas will be privately maintained by the Windswept Waters Home Owner's Association. Also, it is proposed that the boundary between the publicly and privately maintained right-of-way will be demarcated by a five-foot wide concrete strip, resembling what is commonly referred to as a "driveway apron". It should be noted that emergency vehicle turnarounds are not required in these two locations because the individual length of the two "stub" streets does not exceed 150 feet. The City Engineer has reviewed this requested modification and has made a recommendation for its approval.

GEOTECHNICAL STUDY:

- The applicant has provided a geotechnical evaluation of the subject site (Exhibit 4) that identifies several locations within the proposed development that will need to be monitored via several methods outlined in the report prior to site construction. The report also specifies other actions related to grading that will need to be taken during site construction. Within the conclusion of the report it is noted that if all the recommendations of the report are followed by the developer, then the proposed development can be constructed as intended. The City has included several conditions of approval (Numbers 14-18) that "mirror" the recommendations of the report.

PUBLIC COMMENTS:

- The City's Planning Division received no correspondence pertaining to the proposed applications from neighboring property owners or other interested parties during the public comment period.

II. FINDINGS OF FACT

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

“Goal 1 (Citizen Involvement)

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

Staff Response:

The public notice and outreach requirements for a Type “III” quasi-judicial land use application, such as that proposed by the applicant, have provided multiple opportunities for public involvement, including published notice for the land use hearing before the Planning Commission. Therefore, this criterion is satisfied by the request and the public process followed by the City of Happy Valley.

Goal 2 (Land Use Planning)

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

Staff Response:

Statewide Planning Goal 2, Land Use Planning, requires that local jurisdictions establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed Comprehensive Plan Map/Zoning Map amendment was evaluated using criteria found within the City’s LDC and policies found within the City’s Comprehensive Plan. This evaluation is augmented by the inclusion of comments and concerns submitted by neighboring residents (if any). Furthermore, the proposed amendments are subject to a public hearing before the Planning Commission. Therefore, a well established planning process and policy framework exists within the City. Therefore, this criterion is satisfied.

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

To provide natural resources and conserve scenic and historic areas and open spaces.

Staff Response:

The subject property has been and continues to be, located within the City of Happy Valley and as such, natural resources within the subject property (no historic resources exist) are protected by Chapter 16.34 (Natural Resources Overlay Zone) of the city’s LDC. The applicant has illustrated within the plan set that was submitted as part of this application that the environmentally sensitive areas that exist on or near the subject site will not be impacted by the proposed development. This criterion has been satisfied.

Goal 6 (Air, Water and Land Resources Quality)

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

Staff Response:

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

Goal #10 (Housing)

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

Staff Response:

In conjunction with the proposed amendments, the applicant is requesting that the City process a 150-lot PUD. If approved, the proposed use will provide additional housing within the City. Therefore, this criterion has been satisfied.

Goal 11 (Public Facilities and Services)

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

Staff Response:

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

Goal 12 (Transportation)

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

Staff Response:

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

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

"OAR Chapter 660, Division 12 (Transportation Planning)

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

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

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

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

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

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

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

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

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

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

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

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

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

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

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

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

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

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

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1)."

Staff Response:

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

3. The following Policies from the City of Happy Valley Comprehensive Plan are applicable to this request:

Comprehensive Plan Policies

"[...]"

Policy 4: To insure orderly development in the City of Happy Valley through formulation of growth management policies and guidelines which will determine that development can occur only when adequate levels of services and facilities are or will be available.

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

"[...]"

Staff Response:

The City of Happy Valley ensures that "orderly and controlled development" occurs through the continuous and ongoing development of growth management policies and guidelines, primarily through implementation of the City's Comprehensive Plan Policies and Development Code regulations. The subject site is located in an "urbanized" area that is adequately served by public facilities, such as sanitary sewer, water, roadways, etc. Furthermore, the applicant has illustrated within their plans (Exhibit 2) that the environmentally sensitive lands located on the subject site will not be impacted by the proposed development. These criteria have been satisfied.

Policy 21: Maintain relationship of open space to permitted development in order to preserve the character of the natural setting and to provide for recreation and visual relief from development.

"[...]"

Policy 28: Conserve the area's unique natural resources through their inclusion in the Comprehensive Plan, and development approvals, in a manner which considers surrounding uses and provides a continuity of open space character and natural features, throughout the City.

"[...]"

Policy 30: Land development applications, grading permits and building permits that affect natural resource and steep slopes areas are subject to separate environmental review procedures assessing the impact of the proposed land use action or development permit, subject to the City's Development Code.

[...]

Policy 35: Maintain riparian vegetation and avoid degradation of natural features adjacent to drainage channels and conservation easements to minimize runoff and erosion affecting water quality.

[...]

Staff Response:

The subject property is located within the City of Happy Valley and as such, natural resources within the subject property are protected by Chapter 16.34 (Natural Resources Overlay Zone) of the city's LDC. The applicant has illustrated within the plans set that was submitted as part of this proposal (Exhibit 2) that the environmentally sensitive lands located on the subject site will not be impacted by the proposed development. These criteria have been satisfied.

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

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

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

[...]

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 Report:

In conjunction with the proposed amendments, the applicant is requesting that the City process a 150-lot PUD. If approved, the proposed use will provide additional housing within the City. Therefore, this criterion has been satisfied.

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

[...]

Staff Response:

The R-5, R-7, and IPU zoning districts, if applied to the project site, will take advantage of existing systems (such as the transportation and public transit system) provided by adjacent SE Highway 224. Many of the surrounding properties are already provided with Level 1 services, including water and sewer, and the proposed development will “tie into” and extend Level 1 services to the boundary of the subject site to facilitate the future development of neighboring undeveloped properties. Further, regulations in the proposed zoning districts including maximum building footprints and residential densities, building height limits, minimum setbacks, and landscaping and screening requirements will limit impacts of the project site on surrounding sites. Therefore, this criterion has been satisfied.

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

[...]

Staff Response:

The subject site is located adjacent to SE Highway 224, a Major Arterial, which will provide vehicular and bicycle routes from the subject site to major activity centers such as “Clackamas Town Center”. TriMet also provides routine bus service along SE Highway 224, which will serve pedestrians with an alternative to utilizing the relatively “undeveloped” pedestrian network in the area of the subject site. The applicant has also shown on their development plan (Exhibit 2) that an internal street system providing for both interconnectivity and neighborhood livability would be provided. This criterion has been satisfied.

Policy 74: To require new developments to provide Level 1 public facilities and services which are consistent with the Leveled Growth Management section of this Plan and are required by City Ordinances.

[...]

Policy 85: To require new developments to limit storm drainage runoff outside project boundaries or provide a storm drainage and collection system within the project in compliance with the City’s Storm Drainage Ordinance.

Policy 86: Until the City’s Facilities Plan is completed and the economic analysis and assessment policies are formulated by Clackamas County Service District #1, the City shall evaluate on a case by case basis those P.U.D’s, subdivisions, land partitions or building permit applications which can be provided with sewer service from existing sewer lines adjacent to the City. Their approval during this interim period shall be based on the provisions of the City’s Land Development Ordinance, Growth Management Policies, and agreements for the payment of anticipated public facilities assessments.

[...]

Staff Response:

The applicant has submitted a utility plan as part of their proposal (Exhibit 2, Sheet 8) that indicates the proposed 150-lot PUD will be adequately served by all Level 1 public facilities. The applicant has also provided the foresight to include utility “stubs” to the edge of the proposed development to facilitate the development of adjacent properties. Therefore, these criteria have been satisfied.

Policy 99: Any and all development within the city shall be subject to participation in the provision of Level 2 facilities and services which are essential to the development of the City as a whole, and shall include:

- *schools*
- *police protection*
- *parks and recreation*
- *public transit*
- *vector control*
- *city administrative services*

However, per the requirements of ORS 195.110(11) - notwithstanding any other provision of state or local law, school capacity shall not be the sole basis for the approval or denial of any residential development application, unless the application involves changes to the local government comprehensive plan or land use regulations.

[...]

Staff Response:

All lots proposed as part of the subject PUD application will be required to pay System Development Charges, due at the time of building permit issuance, and on an ongoing basis pay property taxes. Therefore, the proposed development would contribute to the provision of Level 2 services. Thus, this criterion has been satisfied.

Policy 100: The funding of improvements, extension of construction Level 1 facilities and services within the incorporated limits of the city shall be the responsibility of those whose land use activities caused such improvement, extension or construction to become necessary. Funding sources may include but are not limited to creation of a local improvement district (LID); outside funding or grants in aid; direct source payment with or without agreement for future reimbursement by other property owners who may utilize the facility or service; other sources as may be identified.

[...]

Staff Response:

Level 1 facilities and services are available to the site and will be provided by the developer. The improvements are required to be designed by a licensed engineer, constructed by a licensed contractor, and paid for by the developer. Also, the improvements are required to be in substantial conformance with the attached preliminary development plans and applicable conditions of approval. This criterion has been satisfied.

Policy 102: When, as the coordinator of land use activities and service provision to development areas, the City must make determinations regarding fulfillment of the Growth Management Policies and Procedures, the City shall consider recommendations provided by service providers and other affected agencies, including but not limited to the following:

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

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

Staff Response:

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

Policy 103: No development of any properties shall be permitted which will interfere or prevent the extension of any Level 1 facilities or services."

Staff Response:

It is not anticipated that the proposed development will interfere or prevent the extension of any Level 1 facilities or services. In fact, the applicant's proposal will work to extend public facilities through the subject site to facilitate the development of neighboring properties. This criterion has been satisfied.

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

"CHAPTER 16.22-RESIDENTIAL LAND USE DISTRICTS

16.22.030 Low Density Residential Zones.

A. Purpose.

1. *Residential—Ten Thousand (10,000) Square Feet (R-10). This urban residential district is a means by which the densities are increased to make efficient use of available facilities and services in an environment of single-family dwellings. Variations in dwelling types and lot sizes should provide for a necessary flexibility in the City which will prevent typical appearances created by the traditional subdivision of land. Standards in this district are strictly urban oriented and are designed to develop and perpetuate urban trends and patterns. The numerical designation R-10 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per ten thousand (10,000) square feet of lot area.*

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

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

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

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

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

Land Use	R-10	R-8.5	R-7
Residential			
<i>One single-family frame dwelling, modular dwelling unit or manufactured home per lot</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Single-family attached dwelling units, duplexes, multiple-family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130</i>	<i>P</i>	<i>P</i>	<i>P</i>

[...]

C. Development Standards. The development standards in Table 16.22.030-2 apply to all uses, structures, buildings, and development in the R-10, R-8.5 and R-7 Districts.

Table 16.22.030-2 Development Standards for R-10, R-8.5 and R-7

<i>Standard</i>	<i>R-10</i>	<i>R-8.5</i>	<i>R-7</i>
<i>Residential density (maximum)¹</i>	<i>1 unit/10,000 sq. ft.</i>	<i>1 unit/8,500 sq. ft.</i>	<i>1 unit/7,000 sq. ft.</i>
<i>Lot width (minimum)</i>	<i>60 feet</i>	<i>50 feet</i>	<i>50 feet</i>
<i>Lot depth (minimum)</i>	<i>80 feet</i>	<i>70 feet</i>	<i>70 feet</i>
<i>Street frontage (minimum)</i>			
<i>Lots fronting on cul-de-sac</i>	<i>35 feet</i>	<i>35 feet</i>	<i>35 feet</i>
<i>All other lots</i>	<i>50 feet</i>	<i>50 feet</i>	<i>50 feet</i>
<i>Lot coverage (maximum)</i>	<i>40%</i>	<i>45%</i>	<i>50%</i>
<i>Building setbacks (minimum):</i>			
<i>Front</i>	<i>22 feet</i>	<i>22 feet</i>	<i>22 feet</i>
<i>Rear</i>	<i>22 feet</i>	<i>22 feet</i>	<i>22 feet</i>
<i>Interior side</i>	<i>7 feet</i>	<i>5 feet</i>	<i>5 feet</i>
<i>Street side (corner lot)</i>	<i>15 feet</i>	<i>15 feet</i>	<i>15 feet</i>
<i>Building height (maximum)</i>	<i>45 feet²</i>		
NOTES:			
¹ Density calculations shall be made pursuant to Section 16.63.020(F).			
² The single-family residential building height maximum is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet.			

[...]

16.22.040 Medium Density Single-Family Residential Zones.

A. Purpose.

1. *Residential—Five Thousand (5,000) Square Feet (R-5).* This development district will allow single-family (attached and detached) as well as duplexes, triplexes within the City. Sanitary sewer and water are the most essential of urban services, but all Level I services and facilities are necessary and required for development at full density. In this district, there is an average lot size of five thousand (5,000) square feet.

2. *Mixed Use Residential—Single-Family (MUR-S).* Mixed use residential will promote compact form, and residential and commercial or residential and office mixed vertically, in addition to across the district. Minimum densities are provided to comply with the Urban Growth Management Functional Plan, Title 1 requirements. MUR-S has a minimum density of six units per net acre and a minimum lot size of four thousand (4,000) square feet.

B. *Permitted Uses* Table 16.22.040-1 identifies the land uses that are allowed in the R-5 and MUR-S Districts.

Table 16.22.040-1 Medium Density Single-Family Residential (R-5 and MUR-S) Permitted Uses

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

Land Use	R-5	MUR-S
Residential		
<i>One single-family frame dwelling or modular dwelling unit per lot</i>	<i>P</i>	<i>P</i>
<i>Two-family attached dwelling units (duplexes), and multiple-family dwellings up to a triplex. Single-family attached dwelling units, duplexes, multiple-family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130. Density calculation as defined in Section 16.12.030 may be used where</i>	<i>P</i>	<i>P</i>

Land Use	R-5	MUR-S
<i>applicable.¹</i>		

[...]

C. *Development Standards. The development standards in Table 16.22.040-2 apply to all uses, structures, buildings, and development in the R-5, MUR-S Districts.*

Table 16.22.040-2 Development Standards for R-5 and MUR-S

Standard	R-5	MUR-S
<i>Residential density (maximum)¹</i>		
<i>Single family dwelling (attached or detached)</i>	<i>1 unit/5,000 sf</i>	<i>1 unit/4,000 sf</i>
<i>Duplex²</i>	<i>1 duplex /7,000 sf</i>	<i>1 duplex/6,000 sf</i>
<i>Triplex²</i>	<i>1 triplex/10,000 sf</i>	<i>1 triplex/9,000 sf</i>
<i>Residential density (minimum)¹</i>	<i>None</i>	<i>6 du/net acre</i>
<i>Lot width (minimum)</i>	<i>40 feet</i>	<i>Variable⁴</i>
<i>Lot depth (minimum)</i>	<i>60 feet</i>	<i>Variable⁴</i>
<i>Street frontage (minimum)</i>		
<i>Single-family (attached or detached)</i>		
<i>Lots fronting on cul-de-sac</i>	<i>35 feet</i>	<i>Variable⁴</i>
<i>All other lots</i>	<i>40 feet</i>	<i>Variable⁴</i>
<i>Duplex</i>		
<i>Lots fronting on cul-de-sac</i>	<i>80 feet</i>	<i>Variable⁴</i>
<i>All other lots</i>	<i>80 feet</i>	<i>Variable⁴</i>
<i>Triplex</i>		
<i>Lots fronting on cul-de-sac</i>	<i>100 feet</i>	<i>Variable⁴</i>
<i>All other lots</i>	<i>100 feet</i>	<i>Variable⁴</i>
<i>Lot coverage (maximum)</i>		
<i>Single-family (attached or detached)</i>	<i>50%</i>	<i>Variable^{4, 5}</i>
<i>Duplex or triplex</i>	<i>60%</i>	<i>Variable^{4, 5}</i>
<i>Building setbacks (minimum):</i>		
<i>Front</i>	<i>10 feet</i>	<i>Variable⁴</i>
<i>Rear</i>	<i>15 feet</i>	<i>Variable⁴</i>
<i>Interior side</i>	<i>5/0 feet³</i>	<i>Variable⁴</i>
<i>Street side (corner lot)</i>	<i>8 feet</i>	<i>Variable⁴</i>
<i>Garage and carport entrances</i>		
<i>Entrances not facing an alley</i>	<i>20 feet</i>	<i>Variable⁴</i>
<i>Entrances facing an alley</i>	<i>6 feet</i>	<i>Variable⁴</i>
<i>Building height (maximum)</i>	<i>45 feet⁶</i>	<i>65 feet</i>

NOTES:

¹ Density calculations shall be made pursuant to Section 16.63.020(F).

² Location: Duplexes and triplexes must be located on a corner lot or adjacent to the intersection of two streets.

³ Side yard setbacks for attached single-family residential may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.

⁴ Standards are flexible and shall be determined through the master plan process or a design review.

⁵ Pursuant to Section 16.42.030, twenty (20) percent of the net developable area must be usable open space.

⁶ The single-family residential building height maximum is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet.

[...]

Staff Response:

The applicant has proposed a Comprehensive Plan Map/Zoning Map amendment that, if approved, would apply R-5 and R-7 to the areas of the subject site that would be the location of Phase 3 of “Windswept Waters”, a 150-lot PUD. Single-family attached and detached dwellings are permitted uses (per Table 16.22.030-1 and Table 16.22.040-1) in these zones, if proposed as part of a PUD. The applicant proposes to utilize the provisions of a PUD in order to provide a mixture of housing types (detached and attached). Also, utilizing the allowances the applicant has proposed minimum area, width, depth, frontage, lot coverage and setback requirements less than Development District minimums if in accordance with the general development plan of the PUD, therefore the minimum dimensions associated with the proposed zones (R-5 and R-7), may be superseded. In this case, the applicant seeks to utilize development standards similar to those utilized during the construction of previous phases of “Windswept Waters”. Staff has determined most of the proposed development standards to be acceptable and has recommended a condition of approval (Number 81) that lists these specific standards. Therefore, these criteria are satisfied through the applicant’s request for a PUD.

CHAPTER 16.24-INSTITUTIONAL DISTRICTS

16.24.010 Institutional and Public Use (IPU) District.

A. *Purpose.* The IPU District proposes to serve the need for the designation of areas for necessary institutional uses such as schools and churches, and public and semipublic uses such as parks, a local government center and other governmental and public service uses. This district may be located at any place throughout the City, based on a determination by the City that such areas are required. The Comprehensive Plan identifies the need for such uses throughout the City, with that need being fulfilled through this district.

B. *Permitted Uses.* Table 16.24.010-1 identifies the land uses that are allowed in the IPU District.

Table 16.24.010-1 Institutional and Public Use (IPU) Permitted Uses

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

Land Use	IPU
Commercial—Retail Uses	
Commercial daycare facilities	C
Institutional	
Cemeteries, mortuaries and funeral homes	C
Church, synagogue, temple or cathedral or other places of worship	P
Schools, public or private	P
Service district functions and operations, including but not limited to fire district facilities, water district facilities, radio and television station production facilities, sanitary sewer and stormwater management facilities and road building and maintenance facilities, not to include fuel or other liquid or non-solid combustible material storage	P
Parks, public or private, but not including commercial recreation facilities	P
Public buildings, functions or operations	P
Public utility substations or other functions	P

[...]

Staff Response:

As part of the proposed Comprehensive Plan/Zoning Map amendment and PUD application, the subject site's existing environmentally sensitive areas would be located within an approximately 11.19-acre tract, which would be zoned IPU. Private parks are a permitted use in the City's IPU district. Therefore, these criteria have been satisfied.

CHAPTER 16.41-ACCESS AND CIRCULATION

16.41.030 Vehicular access and circulation.

[...]

B. Driveways.

1. *A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive but in either case not less than the full width of the standard approach for the first twenty (20) feet of the driveway.*
2. *Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.*
3. *A driveway for a single-family dwelling or an accessory structure serving as a garage or home occupation shall have a minimum width of twelve (12) feet. Driveway approaches and vehicular maneuvering areas must be constructed in accordance with applicable City standards and the entire drive must be paved with asphalt or concrete or an approved permeable or semi-permeable surface.*
4. *A driveway for a two-family dwelling shall have a minimum width of twenty (20) feet. A driveway approach must be constructed in accordance with applicable City standards and the entire driveway must be paved with asphalt or concrete or an approved permeable or semi-permeable surface.*
5. *Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.*
6. *No driveway shall traverse a slope fifteen (15) percent or greater at any point along the driveway length.*
7. *The location and design of the driveway within the lot frontage shall provide for unobstructed sight pursuant to the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the public works director considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.*
8. *The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City Engineer may require joint access and/or shared driveways.*

Staff Response:

The proposed driveways are required to meet the provisions of this section via proposed Condition of Approval Number 84. Therefore per Condition of Approval Number 84, these criteria have been satisfied.

16.41.040 Pedestrian access and circulation.

To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system as shown in the City's TSP, Happy Valley Parks Master Plan, or North Clackamas Parks District Master Plan. (Pathways only provide for pedestrian circulation; multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections A through E of this section.

A. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathways(s) to adjacent streets and private property.

B. Safe, Direct and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets. For purposes of this Code section, the "primary entrance" of commercial, industrial, mixed use, public and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance. For residential buildings, the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling. A determination of whether or not a bicycle or pedestrian route is safe, direct, and convenient will be based on the following criteria:

- 1. Planned bicycle and pedestrian routes do not deviate unnecessarily from a straight line and will not involve a significant amount of out-of-direction travel for likely users.*
- 2. Bicycle and pedestrian routes are reasonably free from hazards and provide safe access to destinations.*

C. Connection within Development. For all developments subject to site design review, pathways shall connect to all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

D. Connections to Transit.

- 1. New retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the use of the continuous pathway system outlined in subsections A and B above.*

- 2. In addition to other requirements in this section, sites that are located at a major transit stop shall provide the following:*

- a. Either locate buildings within twenty (20) feet of the transit stop, a transit street or an intersection street, or provide a pedestrian plaza at the transit stop or a street intersection;*

- b. A reasonably direct pedestrian connection between the transit stop and building entrances on the site;*
- c. A transit passenger landing pad accessible to disabled persons;*
- d. Lighting at the transit stop.*
- E. Design and Construction. Pathways shall be designed and built in accordance with City public works standards.*

Staff Response:

The proposed pedestrian circulation system within the subject site provides for safe, direct, convenient, and continuous pedestrian routes to areas within the subject site and to adjacent mass transit stops (along SE Highway 224). The applicant has also provided for a pedestrian pathway, located within proposed Tract "I", which will likely serve as a connection point to a regional trail system that will provide residents of the proposed development the option of walking/biking to other areas of the City. These criteria have been satisfied.

CHAPTER 16.42-LANDSCAPING, STREET TREES, FENCES, AND WALLS

16.42.040 Street trees and planter strips.

- A. Applicability. All partitions, subdivisions, planned unit developments (PUDs), and any individual uses within any district, whether permitted by right or conditional approval, shall be required to provide street trees and, where applicable, planter strips on all public or private roadways or access drives within the project area, in accordance with the standards in subsection B below.*
 - B. Standards.*
 - 1. All street trees and planter strips shall be installed or financially secured by the developer pursuant to the definition of a "planter strip" found within Section 16.12.030 (Definitions). Private streets or development areas that do not utilize curbside planter strips shall install street trees beyond the public sidewalk, within a public utility and street tree easement.*
 - 2. Street Tree Installation Methodology. The developer and/or builder shall submit a planter strip and street tree plan as part of the construction plan set, detailing to the greatest extent practicable the placement of street trees in conformance with all spacing requirements in regard to street intersections, street lights, driveways, fire hydrants, etc. Based on this street tree plan, the developer shall submit a street tree installation fee or liquid financial guarantee based on the methodology set forth in Section 16.50.080.*
- [...]

Staff Response:

The applicant has shown on their landscape plan for "Windswept Waters - Phase 3" (Exhibit 2, Sheet L1.0) that street trees will be provided along all public street frontages within the development. Per Condition of Approval Number 82, these criteria have been satisfied.

16.42.070 Lighting.

A. Purpose.

1. This section has been formulated to allow for the provision of street lighting for reasons of safety, health, peace and general welfare of all users and the citizens of and visitors to Happy Valley. It is the intent of this section that such lighting shall be provided by and through annexation of the City to Clackamas County Service District No. 5 or its successor.

2. The rules and regulations set forth in this section are jointly established by the City, Clackamas County Service District No. 5, or its successor, and Portland General Electric Co. (PGE) for all street lighting installation and service within the City.

B. Street Light Design Requirements.

1. Street lighting installations to be provided with light from dusk to dawn daily, activated by photo-electrical control.

2. Whenever any installation of street lighting is made, the City, in cooperation with the District and PGE, or its successor, shall approve the design for such lighting. Street lighting design shall conform to the following requirements:

a. Street lighting shall be provided only on public rights-of-way;

b. Illumination levels shall be guided by the recommendations of the most current edition of the "American National Standard—Standard Practice for Roadway Lighting";

c. The luminaire spacing may be modified to meet existing conditions such as utility poles, property lines, roadway geometry, trees, signs, buildings or any other obstacle within the right-of-way, at the discretion of the City.

[...]

Staff Response:

The applicant's proposal was reviewed by CCSD #5 to determine the need for street lighting within the proposed development. CCSD #5 provided written comments (Exhibit A-6) that were incorporated into this report. CCSD #5 determined that the applicant will be required as part of this application to install street lighting along all public rights-of-way within "Windswept Waters - Phase 3". The applicant will also be required to form an assessment district to pay for the operation and maintenance of the lighting. Per Condition of Approval Number 76, these criteria have been satisfied.

CHAPTER 16.43-PARKING AND LOADING

16.43.030 Automobile Parking Standards.

[...]

B. Minimum Off-Street Parking Space Requirements and Calculations.

1. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter may be determined by the Planning Official based upon the requirements for similar specified uses.

2. Tandem parking (where two spaces are directly behind one another) may be counted as two parking spaces.

3. On-street parking within three hundred (300) feet of a use along its property frontage may be counted as part of the minimum spaces required.

4. *Structured parking, fleet parking, spaces that are user paid (at a market rate approved by the City), on-street parking spaces and market rate surface parking lots are exempt from the maximum parking ratios.*

5. *If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.*

6. *Mixed Uses. In the case of mixed uses, shared parking between uses is encouraged. Where shared parking is not an option, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.*

7. *Transit. Existing development shall be allowed to redevelop a portion of their existing parking area for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, and similar facilities, where appropriate. The redevelopment shall not result in greater than ten (10) percent reduction in the number of required on-site vehicle parking spaces.*

8. *Where uses are mixed in a single building, parking shall be a blend of the ratio required less ten (10) percent for the minimum number of spaces. The maximum number of spaces shall be ten (10) percent less than the total permitted maximum for each use.*

9. *Fractions. When the sum of the required vehicle or bicycle parking spaces is a fraction of a space the fraction shall be rounded down to the nearest whole number.*

10. *Maximum Parking Allowed. A maximum number of vehicular parking spaces allowed exists if provided for in Table 16.43.030-1.*

11. *Parking Table. The following parking table shall be interpreted with the following notation: All square footage measurements are gross square feet of total floor area. Eighteen (18) lineal inches of bench shall be considered one seat.*

Table 16.43.030-1

Proposed Use	Minimum Parking Spaces (MC in red)	Maximum Parking Spaces (if nothing is noted, there is no maximum) ¹		Bicycle Spaces
		Zone A	Zone B	
Residential				
Single-family detached	2 per dwelling			None required
Single-family attached	2 per dwelling ³			None required

[...]

Staff Response:

A minimum of two off-street parking spaces have been provided per dwelling. Per this provision, and Condition of Approval Number 84, these criteria have been satisfied.

CHAPTER 16.44-SPECIAL STANDARDS FOR CERTAIN USES

16.44.010 Design standards for multifamily housing, single-family attached housing, duplexes and triplexes.

A. Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards set forth below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

[...]

2. Alley Access Developments. Townhome, duplex and triplex subdivisions are required to receive vehicle access only from a rear alley or other grouped accessway approved by the Planning Official (see Figure 16.44.010-1). As used here, grouped access is not intended to result in consolidated access to front-loaded garages that would not otherwise be allowed by this code. Alleys and grouped access shall be created at the time of subdivision approval, in accordance with Chapter 16.63, Land Divisions and Property Line Adjustments, and any other applicable transportation standards. Alleys and grouped access are not required when existing development patterns, topography, lot depth, or similar physical limitations makes construction of an alley impracticable (See the City's adopted transportation system plan for alley design standards). As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the access and circulation standards of Chapter 16.41 and the TSP.

3. Street Access Developments. If an alley or grouped accessway is not required under Section 16.44.010(A)(2), and the townhomes, duplexes and triplexes will receive access directly from a public or private street (see Figure 16.44.010-2), the following standards apply in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four feet.

b. The maximum allowable driveway width facing the street is twelve (12) feet per dwelling unit. The maximum combined garage width per unit is fifty percent (50) of the total building width. For example, a twenty-four (24) foot wide unit may have one twelve (12) foot wide recessed garaged facing the street.

Exception. An eighteen (18) foot drive is allowed for a two-car garage, provided that one on-street parking space is provided for every two lots.

c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than twenty (20) feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

d. Maximum Shared Driveway Width. Twenty-four (24) feet.

[...]

Staff Response:

The applicant has proposed to construct 40 single-family attached dwellings that would be accessed from the public street system and not from a private alley. City staff has recommended approval of this proposal based on the fact that the existing development pattern within the previously constructed phases of “Windswept Waters” incorporated single-family attached dwelling units that are accessed via the public street system. As a result, subsection 3 applies to this application, from which the applicant has requested modifications to subsections “a” and “c”. City staff has recommended approval of these exceptions on the basis that the applicant is proposing to construct the same-style of single-family attached residences that exist within previous phases of “Windswept Waters”. Per the applicant’s exception request, these criteria have been satisfied.

CHAPTER 16.50-PUBLIC FACILITIES

[...]

16.50.030 Transportation standards.

A. Purpose. It is the purpose and intent of this chapter to establish design standards and performance requirements for all streets and roads and other transportation facilities constructed or reconstructed within the City, as well as to establish a process for variation from the streets standards.

1. The public residential streets standards shall be considered as minimum design requirements under ideal circumstances. All public residential streets in the City shall be designed as one of the standard prototypes found within the City’s transportation system plan (TSP), except as provided in subsection 16.50.030(B). Approval of the appropriate street prototype shall be by the City Engineer (based on consultation with the City’s Traffic Engineer) as part of the review process as provided in this title and shall be based on the following considerations:

- a. Street function needed within the existing proposed and future neighborhood and the City circulation networks;*
- b. Anticipated daily traffic volume;*
- c. Individual property access requirements;*
- d. Topographic variations and the amount of cut and fill required for the proposed street;*
- e. Soil and other field conditions.*

Staff Response:

The applicant has requested two design modifications to the City's dimensional standards for public streets. It has been proposed that the public street system within "Windswept Waters - Phase 3" match the dimensions of the previously constructed phases of "Windswept Waters". As proposed all streets within Phase 3 would have a right-of-way width of 50 feet, two feet shy of meeting the City's standard for a local residential street that allows for parking on both sides. Due to concerns voiced by CFD #1 over emergency access, city staff has recommended that the Planning Commission deny this requested exception. The second requested design modification would allow for SE Slate Street to terminate as a "stub" street, rather than a cul-de-sac (standard requirement of the LDC), in two areas located directly adjacent to the aforementioned 3.7-acre park (depicted within Exhibit 2, Sheet 10). The applicant has proposed to encumber the "stub" portion of the right-of-way with a maintenance agreement stating that these areas will be privately maintained by the Windswept Waters Home Owner's Association. Also, it is proposed that the boundary between the publicly and privately maintained right-of-way will be demarcated by five-foot wide concrete strips, resembling what is commonly referred to as a "driveway apron". It should be noted that emergency vehicle turnarounds are not required in these two locations because the individual length of the two "stub" streets does not exceed 150 feet. The City has reviewed this requested modification and has made a recommendation for its approval. Per Condition of Approval Numbers 33 and 34, these criteria have been satisfied.

B. Street and Road Standards.

[...]

8. *Connectivity and Block Length. The following shall govern the design and layout for blocks within all subdivisions or planned unit developments:*

a. *Length. The blocks shall be consistent with the requirements of topography and the needs for convenient access, circulation, control and safety of street traffic and the type of land use proposed. Block lengths shall not exceed five hundred thirty (530) feet or be less than two hundred (200) feet in length.*

b. *Width. Except for reverse frontage lots, the width of blocks shall be sufficient to allow for two tiers of lots of depth consistent with the type of land use proposed.*

c. *Super Blocks. For large parcels of more than one acre with access provided by a series of cul-de-sac or loop streets entering from the periphery and for parcels platted into one-quarter acre or larger lots, the criteria in this section shall be disregarded. Blocks of acreage type lots shall have block lengths and widths that will lend themselves to later redivision in accordance with the standards prescribed in this chapter.*

d. *Pedestrian Paths. A pedestrian path right-of-way shall be provided on public easements or right-of-way when full street connections are not possible.*

i. *Spacing between connections shall be no more than two hundred sixty-five (265) feet except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extension when such a walk is essential to provide circulation or pedestrian access to schools, playgrounds and other community facilities.*

ii. *Pedestrian paths shall be at a minimum five feet wide.*

iii. *In developments incorporating pedestrian paths within steep slopes, paths twenty (20) percent or greater in grade are required to incorporate stairs.*

iv. *In natural resource areas, surfaces may include gravel or bark chip; in all other scenarios, pedestrian paths shall be constructed of improved, all weather surface and may include the installation of removable bollards to prevent use by unauthorized motor vehicles.*

v. *Pedestrian paths are required to be maintained by a homeowner's association or equivalent maintenance organization.*

e. *Multi-Use Paths. A multi-use path connector not less than eight (8) feet wide will be provided on public easements or rights-of-way when full-street connections are not possible. Connections will not exceed two hundred sixty-five (265) feet except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extension or when such a path is essential to provide circulation or pedestrian access to schools, playgrounds, and other community facilities. Said path shall have an all-weather surface to City standards and will include removable bollards to prevent use by unauthorized motorized vehicles. Multi-use paths shall be constructed in conformance with the definition of a multi-use path within Section 16.12.030 of this title.*

[...]

Staff Response:

In lieu of providing full street connections at intervals described in the above section, the applicant has proposed pedestrian connections in several locations designed to the specifications described in the above section. However, these pedestrian connections have not been provided at intervals of less than 265 feet. As a result, a condition of approval (Number 41) has been incorporated into this report that requires the applicant to provide pedestrian connections in a greater number of locations throughout the proposed development, at intervals of less than 265 feet. Per Condition of Approval Number 41, these criteria have been satisfied.

16.50.050 Sanitary sewer and water service improvements.

A. Sanitary Sewerage Disposal and Storm Drainage Requirements.

1. *The sanitary sewerage disposal requirements for any development within the City shall be in accordance with standards established by the State of Oregon, Department of Environmental Quality (DEQ) as administered by Clackamas County. Any variances or waivers to these standards shall be granted only in accordance with established standards, criteria and procedures of DEQ.*

2. *All sanitary sewers shall be designed and constructed in accordance with the requirements of the Clackamas County Service District No.1 or its successor.*

3. *Storm drainage for any development within the City shall be in accordance with the City's Drainage Ordinance (Section 16.50.060).*

Staff Response:

The applicant has provided a preliminary utility plan (Exhibit 2, Sheet 8) that has been review by CCSD #1 for compliance with applicable sanitary sewer and storm drainage requirements. Conditions of approval were provided by CCSD #1 and incorporated into this report. Per Condition of Approval Numbers 48-70, these criteria have been satisfied.

B. Domestic Water and Fire Protection Service Requirements.

1. All subdivisions or planned unit developments shall be served by a community or public water supply as defined and governed by state regulations. All design and construction shall be in accordance with the requirements of Mt. Scott Water District or its successor.

2. All subdivisions or planned unit developments shall have an adequate water supply for fire protection purposes as required by the fire district, and shall have fire hydrants located as required by the fire district.

3. Any proposed public or private road shall be reviewed by the appropriate fire district for compliance with all applicable and appropriate standards, and a statement of compliance shall accompany the application for any subdivision or PUD (See Section 16.50.030 and any other applicable sections).

[...]

Staff Response:

SWA has evaluated the applicant's proposal for the provision of domestic water to the proposed development. SWA has deemed the proposal acceptable and provided the City with conditions of approval that have been incorporated into this report. CFD #1 has reviewed the applicant's proposal for site access and fire hydrant spacing. CFD #1 has provided the City with conditions of approval that have been incorporated within this report. Per Condition of Approval Numbers 71-75, these criteria have been satisfied.

16.50.070 Utilities.

A. Purpose. The approval of any partition, subdivision of land or planned unit development within the City by the Planning Commission or appropriate and designated body or agent and the City Council shall be upon the express condition that all utility lines, including but not limited to those required for electric, communication, street lighting and cable television services and related facilities, shall be placed underground. Whether or not such underground facilities have supporting containers or are buried in the earth shall be determined by the utility involved in compliance with all applicable safety regulations.

[...]

Staff Response:

The applicant has been conditioned to place all utilities within the development underground and to locate said utilities within a public utility easement. Per Condition of Approval Number 79, this criterion has been satisfied.

CHAPTER 16.61-TYPES OF REVIEW PROCEDURES

16.61.040 Type III procedure (quasi-judicial).

[...]

D. Notice of Hearing.

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

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

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

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

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

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

Staff Response:

The process and notices described within this section have been followed by the City, including the provision of a Measure 56 notice. The application was deemed complete on March 30, 2012. 35-Day Notice was sent to the Department of Land Conservation and Development on April 3, 2012, public notice was sent April 4, 2012, and newspaper notice was published on April 11, 2012. A public hearing was scheduled before the Planning Commission on May 8, 2012. Therefore, these criteria have been satisfied.

F. The Decision Process.

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

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

Staff Response:

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

CHAPTER 16.63-LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

[...]

16.63.020 General requirements.

[...]

F. Density Calculations. Density calculation is the means by which density for any parcel may be determined and ultimately developed within that parcel in a more efficient and land conscious manner. This portion of the Land Development Code provides the method for calculating the overall density for any given parcel of land which may contain both constrained land, partially constrained land and unconstrained land. The minimum and maximum number of dwelling units permitted on a parcel of land is limited by both the number of units allowed by the applicable zoning district(s) and the amount of buildable land. The need to provide infrastructure and the presence of easements for major utilities corridor also impacts the number of units permitted on a parcel of land.

As outlined in Table 16.63.020-1, Density Calculations, Steps 1 through 4 establish the maximum number of potential dwelling units generated by a parcel of land given the zoning districts and/or overlay districts on a parcel. However, if site constraints are present there may not be enough buildable land (capacity) for all of the potential dwelling units to be constructed on the parcel. Steps 5 through 8 establish capacity in terms of the number of dwelling units that can physically be built on a parcel of land given site constraints and available buildable land. If, as a result of constrained land or partially constrained land, the total number of dwelling units generated is more than the capacity of the site, the parcel may qualify for density transfer pursuant to Section 16.63.020(F)(2).

- 1. For the purposes of calculating density, land shall be categorized as follows:*
 - a. Constrained land, which includes any land designated as:*
 - i. Conservation slope areas (slopes twenty-five (25) percent and greater) as defined in Chapter 16.32.*
 - ii. Potentially hazardous analysis areas (lands within twenty-five (25) feet of the top or toe of slopes of conservation slope areas) as defined in Chapter 16.32.*
 - iii. DOGAMI potentially rapidly moving landslide hazard areas, as defined in Chapter 16.32.*
 - iv. Water quality resource areas, as defined in Section 16.34.060.*
 - b. Partially constrained land, which includes any land designated as follows:*
 - i. High and moderate value habitat conservation areas, as defined in 16.34.020(D)(2).*
 - ii. Transition slope area as defined in Chapter 16.32.*

c. *Unconstrained Land, which includes any land not designated as constrained land or partially constrained land.*

Table 16.63.020-1 Maximum Potential Number of Dwelling Units based on Zoning

Step 1: Calculate land area by category.	
For the total gross area of the parcel identify the square footage of land in each of the following categories:	1a = gross area of the parcel
	1b = unconstrained land within each zoning district ($1a - (1c + 1d)$)
	1c = constrained land
	1d = partially constrained land ($1e + 1f + 1g$)
	1e = transition slope area (TSA)
	1f = high value habitat conservation area (high HCA)
	1g = moderate value habitat conservation area (moderate HCA)
Step 2: Establish number of potential residential units from constrained and partially constrained land (if any).	
Density for constrained land and partially constrained land is calculated at 2 dwelling units per acre.	2a = $((1c + 1d) / 43,560) \times 2$
Step 3: Establish number of potential residential units from unconstrained land.	
a. For each zoning district identify land needed for infrastructure:	3a = the square footage of land needed for infrastructure
20% of the acreage for public-rights-of-way, or remove right-of-way square footage from actual layout;* plus	
Any land required for stormwater treatment and detention facilities that will be placed in a separate tract.	
*NOTE: In the case of a partition, where the City is requiring the dedication of right-of-way along an existing roadway, the dedicated right-of-way shall not be included in the calculation.	
b. Subtract land needed for infrastructure from unconstrained land to establish net acres.	3b = $1b - 3a$
c. Density within the land use districts may be expressed as either a minimum lot size or as a maximum number of units per net acre. Therefore, the potential number of dwelling units can be calculated in one of two ways depending on the structure of the base zone. For each zoning district, calculate the appropriate number of units.	3c = $(3b / 43,560) / \text{base zone density}$ or $3b / \text{base zone minimum lot size}$
Step 4: Establish number of potential residential units.	

<i>The total potential dwelling units that can be generated by a parcel includes the number of units produced by the constrained and partially constrained land (2a) and the unconstrained land (3c). Any existing dwelling units within the parcel shall be subtracted from the total to determine the number of additional allowable units.</i>		$4a = 2 + 3c$
<i>NOTE: Unit percentages above the midway mark between two numbers (for example, 6.6 units) are rounded up to the next unit number (i.e., seven units). Unit percentages below the midway mark (i.e., 6.4 units) are rounded down to the next unit number (i.e., six units).</i>		
Step 5: Identify the capacity of unconstrained land.		
For each zoning district:		
a. Identify any land that is within the easement of a major utility corridor, but which is otherwise unconstrained or partially unconstrained		$5a =$ the square footage of land within major utility corridors
b. Subtract land within major utility corridors from net acres (3b).		$5b = 3b - 5a$
c. Density within the land use districts may be expressed as either a minimum lot size or as a maximum number of units per acre. Therefore, the potential number of dwelling units can be calculated in one of two ways depending on the structure of the base zone. For each zoning district, calculate the appropriate number of units.		$5c = (5b / 43,560) \times \text{base zone density}$ or $5b / \text{base zone minimum lot size}$
d. With the use of density transfers pursuant to Section 16.63.020(F)(2), the maximum capacity of the buildable portion of unconstrained land is 175% of the density permitted by the underlying zoning district.		$5d = 5c \times 175\%$
Step 6: Identify the capacity of transition slope area (TSA).		
For all land designated as TSA, use the methodology below to determine how much is buildable and how many dwelling units could be accommodated within the buildable area.		
a. Determine the percentage of constrained and partially constrained land on the site.		$6a\% = (1c + 1d) / 1a \times 100$
b. Determine the percentage of TSA that is buildable based on the sliding scale below.		$6b\% =$ % of TSA that is buildable based on the sliding scale
% of the parcel that is constrained or partially constrained (5a)	% of TSA that is buildable	
0 to 19.99%	30%	
20 to 49.99%	40%	
≥ 50%	50%	
c. Determine the square footage of TSA (1e) that is		$6c = 1e \times 6b$

<i>buildable.</i>	
<i>d. The capacity of the buildable portion of TSAs is 2.0 dwelling units per acre.</i>	$6d = (6c/43,560) \times 2.0$
<i>e. With the use of density transfers pursuant to Section 16.63.020.F.2, the maximum capacity of the buildable portion of TSAs can be increased to 3.5 dwelling units per acre.</i> <i>NOTE: 3.5 du/ac equals 175% of the base density of 2 du/ac.</i>	$6e = (6c/43,560) \times 3.5$
Step 7: Identify the capacity of habitat conservation areas (HCA).	
<i>For all land designated as high or moderate HCA, use the methodology below to determine how much is buildable and how many dwelling units could be accommodated within the buildable area.</i>	
<i>Determine the square footage of high HCA (1f) and moderate HCA (1g) that is buildable:</i>	
<i>a. High HCA = 10% buildable;</i>	$7a = 1f \times 10\%$
<i>b. Moderate HCA = 15% buildable.</i>	$7b = 1g \times 15\%$
<i>c. The capacity of the buildable portion of HCAs is 2.0 dwelling units per acre.</i>	$7c = ((7a + 7b)/43,560) \times 2.0$
<i>d. With the use of density transfers pursuant to Section 16.63.020(F)(2), the maximum capacity of the buildable portion of high and moderate HCAs can be increased to 3.5 dwelling units per acre.</i>	$7d = ((7a + 7b)/43,560) \times 3.5$
<i>NOTE: 3.5 du/ac equals 175% of the base density of 2 du/ac.</i>	
Step 8: Identify total capacity and potential for density transfer.	
<i>Total number of dwelling units generated by the zoning on the site</i>	$4a$
<i>The capacity of the parcel without consideration of any potential density transfer is the sum of the capacity in dwelling units from the buildable portions of unconstrained (5c), TSA (6d) and HCA (7c) lands</i>	$8a = 5c + 6d + 7c$
<i>The capacity of the parcel including all potential density transfers is the sum of the capacity in dwelling units from the buildable portions of unconstrained (5d), TSA (6e) and HCA (7d) lands. This represents the total number of units that can be built on the site if density transfers are available pursuant to Section 16.63.020(F)(2)</i>	$8b = 5d + 6e + 7d$
<i>Minimum density represents the minimum number of dwelling units required to be built on a parcel of land. It is based on 80% of the capacity of the buildable unconstrained land (5c). There is no minimum density requirement for constrained or partially constrained lands</i>	$8c = 5c \times 80\%$
<i>Number of dwelling units that can be transferred TO the site (if qualified)</i>	$8d = 8b - 8a$

<i>Number of dwelling units that can be transferred FROM the site (if qualified)</i>	$8e = 4a - 8c$
<i>Number of dwelling units that can be transferred FROM the site after full use of density transfer within the site</i>	$8f = 4a - 8b$
Step 9: <i>Calculate the net developable area, for purposes of FAR and open space calculations.</i>	$9a = 3b - 1c$

[...]

Staff Response:

The applicant has submitted density calculations (Exhibit 6) that were prepared in accordance with the process outlined in the above section and support the 150-lot site plan. Therefore, these criteria have been satisfied.

16.63.060 Approval criteria—Preliminary plat.

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article, and the applicable chapters and sections of Article 16.2 (Land Use Districts), Article 16.3 (Specific Area Plan Districts and Overlay Zones), and Article 16.4 (Community Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 16.7;

Staff Response:

As demonstrated in this report, the applicant has met the requirements of all applicable sections of the LDC. This criterion has been satisfied.

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Staff Response:

The applicant will be required to submit a final plat to the Clackamas County Surveyor's Office, which will determine if the name on the plat is appropriate. Per Condition of Approval Number 2, this criterion has been satisfied.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

Staff Response:

The applicant's proposal was determined to provide congruity with all adjoining developments, by all the means listed above, and all proposed public improvements and dedications are identified on the preliminary partition plat (Exhibit 2, Sheets 3-6). Therefore, this criterion has been satisfied.

4. *All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and*

Staff Response:

The applicant has identified all new private common areas on the preliminary plat as individual tracts of land. This criterion has been satisfied.

5. *Evidence that any required State and Federal permits have been obtained, or shall be obtained before approval of the final plat;*

Staff Response:

The applicant has provided, or has been conditioned to provide, all necessary State and Federal permits to facilitate the proposed development. This criterion has been satisfied.

6. *Evidence that improvements or conditions required by the City, road authority, Clackamas County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

Staff Response:

The City has reviewed the applicant's proposal and provided a list of conditions of approval that appear to be reasonable for the applicant to meet. This criterion has been satisfied.

7. *If any part of the site is located within a specific area plan district, overlay zone, or previously approved master planned development, it shall conform to the applicable regulations and/or conditions.*

Staff Response:

A portion of the subject site is subject to the City's requirements for lands within the Natural Resource Overlay Zone. The applicant's proposal will have no impact to these areas and does not violate any regulations found within this section. This criterion has been satisfied.

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

- 1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 16.2) and Section 16.50.030, Transportation standards, with the exception of lots created specifically for the purposes of fee acquisition in conjunction with either public or private utility projects, which may be any size.*
 - 2. Setbacks shall be as required by the applicable land use district (Article 16.2).*
 - 3. Each lot shall conform to the standards of Chapter 16.41, Access and Circulation.*
 - 4. Landscape or other screening may be required to maintain privacy for abutting uses. See Article 16.2, Land Use Districts, and Chapter 16.42, Landscaping.*
- [...]*

Staff Response:

The applicant's proposal has been reviewed for compliance with the above standards. Compliance with most of these standards is demonstrated within previous "Staff Responses" to the listed sections of the LDC. Per the provisions of a PUD, the applicant has proposed to utilize flexible lot standards. As detailed within Condition of Approval Number 81, these criteria have been satisfied.

D. Minimum improvement standards. All new public street improvements shall conform with the adopted minimum installation, material and construction standards for all public street improvements pursuant to Chapter 16.50, the Happy Valley Transportation System Plan, and the City's Engineering Design Standards Details Manual.

- 1. All new streets within proposed subdivisions and PUDs shall be developed as City streets regardless of the size of the total development or the average lot size within the development; such developments may have private roads developed within them as approved by the City and pursuant to the criteria of Section 16.50.030; and*
 - a. It shall clearly state on the final plat all the reservations and restrictions relating to such private roads;*
 - b. A private road shall provide access to no more than five dwelling units. Private roads may not constitute the total length of roads within a planned unit development;*
 - c. The improvement standards to which such private roads are to be developed shall be determined by the City. Construction standards for private roads shall be the same as the adopted specifications for public streets except for roadway width, curbs and gutters, sidewalks, parking, and landscaping. Minimum roadway width for private streets serving up to five homes shall be thirty (30) feet, with a maximum length of four hundred (400) feet, unless warranted by topography or other natural resource constraints that would prevent future street connectivity. Standards for curb, gutter, sidewalk, parking, and landscaping planter strips shall be determined by the City during the review process. At a minimum, private streets shall incorporate twenty-four (24) feet of paved surface, with a curbtight sidewalk a minimum of five feet wide, signed and painted to denote no parking on one side of the street;*
 - d. To insure maintenance of such private roads there shall be established within the organization of any land division a legal and permanent procedure to insure said maintenance. Such procedure shall be prepared by the developer and/or property owner and approved by the City.*

2. *All City streets within all proposed partitions, subdivisions and planned unit developments shall be a continuation of a County road or City street. A private street may serve a partition if the extension of a public street is not possible, but may provide access for no more than five total dwelling units and must meet the private street standards as described in subsection (D)(1)(c) of this section. All new City streets shall be compatible with and in accordance with the City's existing street development pattern and the adopted transportation plan.*

Staff Response:

The applicant has requested two design modifications to the City's dimensional standards for public streets. It has been proposed that the public street system within "Windswept Waters - Phase 3" match the dimensions of the previously constructed phases of "Windswept Waters". As proposed all streets within Phase 3 would have a right-of-way width of 50 feet, two feet shy of meeting the City's standard for a local residential street that allows for parking on both sides. Due to concerns voiced by CFD #1 over emergency access, city staff has recommended that the Planning Commission deny this requested exception. The second requested design modification would allow for SE Slate Street to terminate as a "stub" street, rather than a cul-de-sac (standard requirement of the LDC), in two areas located directly adjacent to the aforementioned 3.7-acre park (depicted within Exhibit 2, Sheet 10). The applicant has proposed to encumber the "stub" portion of the right-of-way with a maintenance agreement stating that these areas will be privately maintained by the Windswept Waters Home Owner's Association. Also, it is proposed that the boundary between the publicly and privately maintained right-of-way will be demarcated by a five-foot wide concrete strip, resembling what is commonly referred to as a "driveway apron". The City has reviewed the applicant's requested modifications and has made a recommendation for their approval. Per Condition of Approval Numbers 33 and 34, these criteria have been satisfied.

E. *County Surveyor's Requirements. The Clackamas County Surveyor shall require that all surveying and monumentation be pursuant to the appropriate State statutes.*

Staff Response:

The applicant will be required to submit a final plat for the proposed partition to the Clackamas County Surveyor's Office to ensure compliance with all state statutes pertaining to surveying and monumentation. Per Condition of Approval Number 2, this criterion has been satisfied.

F. *Conditions of Approval.*

1. *The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 16.50 (Public Facilities).*

2. *As a condition of any approval, a waiver of remonstrance against the formation of a local improvement district for the construction, improvement or extension of Level I and Level II services which benefit the property owner shall be required by the City.*

3. *In situations where this Code requires the dedication of real property to the City, the City shall either: (a) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (b) delete the dedication as a condition of approval.*

Staff Response

Staff has applied conditions of approval deemed necessary and appropriate based on internal review and the review of each service provider. These criteria have been satisfied.

16.63.130 Planned unit development.

[...]

D. *Area of Applicability. PUDs may be established in residential, commercial or industrial districts on parcels of land, which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this section.*

E. *All residential developments shall be developed as PUDs pursuant to the provisions in Section 16.63.130 whenever one or more of the following criteria apply:*

1. *Any site larger than two acres where a minimum of ten (10) percent of the site contains environmentally constrained areas subject to Chapters 16.35 and/or Sections 16.34.010 through 16.34.080;*

2. *All properties, either individual tax lots or contiguous lots under common ownership, consisting of fifty (50) or more acres on which are proposed to be developed more than one hundred (100) units;*

3. *Any development in a residential district proposing more than four manufactured homes or twenty (20) percent attached or common-wall units;*

4. *Any development utilizing density transfer pursuant to the provisions of Chapter 16.63.*

Staff Response:

A PUD is required per subsection 1, above. By the very nature of the current submittal, these criteria have been satisfied.

F. *Necessity for Application. For the purpose of considering any planned unit development, the developer shall apply to the City at any time after the preapplication conference and review, using such forms as may be provided for the processing of a preliminary planned unit development. If the planned unit development includes a subdivision, one form for both purposes will be satisfactory.*

G. *Filing Requirements.*

1. *These requirements shall be the same as found in Section 16.63.050.*

2. *At the time of formal application, the developer shall submit the following plan elements in detailed graphic form:*

a. *Proposed land use and densities (see Section 16.63.020(F) for density and calculations);*

- b. *Building types and densities;*
- c. *Circulation pattern;*
- d. *Parks, playgrounds, open space, land dedication and easements;*
- e. *Existing natural features;*
- f. *Related land maps (topography, etc.);*
- g. *Location, arrangement, etc. of auto parking;*
- h. *Preliminary renderings of typical buildings;*
- i. *Preliminary tree planting schedule;*
- j. *Preliminary landscape plan in accordance with the requirements of Chapter*

16.42.

3. *At the time of formal application, the developer shall submit the following program elements in detailed written form:*

- a. *Proposed ownership pattern;*
- b. *Operation and maintenance proposal;*
- c. *Waste disposal facilities;*
- d. *Lighting;*
- e. *Water supply;*
- f. *Tables illustrating acres for dwellings, off-street parking, streets, parks, playgrounds, dedicated lands, open space, schools and percentages of the gross and net development areas for each;*
- g. *Tables illustrating overall density, density by dwelling types and details of any density bonus or calculations;*
- h. *Preliminary documents providing for maintenance of open space and dedication of public spaces, development rights, easements, drainageways and land dedications or fees in lieu thereof;*
- i. *General time table of development;*
- j. *Qualifications of Proposed Design Team. All master plans for residential and neighborhood planned unit developments shall be prepared by professionals qualified in at least two of the four following: (1) a licensed architect, (2) a registered professional engineer, (3) a registered landscape architect, or (4) a member of the American Planning Association;*
- k. *Proof of authorization for the agent to act on the landowner's behalf, if appropriate, on a form supplied by the City, with all signatures notarized;*
- l. *Stages of development and construction.*

[...]

Staff Response:

The applicant has provided a complete application package that includes all of the above submittal requirements. These criteria have been satisfied.

I. Preliminary Approval.

- 1. *As found in Section 16.63.060;*
- 2. *In considering the preliminary planned unit development proposal, the Planning Commission shall apply the following additional criteria when making a determination:*
 - a. *Density.*

- i. *The number of dwelling units permitted in a development is based on the net development area which is determined by subtracting twenty (20) percent of the gross development area and dividing by the minimum lot area per dwelling unit as required by the development district,*
- ii. *Where any site contains more than one development district within its project boundaries, any density calculations shall be applied in the same proportion as that of the development district which are represented in the project area,*
- iii. *In any planned unit development, the total siting of density as calculated through Section 16.63.020(F) in any steep slopes and natural resource overlay area shall not exceed the net density of the applicable district.*

Staff Response:

The applicant has submitted density calculations (Exhibit 6) that were prepared in accordance with the process outlined in section 16.63.020.F and support the 150-lot site plan. Therefore, these criteria have been satisfied.

- b. *Open Space.*
 - i. *All planned unit developments shall have a minimum of twenty (20) percent of the development's gross land area dedicated to public or commonly held open space and/or recreational area. The extent to which any type of open space satisfies the total open space requirement shall be in the sole discretion of the City. This twenty (20) percent requirement does not affect the density calculation.*
 - (A) *Publicly dedicated open space must be adequate to carry out the City's parks and recreation master plan, at the determination of the City. In all other instances, lands which are least suitable for development and/or which offer the greatest natural habitat potential should be given the highest priority for dedication as open space. Dedicated open space shall be suitable for linkage through a network of trails, bike paths, and greenways.*
 - (B) *Considering the existing and planned public parks within the City, publicly dedicated open spaces within any PUD should focus on activities not otherwise available or planned for in existing and planned public parks.*
 - ii. *Land area to be used for scenic, landscaping or open recreational purposes within the development shall not include streets, rights-of-way, driveways or parking spaces.*
 - iii. *All open space areas shall be improved, preserved and maintained as a natural area and/or recreation area. All proposed open space areas that are identified as significant natural resources by the City's significant wetlands and riparian corridors map, the urban forestry plan tree inventory, or any other ordinance of the City, shall be enhanced, preserved and maintained as natural areas. Prior to preliminary plat approval, the applicant shall submit a landscape plan showing the required elements detailed below in the corresponding subsections c, Natural area and d, Recreational area, for approval by the Planning Commission. Landscape plans shall incorporate existing natural features wherever possible.*

iv. *All trees, except hazard trees and trees in utility or access easements, over six inches in diameter at breast height (DBH) shall be retained on the site regardless of proposed use and incorporated into the required landscape plan. Open space areas shall provide assurance to the City for one hundred twenty-five (125) percent of the estimated cost of the project through a bond, escrow account or certified letter of credit. Open space areas shall be completed as shown in the approved plans and inspected and approved by the City prior to final approval ("walk-through") of the infrastructure improvements, or shall be provided for by financial guarantee. Assurances for the open space improvements will be held for two years after improvements are made to assure plant survival. Plants that do not survive shall be replaced by the applicant during the first two years after the open space is improved. The applicant may obtain park system development charge credits for open space areas that are improved according to this section and then dedicated to the City. The City reserves the right to refuse offers of dedication.*

v. *For all natural features on the site, including streams, intermittent streams, ponds and/or wetlands, the applicant shall obtain verification from the appropriate State and Federal agencies of jurisdiction over the feature. If a State and/or Federal agency claims jurisdiction over a natural feature on the site, and where the requirements of this chapter conflict with the requirements of the regulatory agency(s), the most stringent requirements shall apply.*

Staff Response:

It is illustrated within the preliminary plan set that was submitted as part of this application (Exhibit2) that Tract "O", located along the western and a portion of the northern site boundary, mostly consists of land that is encumbered by steep slopes and/or natural resources and will continue to be protected by an existing conservation easement. Adjacent to this conservation easement, the applicant has proposed to construct a pedestrian trail that will run the entire length of the western boundary of the subject site and will serve to create an open space area that would be considered "usable" per the city's LDC. Tract "O" consists of 11.19 acres of land, which represents 33 percent of the greater subject site. Therefore, these criteria have been satisfied.

c. *Natural Area. The required landscape plan for a natural area shall be prepared by a certified professional biologist, ecologist and/or landscape architect and include:*

i. *Clearly defined methods for improving and protecting native vegetation and habitat on the site and mitigating the impacts of the proposed PUD;*

ii. *Planting of native plants that are on the City native plant list (see Happy Valley Plant List, Appendix A) and of the same ecosystem type that existed on the site prior to initial development disturbances;*

iii. *All proposed open space areas that are included in the City's urban forestry plan tree inventory shall incorporate the management suggestions from the plan for that area;*

iv. *Plantings shall include a mix of at least three species each of groundcover, shrubs and trees. Plantings adjacent to significant water features shall be designed to provide shade for the water feature;*

v. *Plantings shall be of a sufficient quantity to provide structurally diverse vegetation on the site;*

vi. *Native vegetation shall be verified by the professional preparing the plan to cover at least seventy (70) percent of the site in five years. Plantings shall be arranged to replicate natural conditions, using methods such as clustering where appropriate. Exceptions to seventy (70) percent groundcover requirement may be granted by the Planning Commission if the applicant submits substantial evidence to convince the Planning Commission that the site cannot achieve this level of groundcover;*

vii. *A plan for removal of harmful or invasive species, as identified in the Nuisance or Prohibited Plants sections of the Happy Valley Plant List (Appendix A), on the site detailing specific treatments, timing and long-term maintenance to rid the site of invasive species. All invasive species on the site shall be removed prior to dedication of the site to the homeowner's association or the City. The use of herbicides for controlling harmful and invasive species should be minimized. The following best management practices are required where herbicide application is deemed necessary by the professional preparing the landscape plans:*

(A) *If herbicides, pesticides and/or fertilizers are proposed, an evaluation of application methods, effects on target and nontarget species, and the potential impacts to aquatic and terrestrial systems shall be included in the plan. Consider persistence, soil/water mobility, toxicity and plant uptake when selecting appropriate chemicals,*

(B) *Treatments for the control or removal of invasive plants in riparian/wetland areas shall be limited to hand or wick applications by qualified personnel,*

(C) *Apply chemicals during calm, dry weather to avoid transport from target areas by wind and/or water. Avoid applications where irrigation water may wash chemicals from target areas,*

(D) *Maintain unsprayed buffer areas near aquatic habitats and other sensitive areas. A minimum two hundred (200) foot radius, no-spray buffers shall be maintained around all known populations of sensitive, threatened and endangered plant and animal species,*

(E) *Application shall not occur in the vicinity of wetlands or ponds from January through June to minimize the potential for adverse impacts to amphibians during the breeding and egg development periods;*

viii. *A detailed map showing the natural area, the proposed improvements on the site, and the site's connections to other wildlife habitat areas. If there are no existing connections, detail methods for providing connections. Exceptions to this requirement may be granted by the Planning Commission if the applicant submits substantial evidence to convince the Planning Commission that the site has no opportunity for connectivity;*

ix. *A three-year irrigation plan for new plantings detailing available irrigation facilities or other watering methods that will be used to serve the site. The applicant shall water the new plantings using a timed irrigation system or other watering method during the months of June through September;*

x. *If a passive recreational facility is proposed, a plan for the facility including methods for installing the facility with minimal impact on the natural area. The professional preparing the plan shall consider buffers for streams and wetlands, erosion, and removal of trees when locating the passive recreational facility. Areas with significant natural resources may require permits from state and/or Federal regulatory agencies to install such facilities. All trails and pathways shall conform to the City's transportation system plan;*

xi. *A ten (10) year maintenance plan for the open space with cost projections to be provided to the future owners of the property (the homeowner's association or Happy Valley). If the open space is dedicated to the homeowner's association, the codes, covenants, and restrictions of the PUD shall include a provision requiring the homeowner's association to abide by the approved ten (10) year maintenance plan or submit an alternative plan to the Planning Official or designee for approval. If the open space is dedicated to the City, the City Public Works Department agrees to abide by the ten (10) year maintenance plan or provide an alternative plan for approval by the Planning Official or designee.*

Staff Response:

The applicant has proposed a passive recreational facility that includes a pedestrian pathway located within proposed Tract "O", as illustrated on the Landscape Plan (Exhibit 2, Sheets L1.0-L4.0). Per the above requirements, passive recreation facilities proposed in a natural area, such as the case with "Windswept Waters - Phase 3", are required to meet the design standards of subsection "c", above. As a result, a condition of approval has been incorporated into this report requiring the applicant to submit a final landscape plan in conformance with the above design standards for natural areas. Per Condition of Approval Number 81, this criterion has been satisfied.

d. *Recreational Area. Proposed recreational uses may be passive or active recreational activities. The recreational use shall be approved by the Planning Commission and shall conform with the City's park master plan and transportation system plan. Passive recreational facilities proposed in a natural area are subject to the requirements of the Natural Area (subsection (I)(b)(5)(A) of this section). Active recreational facilities in a recreational area are subject to the criteria of this subsection and shall not abut arterial roadways. Recreational facilities located near an arterial roadway shall be separated by a minimum distance of twenty (20) feet, to include landscaping per subsection (I)(2)(d)(i) and a minimum six-foot tall solid wood fence. The required landscape plan for a recreational area shall be prepared by a certified professional landscape architect or other qualified professional and shall include:*

i. *Planting plans to include a mix of at least three species each of groundcover, shrubs, and trees. Plantings shall not include any plants on the City's nuisance plant list (see Happy Valley Plant List, Appendix A). Plantings shall provide for at least fifty (50) percent groundcover of the site and shall provide for at least twenty (20) percent of the site being planted with a mix of trees and shrubs. Use of native plant species is encouraged;*

ii. *A plan for removal of harmful or invasive species, as identified by in the nuisance or prohibited plants sections of the Happy Valley Plant List (Appendix A), on the site detailing specific treatments, timing, and long-term maintenance to rid the site of invasive species. All harmful or invasive species on the site shall be removed prior to dedication of the site to the homeowner's association or the City. The use of herbicides for controlling harmful and invasive species should be minimized. The following best management practices are required where herbicide application is deemed necessary by the professional preparing the landscape plans: (A) If herbicides, pesticides and/or fertilizers are proposed, an evaluation of application methods, effects on target and nontarget species, and the potential impacts to aquatic and terrestrial systems shall be included in the plan. Consider persistence, soil/water mobility, toxicity and plant uptake when selecting appropriate chemicals,*

(B) *Treatments for the control or removal of invasive plants in riparian/wetland areas shall be limited to hand or wick applications by qualified personnel,*

(C) *Apply chemicals during calm, dry weather to avoid transport from target areas by wind and/or water. Avoid applications where irrigation water may wash chemicals from target areas,*

(D) *Maintain unsprayed buffer areas near aquatic habitats and other sensitive areas. A minimum two hundred (200) foot radius, no-spray buffers shall be maintained around all known populations of sensitive, threatened and endangered plant and animal species,*

(E) *Application shall not occur in the vicinity of wetlands or ponds from January through June to minimize the potential for adverse impacts to amphibians during the breeding and egg development periods;*

iii. *A description of the recreational use provided and a plan for installing the associated capital improvements to provide the recreational use. Plans shall include facilities for pedestrian access to the use and around the site. All pedestrian connections shall conform to the City's transportation system plan;*

iv. *Plans for an irrigation and drainage system to serve the site. Timed irrigation systems and drainage systems shall be installed prior to landscaping the site;*

v. *A ten (10) year maintenance plan for the open space with cost projections to be provided to the future owners of the property (the homeowner's association or Happy Valley). If the open space is dedicated to the homeowner's association, the codes, covenants, and restrictions of the PUD shall include a provision requiring the homeowner's association to abide by the approved ten (10) year maintenance plan or submit an alternative plan to the Planning Official or designee for approval. If the open space is dedicated to the City, the City Public Works Department agrees to abide by the ten (10) year maintenance plan or provide an alternative plan to be approved by the Planning Official or designee.*

[...]

Staff Response:

The applicant has indicated on Sheet 4 of the Landscape Plan (Exhibit 2) that a 3.7-acre park, labeled as Tract "I" on the plan, will be the location of an active recreation area. The applicant has supplied a plan for this park that significantly meets the requirements of the above section. The applicant has submitted a planting plan for the area and staff has proposed a condition of approval (Number 83) that will require the applicant to provide for maintenance of the proposed improvements, including an irrigation plan. Per Condition of Approval Number 83, these criteria have been satisfied.

e. Lot Size. Minimum area, width, depth, frontage and setback requirements may be less than development district minimums if in accordance with the general development plan, except that the garage of any structure shall not be located less than twenty (20) feet from a public right-of-way. Lots which are located on the perimeter of a proposed development in all residential zones except PMU, which are adjacent to lots in an R-10, R-15, R-20, or R-40 zone upon which are constructed single-family dwellings, may not be less than seventy-five (75) percent of the average lot area per unit of the immediately abutting lots, or the development district minimum lot size of the subject parcel, whichever is less. If adjacent lands are undeveloped or minimum densities on the subject parcel cannot be met due to natural resource protection requirements, this provision does not apply. All PUD development involving clustered development or attached housing shall be subject to a perimeter setback equal to the minimum rear yard setback of the adjacent residential district.

Staff Report:

The applicant has “built-in” to the proposed PUD application exceptions to several development standards found within the LDC. The applicant has indicated within the narrative that was submitted as part of this application (Exhibit 1, Page 29) that reductions to the minimum requirements for lot width; street frontage; and front, rear, and side yard setbacks have been requested to be approved as part of this PUD proposal. The table below shows the development standards for the proposed R-5 and R-7 zones and the requested PUD design standards. Staff has reviewed the applicant’s requested exceptions and has made a recommendation to approve most of the proposed development standards, with the exception of 10-foot front yards for the single-family attached lots. Per Condition of Approval Number 81, this criterion has been satisfied.

<i>Standard</i>	<i>R-7</i>	<i>R-5</i>	<i>PUD</i>
<i>Lot width (minimum)</i>	<i>50 feet</i>	<i>40 feet</i>	<i>20 feet Attached SFR 40 feet Detached SFR</i>
<i>Lot depth (minimum)</i>	<i>70 feet</i>	<i>60 feet</i>	<i>No change</i>
<i>Street frontage (minimum)</i>			
<i>Lots fronting on cul-de-sac</i>	<i>35 feet</i>	<i>35 feet</i>	<i>22 feet</i>
<i>All other lots</i>	<i>50 feet</i>	<i>40 feet</i>	<i>20 feet Attached SFR 40 feet Detached SFR</i>
<i>Lot coverage (maximum)</i>	<i>50%</i>	<i>50%</i>	<i>54% Attached SFR 50% Detached SFR</i>
<i>Building setbacks (minimum):</i>			
<i>Front</i>	<i>22 feet</i>	<i>10 feet</i>	<i>10 feet Building or Porch / 22 feet Garage</i>
<i>Rear</i>	<i>22 feet</i>	<i>15 feet</i>	<i>15 feet (except Lot 211 will be min. 10' & average 15')</i>
<i>Interior side</i>	<i>5 feet</i>	<i>5/0 feet</i>	<i>0 feet Attached SFR 5 feet Detached SFR</i>
<i>Street side (corner lot)</i>	<i>15 feet</i>	<i>8 feet</i>	<i>8 feet</i>
<i>Garage & carport entrances - Entrances not facing an alley</i>	<i>n/a</i>	<i>20 feet</i>	<i>22 feet</i>

f. Staging.

i. Applicant can elect to proceed with the development in successive stages and steps (schedule must be included in the general development plan). Each stage must be eighty (80) percent complete within itself before the successive stage may be commenced.

ii. The Planning Commission shall require development to proceed in stages if Level I facilities serving the site are inadequate to permit full development of the project at any given time. Full development must be staged to be commensurate with the full and adequate provision of Level I facilities and services.

[...]

Staff Response:

The applicant has provided a phasing plan (Exhibit 2, Sheet 11) that indicates the proposed 150-lot PUD will be constructed in three phases. A condition of approval has been incorporated into this report that requires the applicant's phasing plan to meet the above requirements. Per Condition of Approval Number 5, this criterion has been satisfied.

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

[...]

16.67.030 Quasi-judicial amendments.

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

1. The Planning Commission shall be the review authority for Comprehensive Plan map/land use district map amendments paired with master plans under twenty (20) acres in size.

2. The Planning Commission shall make a recommendation to the City Council on an application for all other Comprehensive Plan map/land use district plan map amendments. The City Council shall decide such applications.

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

Staff Response:

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

B. Filing requirements.

1. In order to have a complete application for any proposed text amendment, the applicant shall submit the necessary application forms, and a narrative addressing applicable Comprehensive Plan objectives and policies, as well as the review criteria within Section 16.40.041.

2. In order to have a complete application for a proposed Comprehensive Plan map/zoning map or specific area map amendment, the applicant shall submit:

a. The necessary application forms, and a narrative addressing applicable Comprehensive Plan goals and policies, as well as the review criteria within Section 16.61.040;

b. A conceptual development plan illustrating a proposed street system, lot pattern, neighborhood circulation plan within a five hundred (500) foot radius of the subject site, and any natural resource or steep slopes areas;

c. A traffic study prepared by a professional, Oregon-licensed traffic engineer. If a master plan that requires a full traffic impact analysis is required for a Comprehensive Plan map amendment/land use district map, a subsequent master plan may satisfy this provision, as determined by the Planning Official.

Staff Response:

The Comprehensive Plan/Zoning Map amendment application that was submitted by the applicant was reviewed and determined to contain the above items. City staff sent a notice to the applicant that their application was complete on March 30, 2012. These criteria have been satisfied.

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

1. Approval of the request is consistent with the Statewide Planning Goals;

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

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

Staff Response:

As demonstrated within the findings of this report, the proposed amendments are consistent with the Statewide Planning Goals and the City's Comprehensive Plan. Also, the subject site is located in an area that is adequately served by all Level 1 services and is adjacent to a transportation network that has adequate capacity to support the uses allowed in the proposed zones. These criteria have been satisfied.

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

Staff Response:

The proposed Comprehensive Plan Map/Zoning Map amendment was requested by the applicant to correct the fact that the subject properties were not assigned equivalent City plan designations/zoning districts when they were annexed into Happy Valley in 2007. If approved, the proposed amendments would allow for the same type of development to occur that the existing plan designations/zoning districts allow. However, the applicant's proposal requests that approximately six acres of the subject site be zoned R-5, which would allow for 40 additional units to be constructed from what the existing zoning would allow. This intensification of land uses is proposed near a major traffic corridor (SE Highway 224), which serves City objectives regarding efficient use of land and public facilities, while limiting the extent of the intensification so it can be compatible with surrounding residential uses. This criterion has been satisfied.

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

Staff Response:

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

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

Staff Response:

City staff has included within this report what it has deemed an appropriate list of conditions of approval for the subject applications. This criterion has been satisfied.

16.67.060 Transportation planning rule compliance.

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

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

Staff Response:

Per the TPR, it was required that a TIA be submitted as part of this application to determine if the proposed Comprehensive Plan Map/Zoning Map amendment would “significantly” impact any existing transportation facility. As indicated in the TIA update (Exhibit 3), the applicant’s proposed amendments do comply with the TPR, meaning no significant (as defined above) impacts to adjacent roadways would result from the proposed Comprehensive Plan Map/Zoning Map amendment. The net increase in trips resulting from the proposed amendments/PUD will not change the level of service on any of the neighboring transportation facilities. Therefore no mitigating measures are proposed or required. The City’s Traffic Engineer (DKS Associates) has reviewed and concurred with the applicant’s findings within the TIA update. These criteria have been satisfied.

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

1. *Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or*
 2. *Amending the TSP to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or*
 3. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or*
 4. *Amending the planned function, capacity or performance standards of the transportation facility; or*
 5. *Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.*
- C. *Exceptions. Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the TSP, may be approved when all of the following criteria are met:*
1. *The amendment does not include property located in an interchange area, as defined under applicable law;*
 2. *The currently planned facilities, improvements or services are not adequate to achieve the standard;*
 3. *Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and*
 4. *The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility."*

Staff Response:

As discussed in the previous finding, the proposed Comprehensive Plan Map/Zoning Map amendment is not anticipated to have any significant affect on any transportation facility. Therefore, these criteria have been satisfied.

III. RECOMMENDATION:

Staff has determined that the above findings demonstrate that the proposed Comprehensive Plan Map/Zoning Map amendment and 150-lot PUD satisfy the requirements of the Statewide Planning Goals, OAR, City of Happy Valley Comprehensive Plan and LDC. Staff, therefore, recommends the Planning Commission **approve** application CPA-02-12/LDC-02-12/PUD-01-12, subject to the proposed conditions of approval.

Final Conditions of Approval for CPA-02-12/LDC-02-12/PUD-01-12
(As approved by the Planning Commission on 5-8-12)

Administration

1. The City shall amend the Comprehensive Plan Map/Zoning Map for the subject site to reflect a combination of R-5, R-7, and IPU designation/zoning to align with the final PUD plat boundaries.
2. The property owner shall file a final plat pursuant to ORS 92.050 and shall conform to all provisions contained therein. The recorded plat shall be in substantial conformance with the approved preliminary plat and bear the signature of the City's Economic and Community Development Director. Two recorded copies of the Plat shall be submitted to the City as verification of recordation prior to the issuance of any building permit (with the exception of a building permit for a model home).
3. This approval will expire two years from the issuance of the Notice of Decision. The applicant may apply for a maximum of three, one year time extensions, pursuant to Section 16.63.040.D of the most current revision of the City's LDC.
4. Prior to final plat approval, area computations in square feet for all building lots must be prepared and submitted by an engineer or surveyor registered in the State of Oregon.
5. The applicant shall be allowed to phase the proposed development in accordance with Section 16.63.130.I.2.f of the LDC.

Happy Valley Engineering Division

General Items

6. All submitted project construction plans shall conform to the City's "Engineering Design and Standard Details Manual" (Manual) for design and drafting requirements.
7. The project is subject to the City's latest "Public Improvement Guarantee" form which requires a financial security of 125 percent of the engineer's estimate and a 25 percent two (2) year maintenance bond upon completion and acceptance of the improvements.
8. Construction plans shall show all adjacent subdivision names, lot lines and tax lot lines with the tax map and tax lot number noted on each.
9. Construction plan review is subject to these conditions of approval.
10. Prior to the scheduling of the Pre-Construction meeting, issuance of a Notice to Proceed, or beginning any site work, the applicant shall submit all applicable bonds, have paid all applicable fees, and have service provider letters for both Stormwater and Sanitary Sewer services from WES and the SWA. Some of these requirements may not apply if the applicant submits for an early grading permit.
11. Full time inspection by the developer's engineer is required for all street and storm drainage construction.

12. A sign shall be posted conspicuously at the job site entrance prior to site construction, and shall be maintained throughout construction. Use two-inch high black letters on an orange background. The sign shall read as follows:

“SITE CONSTRUCTION SHALL BE LIMITED TO 7:00 AM TO 6:00 PM ON WEEKDAYS, AND 8:00 AM TO 5:00 PM ON SATURDAYS AND SUNDAYS.

HOWEVER, SITE CLEARING, EARTH MOVING, INSTALLATION OR CONSTRUCTION OF UNDERGROUND UTILITIES, PAVING OF STREETS AND SIDEWALKS, FOUNDATION FRAMING AND POURING, AND FRAMING SHALL BE ENTIRELY PROHIBITED ON SUNDAYS.

TO REPORT VIOLATIONS CALL 503-783-3800.”

The City Manager shall have the authority to waive these requirements in the event of emergency or in the City Manager’s opinion, justifiable cause.

Grading and Erosion Sediment Control

13. The developer’s engineer is required to provide a site specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control (ESC) measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control collection, routing, and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and ESC measures are not installed per plan and functioning properly.
14. The developer’s engineer shall provide plans and documentation, including specific design and construction recommendations from the geotechnical engineer, for the review and approval of the City Engineer demonstrating compliance with the Conclusions and Recommendations found within the Geotechnical Evaluation from Northwest GEO Consultants, LLC, dated March 13, 2012 (Exhibit 4).
15. Provide documentation in the form of past inspection reports or test boring data that confirms the full depth and complete pond remediation in Pond “G” and Pond “H”.
16. Due to the complex nature of the Windswept Waters site, care shall be taken to closely document remediation efforts and grading work as recommended in the above mentioned geotechnical evaluation. Full time inspection shall be required during fill placement as noted in section 6.3 of the report.
17. Provide a plan sheet that shows the locations of the proposed monitoring sites as noted in section 6.2 of the above mentioned report.
18. Provide results from the organic content testing of Pond “F” sediment as noted in section 5.8 of the above mentioned report.

19. The total disturbed area for this project exceeds one-acre, therefore an NPDES 1200-C permit from DEQ will be required. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
20. Vegetative cover shall be maintained on slopes or established through new plantings for stability and erosion control purposes. Vegetation shall not be stripped from any steeply sloped area except for construction of lots, utilities, streets, pedestrian facilities, and retaining walls.
21. The Erosion Sediment Control Plan shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the dates of October 1st and April 30th.
22. All grading activity shall be per the current City of Happy Valley Municipal Code. The developer shall submit a completed Site Development Permit or an early grading permit to the City prior to beginning any grading work on site.
23. The grading limits along the environmentally sensitive areas adjacent to the Clackamas River shall be fenced using the standard four (4)-foot orange plastic construction fencing in addition to the required erosion sediment control fences. The grading limits in all other areas of the site shall be fenced with standard erosion sediment control fences. All fencing, ESC measures and construction gravel entrances shall be installed and maintained by the developer and inspected by the City of Happy Valley prior to beginning work on the site.
24. For retaining walls great than four (4) feet in height, a professional engineer or geotechnical engineer registered in the State of Oregon shall provide stamped design calculations and detail drawings required for the retaining wall construction. The retaining wall detail drawings shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements.
25. All construction trucks shall perform transfer of trailers on-site. Surrounding public streets shall not be used as a staging area for dump trucks with transfer trailers.

Street/Pedestrian System

26. Street design plans shall conform to the requirements delineated in the City's "Engineering Design and Standard Details Manual" (Manual) current revision, and the City's Transportation System Plan (TSP), current revision. The referenced documents are available on the City's website.
27. All required public improvements shall be constructed, inspected, and accepted or financially guaranteed prior to final plat approval.

28. Except for model homes, no building permits shall be submitted to the City for review until the plat has been recorded, the City, County, and Water District have accepted all improvements, individual 8 ½ x 11 “as-built” record drawings for each lot showing storm and sanitary lateral locations with two distance ties to their ends for future locations are received and approved by all applicable agencies, and the performance/maintenance bonds for each jurisdiction is in place, the City has accepted the project as complete and a Building Permit Release Letter has been issued.
29. All current ADA requirements for streets and intersections shall be met.
30. Minimum AASHTO sight distance requirements shall be met at all street intersections and driveways. AASHTO requires sight distance to be measured at a point 14.4 feet from the edge of the traveled way with a driver’s eye height of 3.5 feet and an object height of 3.5 feet.
31. Provide a signing and striping plan as part of the construction plan set, prepared by a registered engineer. The applicant shall be responsible for the installation of all signing and striping as indicated on the plans.
32. City Standard Drawing Number 140 shall be used for the right-of-way and curb radius in the cul-de-sac bulbs for Phase 3.
33. The cross section for the local streets in this phase shall allow for a 50-foot street right-of-way and a 28-foot pavement width curb to curb and parking on one side of the street.
34. The SE Slate Street stubs to the proposed park in Tract “I” will not terminate in a standard cul-de-sac bulb. Rather, a 5-foot wide concrete delineator will be installed across each stub to define the transition from public maintenance to private maintenance. A maintenance agreement shall be executed between the City and the HOA to specify private HOA maintenance of SE Slate Street between SE Pebble Lane and Tract “I” and between SE Windswept Waters Drive and Tract “I”. Private street name signs shall be installed at the intersections with SE Windswept Waters Drive and SE Pebble Lane.
35. The driveway to Lot 167 shall be located as far west as possible to allow a vehicle to back out onto the SE Slate Street stub.
36. The driveway to Lot 164 shall be located as far south as possible to allow a vehicle to back out onto the SE Slate Street stub.
37. The construction plans shall include a proposed profile for review that extends 200 feet beyond the property line at the east end of SE Granite Drive.
38. The plat shall provide the necessary construction easements at the east end of SE Granite Drive for the future extension of the roadway.
39. Provide a Type “III” barricade and sign at the east end of SE Granite Drive as shown in City Standard Drawing Number 310.

40. The pedestrian path along the west side of SE Windswept Waters Drive may have a soft surface as shown in Note 4 on City Standard Drawing Number 400, and the width shall match the existing path to the south. All other pathways shall be paved in accordance with Drawing Number 400.
41. The applicant shall provide a pedestrian connection from "Windswept Waters - Phase 3" to adjacent Tax Lot 201. Also, the applicant shall provided pedestrian connections in locations that are in compliance with the Pedestrian Circulation Plan (Exhibit "A") submitted within the record on May 8, 2012.

Miscellaneous

42. The Developer shall provide a signed copy of the U.S. Postal Services "Mode of Delivery Agreement". Submittal of this agreement shall be required prior to a pre-construction meeting taking place. This requirement does not need to be met prior to the issuance of an early grading permit.
43. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
44. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working on the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
45. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through the use of proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
46. Submittal to the City of all required performance bonds, insurance certificates, engineer's agreements, set-aside account letters and/or sureties shall occur prior to establishing a pre-construction meeting date. Review and acceptance by the City Recorder of these instruments shall be required prior to establishing a pre-construction meeting date. Some of these requirements do not need to be met prior to the issuance of an early grading permit.
47. A construction plan deposit shall be paid with the first submittal of the construction plans for each phase of the project. The deposit amount is based upon the number of lots and the Engineering Division Fee Schedule can be found on the City website. All remaining engineering plan review and inspection fees, right-of-way permit fees (if any) and tree cutting permit fees (if any), shall be paid at the time of the pre-construction meeting. Some of these requirements do not need to be met prior to the issuance of an early grading permit.

Clackamas County Service District #1/Water Environment Services

Sanitary Sewer

48. (OAR 340-52) (ORS 672) The sanitary sewer plans and specifications are subject to the applicable state and federal laws for the construction of sewerage systems.

49. The development is subject to the Rules & Regulations and Standard Specifications of CCSD #1 sanitary sewer.
50. (SAN section 9.01.1) Cost of the sanitary sewer systems shall be borne entirely by the developer. Each lot is subject to a sanitary System Development Charge. These fees shall be paid prior to connecting to the sewer or before the issuance of a building permit.
51. This development is subject to a minimum sanitary sewer plan review fee of four percent of the sanitary sewer construction cost based upon an engineers estimate for said costs. Plan review fees are due with the first submittal for plan review.
52. (OAR 340-52-040) The developer is required to install sanitary sewer and storm drain facilities to the limits of the property in order to allow for continuity in the conveyance systems. Easements shall be provided for gravity connections to the adjoining properties.
53. Submit copies of the CC&R's to the District for review and approval prior to recording of the plat.
54. (OAR 340-52) (SAN section 7) Submit complete civil plans for sanitary sewer design, stamped by a licensed Civil Engineer, to WES. Plans shall be submitted to the Technical Services Coordinator.
55. The developer must provide minimum 15-foot wide sanitary sewer easements where necessary as determined by CCSD #1.
56. A Public Sanitary Sewer Extension is required. Substantial deviation from the approved construction plans must have prior approval of the District. A Public Sanitary Sewer Extension application is valid for two-years. If the Sanitary Sewer Extension is not completed and accepted within two-years of the date the permit is issued then the District reserves the right to require another plan review and additional fees. If a time extension is requested, the District will review the status of the completion of the project and fees will be assessed at the standard minimum plan review rate for any time extension.

Storm drainage

57. The development is subject to the Rules & Regulations and Standard Specifications of CCSD #1 for storm drainage and erosion control.
58. (SWM section 9.6.3) Cost of the storm drainage facilities shall be borne entirely by the developer. Each lot is subject to a System Development Charge. These fees shall be paid prior to the issuance of building permits.
59. This development is subject to a minimum Surface Water plan review fee of four percent of the storm water construction cost based upon an engineer's estimate of said costs. Plan review fees are due with the first submittal for plan review.

60. The Surface Water Management requirements shall be met within the “Windswept Waters” PUD approval for the entire site and therefore this development is required to provide a conveyance system for the stormwater. A conveyance analysis is required to be submitted for review and approval. In addition, the applicant is required to submit for review and approval of the City Engineer and the District a storm drainage plan for the proposed private park that specifically identifies and corrects storm drainage issues involving infiltration.
61. The applicant is required to review the original report, compare the proposed basin impervious area to the original basin impervious area to determine if there is additional impervious area than the area used in the original water quality facility design. A revised/updated storm water report is required to be submitted. Based on the results of this analysis, modifications to the existing facility and/or storm drainage system may be required.
62. (SWM Section 5.2.2) All springs, seeps, wetlands, sensitive areas, and required buffers shall be clearly shown and noted on the plans and identified by a certified professional. In addition, the location of each building must be shown on the plan so that potential stormwater impacts can be effectively evaluated.
63. (SWM Section 5.2.2) Stormwater Drainage analysis is required. Upstream drainage shall be routed around the site to an acceptable outfall or through the on-site conveyance/detention system.
64. Provisions must be made for roof and foundation drains from new homes in the development, which must be emptied into a storm sewer system.
65. (SAN section 7 & SWM section 5.1) Submit complete civil plans, including an erosion control plan, to be reviewed for both sanitary and stormwater regulations by WES. Plans shall be submitted to the Technical Services Coordinator.
66. (SWM section 5.1.13) The development is required to enter into a stormwater maintenance agreement with CCSD #1 for the maintenance of the stormwater facilities. The following statement must be added to the Restrictions on the subdivision plat.

“Clackamas County Service District #1 (CCSD#1), its Successors or Assigns is hereby granted the right to lay down, construct, reconstruct, replace, operate, inspect and perpetually maintain sewers, wastewater, storm drainage or surface water pipelines, and all related facilities. No permanent structure shall be erected upon said easement without the written consent of the CCSD#1. Grantors agree to undertake no activity that would harm or impair the proper functioning of the sanitary and storm sewer system.”

67. (SWM section 5.1.13) The following plat restriction must be shown on all subdivision plats that are within CCSD #1:

“SUBJECT TO CCSD #1 RULES AND REGULATIONS AND EXISTING STORM WATER FACILITY MAINTENANCE AGREEMENT UNDER FEE NO. 2006-078154, CLACKAMAS COUNTY DEED RECORDS”.

68. CCSD #1 shall review and approve the final plat for the sanitary and storm sewer systems prior to recording.

69. Any substantial deviation from the approved construction plans must have prior approval of the District.
70. (SWM Section 4.2.3.7) The Erosion Control plan shall submit a plan to implement wet weather measures within 14 days of final grading and between the months of October 1st and April 30th.

Sunrise Water Authority

71. All water system construction must be in accordance with the rules, regulations, policies, guidelines and standards of SWA. Cost of the improvements and construction shall be borne entirely by the developer, unless other arrangements are made between the developer and SWA.
72. SWA has adequate potable water supplies available in sufficient quantities to provide normal domestic and fire protection needs for this proposal, as required by the Oregon Health Division. Commonly held irrigated spaces must be designed to Irrigation Association Best Management Practices Standards and utilize evapo-transpiration controllers. Exact improvements to the water system will be determined during design review by the Water Authority.

Clackamas Fire District #1

73. Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, the applicant shall install "No Parking Fire Lane" signs on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads greater than 26 feet wide and less than 32 feet wide shall be posted on one side as a fire lane.
74. Fire hydrants must be located within 600 feet of all portions of new residential construction.
75. The applicant shall ensure fire hydrant spacing meets Appendix C of the Oregon Fire Code and demonstrate that the project meets the fire flow requirements of Appendix B of the Oregon Fire Code.

Clackamas County Service District #5 (Street Lighting)

76. The applicant shall install new "shoe box" style lights and poles along the frontages of SE Basalt Court, SE Windswept Waters Drive, SE Gemstone Court, SE Granite Drive, SE Shale Drive, and SE Eckert Lane that are proposed to be constructed as part of "Windswept Waters - Phase 3".
77. The property owner shall submit a request in writing for the formation of an assessment area, which will include any new tax lots created by this PUD, to help pay for the operation and maintenance of lighting. The current rate of assessment for street lighting in this area is \$85.00 per tax lot per year. The applicant shall also provide a copy of this request to the City.

Utilities

78. The applicant shall provide utility easements where required and shall be responsible for coordinating construction with all utility and service providers and facilitating cooperation among all providers and agencies.
79. All utilities, including electrical power, telephone, cable TV, gas and others shall be underground. Pre-wiring of the project site for street lighting must be approved by CCSD #5.
80. Any offsite utility or slope easements shall be obtained prior to approval of the construction plans. Copies of the signed and recorded easements shall be provided to the City.

Design

81. This development shall utilize the following development standards:

<i>Lot width (minimum)</i>	Lots 172-211, and 294-297 = 20 feet Lots 164-171, 212-293, and 298-313 = 40 feet
<i>Street frontage (minimum)</i> <i>Lots fronting on cul-de-sac</i> <i>All other lots</i>	Lots 247, 248, and 266-270 = 22 feet Lots 172-211, and 294-297 = 20 feet Lots 164-171, 212-246, 249-265, and 298-313 = 40 feet
<i>Lot coverage (maximum)</i>	Lots 172-211, and 294-297 = 55 percent Lots 164-171, 212-293, and 298-313 = 50 percent
<i>Building setbacks (minimum):</i> <i>Front</i> <i>Rear</i> <i>Interior side</i> <i>Street side (corner lot)</i> <i>Garage & carport entrances -</i> <i>Entrances not facing an alley</i>	Lots 172-211 and 294-297 = 20 feet Lots 164-171, 212-293, and 298-313 = 20 feet However, if a home is equipped with a covered front porch occupying a minimum of 20 percent of the structures lineal frontage, the front yard setback may be reduced to 15 feet, provided that the setback to a garage yet equals 22 feet. 15 feet (except Lot 211 will be min. 10' & average 15') Lots 172-211, and 294-297 = 0 feet Lots 164-171, 212-293, and 298-313 = 5 feet 8 feet 22 feet

However, in no case shall a garage be located less than 22 feet from a public right-of-way. Prior to final plat approval, area computations in square feet for all building lots must be prepared and submitted by an engineer or surveyor registered in the State of Oregon. Setbacks are measured from the foundation to the property line.

The Planning Official or designee is authorized by the Planning Commission to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than six inches in diameter measured at breast height (4.5 feet). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject lot that illustrates the relationship between the proposed structure and significant tree retention.

82. A final landscape plan shall be submitted to the Community Development Director or designee for approval prior to construction plan approval (excluding an early grading permit). The final landscape plan shall be in substantial conformance with the preliminary landscape plan and shall detail the method of irrigation for all landscaped areas. The final landscape plan shall be in compliance with Sections 16.42.040.B and 16.63.130.I.2.c of the LDC, related to street trees and landscaping of the natural area (Tract "O").

The following items from the preliminary landscape plan will need to be corrected prior to the submittal of the final landscape plan:

- a. Indicate that the street trees within all planter strips are at least 1 3/4"-2" caliper in size.
- b. Use of Sargent Flowering Cherry, from the City's approved street tree list, instead of Yoshino Flowering Cherry.
- c. Use of Capital or Cleveland Select, from the City's approved street tree list, instead of Chanticleer Flowering Pear.
- d. All planter strip areas abutting common open space tracts shall be watered by an automatic irrigation system with ET based controllers if irrigated at anytime during peak demand season.
- e. Illustration of the details of a final recreational facility, to include a concrete or approved pervious surface basketball court within Tract "I".
- f. Illustration of planting materials (groundcover or shrubbery) within the strips of land that border the sidewalks within Tract "I".

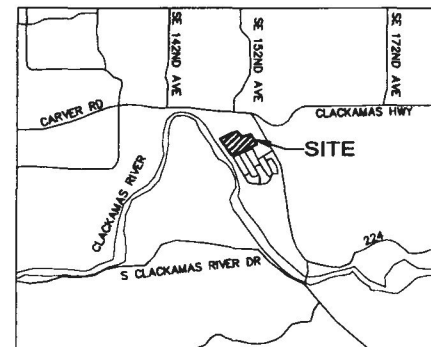
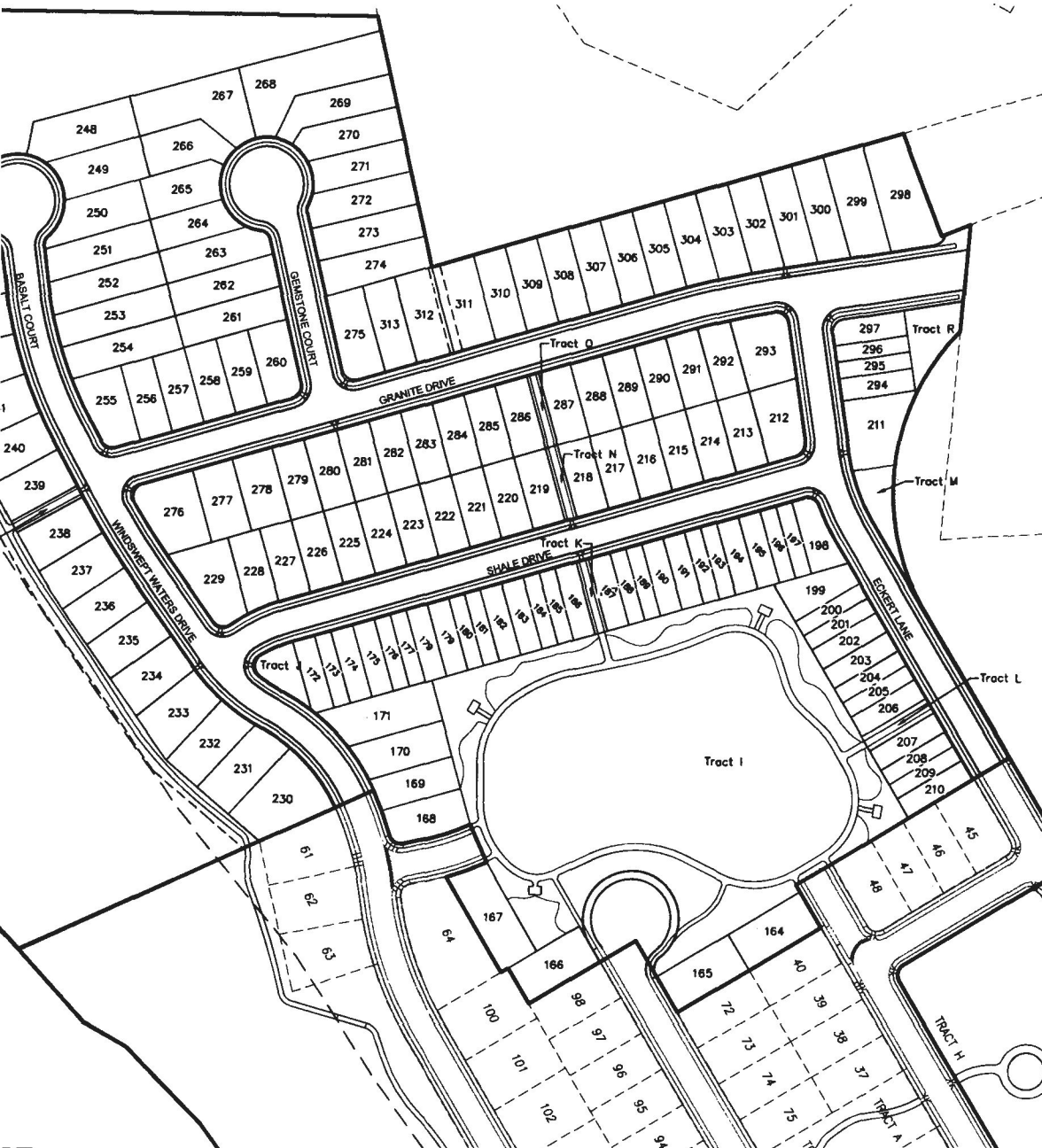
83. The applicant or Homeowner's Association is responsible for the continual maintenance of all hardscaped and landscaped areas located on the site.

84. The applicant shall provide a minimum of two off street parking spaces per residence and shall also provide driveways a minimum of eight-feet wide for single-family attached lots.

PLANNED UNIT DEVELOPMENT

TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M. CITY OF HAPPY VALLEY, OREGON

, 4100, 4200, 4300, 4400, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600,
5900, 6000, 6500, 6600, 6700, 6790, 6800, 6900, 7000, 7100, 9900



VICINITY MAP



SHEET INDEX:

- 1 COVER SHEET
- 2 EXISTING CONDITIONS
- 3 PRELIMINARY PLAT KEY MAP
- 4 PRELIMINARY PLAT - PH 3A
- 5 PRELIMINARY PLAT - PH 3B
- 6 PRELIMINARY PLAT - PH 3C
- 7 PRELIMINARY GRADING PLAN
- 8 PRELIMINARY UTILITY PLAN
- 9 TREE INVENTORY PLAN
- 10 NEIGHBORHOOD CIRCULATION PLAN
- 11 PROJECT PHASING PLAN
- 12 PARKING PLAN
- 13 SITE PLAN
- 14 STREET PROFILE PLAN
- 15 STREET PROFILE PLAN
- 16 STREET PROFILES
- 17 SLOPE ANALYSIS PLAN
- L1.0 LANDSCAPE PLAN
- L2.0 LANDSCAPE PLAN
- L3.0 LANDSCAPE PLAN
- L4.0 LANDSCAPE PLAN
- L5.0 LANDSCAPE PLAN

DATE: 02/17/2012

REVISIONS

NO. DATE DESCRIPTION

WINDSWEPT WATERS 3 PLANNED UNIT DEVELOPMENT

COVER SHEET

*Pacific Community
Design*

CT:

CTS, INC.



SITE PLAN

1"=100'

LOT COUNT:

PROJECT NO.: 101-017

TYPE: PLANNING

REVIEWED BY: PRE

TAX LOT
303

TAX LOT
201

WINDSWEPT WATERS
TRACT "E"
29.78 AC

THESE
PARCELS WERE
CREATED WITH
PHASE 1B-2

30,388 SF OF
R/W DEDICATED
WITH PHASE 1B-2
TO BE VACATED

EXISTING
SANITARY
MANHOLE

EXISTING
STORM
CLEANOUT

EXISTING
WATER
BLOW OFF

3,494 SF OF R/W
TO HAVE PVT
MAINTENANCE
EASEMENT

EXISTING
SANITARY
MANHOLE

EXISTING
WATER BLOW
OFF

EXISTING
SANITARY
MANHOLE

EXISTING
STORM
MANHOLE

EXISTING
SANITARY
MANHOLE

EXISTING
STORM
CLEANOUT

ORDINARY HIGH WATER LINE (2004)

APPROX. CL. OF CLACKAMAS RIVER

WINDSWEPT WATERS
CONSERVATION EASEMENT

WINDSWEPT WATERS
PHASE 1B-2

WINDSWEPT WATERS
PHASE 1B-2

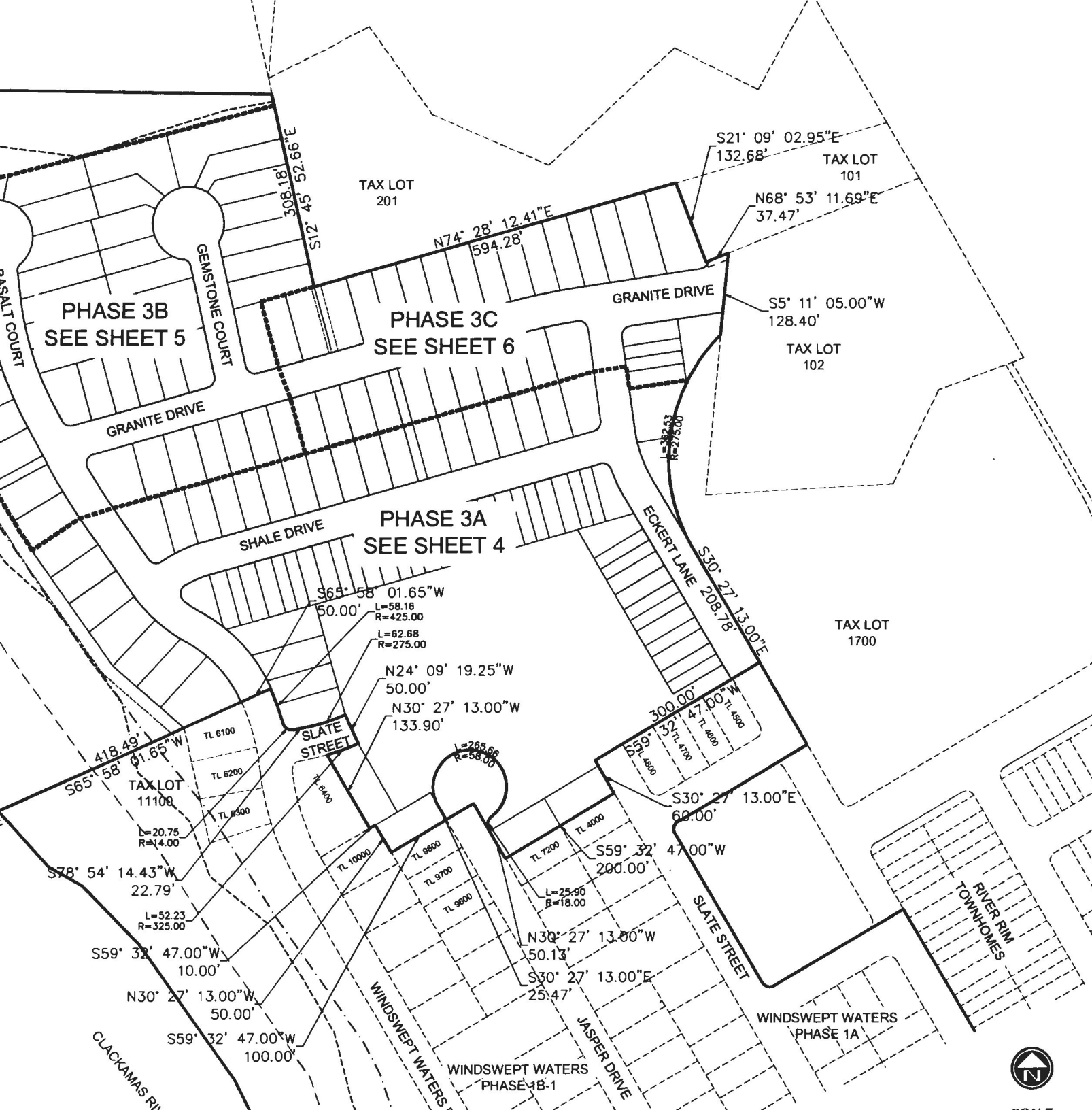
WINDSWEPT WATERS
PHASE 1B-2

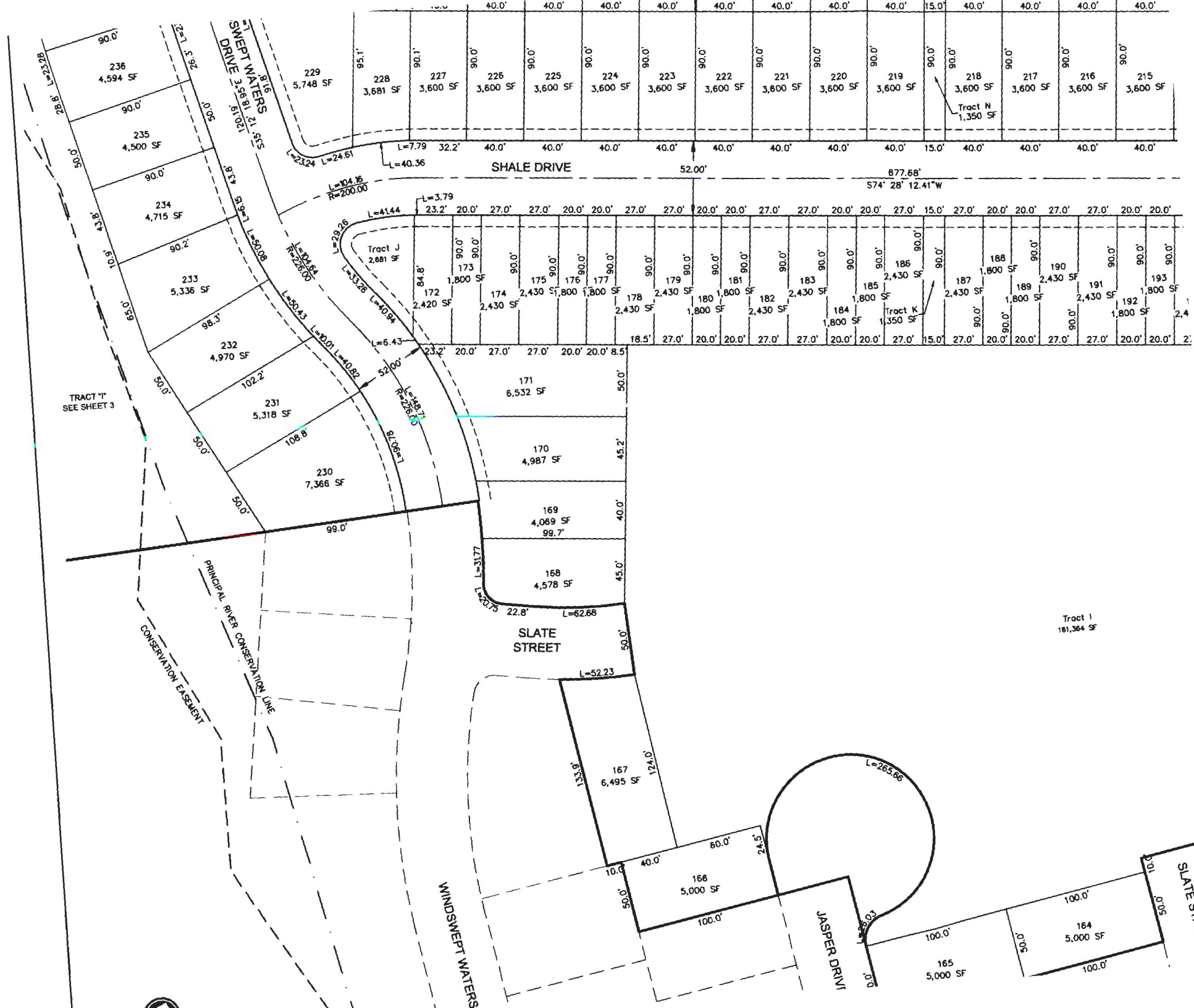
WINDSWEPT WATERS
PHASE 1B-2

PRELIMINARY
PLAT
KEY MAP



Pacific Community Design







LEGEND:

	PROJECT BOUNDARY
	PRINCIPAL RIVER CONSERVATION LINE
	CONSERVATION EASEMENT

DATE: 02/17/2012

REVISIONS

NO.	DATE	DESCRIPTION
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WINDSWEPT WATERS 3 PLANNED UNIT DEVELOPMENT

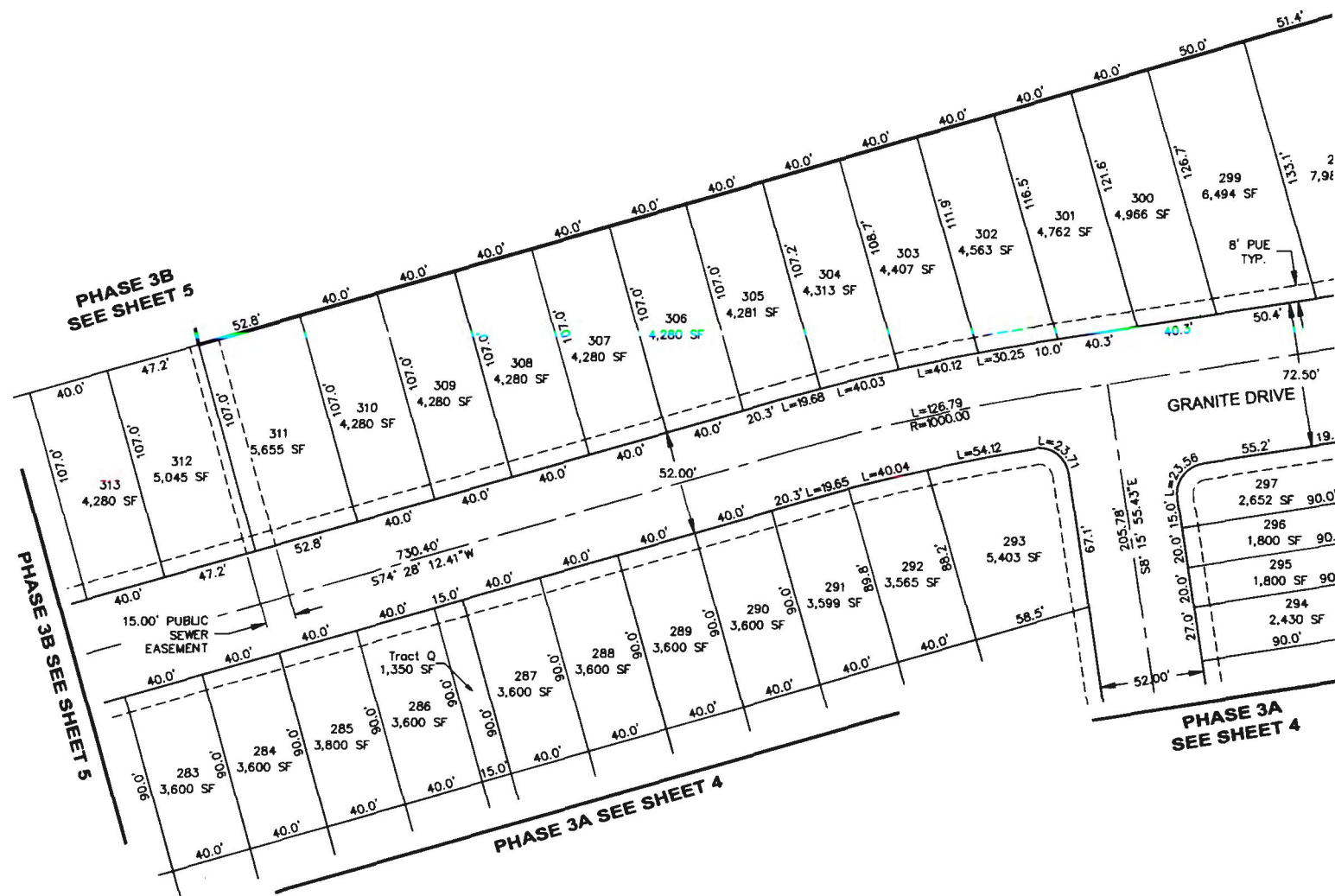
PRELIMINARY PLAT PHASE 3B



PROJECT NO.: 101-017
 TYPE: PLANNING
 REVIEWED BY: PRE



SCALE



DATE: 02/17/2012

REVISIONS

NO. DATE DESCRIPTION

WINDSWEPT WATERS 3 PLANNED UNIT DEVELOPMENT

PRELIMINARY GRADING PLAN

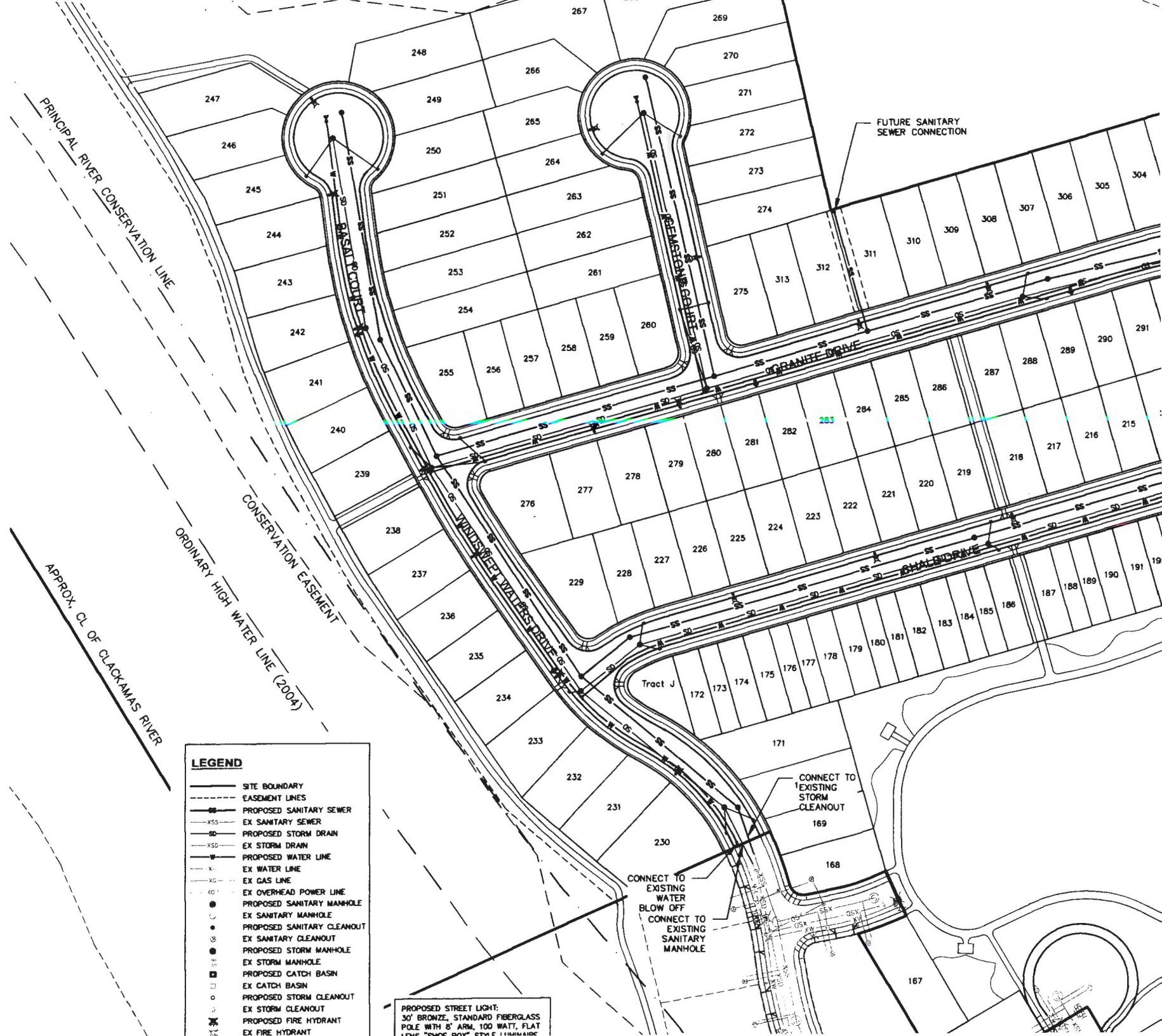
*Pacific Community
Design*

PROJECT NO.: 101-017

TYPE: PLANNING

REVIEWED BY: PRE





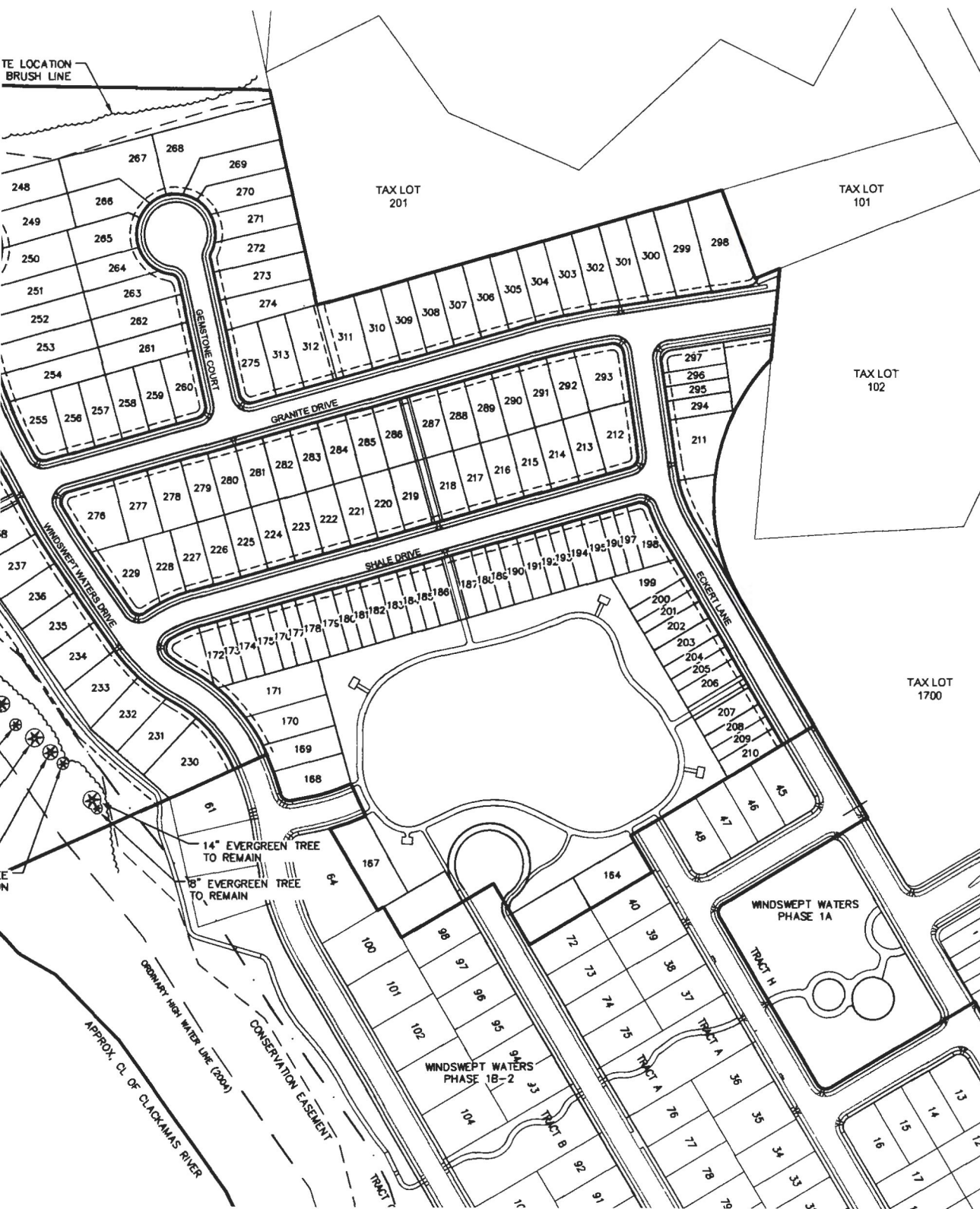
**WINDSWEPT
WATERS 3
PLANNED UNIT
DEVELOPMENT**

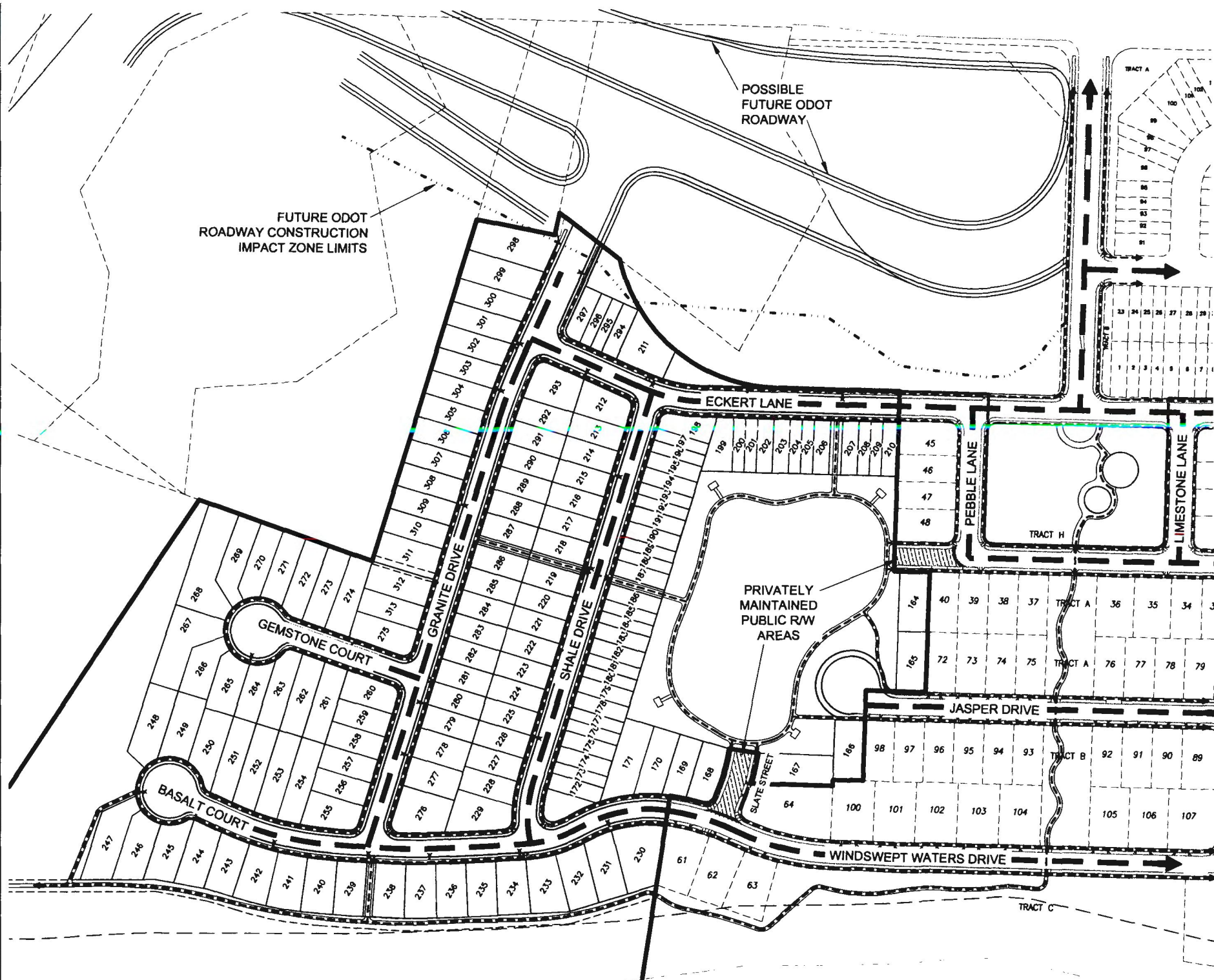
TREE INVENTORY PLAN



Pacific Community Design

PROJECT NO.: 101-017
TYPE: PLANNING
REVIEWED BY: DBF





POSSIBLE FUTURE ODOT ROADWAY

FUTURE ODOT ROADWAY CONSTRUCTION IMPACT ZONE LIMITS

ECKERT LANE

PEBBLE LANE

LIMESTONE LANE

PRIVATELY MAINTAINED PUBLIC R/W AREAS

JASPER DRIVE

WINDSWEPT WATERS DRIVE

SLATE STREET

GEMSTONE COURT

BASALT COURT

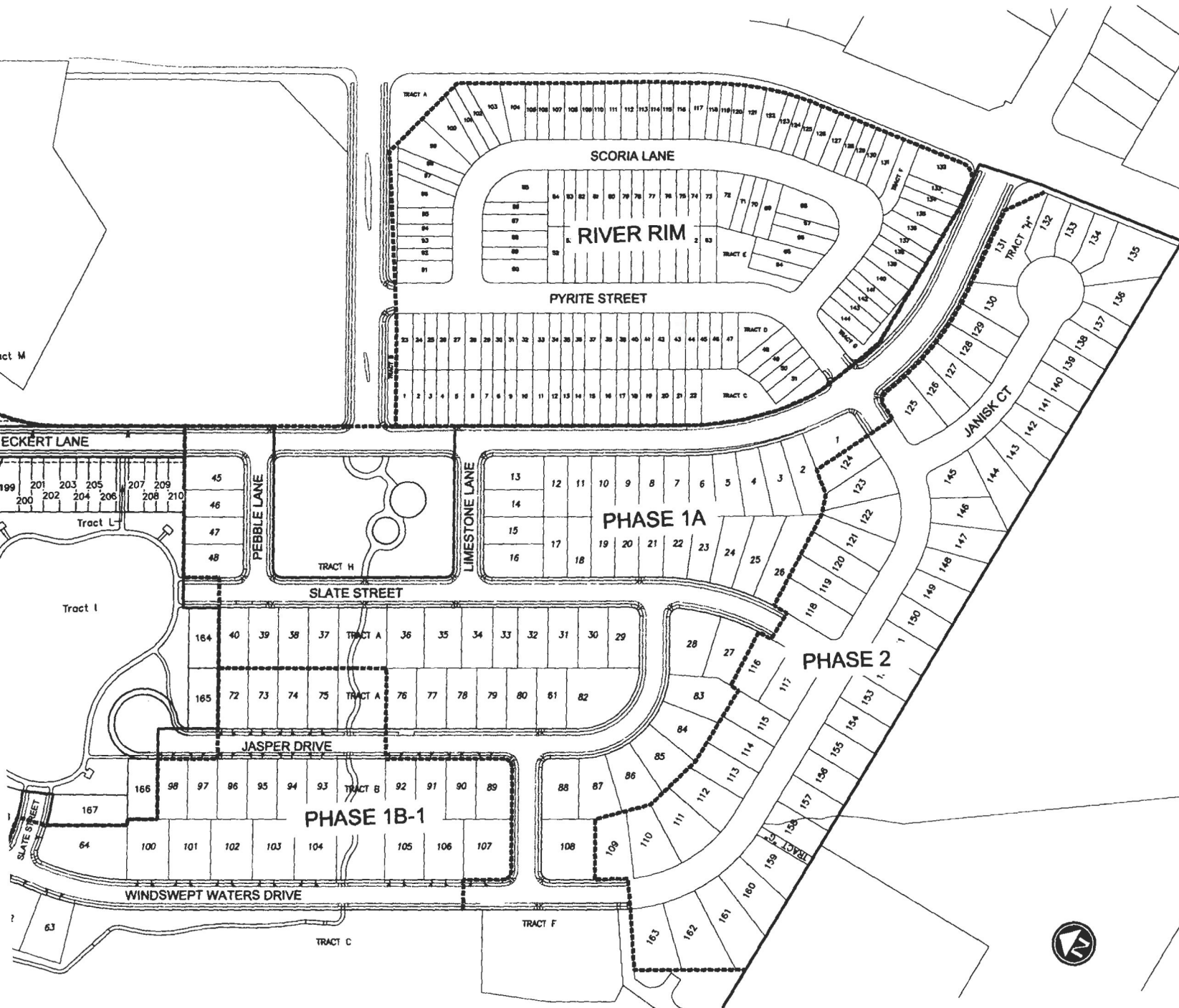
GRANITE DRIVE

SHALE DRIVE

LEGEND

- NEIGHBORHOOD CAR ROUTE
- PEDESTRIAN/BICYCLE CIRCULATION

REVISIONS		
NO.	DATE	DESCRIPTION



WINDSWEPT WATERS 3 PLANNED UNIT DEVELOPMENT

PHASING PLAN

*Pacific Community
Design*

PROJECT NO.: 101-017
TYPE: PLANNING
REVIEWED BY: PRE

LEGEND:

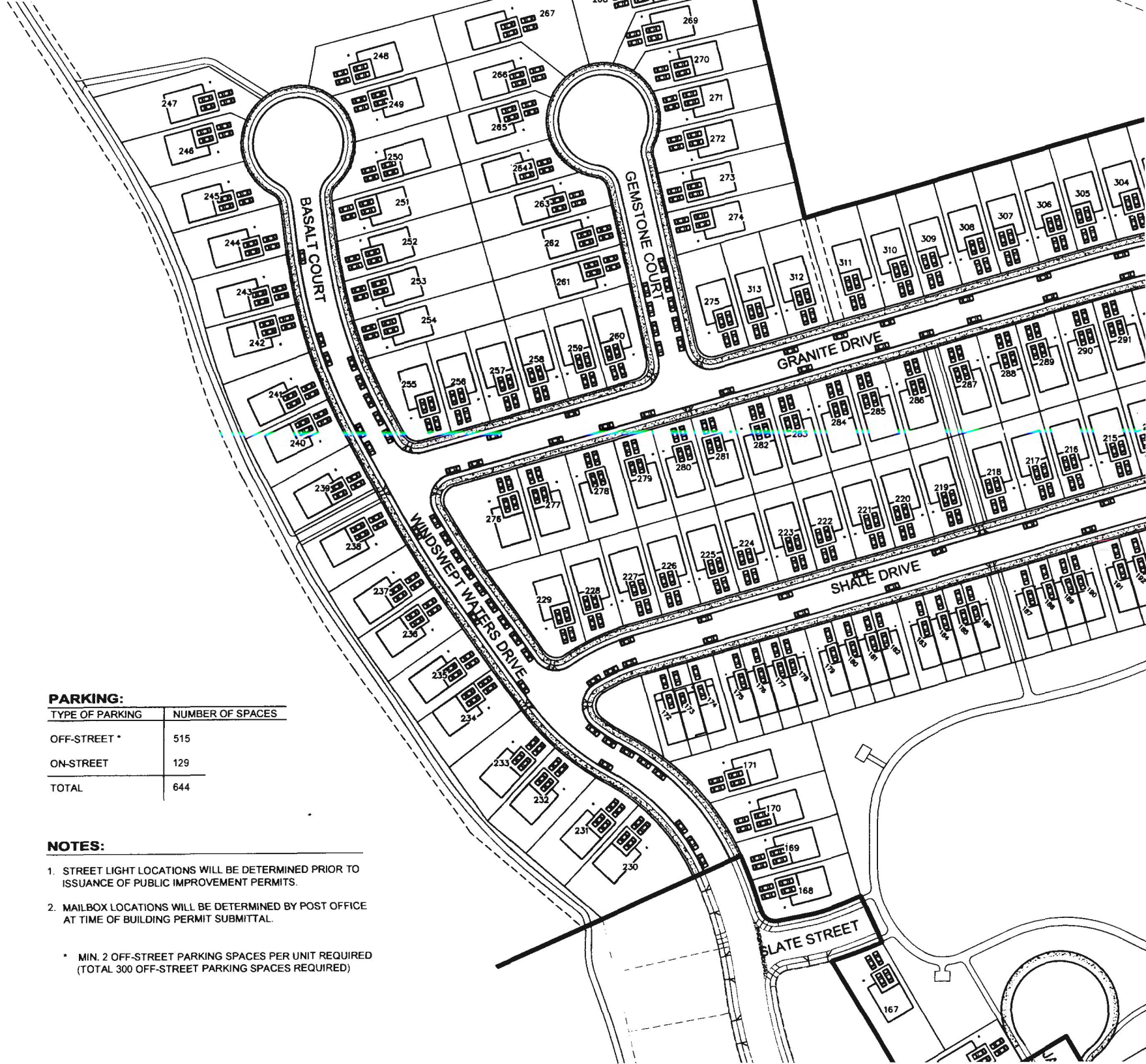
PARKING:

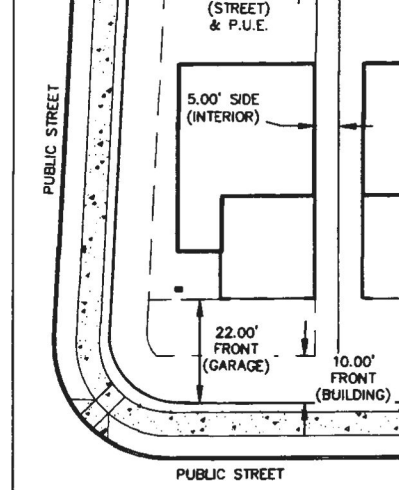
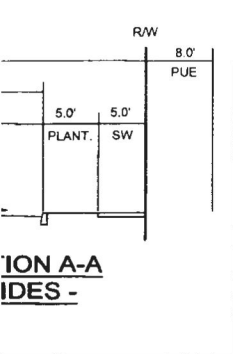
TYPE OF PARKING	NUMBER OF SPACES
OFF-STREET *	515
ON-STREET	129
TOTAL	644

NOTES:

1. STREET LIGHT LOCATIONS WILL BE DETERMINED PRIOR TO ISSUANCE OF PUBLIC IMPROVEMENT PERMITS.
2. MAILBOX LOCATIONS WILL BE DETERMINED BY POST OFFICE AT TIME OF BUILDING PERMIT SUBMITTAL.

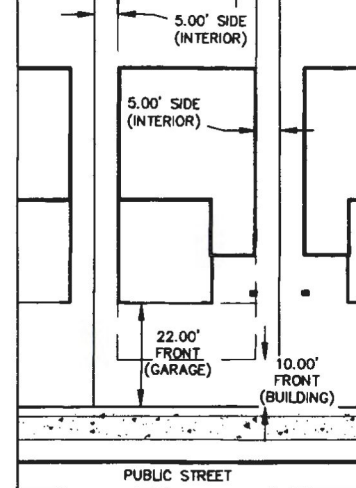
* MIN. 2 OFF-STREET PARKING SPACES PER UNIT REQUIRED
(TOTAL 300 OFF-STREET PARKING SPACES REQUIRED)





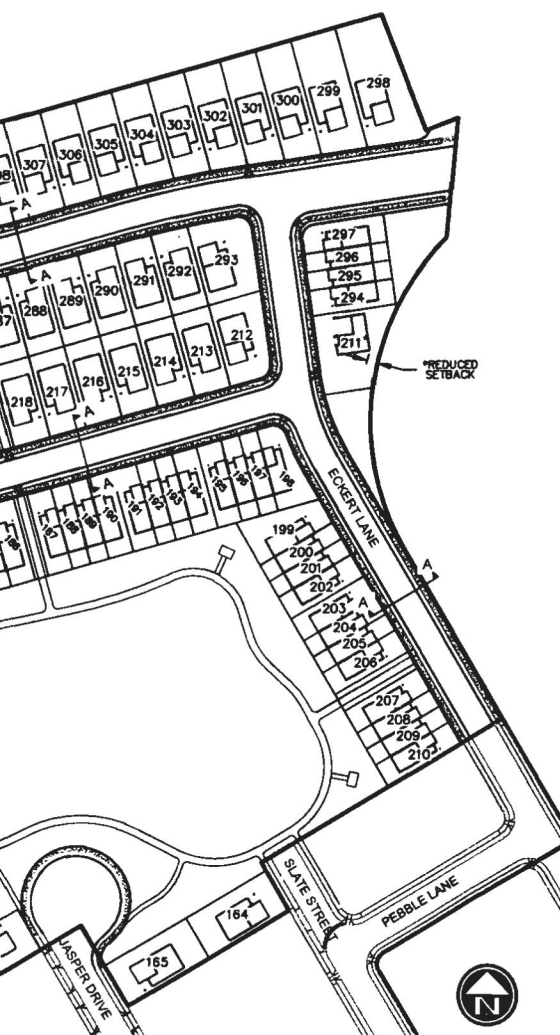
**TYPICAL SINGLE FAMILY DETACHED HOME
CORNER LOT SETBACKS**

SCALE: 1"=20'



**TYPICAL SINGLE FAMILY DETACHED HOME
LOT SETBACKS**

SCALE: 1"=20'



TYPICAL SETBACK TABLE

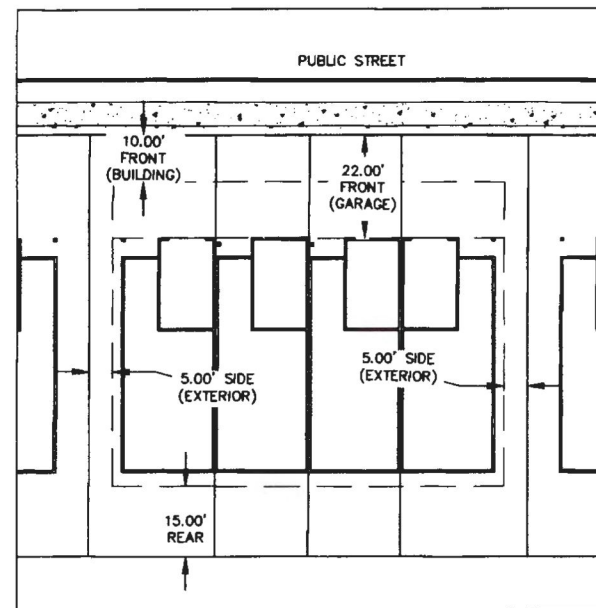
Townhomes	Setback
Front - House	10'
Front - Garage	22'
Interior Side	0'
Exterior Side	5'
Rear	15'

Detached Homes	Setback
Front - House	10'
Front - Garage	22'
Side	5'
Street side	8'
Rear	15' *

* Except Lot 211 which will have a 10' min. but average a 15' rear setback

Area Table:

Gross Area	33.91 AC	100%
Open Space / Park	15.18 AC	44.7%
Pedestrian / Bike Tracts	0.17 AC	0.50%
Public Right-Of-Way	4.87 AC	14.4%
Residential Lots	13.69 AC	40.4%



**TYPICAL TOWNHOUSE
LOT SETBACKS**

SCALE: 1"=20'

DATE: 02/17/2012

REVISIONS

NO. DATE DESCRIPTION

**WINDSWEPT
WATERS 3
PLANNED UNIT
DEVELOPMENT**

SITE PLAN

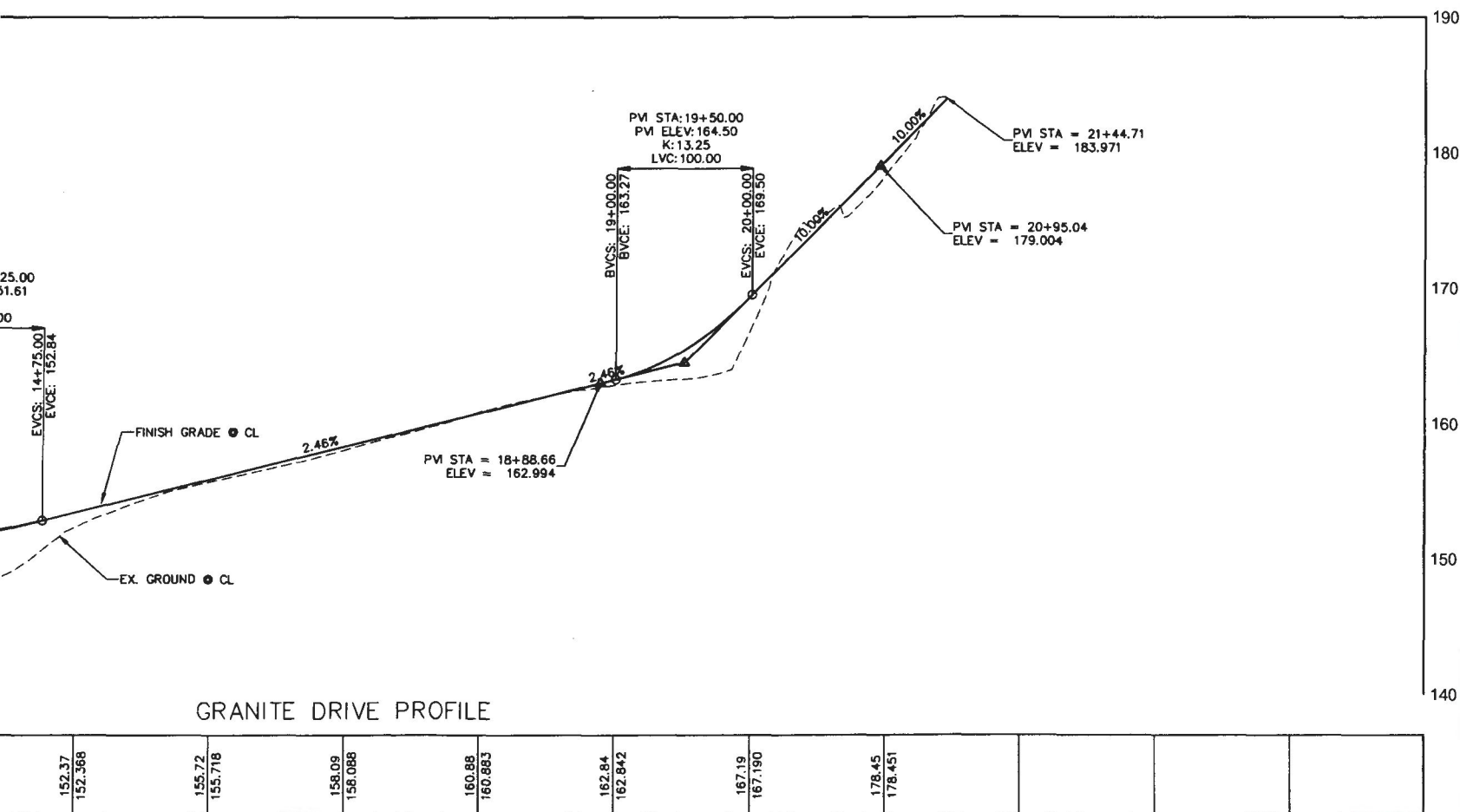
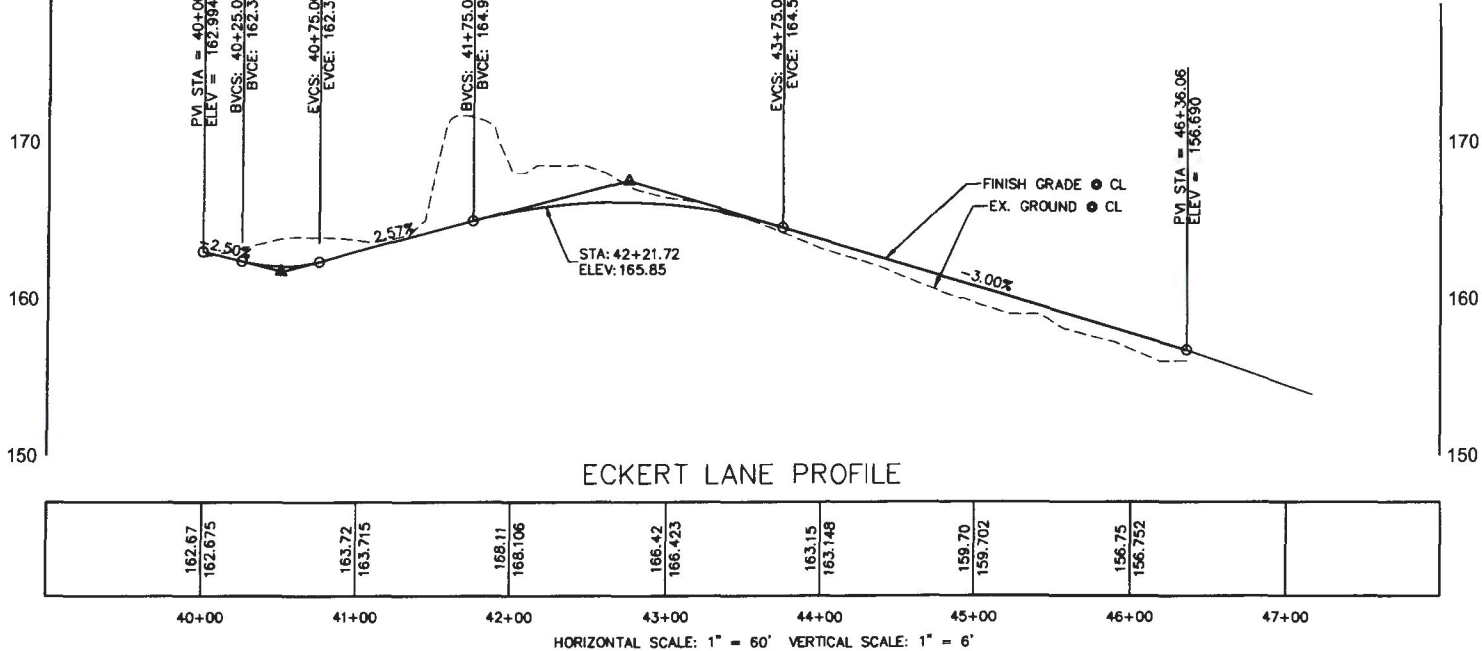
*Pacific Community
Design*

PROJECT NO.: 101-017

TYPE: PLANNING

REVIEWED BY: PRE





DATE: 02/17/2012

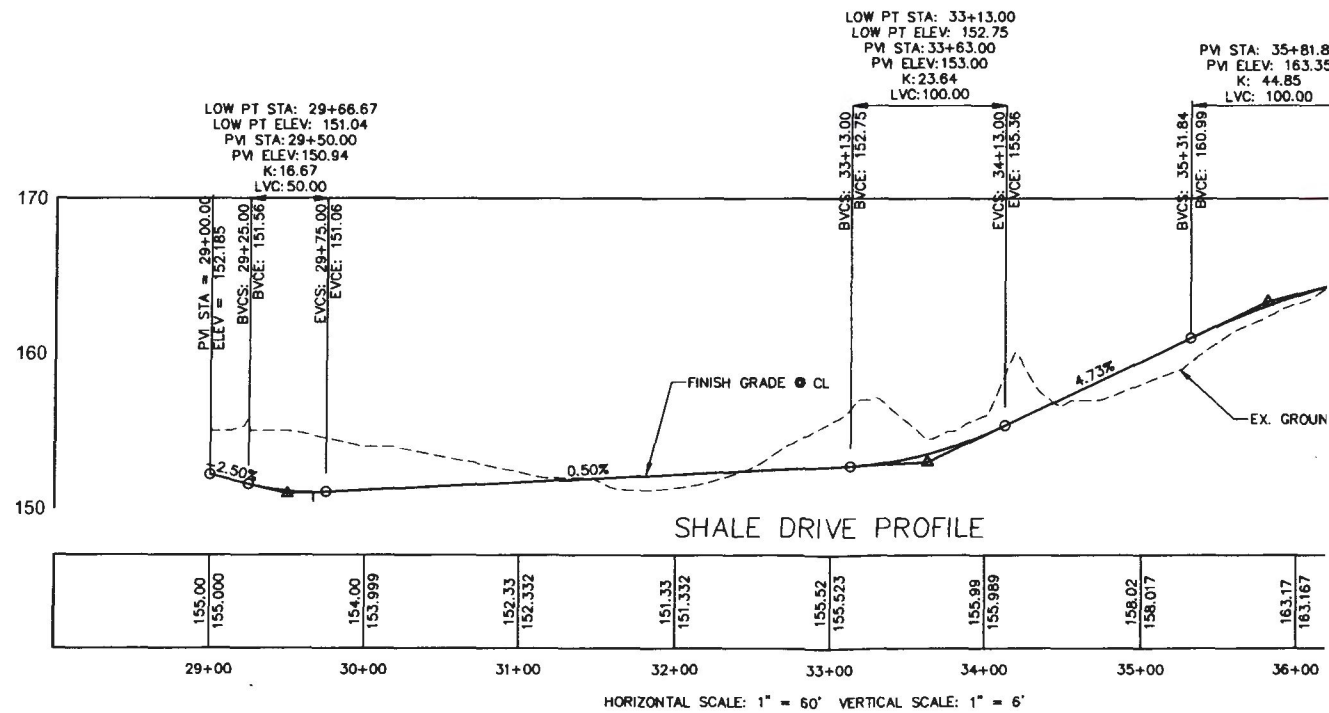
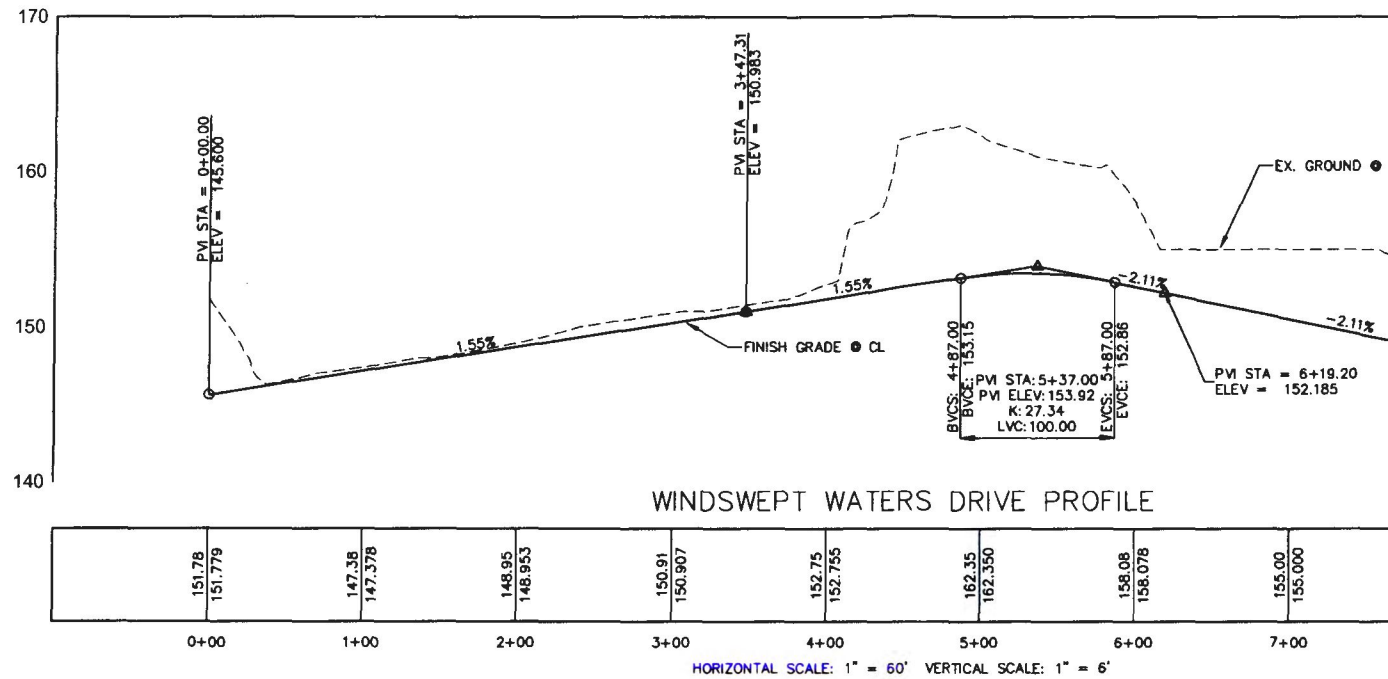
REVISIONS
NO. DATE DESCRIPTION

WINDSWEPT WATERS 3 PLANNED UNIT DEVELOPMENT

STREET PROFILES

*Pacific Community
Design*

PROJECT NO.: 101-017
TYPE: PLANNING



- DECIDUOUS TREE
- STAND PIPE
- GUY WIRE
- UTILITY POLE
- GATE POST
- MAILBOX
- SIGN
- QUARTER SECTION CORNER

DATE: 02/17/2012

REVISIONS

NO. DATE DESCRIPTION



- PARTIALLY CONSTRAINED
LAND = 0.903 AC
- CONSTRAINED LAND
= 8.93 AC
- GROSS = 33.91 AC

CONTOUR DATA

CONTOURS SHOWN ON THE OUT BOUNDS OF THE SITE ARE FROM A TOPOGRAPHIC SURVEY PERFORMED BY WRG DESIGN IN FEBRUARY, 2005. ALL INTERIOR CONTOURS ARE BASED ON A PROPOSED GRADING PLAN THAT IS CURRENTLY UNDER CONSTRUCTION AS PART OF THE QUARRY RECLAMATION. THIS PLAN WILL REPRESENT THE EXISTING CONDITIONS AT TIME OF CONSTRUCTION.

WINDSWEPT WATERS 3 PLANNED UNIT DEVELOPMENT

SLOPE ANALYSIS PLAN

*Pacific Community
Design*

PROJECT NO.: 101-017

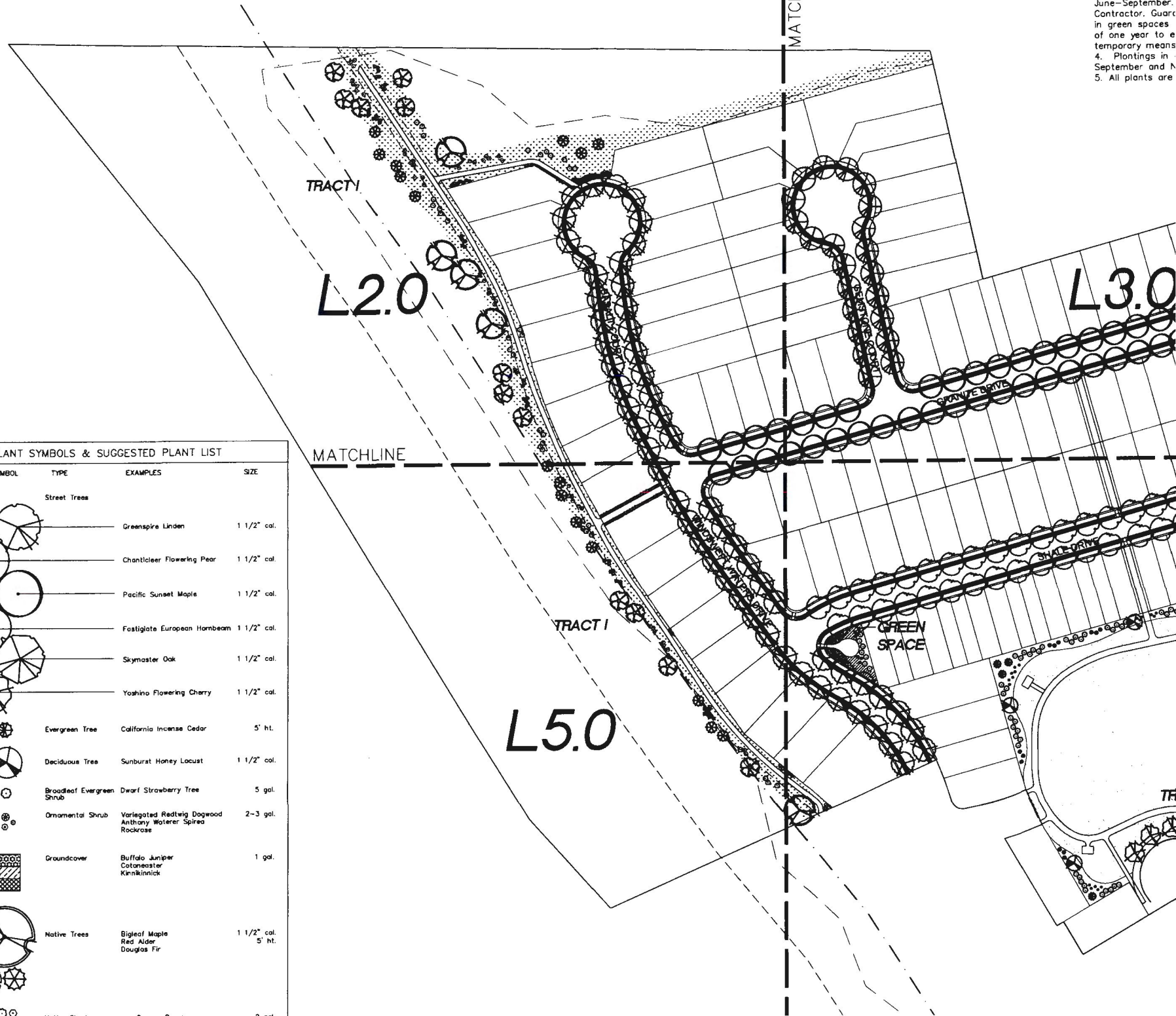
TYPE: PLANNING

REVIEWED BY: PRF



2. Adjust planting
3. Street trees of
automatic, under
plant material. L
above-ground, te
June-September.
Contractor. Guar
in green spaces
of one year to e
temporary means
4. Plantings in
September and N
5. All plants are

PLANT SYMBOLS & SUGGESTED PLANT LIST			
SYMBOL	TYPE	EXAMPLES	SIZE
Street Trees			
	Street Tree	Greenspire Linden	1 1/2" cal.
	Street Tree	Chanticleer Flowering Pear	1 1/2" cal.
	Street Tree	Pacific Sunset Maple	1 1/2" cal.
	Street Tree	Fastigiate European Hornbeam	1 1/2" cal.
	Street Tree	Skymaster Oak	1 1/2" cal.
	Street Tree	Yoshino Flowering Cherry	1 1/2" cal.
	Evergreen Tree	California Incense Cedar	5' ht.
	Deciduous Tree	Sunburst Honey Locust	1 1/2" cal.
	Broadleaf Evergreen Shrub	Dwarf Strawberry Tree	5 gal.
	Ornamental Shrub	Variegated Redtwig Dogwood Anthony Waterer Spiraea Rockrose	2-3 gal.
	Groundcover	Buffalo Juniper Cotoneaster Kinkinnick	1 gal.
Native Trees			
	Native Trees	Bigleaf Maple	1 1/2" cal.
	Native Trees	Red Alder	5' ht.
	Native Trees	Douglas Fir	5' ht.



DATE: 12/1/2011

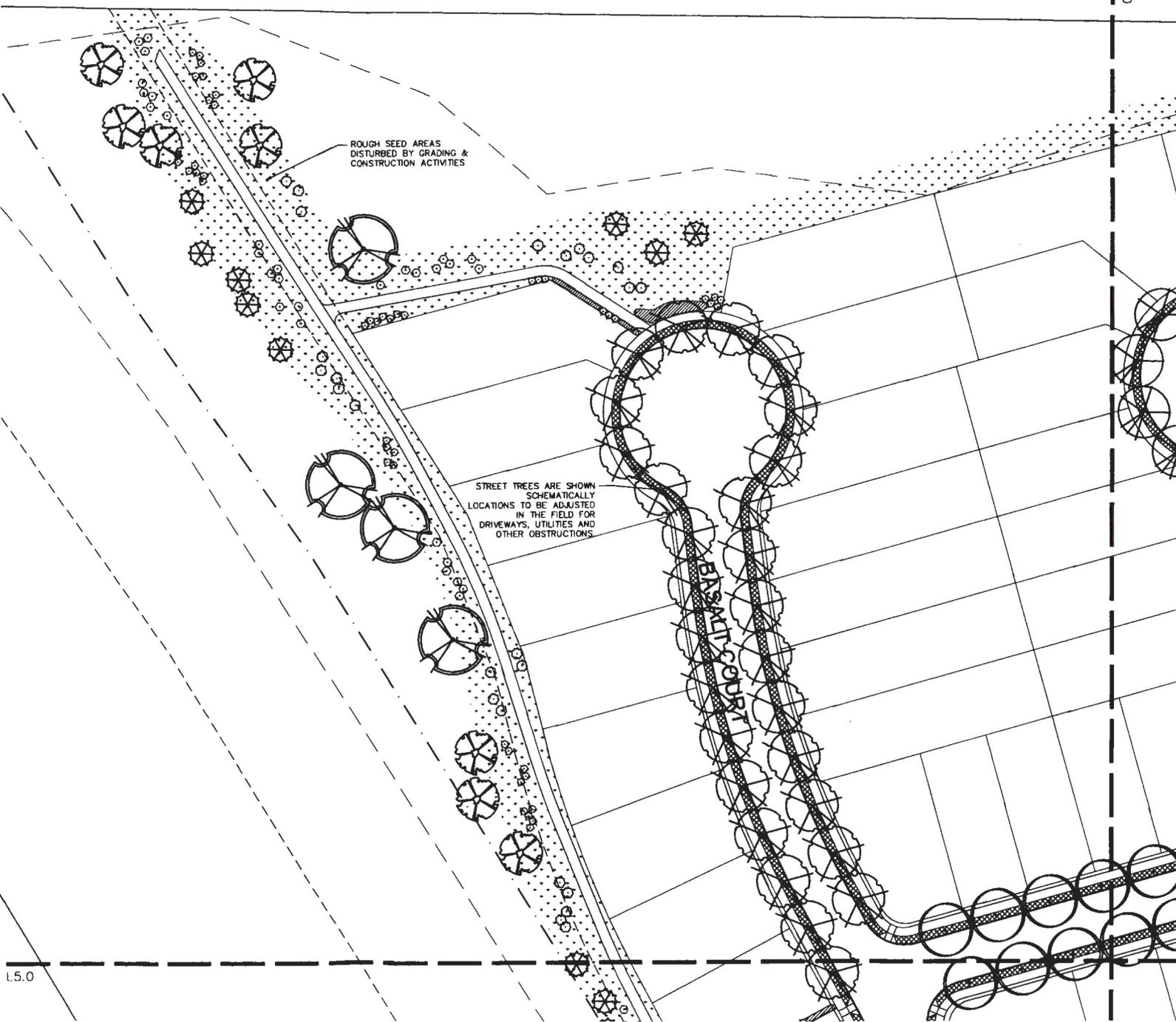
REVISIONS

NO. DATE DESCRIPTION

ATCHLINE: SEE SHEET L3.0

OTTEN LANDSCAPE ARCHITECTS Inc. OIO

3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393
Phone: (503) 972-0311 • Fax: (503) 972-0314 • www.ottenla.com



WINDSWEPT WATERS III

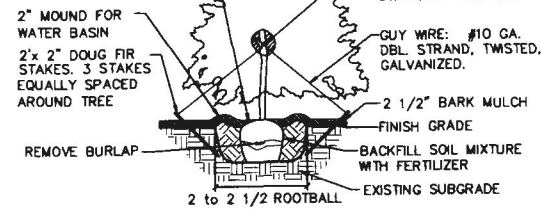
LANDSCAPE PLAN

PROJECT NO.: 101-017

TYPE:

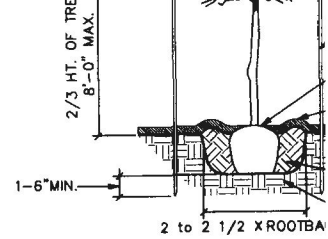
DESIGNED BY:

MATCHLINE: SEE SHEET L2.0

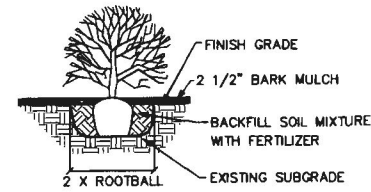


EVERGREEN TREE STAKING DETAIL

NOT TO SCALE

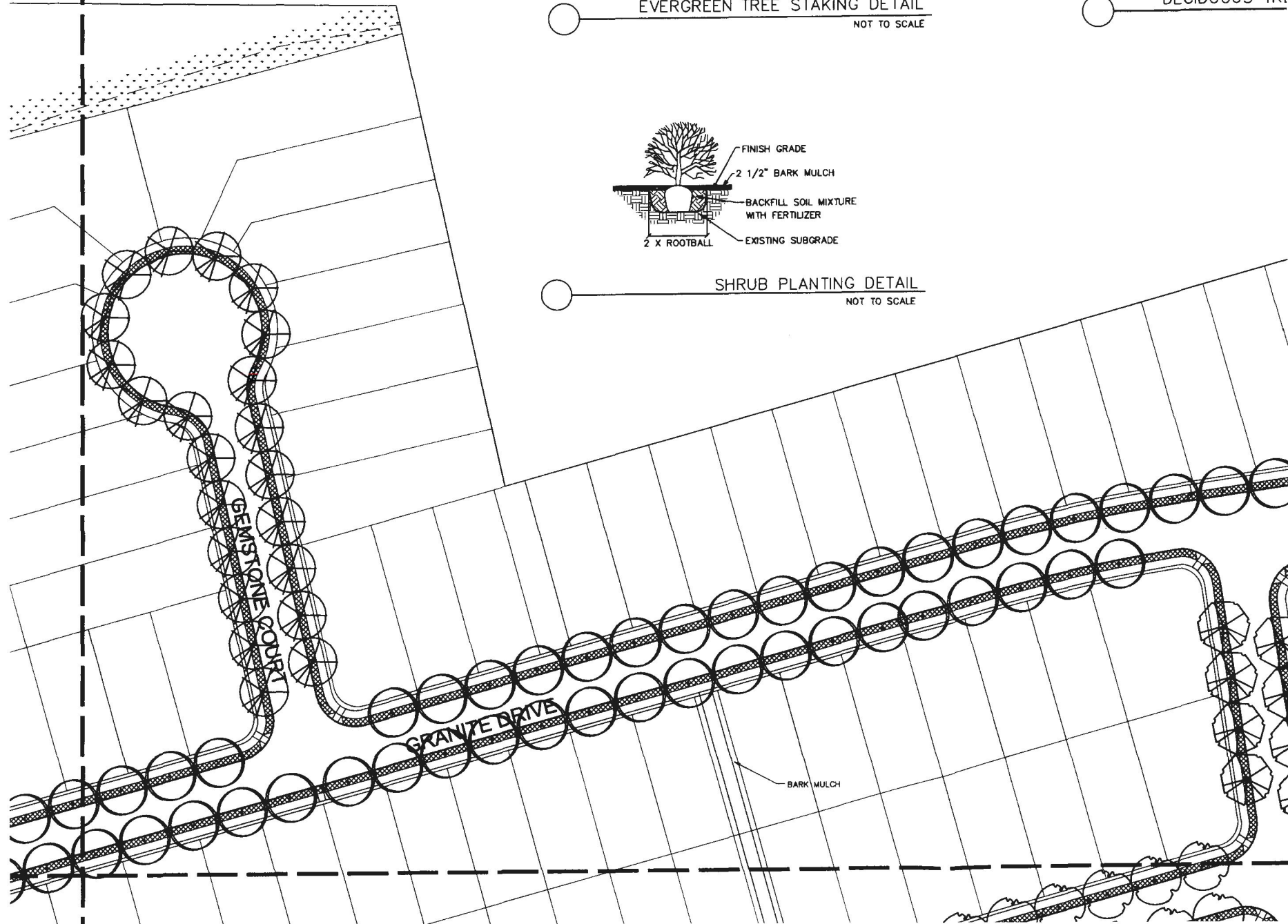


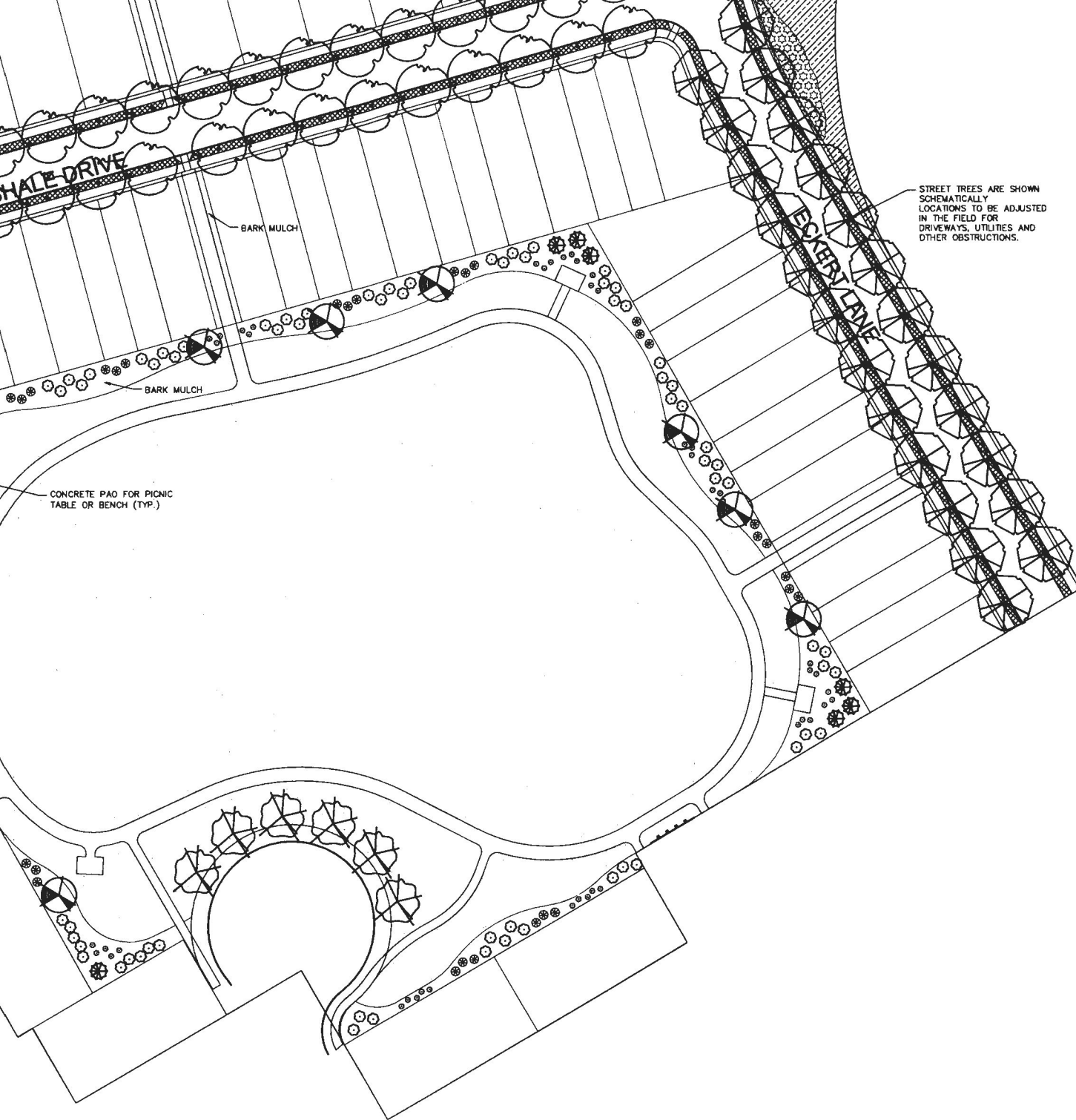
DECIDUOUS TREE DETAIL



SHRUB PLANTING DETAIL

NOT TO SCALE





DATE: 12/1/2011

REVISIONS

NO.	DATE	DESCRIPTION

OTTEN LANDSCAPE ARCHITECTS ^{INC.} OIO

3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393
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WINDSWEPT WATERS III

LANDSCAPE PLAN

PROJECT NO.: 101-017

TYPE:

DESIGNED BY:

Landscape contractor shall perform a site visit prior to bidding to view existing conditions.

PERFORMANCE QUALITY ASSURANCE: Use adequate numbers of skilled workmen who are thoroughly trained and experienced in the necessary horticultural practices and who are completely familiar with the specified requirements and methods needed for the proper performance of the work of this section.

NOTIFICATION: Give Landscape Architect minimum of 2 days advance notice of times for inspections. Inspections at growing site does not preclude Landscape Architect's right of rejection of deficient materials at project site. Each plant failing to meet the above mentioned "Standards" or otherwise failing to meet the specified requirements as set forth shall be rejected and removed immediately from the premises by the Contractor and at his expense, and replaced with satisfactory plants or trees conforming to the specified requirements.

SUBSTITUTIONS: Only as approved by the Landscape Architect or the Owner's Representative.

GUARANTEE AND REPLACEMENT: All plant material shall be guaranteed from final acceptance for one full growing season or one year, whichever is longer. During this period the Contractor shall replace any plant material that is not in good condition and producing new growth (except that material damaged by severe weather conditions, due to Owner's negligence, normally unforeseen peculiarities of the planting site, or lost due to vandalism). Guarantee to replace, at no cost to Owner, unacceptable plant materials with plants of same variety, age, size and quality as plant originally specified. Conditions of guarantee on replacement plant shall be same as for original plant.

Landscape Contractor shall keep on site for Owner's Representative's inspection, all receipts for soil amendment and topsoil deliveries.

PROTECTION: Protect existing roads, sidewalks, and curbs, landscaping, and other features remaining as final work. Verify location of underground utilities prior to doing work. Repair and make good any damage to service lines, existing features, etc. caused by landscaping installation.

PLANT QUALITY ASSURANCE: Deliver direct from nursery. Maintain and protect roots of plant material from drying or other possible injury. Store plants in shade and protect them from weather immediately upon delivery, if not to be planted within four hours.

Nursery stock shall be healthy, well branched and rooted, formed true to variety and species, full foliated, free of disease, injury, defects, insects, weeds, and weed roots. Trees shall have straight trunks, symmetrical tips, and have an intact single leader. Any trees with double leaders will be rejected upon inspection. All Plants: True to name, with one of each bundle or lot tagged with the common and botanical name and size of the plants in accordance with standards of practice of the American Association of Nurserymen, and shall conform to the Standardized Plant Names, 1942 Edition.

Container grown stock: Small container-grown plants, furnished in removable containers, shall be well rooted to ensure healthy growth. Grow container plants in containers a minimum of one year prior to delivery, with roots filling container but not root bound. Bare root stock: Roots well-branched and fibrous. Balled and burlapped (B&B): Ball shall be of natural size to ensure healthy growth. Ball shall be firm and the burlap sound. No loose or made ball will be acceptable.

TOPSOIL AND FINAL GRADES: Landscape Contractor is to verify with the General Contractor if the on site topsoil is or is not conducive to proper plant growth. Supply alternate bid for imported topsoil.

Landscape Contractor is to supply and place 12" of topsoil in planting beds and 6" in lawn areas. If topsoil stockpiled on site is not conducive to proper plant growth, the Landscape Contractor shall import the required amount. Landscape Contractor is to submit samples of the imported soil and/or soil amendments to the Landscape Architect. The topsoil shall be a sandy loam, free of all weeds and debris inimical to lawn or plant growth.

Landscaping shall include finished grades and even distribution of topsoil to meet planting requirements. Grades and slopes shall be as indicated. Planting bed grades shall be approximately 3" below adjacent walks, paving, finished grade lines, etc., to allow for bark application. Finish grading shall remove all depressions or low areas to provide positive drainage throughout the area.

PLANTING SPECIFICATIONS:

HERBICIDES: Prior to soil preparation, all areas showing any undesirable weed or grass growth shall be treated with Round-up in strict accordance with the manufacturer's instructions.

SOIL PREPARATION: Work all areas by rototilling to a minimum depth of 8". Remove all stones (over 1½" size), sticks, mortar, large clumps of vegetation, roots, debris, or extraneous matter turned up in working. Soil shall be of a homogeneous fine texture. Level, smooth and lightly compact area to plus or minus .10 of required grades.

In groundcover areas add 2" of compost (or as approved) and till in to the top 6" of soil.

PLANTING HOLE: Lay out all plant locations and excavate all soils from planting holes to 2 1/2 times the root ball or root system width. Loosen soil inside bottom of plant hole. Dispose of any "subsoil" or debris from excavation. Check drainage of planting hole with water, and adjust any area showing drainage problems.

SOIL MIX: Prepare soil mix in each planting hole by mixing:
2 part native topsoil (no subsoil)
1 part compost (as approved)

Thoroughly mix in planting hole and add fertilizers at the following rates:

Small shrubs - 1/8 lb./ plant
Shrubs - 1/3 to 1/2 lb./ plant
Trees - 1/3 to 1 lb./ plant

FERTILIZER: For trees and shrubs use Commercial Fertilizer "A" Inorganic (5-4-3) with micro-nutrients and 50% slow releasing nitrogen. For initial application in fine seed lawn areas use Commercial Fertilizer "B" (8-16-8) with micro-nutrients and 50% slow-releasing nitrogen. For lawn maintenance use Commercial Fertilizer "C" (22-16-8) with micro-nutrients and 50% slow-releasing nitrogen. DO NOT apply fertilizer to Water Quality Swale.

PLANTING TREES AND SHRUBS: Plant upright and face to give best appearance or relationship to adjacent plants and structures. Place 6" minimum, lightly compacted layer of prepared planting soil under root system. Loosen and remove twine binding and burlap from top 1/2 of root balls. Cut off cleanly all broken or frayed roots, and spread roots out. Stagger Plants in rows. Backfill planting hole with soil mix while working each layer to eliminate voids.

When approximately 2/3 full, water thoroughly, then allow water to soak away. Place remaining backfill and dish surface around plant to hold water. Final grade should keep root ball slightly above surrounding grade, not to exceed 1". Water again until no more water is absorbed. Initial watering by irrigation system is not allowed.

STAKING OF TREES: Stake or guy all trees. Stakes shall be 2" X 2" (nom.) quality tree stakes with point. They shall be of Douglas Fir, clear and sturdy. Stake to be minimum 2/3 the height of the tree, not to exceed 8'-0". Drive stake firmly 1'-6" below the planting hole. Tree ties for deciduous trees shall be "Chainlock" (or better). For Evergreen trees use "Gro-Strait" Tree Ties (or a reinforced rubber hose and guy wires) with guy wires of a minimum 2 strand twisted 12 ga. wire.

MULCHING OF PLANTINGS: Mulch planting areas with dark, aged, medium grind fir or hemlock bark (aged at least 6 months) to a depth of 2" in ground cover areas and 2½" in shrub beds. Apply evenly, not higher than grade of plant as it came from the nursery, and rake to a smooth finish. Water thoroughly, then hose down planting area with fine spray to wash leaves of plants.

FINE LAWN AREAS: In fine lawn area apply Commercial Fertilizer Mix "B" at 4.5 lbs. Per 1,000 sq.ft. and rake into soil surface. Establish an even, fine textured seedbed meeting grades, surfaces and texture. Sow seed with a mechanical spreader at the uniform rates as noted below. Rake seed lightly to provide cover.

ROUGH SEED AREA: In rough seeded area, establish an evenly graded seedbed. Sow seed with a mechanical spreader at the uniform rates as noted below. Rake seed lightly to provide cover.

SEED: Bluetag grass seed conforming to applicable State laws. No noxious weed seeds. Submit Guaranteed analysis.

Fine Lawn Seed Mix: To contain 50% Top Hat Perennial Ryegrass, 30% Derby Supreme Ryegrass, 20% Longfellow Chewings Fescue (Hobbs and Hopkins Pro-Time 303 Lawn Mix or as approved) Sow Seed at 5 lbs. / 1000 sq. ft.

Rough Seed Mix: To Contain: 55% Native California Brome, 25% Blue Wildrye, 15% Lupine and 5% Western Yarrow (Hobbs and Hopkins Pro-Time 406 Native Water Quality Mix with Color, or approved equal). Sow at 1-2 lbs. Per 1,000 sq.ft.

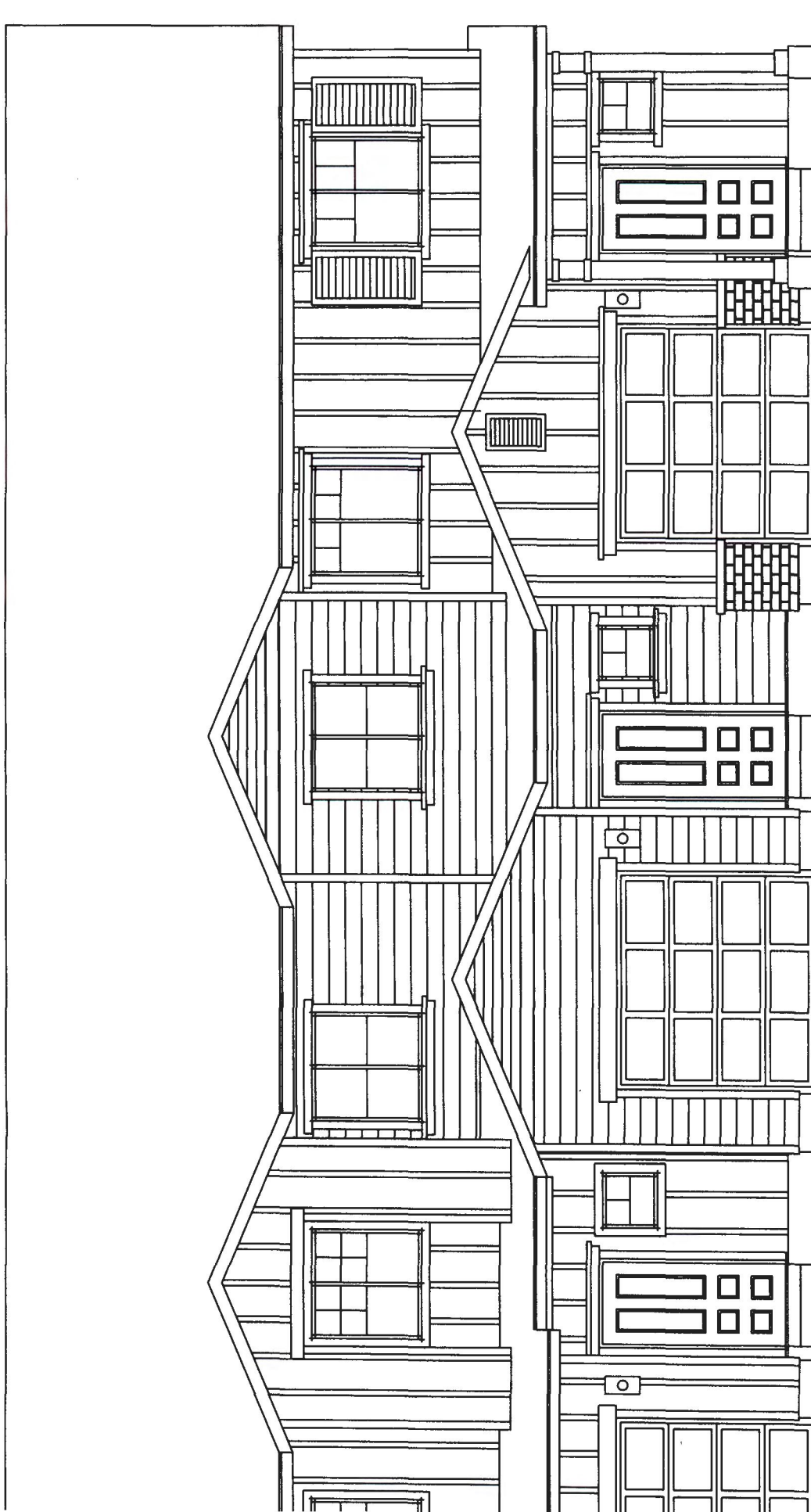
MAINTENANCE OF SEEDED AREAS:

Fine Lawn Areas: The lawn areas shall be maintained by watering, mowing, reseeding, and weeding for a minimum of 60 days after seeding. After 30 days, or after the second mowing, apply Commercial Fertilizer Mix "C" at 5 lbs. per 1,000 sq. ft. Mow and keep at 1½" to 2" in height. Remove clippings and dispose of off site.

MATCHLINE: SEE SHEET L2.0

ANY VEGETATION REMOVED INSIDE THE PRINCIPAL RIVER CONSERVATION LINE SHALL BE REPLACED WITH SUFFICIENT QUALITY AND QUANTITY TO RESTORE TO CONDITION PRIOR TO DISTURBANCE.

FOR
DISTURBANCE
CONSTRUCTION



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1532 UNIT

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LEY, OREGON 97086

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LAND CONSERVATION
AND DEVELOPMENT

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