



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

January 30, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 016-05

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 14, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Darienzo, DLCD Flood Map Modernization Program Coordinator
Eric Jacobson, DLCD Transportation Planner
Michael Walter, City of Happy Valley

<paa> ya/

DLCD NOTICE OF ADOPTION

JAN 25 2006

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

**LAND CONSERVATION
AND DEVELOPMENT**

(See reverse side for submittal requirements)

Jurisdiction: City of Happy Valley Local File No.: LDO-13-05
(If no number, use none)

Date of Adoption: 1/17/06 Date Mailed: 1/23/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:
8-26-05 (LDO-11-05)

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡

Due to topographical restraints associated with construction of SE Misty Drive west to SE 142nd that the conceptual alignment be removed from the Rock Creek Concept Plan

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

DLCD Notice of proposed adoption, submitted under LDO-11-05.
This file was split off from LDO-11-05 to address the Rock Creek Comprehensive Plan in specific the connection from SE 142nd Avenue southeast to SE Misty Drive. Hearing this area separately as LDO-13-05 was necessitated by current land use applications and current ongoing issues with those land use applications.

Plan Map Changed from: n/a to n/a

Zone Map Changed from: n/a to n/a

Location: Rock Creek Concept area Acres Involved: city wide

Specify Density: Previous: n/a New: n/a

Applicable Statewide Planning Goals: 1, 2, 12

Was an Exception Adopted? Yes: _____ No: xx

DLCD File No.: 016-05
(14628)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: **xx** No: ____ If no, do the Statewide Planning Goals apply. Yes: ____ No: ____

If no, did The Emergency Circumstances Require immediate adoption. Yes: ____ No: ____

Affected State or Federal Agencies, Local Governments or Special Districts: _____

City of Happy Valley, Clackamas County

Local Contact: Michael Walter Area Code + Phone Number: 503-760-3325
Planning Services Manager

Address: 12915 Se King Road City: City of Happy Valley

Zip Code+4: 97236-0698

Email Address: michaelw@ci.happy-valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed to DLCD within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption≡ is sent to DLCD.
6. In addition to sending the ANotice of Adoption≡ to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to **8-1/2x11 green paper only** ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF HAPPY VALLEY
ORDINANCE NO. 328

AN ORDINANCE AMENDING THE ROCK CREEK COMPREHENSIVE PLAN OF THE CITY OF HAPPY
VALLEY – 142ND AVENUE CONNECTION

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application LDO-13-05 was a staff initiated request to amend the Rock Creek Comprehensive Plan as detailed within Attachment "A"; and

WHEREAS, the Amendment would remove a required east/west street connection between Misty Drive and SE 142nd Avenue; and

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on October 11, 2005; and

WHEREAS, the Planning Commission unanimously recommended the changes to the Rock Creek Comprehensive Plan as detailed in the Staff Report dated October 11, 2005; and

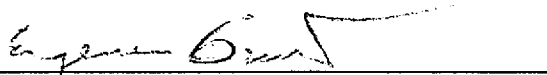
WHEREAS, the City has forwarded a copy of the proposed amendments to the Oregon Department of Land Conservation and Development (DLCD) in a timely manner; and

WHEREAS, the City Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to amend the Rock Creek Comprehensive Plan pursuant to the findings within Attachment "A" at the regular meeting of the City Council on January 17, 2006.

NOW, THEREFORE, it is hereby declared by the City Council of Happy Valley, Oregon, that the City's Rock Creek Comprehensive Plan be amended as set forth as part of Attachment "A" and is fully incorporated herein.

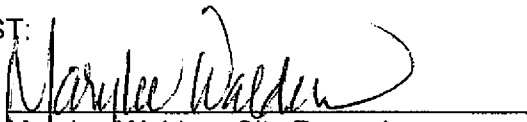
BE IT FURTHER declared that this Ordinance shall become effective thirty (30) days after approval by the City Council.

READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on January 17, 2006 and read for the second time on January 17, 2006, and adopted by unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.



Eugene Grant, Mayor

ATTEST:



Marylee Walden, City Recorder

Mayor
HON. EUGENE GRANT

City Councilors
CHUCK DALICH
LORI DEREMER
JONATHAN EDWARDS
ROB WHEELER



City of Happy Valley

12915 SE KING ROAD, HAPPY VALLEY, OREGON 97236-6298

Telephone (503) 760-3325 ~ Fax (503) 760-9397

Web Site: www.ci.happy-valley.or.us

STAFF REPORT TO THE CITY COUNCIL

ROCK CREEK COMPREHENSIVE PLAN AMENDMENT (142nd AVENUE CONNECTION)

FILE NO. LDO-13-05

JANUARY 17, 2006

I. GENERAL INFORMATION

Applicant: City of Happy Valley

Proposal: This is a City-initiated Comprehensive Plan amendment to the Rock Creek Comprehensive Plan (RCCP), specifically in regard to the envisioned connection from 142nd Avenue southeast to Misty Drive. Due to the topographical constraints associated with constructing a road from Misty Drive west to 142nd Avenue, combined with the created slopes, street alignments, and lot patterns both developing and proposed within planned neighborhoods to the east (Sunrise Heights Phase II) and west/north (Southern Ridge Phases I and III), staff recommends that this conceptualized alignment be removed from the RCCP.

Background: Previously, staff had envisioned that amendments to the RCCP would pair the current proposal (142nd Avenue connection) with proposed amendments in the southeast corner of the RCCP area, specifically those addressing envisioned street connections within the Taralon/Bollam/Sunnyside Village Area. However, due to ongoing issues and current land use applications affecting the Bollam Property, it has become necessary to separate the two geographic regions (142nd Avenue connection versus Taralon/Bollam/Sunnyside Village area connections). Staff notes that although the included Staff Report to the Planning Commission dated October 11, 2005 includes amendments to both of these areas,

this report and the proposed Ordinance amending the RCCP are solely limited to the 142nd Avenue connection.

Discussion:

Please see the attached Digital Photos and Letter and Illustration from AKS Engineering & Forestry LLC dated May 31, 2005 which is Exhibit 4 from the Staff Report to the Planning Commission dated October 11, 2005.

Conclusion and Recommendation:

The Planning Commission held a Public Hearing on October 11, 2005, and recommended (in part) that the City Council endorse the proposed amendment to the RCCP based on the findings within the Staff Report to the Planning Commission.

Therefore, staff recommends that the City Council approve LDO-13-05 (RCCP Amendment – 142nd Avenue Connection) and adopt Ordinance No. 328, thereby amending the prior Rock Creek Comprehensive Plan.

Attachments:

- A. Staff Report and Exhibits to the Planning Commission dated October 11, 2005
- B. Digital Photos
- C. Ordinance No. 328

Mayor
HON. EUGENE GRANT

City Councilors
CHUCK DALICH
LORI DEREMER
JONATHAN EDWARDS
ROB WHEELER



City of Happy Valley

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**CITY OF HAPPY VALLEY
STAFF REPORT TO THE PLANNING COMMISSION
OCTOBER 11, 2005**

**ROCK CREEK COMPREHENSIVE PLAN AMENDMENT
(File No. LDO-11-05)**

I. GENERAL INFORMATION:

This is a City-initiated text amendment. The purpose of the proposed amendments to the Rock Creek Comprehensive Plan are generally in regard to transportation connections, as illustrated within the attached drawings and proposed text revisions. Said changes would amend and remove envisioned potential transportation connections from the Rock Creek Comprehensive Plan due to the provision of alternate alignments, steep topography and the existence of a public park and significant natural resources.

EXHIBITS:

1. Staff Report and Findings of Fact
2. Illustrations and Text Revisions to the Rock Creek Comprehensive Plan
3. Letter from Newland Communities dated September 26, 2005
4. Letter and Illustration from AKS Engineering & Forestry LLC dated May 31, 2005
5. Public Notice

BACKGROUND:

- The proposed revisions to the Rock Creek Comprehensive Plan (RCCP) have come about due to two main factors: the controversy in regard to potential street connections and the existence of a public park and natural resources between the Sunnyside Village development and the Taralon development; and, the topographical constraints associated with constructing a road from Misty Drive west to 142nd Avenue.

As the Planning Commission may recall, the Taralon Master Plan was considered by the Commission on March 23, 2004 and April 13, 2004, and the Commission forwarded a

ATTACHMENT # "A"

EXHIBIT # 4

recommendation of approval to the City Council. Subsequently, the City Council formally adopted the proposed Master Plan on May 4, 2004. The major transportation issues which were presented at the public hearing on March 23, 2004 were the condition to connect SE Oregon Trail Drive through Ashley Meadows Park and the condition to require SE Nightingale to be a collector roadway should the connection to the west via SE Oregon Trail Drive not come to fruition. As the Commission may recall, the County sent a representative, Mr. Charlie Cieko (Director of North Clackamas Parks and Recreation District) to speak on behalf of the Clackamas County Board of Commissioners. He stated that the commissioners would not be in favor of the connection to the west through Ashley Meadows Park. Subsequent to the public hearing, staff also met with the applicant and Peter Coffey of DKS Associates to discuss the issue of SE Nightingale Avenue and the need for a Collector Street in that location. After further review of the traffic analysis and trip generation figures, it was determined that SE Nightingale could function as a Neighborhood Street rather than a Collector. In addition, the value of the existing wetland and grove of mature fir trees just west of the current end of Elinor Street, prohibits connectivity to this street.

In the events that have followed since the Planning Commission's recommendation of approval of the Taralon Master Plan, and the approval of the Taralon PUD, the City Council has directed staff to explore alternatives to the existing Rock Creek Comprehensive Plan Functional Classification Plan (Transportation Plan), which have been incorporated within the 2005 Transportation System Plan (TSP) Update. In the meantime, Newland Communities has not incorporated residential development within Phase 7 of the PUD, which allows for consideration of the PUD without analysis of these currently required street connections to the west and southwest. Staff notes that the Taralon developer (Newland Communities) has submitted a letter in support of the proposed amendments (Exhibit 3).

A second geographic region that is affected by the RCCP amendments are lands located north of Sunnyside Road, and west of 147th Avenue/Misty Drive. For a discussion, see the letter from AKS Engineering & Forestry (Exhibit 4).

ROCK CREEK COMPREHENSIVE PLAN (RCCP) AMENDMENTS:

- The RCCP is a document that at this time is unavailable for electronic modification. Therefore, staff has included hand-drawn illustrations (see Exhibit 2), that illustrate the changes necessary to the RCCP in order to amend the Plan, thereby providing the removal of the illustrated connections and applicable text.

AGENCY AND INTERESTED PERSONS COMMENTS

- Notification was delivered to the Oregon Department of Land Conservation and Development (DLCD), the required 45 days prior to this initial evidentiary hearing. No comments were received. In addition, notice of the proposed amendments was provided to the two most affected property owners (Newland Communities and Sunnyside Partners LLC), as well as all property owners who provided comment in regard to the Taralon development. As of the date this report was written, two letters had been received by the Community Development Department, and are included as Exhibits 3 and 4.

II. RECOMMENDATION

The proposed RCCP amendments will provide alterations to the Plan that will eliminate connections that from a pure traffic connectivity perspective are quite valuable, and seem logical when viewed on a “one-dimensional” map that lacks detail, but are quite problematic (environmentally, fiscally, politically, etc.) when viewed in relationship to the actual “three-dimensional” reality.

Therefore, we recommend that based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, that the Planning Commission recommend to the City Council that LDO-11-05 be **approved**.

III. FINDINGS OF FACT

HAPPY VALLEY COMPREHENSIVE PLAN:

(NOTE: The symbol [...] denotes that intervening Plan sections exist between those quoted, but are not specifically addressed as part of these findings).

“Objectives:

- 1) *To preserve the character of the valley;*
- 2) *To improve the quality of existing and future development areas;*
- 3) *To provide a coordinated direction to the conservation and development of the valley.*

Staff Response:

The proposed RCCP amendments will act to preserve an existing park, a wetland and grove of trees, and a steeply sloped area north of Sunnyside Road. As such, these changes do not act to degrade the “character of the valley.” In addition, these changes will improve the quality of the existing and future development areas by maintaining these recreational and natural resource, and will act in such a manner as to benefit a “coordinated direction to the conservation and

development of the valley. Therefore, these criteria are satisfied by the request.

Policies:

[...]

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

[...]

#47: *To locate land uses so as to take advantage of existing systems and physical features, to minimize development costs and to achieve compatibility and to avoid conflicts between adjoining uses.*

Staff Response:

As observed, the proposed RCCP amendments will contribute to “controlled development” by eliminating certain conceptual street connections, an ancillary benefit of which will be the “enhancement of physical resources.” In addition, these changes will aid in the location of land uses (Taralon, Sunnyside Heights Master Plan, etc.) that take advantage of existing systems and physical features. These amendments will help in minimizing development costs and avoiding conflicts between adjoining uses. Therefore, these criteria are satisfied by the request.

[...]

#64: *To develop good transportation routes (vehicular, pedestrian, bicycle, etc.) between residential areas with neighborhood livability issues being the paramount consideration.*

#65: *To classify all roadways within the City and adopt the vehicular circulation system set forth in the City's current transportation plan and/or illustrated on Exhibit 15 or as amended by additional studies and information.*

[...]

#69: *When a conflict exists between the objective [to] protect neighborhoods and the objective to maintain an efficient transportation system, [can be in conflict with one another, however,] priority should be given to the livability of neighborhoods.”*

Staff Response:

The proposed RCCP amendments take into account the very nebulous term “neighborhood livability” by preserving the existing park (without the addition of a roadway connection – i.e. Oregon Trail Drive), avoiding the need to impact the wetland and grove of trees (i.e. Elinor Street), and avoiding the need to build a relatively short street section across a very steep slope (i.e. a connection from Misty Drive west to 142nd Avenue). These connections are not incorporated within the recent Draft TSP Update recommended for approval by the Planning Commission. Therefore, these criteria are satisfied by the request.

HAPPY VALLEY DEVELOPMENT CODE:

“Chapter 16.40 AMENDMENTS TO THE COMPREHENSIVE PLAN, LAND USE MAP
AND LAND DEVELOPMENT TITLE OF THIS CODE

[...]

16.40.020 Initiation of a plan amendment.

Any change in the text, map or implementing ordinances of adopted Happy Valley land use regulations may be initiated by the city, any resident of the city, property owners or authorized agent. A change in the text may be initiated by as few as one person desiring a revision in the wording, scope, direction or organization of the plan. A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five (75) percent of the property owners or authorized agents who own or represent at least seventy-five (75) percent of the land area involved in the petition of change, which must correspond to a logically defined neighborhood or block of multiple properties, or include a single parcel of such size as to merit consideration as a future neighborhood if approved as part of a future subdivision or planned unit development application. The city may, for the purposes of revising or updating plans to comply with statewide goals, legal guidelines or other necessary criteria, initiate a change in the map or text of any plan and this land development title at any time.

Staff Response:

This is a city initiated plan amendment. Therefore, this criterion has been satisfied by the request.

[...]

16.40.041 Review criteria.

A. The proposed amendment is consistent with and promotes the objectives of the plan of the city;

Staff Response:

See the staff response to Comprehensive Plan Objectives, above. As addressed within the record, this criterion is satisfied by the request.

B. There is a demonstrated public need for a change of the specific type proposed;

C. That need will be best served by the amendment as proposed as compared with other alternatives;

D. The proposed amendment is consistent with the use and implementation of growth management mechanisms and capital improvement programs of the city;

E. The proposed amendment can be implemented by this land development title and all other appropriate codes, ordinances and regulations. The applicant bears the entire burden of proof of establishing to the planning commission that the proposed amendment meets the above

requirements. This burden of proof shall also apply to the city if it initiates a proposed amendment.

Staff Response:

As observed, there is a demonstrated public need for the proposed amendments, as was well established during the Taralon land use reviews, and subsequent conversations with developers, engineers, and private property owners. That need is best served by the proposed amendments as there are no other conceivable alternatives that would have a similar end result.

Further, the proposed amendments are consistent with the Draft TSP Update, the most significant growth management mechanism and capital improvement plan affecting the proposed changes, and can be implemented by the land development title and all other appropriate codes, ordinances and regulations. Therefore, these criteria are satisfied by the request.

G. 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.

Staff Response:

The proposed amendments do not significantly affect a transportation facility. Therefore, this criterion is not applicable to the subject request.

PRELIMINARY DESIGN FOR COLLECTOR B
FEBRUARY 12, 2003

← AMEND DUE
TO TOPOGRAPHY

DATE: 2/12/03
DRAWN BY: [Signature]
CHECKED BY: [Signature]

POSSIBLE NEW EASEL
RETAINING WALL

POSSIBLE FUTURE ROAD

PROPOSED 2:1
SIDE SLOPE

PROPOSED ELEV. EASEMENT
POSSIBLE DEVELOPMENT
CORRECTION

PROPOSED COLLECTION
TO 142ND

PROPOSED DEVELOPMENT
CORRECTION
R = 155
A = 150

PROPOSED 2:1
SIDE SLOPE

PROPOSED COLLECTION #

ALIGNMENT #2

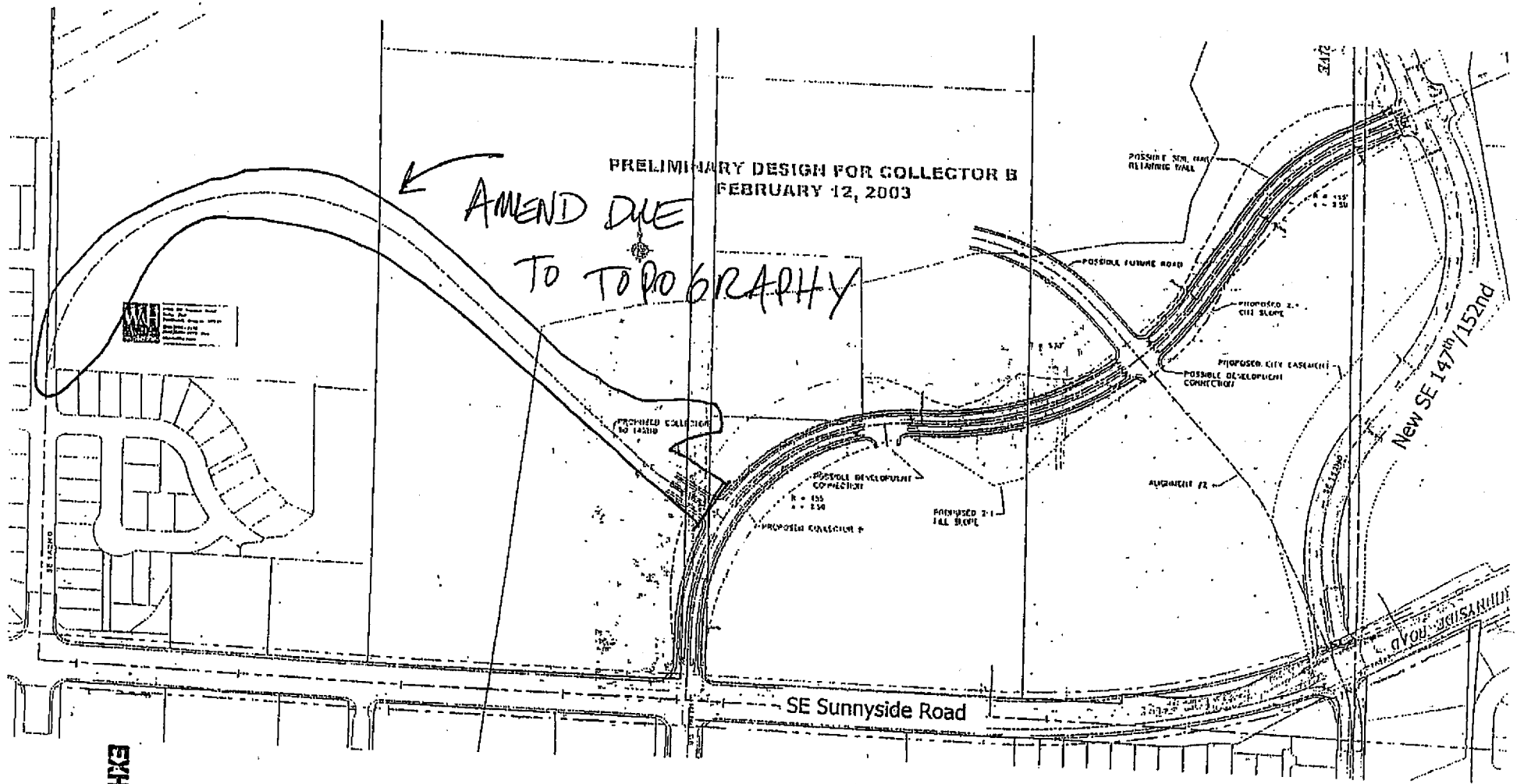
New SE 147th / 152nd

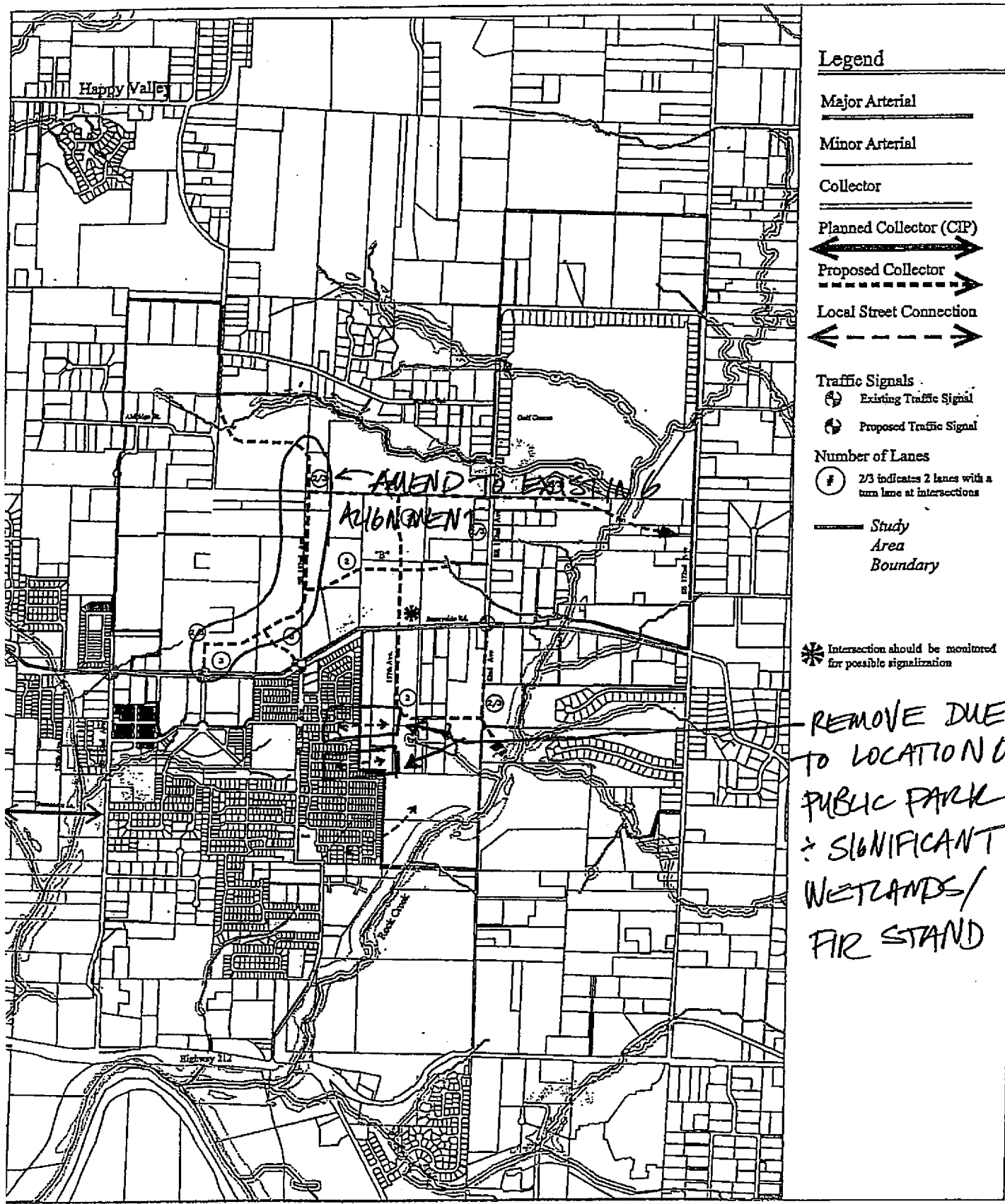
SE Sunnyside Road

SUNNYSIDE ROAD

-105-

EXHIBIT # 2





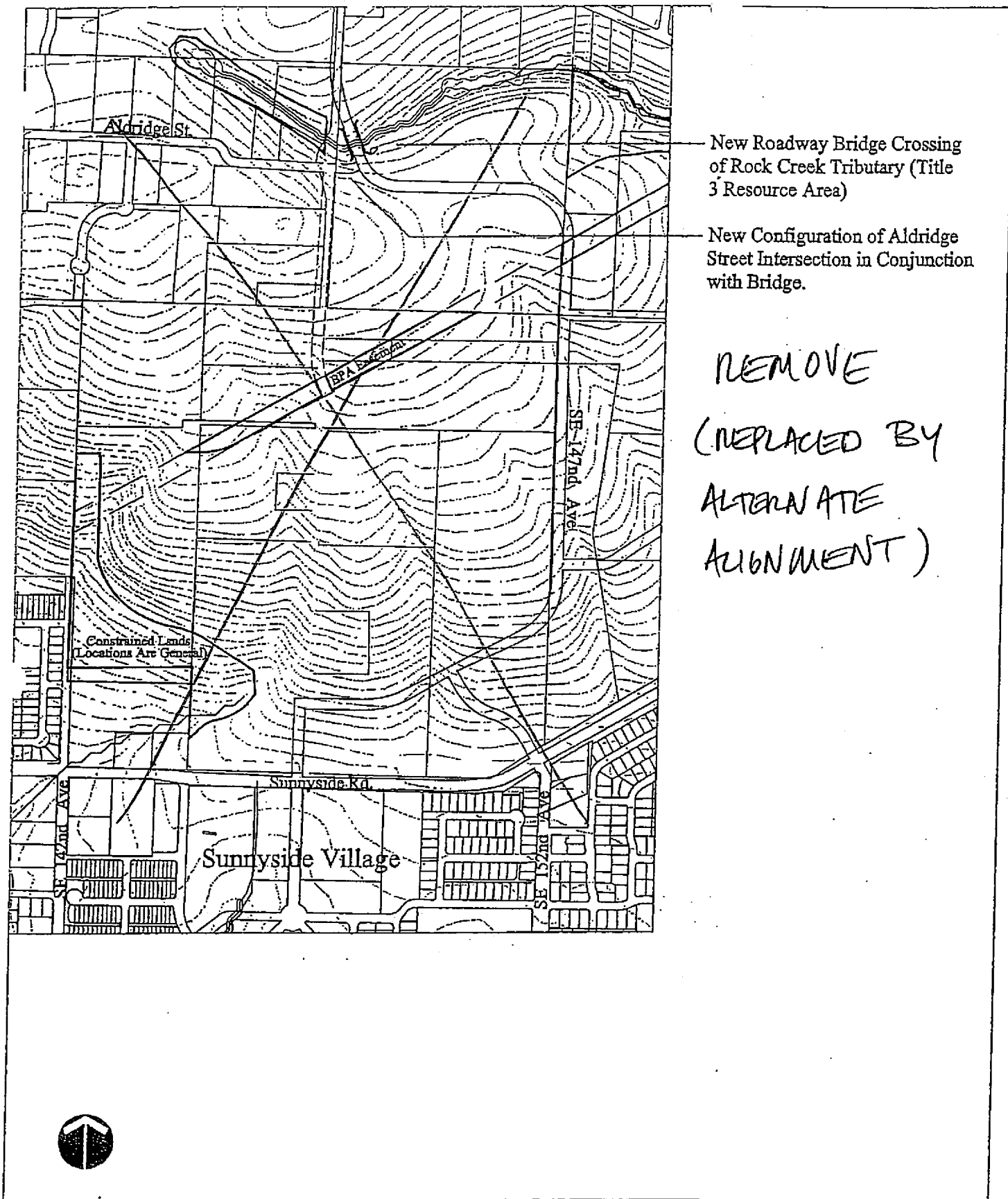
- Legend**
- Major Arterial
 - Minor Arterial
 - Collector
 - Planned Collector (CIP)
 - Proposed Collector
 - Local Street Connection
 - Traffic Signals
 - Existing Traffic Signal
 - Proposed Traffic Signal
 - Number of Lanes
 - 2/3 indicates 2 lanes with a turn lane at intersections
 - Study Area Boundary

* Intersection should be monitored for possible signalization

REMOVE DUE TO LOCATION OF PUBLIC PARK ÷ SIGNIFICANT WETLANDS/ FIR STAND

Rock Creek Area

Functional Classification



Rock Creek Area

Proposed
147th Avenue Alignment

extended south of Sunnyside Road as a three-lane collector serving the Mixed Use Residential area. This roadway could also provide access to potential future development southeast of the study area across Rock Creek.

Local Streets

It is not the purpose of this Comprehensive Plan to design the local street network, but instead to establish the parameters under which these streets should be provided. Local streets are to be provided at a minimum spacing of 10 to 16 streets per mile (every 330 to 530 feet) in order to support neighborhood connectivity.

A minimum of three local street connections to SE 152nd Avenue south of Sunnyside Road is essential to connect the residential neighborhoods with civic and commercial activities planned for the Rock Creek area. These connections are needed to provide internal access without requiring added trips onto Sunnyside Road. The connections should be made from SE 157th and/or SE 162nd Avenues. These streets will be planned concurrent with the specific development proposals in the Rock Creek Area.

REMOVE
TEXT

Transit

Transit is an important component of the Regional Transportation Plan. The Transit Concept for the Rock Creek area was developed to ensure multimodal transportation options for residents and employees in the study area. (Figure 7)

Scheduled Tri-Met bus service to the study area is currently comprised of the Sunnyside Route 155 and the Mather Road 156 Route, which have timed transfers at the Mark O. Hatfield Transit Plaza at SE 147th Avenue south of Sunnyside Road as shown on Figure 7. Bike storage should be provided at this plaza. Currently, there are one-hour headways between buses on both routes.

Tri-Met currently has no specific plans for expansion of transit to this area. However, Metro has designated Sunnyside Road as a "primary transit route" in its Regional Transportation Plan. This designation indicates bus service between Clackamas Regional Center and Damascus with 15-minute headways during peak hours.

According to conversations with Tri-Met staff, transit service to the Rock Creek area will likely be developed through several sequential and progressive steps in response to development and the associated increase in demand for transit service. These steps would likely include on-demand service for the Rock Creek area in the near term, followed by extension of Route 155 to SE 162nd Avenue. A local route connecting neighborhood nodes to a hub such as the Clackamas Town Center, might then be established, as well as an express route to Damascus. Additional local routes serving the Rock Creek area and the possible extension of other routes, such as Route 157 from Happy Valley, may also occur if sufficient demand occurs.

September 26, 2005

City of Happy Valley
Planning Commissioners
c/o Michael Walter, AICP
Planning Services Manager
12915 SE King Road
Portland, OR 97236

Re: Testimony in Support of Amending the Rock Creek Comprehensive Plan
LDO-11-05

Dear Planning Commissioners:

This letter is offered in support of the Proposed Amendment to the Rock Creek Comprehensive Plan that requests a removal of text regarding "Local Streets" and required two East to West street connections from the Sunnyside Village neighborhood to our Planned Unit Development of Taralon. I am unfortunately scheduled to be out of town on business the night of the hearing and therefore unable to present this to you in person. Please accept the following written testimony.

SE OREGON TRAIL DRIVE CONNECTION

During the public hearings for Taralon we became aware of the deep concerns of the residents of Sunnyside Village regarding the potential for increased automobile traffic through their neighborhood streets. We understand that due to the land plan for Sunnyside Village the streets are very narrow and were not designed to accommodate large volumes of traffic. Also, the North Clackamas County Park District has expended considerable resources to construct a park on the land where the street connection to SE Oregon Trail Drive was initially planned to cross. The park district also voiced concerns regarding any loss of park land due to road connections and opposed such a connection. They are the adjacent landowner that would have to grant access for such a connection.

SE ELINOR STREET CONNECTION

At the time the Rock Creek Plan was conceived there was little direct analysis of the land considered for street connections. Therefore, there was no knowledge of the high quality tree grove and wetland located at the SW corner of the Taralon site. A wetland analysis and tree study had not yet been performed on the site. A street connection to Elinor Street was conceived without knowledge that any road connection would require destruction of resources at that location.

EXHIBIT # 3

During the planning process for Taralon we performed a wetland study, as well as tree survey and discovered resources that deserve to be protected for the benefit of future generations. These resources are located directly in the path of any proposed road connection to SE Elinor Street. The City of Happy Valley has subsequently adopted a tree ordinance (Municipal Code Chapter 16.20.090) that discourages this type of tree removal. Further analysis of Elinor Street also showed that it would not function effectively as a connector road because it is not a through street for access to SE 152nd Avenue.

PEDISTRIAN/BIKE PATHWAYS WILL PROVIDE CONNECTIVITY

The goal of the language of the Comprehensive Plan was to provide connectivity between the neighborhoods with the ability to allow for access to civic and commercial areas along Sunnyside Road without requiring additional auto trips. This goal can be achieved by the now planned bike and pedestrian pathways that are to connect the communities. This approach was encouraged by Clackamas County Commissioners Bill Kennemer, Martha Schrader and Larry Sowa in a letter presented to you on September 23, 2004 during our Taralon hearing process.

CONNECTIONS NOT NEEDED FOR TARALON

As part of our Taralon review we submitted a detailed traffic study prepared by Kittelson & Associates that showed the Taralon community was not dependent upon road connections to the west. Traffic conditions in Taralon actually will function better without the additional trips generated from Sunnyside Village.

APPLICATION TO REVIEW CRITERIA

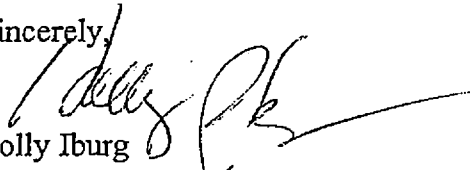
We request that the Commission approve this Amendment because it meets the criteria set forth in Chapter 16.40.041 in that:

- A. it is consistent with and promotes the objectives of the plan of Happy Valley, as connectivity is still achieved via bike and pedestrian paths;
- B. There is a demonstrated public need for the change to insure the safety and livability of the Sunnyside Village and Taralon communities;
- C. That the need will be best served by the amendment as proposed, as compared with the previous alternative of street connections;
- D. The proposed amendment is consistent with the use and implementation of growth management mechanisms and capital improvement programs of the city; and
- E. The proposed amendment can be implemented by the city and is consistent with other codes, ordinances and regulations.

Planning Commissioners
September 26, 2005
Page 3

Thank you for this opportunity to present our views and support our neighbors in this effort. We believe that City Staff has been sensitive to the needs of the community and we sincerely hope that you will approve this Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Holly Iburg', with a long horizontal flourish extending to the right.

Holly Iburg
Vice President, Operations

ENGINEERING PLANNING

13910 S.W. Galbreath Dr., Suite 100
Sherwood, OR 97140



SURVEYING

FORESTRY

TELEPHONE (503) 925-8799
FAX (503) 925-8969

May 31, 2005

Michael Walter
City of Happy Valley
12915 SE King Road
Happy Valley, OR 97236
Fax: 503-760-9397

RECEIVED BY

MAY 31 2005

CITY OF HAPPY VALLEY

Re: LP-03-05, MP-03-03, LDO-18-03 Sunnyside Heights

Dear Michael:

Per our meetings and discussions, this letter is intended to formally request that the street connection shown as "SE Commercial Street" on previous applications extending from SE Misty Drive not be required to extend to the westerly property line of the Sunnyside Heights project (Clackamas County 2 2E 1B Tax Lot 4000). This would require revising the Conditions of Approval for LP-03-05, MP-03-03, and LDO-18-03.

The primary reasons why this street connection should not be required include topography, costs, and traffic circulation.

The Conditions of Approval require a street connection to the westerly property line of the project site, stubbing at a point approximately 70 feet north of the south line of the property described as 2 2E 1B Tax Lot 305. The topography in the area west of the intermittent drainage where the street connection is being required is in excess of 25%. This creates two significant problems. First, the street grade necessary to stub the "SE Commercial Street" at the required location will be a minimum of 10% and will most likely have to be designed with some grades up to 15%. The street will have cuts and fills of 20 feet or more. With these large cuts and fills, it will be difficult to access the site from the street, either to the north or south of the street. Additionally, because of the large grade difference between the street and SE Sunnyside Road, that portion of the site will be steeper, the internal site access from "SE Commercial Street" to the future right in / right out on SE Sunnyside Road will have grades in excess of 10%, and the usability of the site will be significantly less.

The additional costs associated with the street connection to the west not only include the typical elements of the street and utilities such as pavement, base rock, curb and gutter, sidewalk, sanitary sewer, storm drainage, and water. They also include significant additional earthwork and retaining walls for the street and future development of the site.

There does not seem to be a need for this street connection based on traffic circulation. It does not appear desirable to have mixed use employment and commercial users from this site drive on a steep street system to the west through residential properties to SE 142nd Avenue (surrounded by residential

properties) to connect to SE Sunnyside Road. Additionally, it appears that only a few of the future residences to the west would actually utilize this street connection, and none of the future residences to the east would utilize this route as a through connection. It appears that a more desirable street connection would be from SE 142nd Avenue to SE 147th Avenue through the northern portion of the Sunnyside Heights site. This would provide an access to SE Sunnyside Road at a signalized intersection with SE 142nd Avenue for the future residential properties west of SE 147th Avenue. Attached is a copy of a "Preliminary Future Off-Site Circulation Plan".

Thank you for your consideration of this matter. If you have any questions or need any additional information, please contact me.

Sincerely,
AKS Engineering & Forestry, LLC



Montgomery B Hurley – PE, PLS, Principal

Attachment

Cc: Bruce Ament and John Lisac – Sunnyside Heights, LLC

CITY OF HAPPY VALLEY

12915 SE KING ROAD
PORTLAND, OREGON 97236
(503) 760-3325
FAX: (503) 760-9397

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission will hold a public hearing on the 11th day of October, 2005 at the hour of 7:00 p.m. in the City of Happy Valley Annex, 12915 SE King Road, in the City of Happy Valley, Oregon, in regard to the following matter:

DOCKET NUMBER

LDO-11-05 (Amendment to Rock Creek Comprehensive Plan)

The City of Happy Valley is proposing amendments to the Rock Creek Comprehensive Plan in regard to transportation connections, as generally illustrated within the attached drawings and proposed text revisions. Said changes would amend and remove envisioned potential transportation connections from the Rock Creek Comprehensive Plan due to the provision of alternate alignments, steep topography and the existence of a public park and significant natural resources.

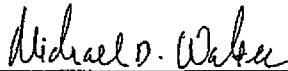
The Planning Commission may make a recommendation to the City Council to approve, approve with conditions or deny the Rock Creek Comprehensive Plan amendment request in accordance with the applicable Objectives and Policies from the City of Happy Valley Comprehensive Plan; and, Title 16 (Development Code) of the City of Happy Valley Municipal Code, including Sections §16.40.020 (Initiation of a plan amendment), §16.40.040 (Public hearing and notice), §16.40.041 (Review criteria) and 16.40.042 (Filing requirements). Said sections are available on the City's website at www.ci.happy-valley.or.us. *All written comments must be received by the City of Happy Valley, 12915 SE King Road, Portland, OR 97236 by 5:00 p.m. on Friday, September 30, 2005.*

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

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

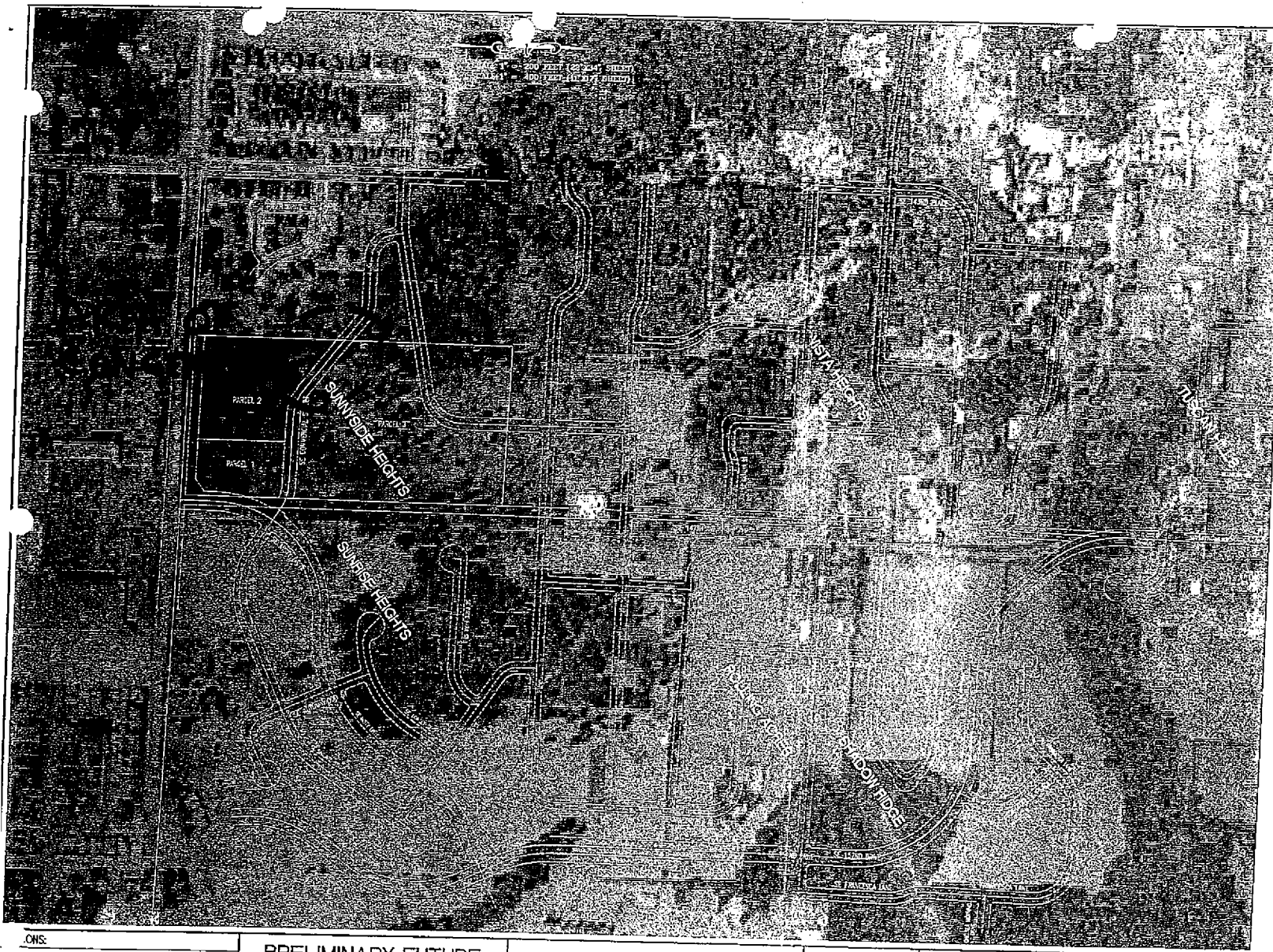
The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m. weekdays), please call for an appointment. For additional information, contact Michael D. Walter, Planning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

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



Michael D. Walter, AICP
Planning Services Manager

EXHIBIT # 5



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CITY OF HAPPY VALLEY

CNS:

**PRELIMINARY FUTURE
OFF-SITE
CIRCULATION PLAN**



ENGINEERING - PLANNING - SURVEYING - FORESTRY
LICENSED IN OR, WA, & AZ
13910 SW CALBREATH DRIVE SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 975-8299 FAX: (503) 975-8102

DESIGNED BY:	USM	DRAWING NO.:	1187200001A (R001) (REV) 05/23/05
DRAWN BY:	PSY	SCALE:	AS NOTED
CHECKED BY:	MBI	DATE:	05/23/05

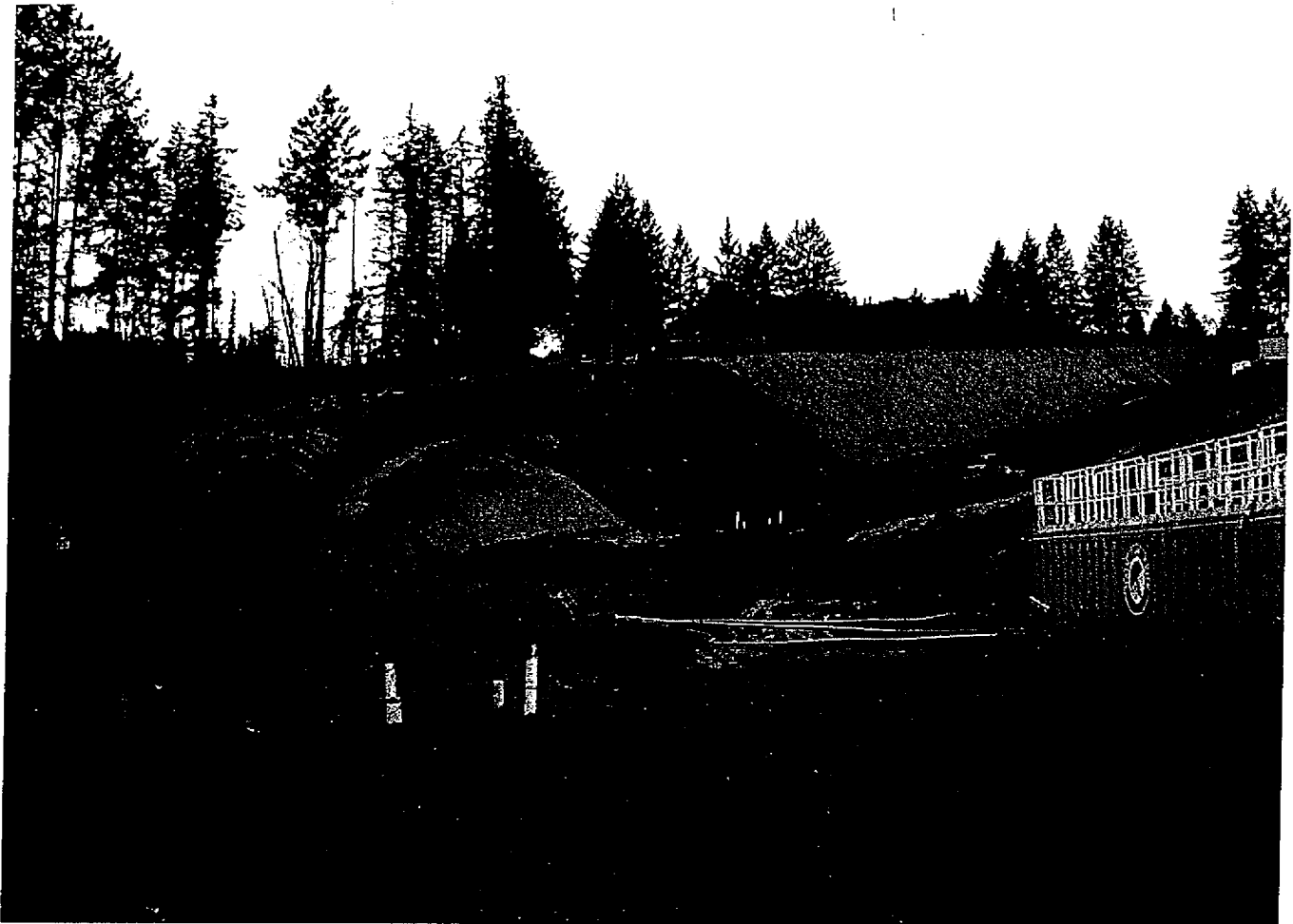
PREPARED FOR:
SUNNYSIDE HEIGHTS, LLC
THOMAS EDWARDS, STATE 115
10175 SE SUNNYSIDE ROAD
CLACKAMAS, OR 97015
FAX: 503-786-7170

SUNNYSIDE HEIGHTS
HAPPY VALLEY
TAX LOT 6000

DATE: 5-31-05 MH

JOB NUMBER: 1187
SHEET: 1 OF 1

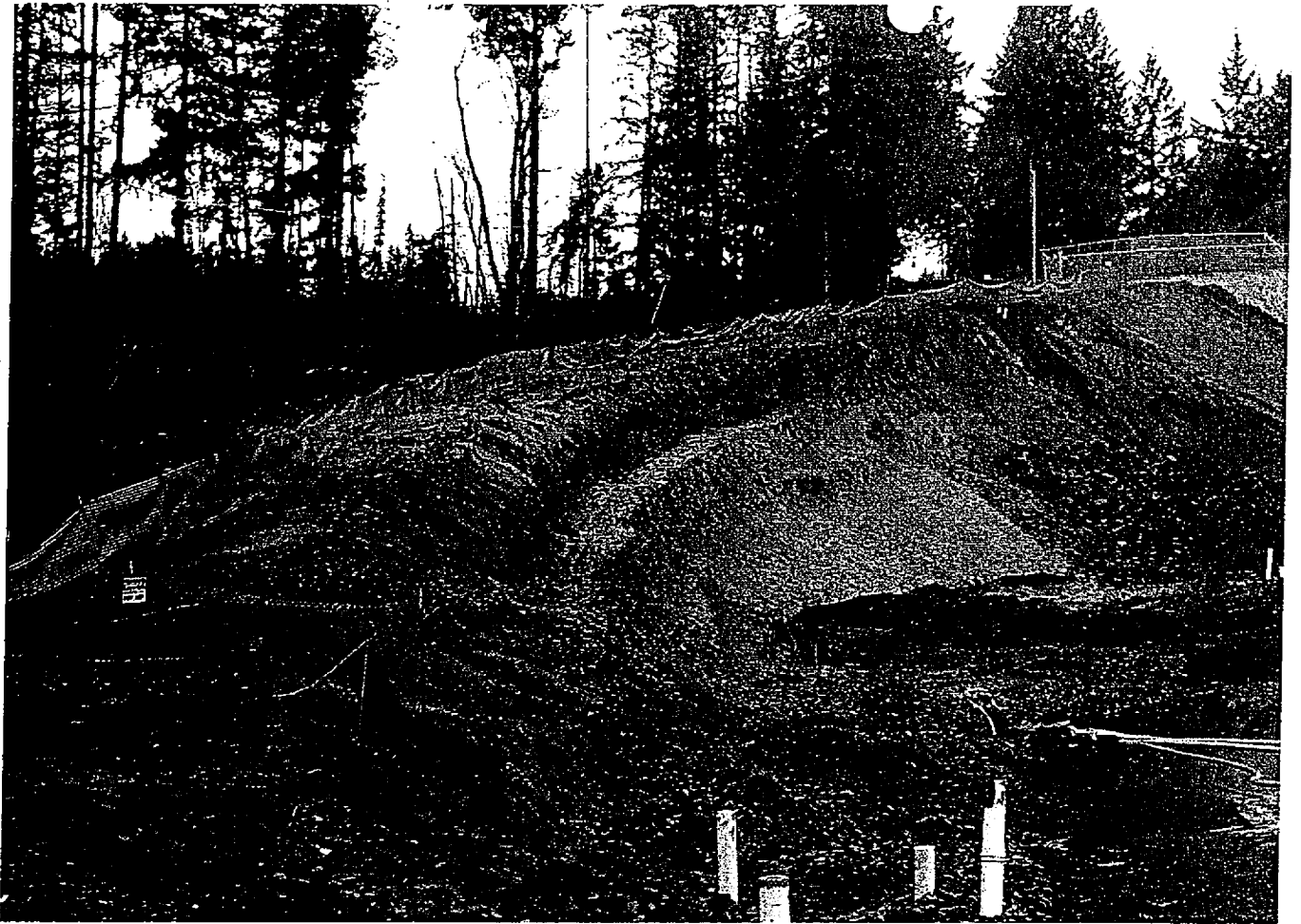
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ATTACHMENT # 13



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