



# 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

December 14, 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 007-06

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: December 29, 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.**

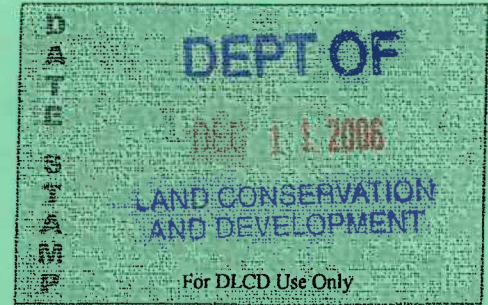
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Amanda Punton, DLCD Natural Resource Specialist  
Matthew Crall, DLCD Transportation Planner  
Michael Walter, City of Happy Valley

<paa> ya/



**PROF** **2** **Notice of Adoption**

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: City of Happy Valley Local file number: CPA-02-06/LDO-06-06  
Date of Adoption: December 5, 2006 Date Mailed: December 7, 2006  
Date original Notice of Proposed Amendment was mailed to DLCD: September 22, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: Adoption of a special area Comprehensive Plan

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

CONSIDERATION AND ADOPTION OF A LEGISLATIVE SPECIAL AREA COMPREHENSIVE PLAN FOR AN APPROXIMATELY 80-ACRE GEOGRAPHIC REGION THAT WAS OMITTED FROM THE CITY'S "ROCK CREEK COMPREHENSIVE PLAN," BUT HAS SUBSEQUENTLY BEEN INCORPORATED WITHIN (THOUGH WELL WEST OF) THE DAMASCUS-BORING CONCEPT PLAN AREA.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: N/A to: N/A  
Zone Map Changed from: N/A to: N/A  
Location: SEE ATTACHED Acres Involved: 76.92  
Specify Density: Previous: N/A New: N/A  
Applicable Statewide Planning Goals: 1, 2, 5, 11 AND 12  
Was and Exception Adopted?  YES  NO

DLCD File No.: 007-06 - CPA-02-06  
(15582)



Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

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

CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

Local Contact: MICHAEL WALTER Phone: 503 ) 595- 6172 Extension: \_\_\_\_\_

Address: 12915 SE KING ROAD City: HAPPY VALLEY

Zip Code + 4: 97086 - 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 Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice 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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



CITY OF HAPPY VALLEY  
ORDINANCE NO. 346

AN ORDINANCE ADOPTING THE "ALDRIDGE ROAD COMPREHENSIVE PLAN"; ADOPTING CONGRUENT COMPREHENSIVE PLAN TEXT AMENDMENTS; AND, AMENDING OFFICIAL MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND DEVELOPMENT ORDINANCE NO. 97, AS AMENDED - COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE FROM CLACKAMAS COUNTY RA-2, RRF5-5 AND FF-10 TO CITY R-40, R-10 AND R-8.5.

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application CPA-02-06/LDO-06-06 was initiated by a public-private partnership between the City of Happy Valley and Sequoia Property Development to adopt the "Aldridge Road Comprehensive Plan"; amend and augment existing Comprehensive Plan text; and, amend the Development District Map (Official Map Exhibit 11 of Ordinance 97) by applying City R-40 zoning to the properties known as Clackamas County Assessor Map No. 12E35D: Tax Lots 1601 and 1616, City R-10 zoning to 12E35D: Tax Lot 801 and City R8.5 zoning to 22E02A: Tax Lots 100 and 200 and as illustrated within Exhibit 1; and,

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on November 14, 2006; and,

WHEREAS, the Planning Commission unanimously recommended that said "Aldridge Road Comprehensive Plan" be implemented based on the land use district plan represented as Plan "E"; that the Comprehensive Plan Text Amendments be implemented; and that Official Map Exhibit 11 be amended as recommended in the Staff Report to the Planning Commission dated July 25, 2006; and,


WHEREAS, the City has timely forwarded a copy of the proposed amendment to the Department of Land Conservation and Development of the State of Oregon; 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 adopt the "Aldridge Road Comprehensive Plan"; incorporate the proposed Comprehensive Plan Text Amendments; and, revise the Official Development District Map, Exhibit 11, and upholds the Planning Commission's recommendation pursuant to the findings within the Staff Report to the City Council dated December 5, 2006.

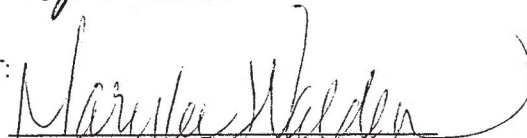
NOW, THEREFORE, it is hereby declared by the City Council of Happy Valley, Oregon, that the City shall adopt the "Aldridge Road Comprehensive Plan"; incorporate the proposed Comprehensive Plan Text Amendments; and, that the City's Land Development Ordinance be amended by substituting a new Exhibit 11 with the Development Districts changed, as set forth as illustrated within Exhibit "1" to this Ordinance 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 December 5, 2006 and read for the second time on December 5, 2006, and adopted by a 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](http://www.ci.happy-valley.or.us)

**CITY OF HAPPY VALLEY  
STAFF REPORT TO THE CITY COUNCIL**

**DECEMBER 5, 2006**

**COMPREHENSIVE PLAN TEXT AMENDMENT AND  
COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE**

**(ALDRIDGE ROAD COMPREHENSIVE PLAN)**

**FILE NO. CPA-02-06/LDO-06-06**

The following staff report has been prepared based on the information provided through a public-private partnership between Sequoia Property Development and the City of Happy Valley.

**I. GENERAL INFORMATION:**

**APPLICABLE CRITERIA:**

Applicable Goals and Policies from the City of Happy Valley Comprehensive Plan; applicable Sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code, including §16.16.020 (Initiation of a plan amendment), §16.40.041 (Review criteria) and §16.40.080 (Designation upon annexation to the city); Titles 1-5, 7 and 11-13 of METRO Chapter 3.07 (Urban Growth Management Functional Plan); Sections 197.010 and 197.200 of the Oregon Revised Statutes; and, Divisions 7, 8, 11, 12, 16 and 18 of the Oregon Administrative Rules.

**EXHIBITS:**

NOTE: Exhibits marked by **bold, underline** text are either updates or additions to the Exhibits found within the original Planning Commission Staff Report dated November 14, 2006

EXHIBIT # 1



1. Staff Report and Findings of Fact
2. **Narrative and Proposed Findings by Sequoia Property Development**
3. Plans and Materials provided by Sequoia Property Development including:
  - A. Proposed Plan "E"
  - B. Proposed Comprehensive Plan/Zoning based on Plan "E"**
  - C. Proposed Plan "G"
  - D. Aldridge Road Transportation Plan prepared by Lancaster Engineering dated September 2006
  - E. Transportation Planning Rule Addendum (Excerpt)<sup>1</sup> prepared by Lancaster Engineering dated November 21, 2006**
  - F. Wetland Delineation and Assessment (Excerpt)<sup>2</sup> prepared by The Resource Company, Inc. dated July 28, 2006
  - G. Preliminary Geotechnical Evaluation prepared by GeoPacific Engineering, Inc. dated August 18, 2006
  - H. Public Facilities Plans and Cost Estimates**
  - I. Materials from Workshop No. 1 hosted by Sequoia Property Development on February 15, 2006
  - J. Materials from Workshop No. 2 (Excerpt)<sup>3</sup> hosted by Sequoia Property Development on April 1, 2006
  - K. Materials from Workshop No. 3 (Excerpt)<sup>4</sup> hosted by Sequoia Property Development on June 1, 2006
  - L. Alternative Plans "A-H"
4. Damascus-Boring Concept Plan (Excerpt)<sup>5</sup>
5. Letter from Perkins Coie dated November 28, 2005
6. Memorandum from Bob Galati, City Engineer dated November 6, 2006
7. Memorandum from DKS Associates dated November 3, 2006
- 8. Memorandum from DKS Associates dated November 21, 2006**
9. Letter from Kathy Nordquist & L. George Allen dated October 20, 2001(6)
10. Letter from Jared & Emma Jane McArthur dated October 31, 2006
11. Letter from John & Debbie Shepherd dated October 28, 2006
- 12. Letter from Rita Baker dated November 2, 2006**
13. Measure 56 Public Notice
14. Standard Public Notice

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<sup>1</sup> Technical Appendix available in File

<sup>2</sup> Wetland Delineation Data Forms available in File

<sup>3</sup> Duplicate materials from hosted workshops available in File

<sup>4</sup> Duplicate materials from hosted workshops available in File

<sup>5</sup> Damascus-Boring Concept Plan documents available in File



**BACKGROUND:**

In 1999, the City completed the Rock Creek Concept Plan for Urban Reserve Areas 14 and 15, which eventually became the Rock Creek Comprehensive Plan, adopted in 2001. For reasons not completely understood with the passage of time and staff turnover (although anecdotal statements indicate organized opposition combined with government oversight), the subject area was not included as an Urban Reserve Area, and thus, not included within the Rock Creek Comprehensive Plan Area.

The following Comprehensive Plan Map Amendment/Zone Change and Comprehensive Plan Text Amendments reflect the joint efforts of a private-public partnership between the City of Happy Valley and Sequoia Property Development. As reflected in the letter from Perkins Coie (see Exhibit 5) Sequoia Property Development requested approval from the City Council to pay for the cost of planning for this “orphaned” area of land. The City Council subsequently granted the developer’s request.

**SUBJECT AREA:**

The Aldridge Road Comprehensive Plan is approximately 80 acres in size and consists of 22 properties containing 16 existing homes. It is generally located north of Sunnyside Road, predominantly south of Aldridge Road (although a portion of the area is north of Aldridge Road), west of 147<sup>th</sup> Avenue, and east of 137<sup>th</sup> Avenue. The area is entirely within Clackamas County and the Urban Growth Boundary. Five of the 22 properties have annexed into the City of Happy Valley, while the remainder of the properties remain in unincorporated Clackamas County. These properties have Clackamas County zoning of Rural Residential Farm Forest 5-Acre (RRFF-5) and Farm Forest 10-Acre (FF-10), and have the ability to annex into the City of Happy Valley.

The northeast portion of the plan area has grades of approximately 5-20 percent, sloping downward to the northeast. The remainder of the plan area has grades of 10-50 percent, sloping downward to the southwest. The northern portion of the plan area is generally flatter than the southern portion of the plan area.

The northern portion of the plan area primarily consists of large homes on estate-sized lots (+/- two acres) with access onto Aldridge Road. Two of the lots are in the Eastbourne Downs Subdivision and Homeowner’s Association and thus subject to its Conditions, Covenants, and Restrictions (CCR’s). Some of the lots have significant groves of large trees while others have few or no trees. The southern portion of the plan area consists of several large properties with a few homes. The southern portion is primarily covered with trees and brush. In addition, there are a few minor stream drainages in the middle of the plan area, which may be jurisdictional. In addition, there is an existing PGE power line easement that cuts through the southeast portion of the plan area.



Two existing streets currently provide access to the subject area. Aldridge Road is an under-improved (no sidewalks or planter strips) paved local residential street that runs east-west through the northern portion of the plan area, containing a paved width generally between 20 and 26 feet wide. It provides access to the Eastbourne Downs Subdivision via Eastbourne Lane (a private street). Additionally, Aldridge Road provides the vehicular access to all of the existing homes within the plan area. 143<sup>rd</sup> Place is an under-improved local residential street that primarily runs north to south, and will see improvements as part of the development of the Esmerelda Subdivision.

There are several existing and proposed street stubs into the plan area. Existing street stubs include 142nd Avenue which stubs at the southeast corner of the plan area, Terra Cascade Drive which stubs along the west line of the plan area, and 143rd Place which stubs along the east line of the plan area. Proposed street stubs include: a street stub from "The Reserve Phase II" subdivision development (Tax Lot 706 Clackamas County Map 1 2E 35D); a street stub from the subdivision development on Tax Lot 301 of Clackamas County Map 2 2E 2A (which will extend 139<sup>th</sup> Avenue); a street stub from the "Southern Ridge Phase I" Subdivision development (Tax Lot 305 Clackamas County Map 2 2E 1B); two street stubs from the proposed "Lyon Crown Ridge" Subdivision (Tax Lot 301 Clackamas County Map 2 2E 1B), which is scheduled for public hearing on November 28, 2006); and, a street stub from the "Esmeralda" Subdivision development which connects to the southern terminus of SE 143rd Place.

#### **ADJACENT USES & ZONING:**

Residential properties about the subject area in all compass directions. Surrounding residential properties range from fairly high density single-family residential development (5,000 square-foot lots), to large "estate" lots (+/- one acre), and some large properties (two acres plus), most of which are currently being developed.

**North.** The adjacent properties to the north are primarily large "estate" lots with large homes. They are a part of the "Eastbourne Downs" Subdivision. They have access to Eastbourne Lane, which connects to Aldridge Road. The properties are in the City of Happy Valley and have City R-40 zoning district.

**South and Southwest.** Adjacent properties to the south and southwest include unbuildable tracts that are part of an adjacent subdivision development, residential subdivision lots, and larger properties with some development potential. Tax Lot 301 of Clackamas County Map 2 2E 2A (which will extend SE 139<sup>th</sup> Avenue) is currently being developed. The properties to the south are not in the City of Happy Valley and have Clackamas County zoning of Urban Low Density Residential VR-5/7, R-7, and R-10.

**East.** The properties to the east are large and are currently being developed within the City of Happy Valley. These subdivision developments include "Esmeralda", the proposed "Lyon

Crown Ridge”, and “Southern Ridge Phase I”. These properties are zoned a combination of City R-8.5 and R-10 zoning.

**West.** The properties to the west include residential subdivision lots and a large property being developed as “The Reserve Phase II”. Most of these properties are not in the City of Happy Valley and have Clackamas County zoning of Urban Low Density Residential R-10 and R-15. The northern property along the west line of the plan area is part of “The Reserve Phase II”, and is zoned City R-15.

## **OBSERVATIONS:**

### DAM-BORING CONCEPT PLAN

- As illustrated and discussed within the excerpted materials from the Damascus-Boring Concept Plan (see Exhibit 4), and discussed in the BACKGROUND section, the subject area has been included as an “orphaned” area within the Damascus-Boring Concept Plan. As such, the area is illustrated (as a conceptual guide), with a combination of relatively flat residential land, transition areas (approximately 15-25 percent slope) and conservation areas (approximately greater than 25 percent slope area). Although true survey data would be the litmus test for any future analysis, this mapping illustrates one of the basic premises of the landscape based place-making that is a precept of the Damascus-Boring Concept Plan – that flatter, less steep areas accommodate density, while steeper sloped areas do not. Fundamentally, said approach from the regional concept plan has been at odds with the wishes of the *majority* of the property owners within the subject area, as well as neighboring property owners to the north in the Eastbourne Downs Subdivision. That is, as demonstrated within the hosted Workshops (see Exhibits 3I, 3J and 3K), written testimony (see Exhibits 9-12) and telephone conversations between staff and property owners within the subject area and the neighborhood to the north, it would appear that the majority of the property owners within the subject area prefer a zoning layout that would reflect very low density residential districts within the northern area of the site (where the estate-lot, low density residential development currently exists), with some opportunity for limited infill development, while the larger, mostly undeveloped properties in the southern section of the subject site seek higher single-family residential zoning, most likely to accommodate future sale. Staff notes that densities within said southern areas will be seriously impacted by steep slopes overlay and the presence of any intermittent or perennial streams, particularly if determined jurisdictional, and therefore subject to buffer requirements.

We further note that “implementation” of the Damascus-Boring Concept Plan is not regulated or “mandatory.” Rather, the Damascus-Boring Concept Plan acts as a guide to local government development of a Comprehensive Plan or “Sub-Area” Plans. If, in the evaluation of Sub-Area Plans or Comprehensive Plans, the local government opts to not



follow the precepts of the Damascus-Boring Concept Plan, there are no legal consequences to said action. Staff notes that the Planning Commission has recommended approval of the Plan "E" land use district plan for the subject area, which is not consistent with the precepts of the Damascus-Boring Concept Plan.

#### ALTERNATE PLANS EVALUATION

- Alternate plans "A-H" (see Exhibit 3L) were originally crafted by Sequoia Property Development, in order to illustrate a wide variety of conceptual plans and theoretical development patterns based on a wide range of zoning patterns. Much discussion and emphasis has been placed on said conceptual plans in regard to the placement of streets and open space areas. Staff cannot emphasize enough that the proposed Conceptual Plans are simply that, conceptual. They do not set road alignments, do not dictate the placement of open space areas, do not subdivide land into lots, etc. Rather, they are simply illustrative tools, actual development patterns and street systems would not be known until an applicant provides a Planned Unit Development (PUD) or standard Subdivision or Partition application to the City.
- Throughout the public involvement process and through review of the Damascus/Boring Concept Plan, it became evident that there were two very different desires for the subject plan area. Both desires are for low density residential development; however, the desires differ about which areas should be the higher density versus lower density. Most property owners within the plan area and neighboring property owners supported development of the plan area consistent with the surrounding areas and similar to recent development within the City of Happy Valley. The northern portion of the plan area would be lower density near existing low density developments (e.g. "Eastbourne Downs"). The southern portion of the plan area would be higher density because it is closer to Sunnyside Road and is surrounded by higher density residential subdivisions. This perspective is represented with Preliminary Alternative Plan E (see Exhibit 3A), and further illustrated within the Proposed Comprehensive Plan/Zoning based on Plan E (see Exhibit 3B).

The Damascus/Boring Concept Plan, both through the map and text, shows that the property should be planned for residential development with higher density on the northern portion of the plan area where the slopes are flatter and with lower density on the southern portion of the plan area where the slopes are steeper. This perspective is represented with Preliminary Alternative Plan G (see Exhibit 3C).

#### PUBLIC INVOLVEMENT

- Sequoia Property Development held a large variety of meetings and hosted four separate workshops in conjunction with the proposed Aldridge Road Comprehensive Plan. Listed

below are some of the key meetings with City staff and workshops with property owners. Additional correspondence occurred via phone, e-mail, mail, etc.

- ..... City Staff on September 30, 2005
- ..... City Council on December 6, 2005
- ..... City Staff on January 3, 2006
- ..... Public Workshop #1 on February 15, 2006
- ..... Public Workshop #2A on April 1, 2006
- ..... City Staff on April 14, 2006
- ..... Public Workshop #2B on April 17, 2006
- ..... Public Workshop #3 on June 1, 2006
- ..... City Staff on July 6, 2006
- ..... Weekly Project Team (Sequoia Property Development) Member Meetings

Notice of the developer sponsored Workshops were sent to all of the property owners within the plan area and neighboring property owners within 500 feet of the plan area. Typically, for each of the workshops, two notices were sent (a formal letter and a card invitation). These notices were usually sent out one to four weeks in advance of the workshops. Workshops were held on different weekday evenings and a Saturday morning. The goal was to make sure that all people had ample opportunity to attend the workshops. There were several complaints that people could not make it to the meeting held Saturday morning April 1, 2006 (Workshop #2A); therefore, an additional meeting was held on April 17, 2006 (Workshop #2B) for the people that could not attend the April 1, 2006 meeting (Workshop #2A). There were a few neighboring property owners concerned that they did not get notice, or the notice was sent to the wrong address. Every effort was made to correct any problems with addresses or failures of neighboring property owners receiving notice. Additionally, all attendees were encouraged to tell their neighbors of the meetings and additional meeting packets were provided so attendees could provide them to other interested parties.

Attendees were provided comment sheets, in which they were encouraged to list all concerns, questions, and comments (see Exhibits 3I, 3J and 3K). They were typically provided two weeks after the meeting to have those comments submitted. Most comments were handwritten and submitted at the meeting or mailed; letters and e-mails were received as well.

### SCHOOL CAPACITY

- As the City Council may recall, of significant note in regard to potential Comprehensive Plan Map Amendments/Zone Changes is the role of school capacity. As a reminder, please consider the existing language within City of Happy Valley Comprehensive Plan Policies #99 and #102.



“[...]”  
#99. *Any land development within the City shall be subject to participation in the provisions 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.*

[...]”  
#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 County Fire District No. 1 (CCFD#1)*
- Clackamas County, Department of Transportation and Development*
- North Clackamas School District No. 12*
- North Clackamas Parks & Recreation District*
- Tri-Met*
- City of Portland*
- City of Gresham*
- City of Damascus”*

Sequoia Property Development has stated that they are in the process of finalizing North Clackamas School District (School District) support for five previously annexed parcels within the subject area, totaling approximately 30.64 acres in size. Thus, staff recommends that as approved by the City Council (and as recommended by the Planning Commission), the final Comprehensive Plan Map/Zoning Map amendments within the subject area should be limited to those properties that have annexed to within the city limits, and have either proved that adequate school capacity exists, or have garnered support from the School District. All other parcels within the Comprehensive Plan

Map/Zoning Map will receive "shadow zoning" wherein within said map, the parcel will be colored so as to reflect the adopted Aldridge Road Comprehensive Plan land use districts, but will be "shaded" or "hatched" for properties that have not been annexed within the city limits (for an example, see Exhibit 3B). Said shading or hatching will indicate that said underlying Comprehensive Plan/Zoning District shall not be legislatively implemented until said property has annexed and again, either proved that adequate school capacity exists, or have garnered support from the School District. Staff has proposed Comprehensive Plan Policy Amendments specific to this scenario, which are outlined below for consideration by the Planning Commission.

### COMPREHENSIVE PLAN POLICY AMENDMENTS

- Staff recommends that specific Comprehensive Plan Policies be crafted to "tie" the eventually adopted Aldridge Road Comprehensive Plan to the City's greater Comprehensive Plan, and to address the above issues discussed under SCHOOL CAPACITY.

#### **Proposed Amendments to the City of Happy Valley Comprehensive Plan**

Language to be omitted is ~~strikethrough~~, proposed language additions are in **bold underline**.

"Policy 54D: Generally, the Rock Creek ~~Urban Reserve~~ **Comprehensive Plan and Aldridge Road Comprehensive Plan** will determine land uses and guide the provision of Level 1 facilities and services to land annexed to the City ~~in the~~ **that is located roughly north of Sunnyside Road, east of 137<sup>th</sup> Drive and west of 162<sup>nd</sup> Avenue** area, as follows:

54D.1 The City's long-term Commercial and Office needs will be met through annexation of the existing Sunnyside Village Center, and the planned Mixed Use Employment, Mixed Use Commercial and Mixed Use Residential designations.

54D.2 **A portion of** ~~t~~The City's long-term Multiple Family and Small-Lot Single Family Residential needs will be met through annexation of the planned Mixed Use Residential and Village Residential designations **in the Rock Creek Comprehensive Plan Area**.

54D.3 Open space opportunities and natural resource areas will be preserved consistent with Metro's Title 3 and City Comprehensive Plan policies.

**54D.4 Medium to Large-Lot Single-Family Residential needs in this sub-area will continue to be met through annexation of the properties within the Aldridge Road Comprehensive Plan Area, Densities within the Aldridge Road Comprehensive Plan Area will match those within the adopted Plan, which**



**may only be altered by a complete replacement of the adopted Plan and subsequent Comprehensive Plan Map/Zoning Map Amendments. Proposed changes to a single parcel or set of multiple parcels that do not include the entire Plan area will not be considered by the City of Happy Valley.**

- Policy 54E: Happy Valley will coordinate with Clackamas County in the adoption of “concurrency” standards for development served by Sunnyside Road.
- Policy 54F: To minimize congestion along Sunnyside Road and to reduce traffic through residential Happy Valley neighborhoods:
- Policy 54F.1: Extension of 147<sup>th</sup> Avenue connecting Sunnyside Village with 145<sup>th</sup> Avenue and Happy Valley shall occur prior to or in conjunction with the development of “Mixed Use Residential”, “Mixed Use Employment” and “Mixed Use Commercial” land north of Sunnyside Road within the Rock Creek Urban Reserve **Comprehensive** Plan area. The present alignment and improvements on 147<sup>th</sup> Avenue through the new annexation area are unsatisfactory for urban-level development. The street needs to be realigned to serve as an area-wide transportation facility and to specifically connect Sunnyside Village with 145<sup>th</sup> Avenue north of Monner Road. The City and County should, with opportunity for public comment, determine an appropriate new 147<sup>th</sup> alignment and the extent of new right of way needed. This should be coupled with a specific finance plan for 147<sup>th</sup> Avenue right of way acquisition and street construction. This finance plan should involve the City, County and all undeveloped property within the new annexation area, and be established on a fair and proportionate basis amount those undeveloped properties. Because the realignment and reconstruction of 147<sup>th</sup> Avenue is central to achieving the objective of the plans for the new annexation area, these activities should be initiated as soon as possible and shall be completed within one (1) year from the adoption of this Policy. All development within the new annexation area shall be planned and conditioned to dedicate any necessary right-of-way and participate in the finance plan to realign and rebuild 147<sup>th</sup> Avenue.
- Policy 54G: Happy Valley shall ensure that all commercial and office centers are accessible by transit, bicyclist and pedestrians, generally as shown on the Rock Creek Urban Reserve **Comprehensive** Plan.
- [...]  
#99. Any land development within the City shall be subject to participation in the provisions 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.

**Policy 99A:** **Comprehensive Plan Map Amendments/Zone Map Amendments that involve a change to a land use district that allows residential development as either a permitted or conditional use, shall provide either evidence of adequate school district capacity for the number of students possible under the proposed zone, based on the most dense development scenario provided by said land use district or, shall otherwise demonstrate a recommendation of support from the affected school district.**

**99A.1** **Within any adopted Comprehensive Plan Map/Zoning Map Area, parcels which have not annexed to within the city limits, and/or parcels which have a land use district that may accommodate residential development, but have not provided evidence of adequate school district capacity or otherwise demonstrated a recommendation of support from the affected school district, shall be illustrated within the City's Comprehensive Plan Map/Zoning Map with a zoning designation color that is "shaded" or "hatched." Said parcels will not be allowed legislative implementation of the underlying Comprehensive Plan Map/Zoning Map land use district (removal of shading/hatching) until annexation and demonstration of adequate school district capacity or otherwise demonstrating a recommendation of support from the affected school district. If supported by adequate school district capacity analysis or demonstrated support, said legislative implementation of the land use district may occur at the time of annexation, or may occur at any time after annexation of parcels to within the city limits."**

#### AGENCY AND INTERESTED PERSONS COMMENTS

- Notification and materials were 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 and materials were sent to the regional government (METRO) and other affected public and private agencies. No comments were received.



Measure 56 compliant notice was sent to all parcels within the subject area, and a general notice was sent to all properties within a 500-foot radius of the subject area. As of the date this report was written, three letters had been received by the Community Development Department, and are included as Exhibits 9-12.

## **II. RECOMMENDATION**

The public-private partnership that has provided the planning and citizen involvement for the Aldridge Road Comprehensive Plan has illustrated the unique characteristics surrounding this approximately 80-acre “orphaned” site, which along with neighboring properties to the northeast, would have been best served to have been incorporated within the Rock Creek Comprehensive Plan. However, as said terms did not come to pass, fundamentally, staff notes that surrounding zoning patterns and land development actions have “surrounded” the subject area, and as such, future planning for this area should place heavy emphasis on said local development patterns and local street connections. To this extent, we believe that a Comprehensive Plan for the subject area necessitates the transgression, or “transect” of zoning patterns that will “blend” with existing developments in all compass directions. Again, we emphasize that said development patterns, actual densities and local street connections will be fairly limited due to existing steep slopes and perennial/intermittent streams which may or may not be determined jurisdictional.

Therefore, staff recommends that the City Council uphold the recommendation of the Planning Commission by approving CPA-02-06/LDO-06-06 (Aldridge Road Comprehensive Plan), inclusive of a land use district layout reflecting Proposed Plan “E”, based on the Findings of Fact, below. Staff notes that an Ordinance implementing the Comprehensive Plan Map Amendments/Zone Changes and Comprehensive Plan Text Amendments, is attached.

## **III. FINDINGS OF FACT**

### **1. The following Goals and Policies from the City of Happy Valley Comprehensive Plan are applicable to this request:**

NOTE: Staff notes that applicable Comprehensive Plan Policies are listed within the submitted Narrative (Exhibit 2), see Pages 18-23.

#### Narrative Response:

See Pages 18-23.

#### **Staff Response:**

Staff finds that the list of applicable Comprehensive Plan Policies as provided in the Narrative is adequate in scope as applied to the proposal, and that the responses presented within the Narrative sufficiently address said Policies. Therefore, staff recommends that these responses be

adopted within the record, and notes that combined with the recommended changes and additions to Comprehensive Plan Criteria (noted above), these criteria are satisfied by the request.

**2. The following sections of Title 16 of the Happy Valley Municipal Code (DEVELOPMENT CODE) are applicable to this request:**

“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 ordinance of the adopted Happy Valley Comprehensive Plan may be initiated by the City, any resident of the City, property owners or authorized agent. [...]*

Narrative Response:

Not addressed.

**Staff Response:**

The Comprehensive Plan Map Amendments/Zone Changes have been posed by the City of Happy Valley in conjunction with a property owner, with corresponding Comprehensive Plan Text Amendments proposed by the City. Therefore, this criterion has been satisfied by the request.

[...]

Section 16.40.041 Review criteria.

*A. The proposed amendment is consistent with and promotes applicable Goals and Policies of the Comprehensive Plan of the city;*

Narrative Response:

See Page 24 of the submitted Narrative (Exhibit 2).

**Staff Response:**

See the staff response to applicable Goals and Policies of the Comprehensive Plan, 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;*

Narrative Response:

See Pages 24-25 of the submitted Narrative (Exhibit 2).

**Staff Response:**

Although there is not a specific and identified housing needs analysis completed by the City for additional low to medium density zoned land within the City of Happy Valley, the proposed change would comply with Metro's Regional Framework Plan and the Urban Growth Management Functional Plan (UGMFP) for supplying housing and increasing density within the existing Urban Growth Boundary (UGB). Although the exact densities of development within the subject area would not be known until development applications were received, the applicant's Concept Plan "E" envisions 131 lots within the 76.92 acre subject area, a conceptual density of 1.7 dwelling units per acre (du/ac). Although the proposed land use district plan proposed within Plan "E" will equate to a lower density than that stipulated for Happy Valley by Metro (six dwelling units per acre), the proposed land use district plan proposed within Plan "E" would allow the properties to develop at a density consistent with the surrounding area and in a manner that is suitable for the slope found on the properties while allowing for protection of the natural resources through future PUD applications.

Metro requires that local jurisdictions increase residential density for properties within the UGB provided the prescribed densities are consistent with the 2040 Growth Concept Plan (1994). While state law requires UGB's have adequate capacity for an expected 20 years of growth, Metro requires UGB expansions be minimized by increasing the overall density within the existing UGB and thereby reducing the overall increase in the size of the UGB. However, if population within Happy Valley and the region increases as Metro projects, developable land within existing UGBs is needed to accommodate this growth in a way that protects sensitive areas and provides additional housing units needed for the projected increase in population. The proposed Comprehensive Plan Map Amendment/Zone Change would meet a public need by increasing the supply of developable land consistent with the City's Comprehensive Plan Goals and Policies for provision of housing, and meeting Metro's goals for increasing density while accommodating the anticipated future population and housing growth on available land. Therefore, this criterion is satisfied by the request.

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

Narrative Response:

See Page 25 of the submitted Narrative (Exhibit 2).

**Staff Response:**

Staff interprets the language “other alternatives” in this criterion to mean that the alternatives would be to not allow Comprehensive Plan Map Amendments/Zone Changes within the subject area. This criterion is not interpreted to require the City to look at other properties as an alternative. Staff’s interpretation of this criterion has been consistent since this criterion was adopted and is carried forward in review of the proposed Aldridge Road Comprehensive Plan, Plan “E”.

The potential for future development within the subject area requires increasing the allowable number of residential units from the existing County zoning that permits one dwelling unit per five acres (RRFF-5) and one dwelling unit per ten acres (FF-10) to higher densities similar to those found within the greater Happy Valley area. The most efficient use of the parcels would be to allow increased residential density as proposed within Plan “E”, thereby increasing the available developable land and future housing supply within Happy Valley when the subject area is developed. The proposed Plan “E” will result in residential densities consistent with achieved city densities and densities in the greater surrounding area, though not meeting Metro housing goals.

Not permitting the Comprehensive Plan Amendment/Zone Change to occur would limit the development potential of the property, would not meet housing and urbanization goals and policies adopted in the greater Happy Valley Comprehensive Plan, and would not be consistent with Metro’s Regional Framework Plan and Urban Growth Management Plan that requires cities to increase density within existing UGBs. In addition, the land use district plan envisioned in Plan “E” compared with other alternatives does not significantly alter the lot size/lot pattern/home design of the surrounding neighborhoods. That is, if development were to occur within the subject area per the proposed land use districts associated with Plan “E”, it is unlikely that the resultant homes would be appreciably different in size and character than the homes within the surrounding neighborhoods. Therefore, this criterion is satisfied by the request.

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

Narrative Response:

See Pages 25-27 of the submitted Narrative (Exhibit 2).

**Staff Response:**

The City of Happy Valley Comprehensive Plan establishes goals and policies to guide the quantity, type, costs, timing, and quality of development within the city. The applicable growth management mechanism policies related to the proposed project are Policies 97, 99, and 102.



Policy 97 states that the “City shall permit development on vacant buildable lands when all Level 1 facilities and services are available [including] sanitary sewer, water supply, storm drainage, fire protection, and streets and roads.” Policy 99 is similar to Policy 97, although it refers to having adequate provisions for providing Level 2 services that include schools, police protection, parks and recreation, public transit, vector control, and city administrative services. Policy 102 requires city coordination with local service providers to ensure adequate services are available. Policy 102 states that the “city shall rely on a determination provided by the service providers and other affected agencies. . . Any determination shall be within the parameters of the providers’ or agency’s own standards, criteria, requirements or plans.” The impact to Level 2 service providers, and in particular the School District has been discussed within this report, and is proposed to be addressed by the inclusion of new Comprehensive Plan Policies addressing the relationship between the proposed Comprehensive Plan Map Amendments/Zone Changes, the analysis of adequate school capacity and the provisions of state law.

Generally, the subject area would remain within service areas currently serving the area. This includes the Sunrise Water Authority, Clackamas County Fire District #1, North Clackamas School District #12, Metro, Tri-met, etc. However, annexation into both the city limits and Clackamas County Service District #1 (CCSD #1), which is the sanitary sewer and surface water management district, will be required. The subject area is within an area that is included in an urban service provider agreement between CCSD #1 and the City of Happy Valley that stipulates that CCSD #1 will provide service to the territory once it is annexed into the City. Any future land use applications will be required to submit an application for annexation to CCSD #1 upon approval of the subject annexation to the City, consistent with this agreement. Preliminary discussions with CCSD #1 indicate that there is capacity to provide sanitary sewer and storm water services to the project site. Similarly, the site is presently not within a street lighting district. Therefore, any future land use applications will be required to annex into Clackamas County Service District #5, which will provide street lighting for the area.

Parcels outside of the city are currently without the North Clackamas Park District #2; when annexed, the parcels would become part of the Parks District, and are required to “de-annex” from the County Enhanced Law Enforcement District. Upon development/building permit issuance, parcels within the subject area would participate in park funding through payment of the City’s Park System Development Charge (SDC).

The most likely impacts on Level 1 service providers would be providing adequate water supply, storm water, and wastewater collection and treatment. Discussions with local service providers and review of existing available utilities indicate that they would have adequate capacity to service potential residential development if the parcels are rezoned and annexed into the City. If the subject requests are approved, future residential development would meet local development standards set forth by the City and local service providers. Therefore, this criterion is satisfied by the request.

*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.*

Narrative Response:

See Page 27 of the submitted Narrative (Exhibit 2).

**Staff Response:**

As observed, the proposed land use district plan as represented in Plan "E" will require future partition, subdivision and PUD land use application approvals, which will require conformance with all applicable requirements of the codes, ordinances and regulations of the City of Happy Valley. In addition, the City has initiated the proposed Comprehensive Plan Map Amendment/Zone Change, and though in a public-private partnership with Sequoia Property Development, has met the burden of proof of establishing to the Planning Commission that the proposed amendments meet all applicable criteria. Therefore, this criterion is satisfied by the request.

*G.<sup>6</sup> When an 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. If a Master Plan that requires a full traffic impact analysis is required for a comprehensive plan map amendment/zone change area, a subsequent Master Plan may satisfy this provision, as determined by the City of Happy Valley community development director or designee.*

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<sup>6</sup> A codification error exists within the City's Development Code, which has resulted in the incorrect lettering from this section. As quoted, Letter "G" should correctly be labeled as Letter "F". Staff is in the process of correcting this oversight.



Narrative Response:

See Page 27 of the submitted Narrative (Exhibit 2).

**Staff Response:**

Sequoia Property Development has provided the Aldridge Road Transportation Plan prepared by Lancaster Engineering dated September 2006 (see Exhibit 3D) and a Transportation Planning Rule Addendum dated November 21, 2006 (see Exhibit 3E) that together address OAR 660-012-0060 (Transportation Planning Rule). Based on comments received from DKS Associates, the City's Traffic Engineer (see Exhibits 7 and 8), staff notes that the submitted Transportation Plan and Addendum is adequate in scope and function, and illustrates the fact that the potential "worst-case" scenario for build-out within the Aldridge Road Comprehensive Plan Area based on a Plan "E" scenario, will not significantly affect a transportation facility in accordance with the Transportation Planning Rule. Therefore, this criterion is satisfied by the request.

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

NOTE: Staff notes that the applicable Titles are listed within the submitted Narrative (Exhibit 2), see Pages 28-96.

Narrative Response:

See pages 28-96.

**Staff Response:**

Staff finds that the list of applicable Chapter 3.07 Titles provided in the Narrative is adequate in scope as applied to the proposal, and that the responses within the Narrative sufficiently address said Titles. Therefore, staff recommends that these responses be adopted within the record, and notes that these criteria are satisfied by the request.

**4. The following Sections from the Oregon Revised Statutes (ORS) are applicable to this request:**

NOTE: Staff notes that the applicable Sections are listed within the submitted Narrative (Exhibit 2), see Pages 97-98.

Narrative Response:

See pages 97-98.

**Staff Response:**

Staff finds that the list of applicable Sections provided in the Narrative is adequate in scope as applied to the proposal, and that the responses within the Narrative sufficiently address said Sections. Therefore, staff recommends that these responses be adopted within the record, and notes that these criteria are satisfied by the request.

**5. The following Sections from the Oregon Administrative Rules (OAR) are applicable to this request:**

NOTE: Staff notes that the applicable Sections are listed within the submitted Narrative (Exhibit 2), see Pages 99- 202.

Narrative Response:

See pages 99-202.

**Staff Response:**

Staff finds that the list of applicable Sections provided in the Narrative is adequate in scope as applied to the proposal, and that the responses within the Narrative sufficiently address said Sections. Therefore, staff recommends that these responses be adopted within the record, and notes that these criteria are satisfied by the request.



**PRELIMINARY ALTERNATIVE PLAN E**  
**R 85, R 10, R 20 AND R 40 - ALL PROPERTIES WITH**  
**CITY OF HAPPY VALLEY RSD-1 OVERLAY DISTRICT**  
 TOTAL SITE AREA = (80 ACRES)  
 TOTAL NUMBER OF LOTS = 131  
 TOTAL AREA OF LOTS = 2,572,558 SF ± (59 ACRES)  
 AVERAGE LOT AREA = 20,021 SF ±  
 TOTAL AREA OF TRACTS = 457,239 SF ± (11 ACRES)

PRELIMINARY PLAN  
 SOUTHERN RIDGE  
 PHASE 2

PRELIMINARY PLAN  
 RESIDENTIAL  
 BEVERLY HILLS

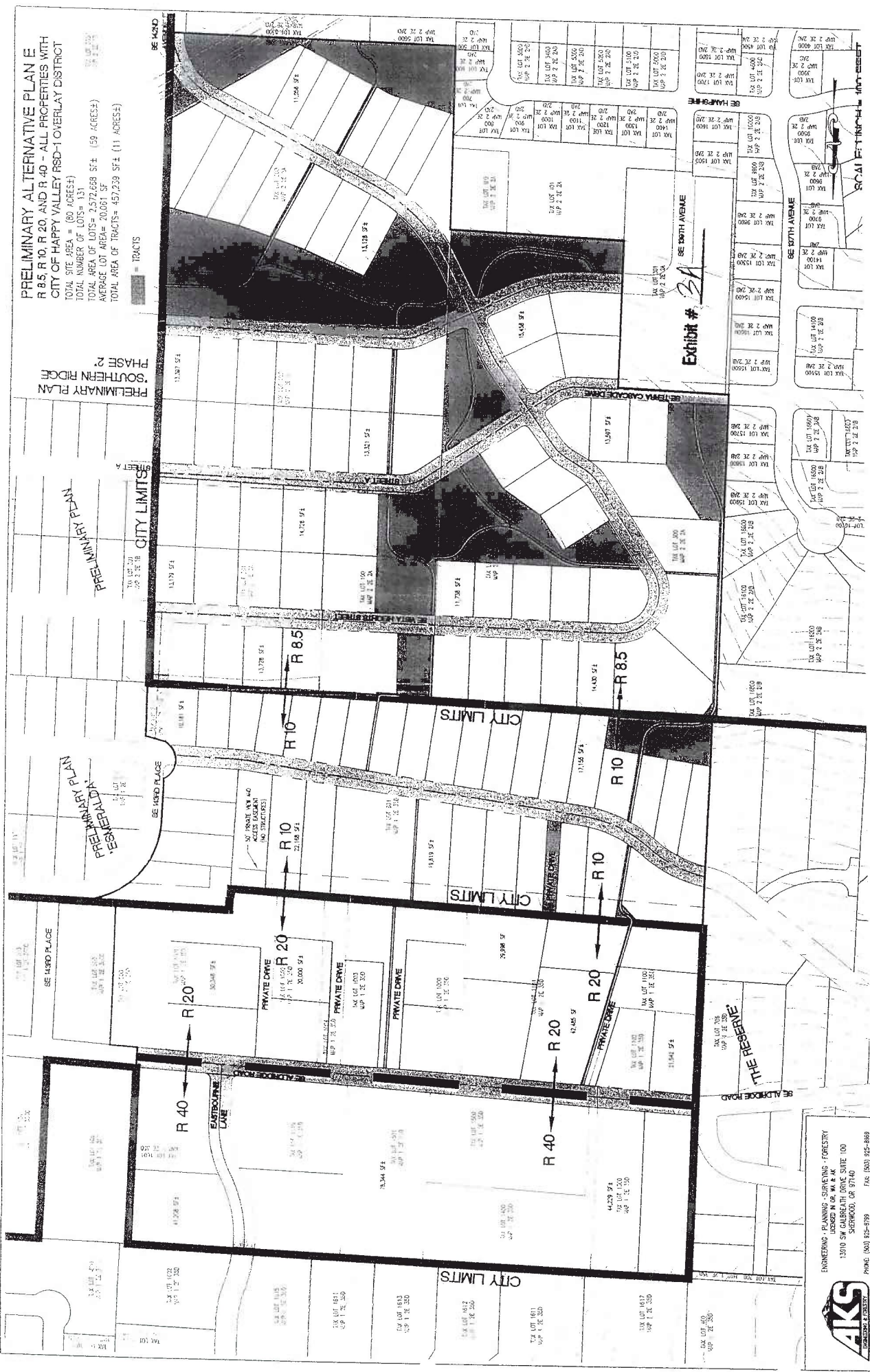


Exhibit # **BA**

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