



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

May 22, 2007

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 004-07



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: June 7, 2007

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
Sarah Mizejewski, City of Happy Valley

<paa> ya/

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: LDO-01-07
Date of Adoption: 5/15/07 Date Mailed: 5/17/07
Date original Notice of Proposed Amendment was mailed to DLCD: 2/16/07

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

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

ZONE CHANGE FROM SINGLE FAMILY RESIDENCE (SFR) R-10 TO INSTITUTIONAL USE AND PUBLIC USE (IPU) AND A DESIGN REVIEW FOR REPLACEMENT OF AN ELEMENTARY SCHOOL WITH A COMBINED ELEMENTARY AND MIDDLE SCHOOL.

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: RESIDENTIAL to: INSTITUTIONAL PUBLIC USE
Zone Map Changed from: R-10 to: IPU
Location: 13865 SE KING ROAD Acres Involved: +/- 13 ACRES
Specify Density: Previous: 4 P.U./ACRE New: 1 P.U./LOT OF RECORD
Applicable Statewide Planning Goals: 1, 2, 5 & 12
Was an Exception Adopted? YES NO

DLCD File No.: 004-07 (15886)

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:

Local Contact: _____ Phone: (____) _____ - _____ Extension: _____

Address: _____ City: _____

Zip Code + 4: _____ - _____ Email Address: _____

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. 356

COPY

AN ORDINANCE 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 MEDIUM DENSITY RESIDENTIAL (R-10) TO
INSTITUTIONAL PUBLIC USE (IPU).

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application CPA-01-07/LDO-01-07 was a request by North Clackamas School District to amend the Development District Map (Official Map Exhibit 11 of Ordinance 97) by applying the IPU Zoning District to the properties located at 13865 and 14095 SE King Road, and is known as Clackamas County Assessor Map No. 12E026D02900 and 12R26D03001 and as illustrated within Exhibit 1; and,

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on April 24, 2007; and,

WHEREAS, the Planning Commission unanimously recommended that said Official Map Exhibit 11 be amended as recommended in the Staff Report to the Planning Commission dated April 24, 2007; 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 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 Planning Commission dated April 24, 2007 and approves the zone change as reflected in the April 24, 2007 Staff Report.

NOW, THEREFORE, it is hereby declared by the City Council of Happy Valley, Oregon, 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 May 15, 2007 and read for the second time on May 15, 2007, and adopted by a unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.



Rob Wheeler, 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

May 16, 2007

File No. CPA-01-07/LDO-07-07

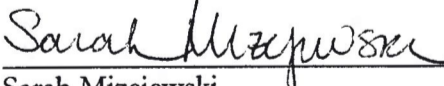
NOTICE OF DECISION

This is official notice of action taken by the Happy Valley City Council at a public hearing on May 15, 2007, with regard to an application by the North Clackamas School District for a Comprehensive Plan Map Amendment/Zone Change from Medium Density Residential (R-10) to Institutional Public Use (IPU). The subject property is located at 13865 and 14095 SE King Road and is further described as Clackamas County Map and Tax Lot 12E26D02900 and 3001 and 12E26DD00100.

At the public hearing, the City Council formally approved the subject application based upon findings included within the Planning Commission Staff Report dated April 24, 2007, public testimony and deliberations of the City Council, per the included Conditions of Approval.

Copies of the Staff Report and findings from CPA-01-07/LDO-01-07 are available upon request.

This action of the City Council is subject to appeal to the State of Oregon Land Use Board of Appeals. An appeal of this decision must be filed within 21 days of the mailing of this Notice of Decision. City Planning Department staff (503-760-3325) can provide information regarding forms, fees, and the appeal process. Issues, which may provide the basis for an appeal to the Oregon Land Use Board of Appeals, shall be submitted in writing, accompanied by appropriate filing fees, prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the Oregon Land Use Board of Appeals to respond to the issue. If no appeal is filed by **Wednesday, June 6, 2007 at 4:30 p.m.**, this decision shall be deemed final.

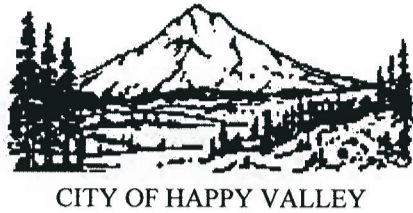

Sarah Mizejewski
Associate Planner

copy: Garry Kryszak, North Clackamas School District
File Nos. CPA-01-07/LDO-01-07

Our Mission is **Our Community**
Working with You to Preserve, Serve, and Enrich

Final Conditions of Approval
May 15, 2007

1. The applicant shall contribute \$10,500 towards capacity improvements at the King Road/SE 132nd Avenue intersection prior to issuance of a building permit.
2. The applicant shall contribute \$9,300 towards capacity improvements at the William Otty Road/SE 129th Avenue intersection prior to issuance of a building permit.
3. The applicant shall contribute \$8,775 towards capacity improvements at the Mountain Gate Road/SE 129th Avenue intersection prior to issuance of a building permit.



MEMORANDUM

TO: City Council

FROM: Sarah Mizejewski, Associate Planner

SUBJECT: Happy Valley School Zone Change

DATE: May 15, 2007

Further analysis has been completed with regard to the cost sharing figures that will be required of the school district as a result of the subject zone change. With the previous conditions of approval, the SDC creditable portion of the cost share was not taken into account. Generally, the process to determine the actual cost sharing dollar figures should be as follows:

- Utilize current (2006) and forecasted (2026) traffic volumes provided in the transportation impact study to calculate the expected 20-year volume growth at each study intersection.
- The net new trips generated and compared to the forecasted numbers to determine a percentage of impact.
- Determine if the Happy Valley/Clackamas County Joint Capital Improvement Plan identifies future improvements at the subject intersection. This will provide for the type of improvements planned and the approximate cost.
- Using the percentage of impact, a dollar amount is determined so as to represent the cost sharing figure for the specific intersection.
- The Happy Valley/Clackamas County Joint Capital Improvement Plan identifies SDC creditable portions of future improvements. This allows for an SDC credit to be granted. The credits are applied to the cost sharing numbers. The balance would then be the final dollar amount required.

DKS Associates has prepared revised numbers based on the SDC creditable portion allowed per the Happy Valley/Clackamas County Joint Capital Improvement Plan. The methodology for each intersection in question can be reviewed on the attached memorandum from DKS Associates. Staff recommends adopting the revised dollar figures as conditions of approval.

In addition, a condition requiring proportionate share funds for the intersection at SE 129th and SE King Road was added to the Planning Commission recommendation. This condition *should not* have been added as the intersection will meet the level of service standards established in the Happy Valley Transportation System Plan. Staff is requesting this condition be removed from the approval.

Please keep in mind that Transportation SDC's (TSDC) will be required at the time the proposed school submits building permits. According to the current TSDC methodology, TSDC's are calculated on a per student basis. After running a cursory calculation, it is estimated that the School District could be paying between \$300,000 and \$400,000. Methodology to calculate the exact TSDC figure will be determined at building permit submittal.

**Supplemental Findings
Historic District Overlay
Section 16.20.080
May 15, 2007**

- b. The resource has ceased to exist or is no longer of significance to the public, based on a reevaluation of the criteria in Section 16.20.170(C)(3); or**

Staff Response:

Since the original designation, the structure has gone through a variety of modifications including additions and remodels. As a result, the structure appears to have lost any real significance in a historic sense. After reevaluating the criteria in 16.20.180(C)(3) (see below), staff concludes this criterion is satisfied.

- 3. A decision of the planning commission to designate a feature “worthy of protection” shall be accompanied by findings which include:**

- a. A brief description of the resource;**

Staff Response:

The resource is described in the City of Happy Valley Comprehensive Plan as, “a portion of the Happy Valley School structure, dated 1917.” No other description beyond what is in the Comprehensive Plan can be found. Staff believes that the portion of the structure in question is on the westerly end of the property. We believe the historic section is the portion of the building that is not brick and has a small front porch with stairs. There have been a series of additions and remodels over the years that have affected and minimized the historical features of this structure.

- b. Whether the feature:**

- i. Exemplifies or reflects special elements of the city’s history;**

Staff Response:

Since the original designation, the structure has gone through a variety of modifications including additions and remodels. Architecturally speaking, the structure appears to have no real significance in a historic sense. While the school itself has been a significant element of community life in Happy Valley, because of the alterations to the structure and the fact that it is not on an official historic register, it appears there is nothing intrinsic in the structure itself that reflects special elements of the city’s history.

- ii. Is identified with persons or events significant in local history;**

Staff Response:

The structure is not identified with persons or events significant in local history.

- iii. **Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;**

Staff Response:

There is nothing unusual or distinctive in the style, type, period or method of construction for the structure. There is no evidence to support this structure as being an example of the use of indigenous materials or craftsmanship. Furthermore, any historic value of the structure has been negated by the extensive additions and remodels that have taken place.

- iv. **Is included in an official register of historic and cultural resources;**

Staff Response:

The structure is not included in an official register of historic and cultural resources.

- iv. **Is owned or controlled by a public, semi-public or not-for-profit entity; or**

Staff Response:

The structure is owned by the North Clackamas School District, a public entity.

- v. **Has already received significant effort to preserve, restore and/or maintain.**

Staff Response:

No efforts have been taken by the School District to preserve, restore, or maintain the structure as historic. As mentioned, there have been several additions and remodels to the site, none of which made efforts to preserve, restore, or maintain the structure.

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

MAY 15, 2007

COMPREHENSIVE PLAM MAP AMENDMENT/ZONE CHANGE APPLICATION
(File No. CPA-01-01/LDO-01-07 and Ordinance 356)

I. GENERAL INFORMATION

Applicant: North Clackamas School District
12451 SE Fuller Rd.
Milwaukie, OR 97222

Property Owner: North Clackamas School District
Happy Valley Baptist Church

Site Location: 13865 and 14095 SE King Road

Proposal: The applicant seeks approval for a Comprehensive Plan Map Amendment/Zone Change from Medium Density Residential (R-10) to Institutional Public Use (IPU) for property located at 13865 and 14095 SE King Road.

II. DISCUSSION

On April 24, 2007, the Planning Commission held a public hearing and voted unanimously to forward a recommendation of approval of Comprehensive Plan Map Amendment/Zone Change Application CPA-01-07/LDO-01-07. At the hearing the Commission added a condition of approval requiring a contribution to future transportation improvements at SE 129th Avenue and SE King Road. This condition was not reflected in the original findings and recommendations submitted to the City by DKS Associates. A letter recommending the addition was presented to the Planning Commission the night of the hearing. The modified language is identified as underlined in Attachment A Staff Report and Exhibits to the Planning Commission. Attachment B is the letter dated April 24, 2007 from Peter Coffey at DKS Associates recommending the additional condition of approval.

Please note that a portion of the applicant's narrative contains language regarding a variance application. That variance was included in the Design Review Application heard by the Planning Commission on May 8, 2007.

III. CONCLUSION AND RECOMMENDATION

Staff recommends the City Council uphold the Planning Commission recommendation and approve application CPA-01-07/LDO-01-07 authorizing a comprehensive plan map amendment/zone change from R-10 to IPU.

Attachment:

- A. Staff Report and Exhibits to the Planning Commission dated April 24, 2007
- B. Letter dated April 24, 2007 from Peter Coffey, DKS Associates

Mayor
HON. ROBERT
WHEELER

City Councilors
LORI DEREMER
MARKLEY DRAKE
TOM ANDRUSKO
KRISTEN MITCHELL



City of Happy Valley

12915 SE KING ROAD, HAPPY VALLEY, OREGON 97086
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**CITY OF HAPPY VALLEY
STAFF REPORT TO THE PLANNING COMMISSION**

Comprehensive Plan Amendment/Zone Change

CPA-01-07/ LDO-01-07

April 24, 2007

The following staff report has been prepared based on the information contained in the application and supplemental information provided by the applicant and responses received from service providers, all of which are incorporated by reference herein.

I. GENERAL INFORMATION

PROPOSAL: The applicant seeks approval for a Comprehensive Plan Map Amendment/Zone Change from Medium Density Residential (R-10) to Institutional Public Use (IPU) for property located at 13865 and 14095 SE King Road.

APPLICANT: North Clackamas School District
12451 SE Fuller Rd.
Milwaukie, OR 97222

PROPERTY OWNER: North Clackamas School District
Happy Valley Baptist Church

APPLICABLE CRITERIA:

City of Happy Valley Comprehensive Plan

Objectives 1, 2, and 3

Policies 4, 5, 13, 45, 47, 61, 62, 65, 99, 101, 102, and 103

Happy Valley Land Development Code Sections:

16.12.080 Development Districts - IPU

16.20.180 Historic Overlay District

16.40 Amendments

EXHIBITS:

1. Staff Report and Findings of Fact
2. Applicant's Narrative and Traffic Study
3. Applicant's Conceptual Site Plan
4. DKS Associates Memorandum
5. Public Notice

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Exhibit # 1

SITE LOCATION AND PROJECT DESCRIPTION:

The project site is located on the north side of King Road, east of SE Regina Court and west of SE 145th Avenue. The property is approximately 11.89 acres and is currently zoned Medium Density Residential (R-10). Surrounding uses include:

The property to the north is zoned IPU and R-10. The sites include Happy Valley Park and a private site with a single family home.

The property to the west is zoned IPU (the current school site).

Property to the south is zoned R-10 and includes a single family development.

The properties to the east are zoned R-10 and R-20 and are currently developed as single family homes.

KEY ISSUES / PROJECT ANALYSIS:

1. A portion of the existing structure has been designated as a historic structure by the City of Happy Valley Comprehensive Plan. On page 13 of the Happy Valley Comprehensive Plan it is stated that "...a portion of the Happy Valley School structure, dated 1917." More specifically, as one views the front elevation of the school from SE King Road, the historic portion of the structure is located on the westerly portion of the building. It can be identified due to the presence of a front porch and a small play area located directly in front of the area.

If the proposed comprehensive plan amendment/zone change were to be approved by both the planning commission and city council, demolition of the existing school is proposed so as to provide enough room for a new, expanded school facility. A Historic Overlay District has been placed on the structure thereby requiring the applicant to comply with specific criteria location in Section 16.20.180 of the Land Development Code. The applicant has addressed the specific criteria within the attached narrative. Staff has also reviewed the criteria and made findings within this staff report. After reviewing the criteria and applying them to this project, staff finds that it is reasonable to demolish the existing structure. Please see the findings below for greater detail.

2. DKS Associates reviewed the zone change traffic study and determined the following:
 - a. The proposed 550 student elementary school and 800 student middle school will replace the existing school and church on the project property. The **net new trips** generated by the proposed project are 353 AM peak hour trips, 159 afternoon peak hour trips and 113 PM peak hour trips.
 - b. Based on the capacity analysis, the King Road/SE 132nd Avenue and Mountain Gate Road/SE 129th Avenue intersections would operate at LOS F on the minor street approach during the AM peak hour. The remaining study intersections are expected to operate at level of service D or better during the AM, afternoon and PM peak hours.

- c. The proposed east site driveway does not meet Happy Valley access spacing standards for a minor arterial which requires a minimum of 300 feet between driveways and 600 feet between intersections. The site plan shows the east site driveway located less than 100 feet west of the Rolling Meadows Drive. It would be ideal for the east site driveway to be located opposite Rolling Meadows Drive, however the site property does not extend east far enough. The east site driveway will operate as an entrance only which would limit vehicle conflicts associated with the substandard access spacing. The eastbound left turn vehicle queues at the east site driveway would extend to the west and not conflict with westbound left turn vehicle queues at Rolling Meadows Drive.
- d. Intersection sight distances at the proposed project accesses to King Road were evaluated. AASHTO requires a minimum of 390-feet based on the posted speed limit of 35 miles per hour on King Road. Adequate sight distance is available at the project accesses.

Cost Sharing for Future Improvements

The Transportation Impact Study (Exhibit 2) identified substandard operating conditions at the King Road/SE 132nd Avenue, William Otty Road/SE 129th Avenue and Mountain Gate/SE 129th Avenue intersections. Based on the Happy Valley TSP¹, the ultimate improvement for each of these intersections is the construction of a traffic signal at a cost of approximately \$250,000.

To fulfill the Transportation Planning Rule (TPR) requirement for a comprehensive plan map amendment, the applicant will be required to contribute a proportionate share for the ultimate improvements based on their share of projected future volume growth during the PM peak hour at the intersections. The methodology for determining the cost sharing portion for the proposed rezone is described below.

- a. The existing 2006 and forecasted 2026 traffic volumes provided in the transportation impact study (Figure 5 and Figure 38) were utilized to calculate the expected 20 year volume growth at each intersection.
- b. The net new trips generated by the proposed rezone through each intersection were provided in the transportation impact study (Figure 13).
- c. The proposed rezone will comprise 12 percent of the forecasted 20 year growth at the King Road/SE 132nd Avenue intersection. The proportionate share for the ultimate improvements at this intersection would be \$30,000.
- d. The proposed rezone will comprise 12 percent of the forecasted 20-year growth at the William Otty Road/SE 129th Avenue intersection. The proportionate share for the ultimate improvements at this intersection would be \$30,000.
- e. The proposed rezone will comprise 13 percent of the forecasted 20 year growth at the Mountain Gate/SE 129th Avenue intersection. The

¹ *Happy Valley Transportation System Plan*, adopted February 21, 2006.

proportionate share for the ultimate improvements at this intersection would be \$32,500.

II. FINDINGS OF FACT

City of Happy Valley Comprehensive Plan

“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 purpose of the IPU district is to serve the need for the designation of areas for necessary institutional uses such as schools and churches, and public and semi-public uses such as parks, a local government center and other governmental and public service uses. Given that the site will be utilized as both an elementary and middle school, and a portion of the site is currently used as an elementary school, the zone change will not alter the character of the valley.

It has become obvious over the past several years that there is a severe shortage in school capacity for the area. The proposed zone change will allow for a new and improved elementary and middle school to be built as an outright use. The new schools will improve the quality of existing and future development in the area by allowing for appropriate school capacity for our area children.

The proposed zone change will allow for the redevelopment of an existing school site. Given the lack of capacity in schools today, an expanded school site is critical. Proposing an expanded school in the same location appears to be the most logical direction to take. The applicant has demonstrated a coordinated direction to the conservation and development of the valley. Therefore, the objectives are satisfied by the request.

Policies:

The following Comprehensive Plan Policies are applicable to the proposed comprehensive plan amendment/zone change:

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

Staff Response:

Adequate levels of services and facilities are available provided specific conditions of approval are satisfied. The applicant will be responsible for a proportionate share of transportation related improvements at specific intersection identified above. Per applicable conditions of approval, the comprehensive plan amendment/zone change complies with Policy 4.

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

Staff Response:

By allowing the proposed zone change, both an elementary and middle school will be allowed to locate on an expanded site where the current elementary school sits. The conceptual plan attached with the application demonstrates controlled development that maintains resources located on the development site. By keeping the school at its current location, it will provide less of a disruption to the residents of Happy Valley and their children. The comprehensive plan amendment/zone change complies with Policy 5.

#13 Development which increases runoff and erosion, or which has the potential for undermining downhill development through significant increases in runoff will be restricted.

Staff Response:

The proposal is for a zone change from R-10 to IPU. Site development is subject to submission of a design review application at which time the development will be reviewed for compliance with Policy 13.

#45 To insure orderly development in the City of Happy Valley.

Staff Response:

The project site is an expanded site in relation to the existing school. Two adjacent parcels are being added to the existing parcel (which houses the existing elementary school) to provide for the necessary area for an expanded facility, hence the need for the zone change from R-10 to IPU. The proposed comprehensive plan amendment/zone change complies with Policy 45.

#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:

The rezone to IPU is consistent with properties surrounding the site. The existing school is located directly west of the parcels proposed for a comprehensive plan amendment/zone change. The Happy Valley Park is located to the north, and residential properties are located to the south and east. All of these uses are consistent with the proposed school use. The comprehensive plan amendment/zone change complies with Policy 47.

#61 To encourage multiple uses of schools and school facilities for public and recreational use.

Staff Response:

The proposed comprehensive plan amendment/zone change would open the door for the

expansion of not only the school, but also the associated recreational facilities. This will provide for improved opportunities for multiple uses of the facilities. The comprehensive plan amendment/zone change complies with Policy 61.

#62 To establish design and performance standards for transportation facilities, and to review all development proposals for conformance with these standards.

Staff Response:

DKS Associates reviewed the zone change traffic study and determined the comprehensive plan amendment/zone change will have an impact on three nearby intersections. The intersections and the proportionate share costs are detailed above in this staff report. Specific conditions of approval have been placed on this application to ensure transportation facilities will operate at acceptable levels of service with the approval of this comprehensive plan amendment/zone change and associated development of the site. Per applicable conditions of approval, the comprehensive plan amendment/zone change complies with Policy 62.

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

Schools

Police protection

Public transit

Vector control

City administrative services

Staff Response:

The comprehensive plan amendment/zone change would allow for an expanded school facility. Provided the design review component of the application is approved, and the new facility is built, the applicant will be subject to the participation of Level 2 services as required.. The comprehensive plan amendment/zone change complies with Policy 99.

#101 Waivers of remonstrance for all future improvements of Level 1 facilities and services shall be required for all approved minor partitions, major partitions, subdivisions and PUDs. The city shall retain these waivers for use when necessary.

Staff Response:

A waiver of remonstrance is not anticipated to be needed for this application. Policy 101 does not apply to the subject application.

#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 rely on a determination provided by the service providers and other affected agencies, including, but not limited to:

Clackamas County Service District #1

Mt. Scott Water District
Happy Valley Rural Fire District #65
Clackamas County Department of Transportation and Land Use for Roads
North Clackamas School District #21
Tri-met
City of Portland

Staff Response:

Requests for comments were sent to all applicable service providers. Comments received have been incorporated into this staff report. The comprehensive plan amendment/zone change complies with Policy 102.

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

Staff Response:

Provided the comprehensive plan amendment/zone change and design review applications are approved, the proposed development will not interfere or prevent the extension of any Level 1 facilities or services. The comprehensive plan amendment/zone change complies with Policy 103.

City of Happy Valley Land Development Code (LDC):

Chapter 16.12 Development Districts

16.12.080 Institutional and public use — IPU.

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

B. The Following Are Allowable Uses Permitted by Right:

- 1. Schools, public or private; [...]**

Staff Response:

The applicant has submitted a comprehensive plan amendment/zone change application and design review application to be reviewed concurrently. The applicant will be placing an elementary and middle school on the subject site. These uses comply with the IPU zone. The comprehensive plan amendment/zone change complies with Section 16.12.808.

Chapter 16.20 Development Standards and Requirements

16.20.180 Historic Overlay District.

- 5. Removal of a designation or approval of a permit to demolish a designated historic feature shall be based on findings of adherence to the following:**

- a. Compelling evidence that the original designation was in error;**

Staff Response:

No such evidence indicating the original designation was in error has been presented. However, it does appear that over the course of time the historic significance of the site has diminished. Since the designation, the building has gone through additions and remodels such that the identified area is no longer a significant structure in its own right. It is also prudent to note that the structure is not included in any official register of historic and/or cultural resources other than the designation under the City's Comprehensive Plan. Given the above discussion, this criterion does not apply.

- b. The resource has ceased to exist or is no longer of significance to the public, based on a reevaluation of the criteria in Section 16.20.170(C)(3); or**

Staff Response:

Since the original designation, the structure has gone through a variety of modifications including additions and remodels. At the present time, the structure appears to have no real significance in a historic sense. Beyond that, the school district is in a situation currently where there is a large need for additional schools in the area. A new, expanded school facility is needed in order for the school district to accommodate the increase population in this area. Given the above discussion, this criterion has been satisfied.

- c. The property owner is bearing an unfair economic burden to maintain the historic or cultural resource. If the city council finds evidence of the latter criterion (economic burden), it shall continue the hearing on the matter to a date certain no longer than one hundred twenty (120) days from the date the application was accepted. During this period, the city shall explore all reasonable means of protecting the resource, including exploring informational and financial assistance for the property owner or public or private acquisition and/or relocation. If, by the second hearing date a method has not been found assuring the protection of the resource, and the application has not been withdrawn, it shall be approved. If alteration or demolition of the resource is intended, a condition of approval shall be that insofar as feasible and as funds are available, the city shall obtain a pictorial and graphic history of the**

**resource, and artifacts from the resource it deems worthy of preservation.
(Ord. 97 §§ 6.20—6.205, 1986)**

Staff Response:

Given that there has been no previous effort to preserve the historic portion of the structure, and a number of remodels and additions have taken place, it would be an unfair economic burden on the applicant to have to retain a portion of the existing structure for historic purposes. Especially given that there is nothing unusual or distinctive in the style, type, period or method of construction for the structure. Give the above discussion, this criterion has been satisfied.

Chapter 16.40 Amendments to the Comprehensive Plan, and Land Use Map and Land Development Title of this code

16.40.041 Review criteria.

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

Staff Response:

The findings listed above addresses applicable objectives and policies of the Happy Valley Comprehensive Plan. The applicant's narrative demonstrates compliance with local and state land use goals and policies. See Exhibit 2 Applicant's Narrative. The comprehensive plan amendment/zone change complies with Section 16.40.041(A).

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

Staff Response:

The purpose of the zone change is to allow for a new elementary and middle school to be placed on the existing school site, as well as adjacent parcels. There is clearly a demonstrated need for more school capacity in the area given the situation the schools are in currently as referenced by numerous studies and conversations with school district personnel and citizens at large. The comprehensive plan amendment/zone change complies with Section 16.40.041(B).

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

Staff Response:

The current Happy Valley Elementary School is located on the subject site. It seems reasonable to expand the current site and allow for both an elementary and middle school to meet the needs of the citizens in this area. Land that would accommodate construction of a school is limited in this area and, as such, the proposed zone change to allow for an expanded school facility is more reasonable than other alternatives. The comprehensive plan amendment/zone change complies with Section 16.40.041(C).

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

Staff Response:

The Happy Valley Comprehensive Plan establishes goals and policies for growth management and capital improvements. See Comprehensive Plan findings above for demonstration of compliance with applicable plans and policies. The comprehensive plan amendment/zone change complies with Section 16.40.041(D).

E. The proposed amendment can be implemented by this land development title and all other appropriate codes, ordinances and regulations.

Staff Response:

Development of the site is subject to additional review of a Design Review application by staff and the planning commission. A Design Review has been submitted by the applicant and will be reviewed by the planning commission on May 8, 2007. The comprehensive plan amendment/zone change complies with Section 16.40.041(E).

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 city's traffic engineer has reviewed the traffic study associated with the proposed zone change and determined the following:

The rezone analysis identified substandard operating conditions at the King Road/SE 132nd Avenue, William Otty Road/SE 129th Avenue and Mountain Gate/SE 129th Avenue intersections. Based on the Happy Valley TSP², the ultimate improvement for each of these intersections is the construction of a traffic signal at a cost of approximately \$250,000.

To fulfill the TPR requirement for a comprehensive plan map amendment, the applicant will be required to contribute a proportionate share for the ultimate improvements based on their share of projected future volume growth during the PM peak hour at the intersections. The methodology for determining the cost sharing portion for the proposed rezone is described below.

- f. The existing 2006 and forecasted 2026 traffic volumes provided in the transportation impact study (Figure 5 and Figure 38) were utilized to calculate the expected 20 year volume growth at each intersection.
- g. The net new trips generated by the proposed rezone through each intersection were provided in the transportation impact study (Figure 13).
- h. The proposed rezone will comprise 12 percent of the forecasted 20 year growth at the King Road/SE 132nd Avenue intersection. The proportionate share for the ultimate improvements at this intersection would be \$30,000.

² *Happy Valley Transportation System Plan*, adopted February 21, 2006.

- i. The proposed rezone will comprise 12 percent of the forecasted 20 year growth at the William Otty Road/SE 129th Avenue intersection. The proportionate share for the ultimate improvements at this intersection would be \$30,000.
- j. The proposed rezone will comprise 13 percent of the forecasted 20 year growth at the Mountain Gate/SE 129th Avenue intersection. The proportionate share for the ultimate improvements at this intersection would be \$32,500.

Per applicable conditions of approval, the comprehensive plan amendment/zone change complies with Section 16.40.041(G).

III. CONCLUSION

Staff finds that per the conditions of approval provided below, the proposed Comprehensive Plan Amendment/Zone Change application fulfills criteria associated with the Happy Valley Land Development Code and the applicable objectives and policies of the Happy Valley Comprehensive Plan. City Staff recommends that the Planning Commission forward a recommendation of approval, with conditions, to the City Council.

CONDITIONS OF APPROVAL

1. The applicant shall contribute \$30,000 towards capacity improvements at the King Road/SE 132nd Avenue intersection.
 2. The applicant shall contribute \$30,000 towards capacity improvements at the William Otty Road/SE 129th Avenue intersection.
 3. The applicant shall contribute \$32,500 towards capacity improvements at the Mountain Gate Road/SE 129th Avenue intersection.
-

**Comprehensive Plan Amendment/Zone Change
Historic Overlay Review and Variance Request**

Happy Valley Elementary School and Middle School

Prepared for:

North Clackamas School District

Prepared by:

Rick Givens
Planning Consultant

February 2, 2007

Exhibit # 2

**Comprehensive Plan Amendment/Zone Change/
Historic Overlay Review and Variance Request**

Happy Valley Elementary School and Middle School

Prepared for:

North Clackamas School District

Prepared by:

Rick Givens
Planning Consultant

February 2, 2007

Exhibit # 2

Happy Valley Elementary School

Comprehensive Plan Amendment and Zone Change

Introduction:

This application requests approval by the City of Happy Valley for a comprehensive plan amendment and zone change involving property immediately east of the existing Happy Valley Elementary Schools site on SE King Road. Approval of this application is needed in order to allow for a planned school expansion project to construct a new school facility that will provide a new middle school and replacing the existing elementary school on the site. The property included in this application is described as Tax Lots 2900, 3000 and 3001 of Clackamas County Assessor's Map 1 2E 26D. Happy Valley Elementary School is located on Tax Lot 100 of Map 1 2E 26DD. This property is presently designated Institutional and Public Use. Because the existing school site is designated as a historic resource in the Comprehensive Plan, an application for Historic Review is also included in this application. This application also includes a variance request for the proposed school to reduce the number of bicycle parking spaces.



Figure 1: Vicinity Map and Existing Zoning

Existing Conditions:



Figure 2: Aerial Photograph

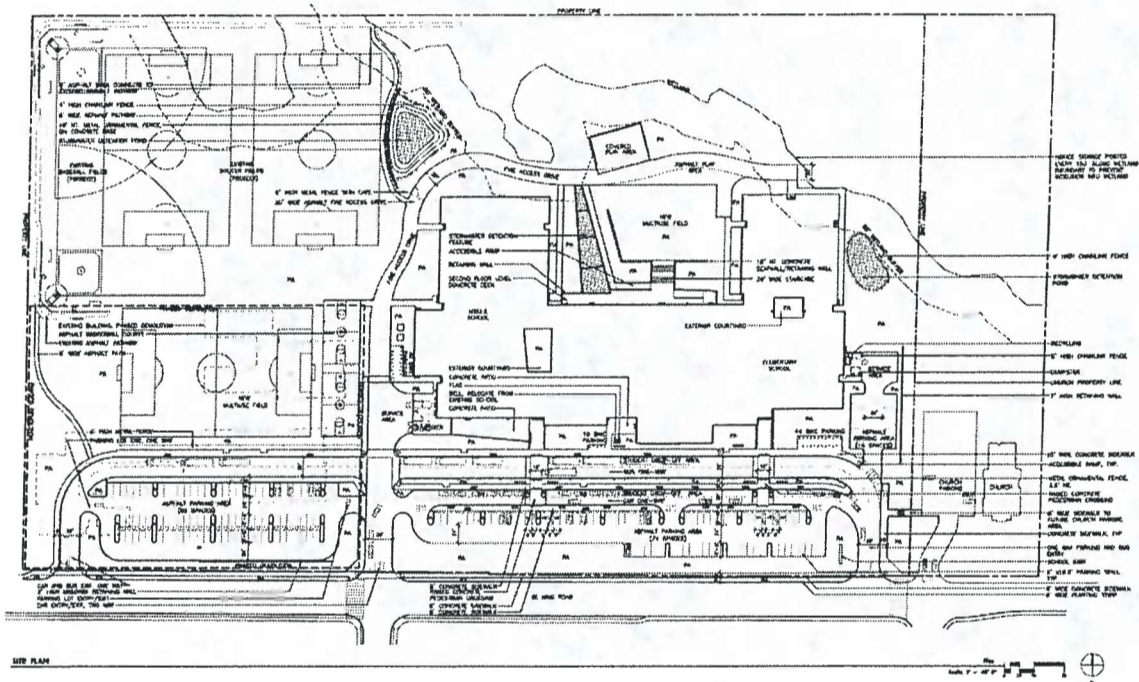
The property included in the zone change application is comprised of three tax lots located immediately east of the existing Happy Valley Elementary Site. Tax Lot 2900 is 3.4 acres in area and is presently the site of Happy Valley Baptist Church. The church building and parking lot are located on the front portion of the property. Tax Lot 3001 is 8.39 acres in area and is undeveloped. Tax Lot 3000 is a 1.0-acre parcel that is developed with a single-family home. Tax Lot 2900 and the majority of Tax Lot 3001, together with the adjoining Happy Valley Elementary School site (Tax Lot 100) are included in the proposed school improvement project. Tax Lot 3000 and the portion of Tax Lot 3001 located immediately behind Tax Lot 3000 are proposed to be developed by Happy Valley Baptist Church with a new church facility.

Site terrain is moderately sloping to the north and west at grades in the five to 8 percent range. Site vegetation is predominantly grass and brush with a few isolated coniferous

and deciduous trees. The northerly .48-acre of Tax Lot 2900 and 2.89 acres of Tax Lot 3001 contain wetlands that are proposed to remain as open space following development.

Project Overview:

North Clackamas School District is received bond approval from district voters to expand the facilities at the Happy Valley Elementary School site to provide for the growing residential population of Happy Valley and the surrounding area. Included in this proposal is a new middle school that will serve 800 students. In the same facility, a new elementary school for 550 students will be provided to replace the existing elementary school to better serve the needs of area students. Both the middle school and elementary school will be designed and built incorporating sustainable strategies and will allow for flexibility for the School District's long-term needs.



Construction of the new school facility is planned to begin by Summer 2007. The elementary school is planned to be ready for a Fall 2008 occupancy that will help alleviate current overcrowding conditions at Happy Valley Elementary. The middle school is anticipated to be ready for occupancy by December 2008. The existing school and 5 portables will be in full use during construction of the new facility and due to phasing of other elementary schools in the surrounding areas the existing school will function for a period of up to one year after the new elementary school is complete. The ultimate development of the Happy Valley schools will provide a state of the art learning environment for K-6 and 7th and 8th grade students and in addition provide community use of the building for evening and weekend use. Please refer to the concurrent application for design review for a more detailed discussion of the design of the proposed improvement project.

Compliance With Zone Change Approval Criteria (16.40.041):

The Land Development Ordinance sets forth six criteria that must be met for approval of a zoning map amendment. This application complies with these criteria as follows:

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

Response: The Happy Valley Comprehensive Plan discusses school facilities on pages 108 and 109 of that document. Because the Plan is over twenty years old, its discussion is somewhat dated. The Plan states, "The projected population growth for the City may result in an expanded need for elementary educational facilities within the City and expanded Junior High and Senior High School facilities in other parts of the general Happy Valley attendance area." Since the date that this was written, Spring Mountain Elementary School was developed within the city boundaries to address some of the growth that has happened in the intervening years. With additional growth, a middle school and a new elementary school are needed to relieve crowding and to provide for future expansion. Approval of the proposed amendment is consistent with Policy 90 of the plan, which states:

Policy 90: The City of Happy Valley will cooperate with agencies involved in providing and coordinating public services, and consider the pooling of City resources with various public agencies to provide needed facilities and services within the community.

Approval of this amendment will also aid the City in meeting its goals and objectives relating to recreation and open space needs. Specifically, Policy 62 states:

Policy 62: To encourage multiple use of schools and school facilities for public and recreational uses.

Expansion of open space and recreational areas at the new, larger, school site will provide improved opportunities for such multiple use of school facilities to meet these increasing needs for recreational and open space areas.

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

Response: The proposed zone change is from R-10 to Institutional and Public Use. The IPU zone provides for schools, churches, and other public and semi-public land uses. The driving need for the requested zone change is the expanding school population in the North Clackamas School District in general and in the Happy Valley area in particular. Happy Valley Elementary School is designed to accommodate approximately 550 students. Current enrollment, however, is approximately 800 students. Additionally, there is a need for a middle school in this area to provide for students of this age group within the Happy Valley community. Students from this area are presently bussed to Sunrise Middle School on SE 132nd Avenue south of Sunnyside Road. That school is over

capacity and a new facility north of Sunnyside Road is needed to relieve this situation and accommodate projected growth.

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

Response: The need for elementary and middle school facilities is best served by the proposed amendment for a variety of reasons:

- First, the existing Happy Valley Elementary School facility is overcrowded and is outdated to the extent that replacement of the school is needed. Logistically, this is problematic without the acquisition of additional adjacent land because demolition of the school cannot take place to allow for construction on the same site due to the fact that the school must remain operational during the construction period. The requested amendment addresses this need by providing space for construction of the new combined middle school and elementary school while permitting the existing school to remain functional during the construction process.
- Second, as compared with an alternative of constructing a new middle school on another site, the proposed amendment allows for economies to the District by housing both schools within a single new building. This allows for shared use of certain facilities and makes better use of limited public resources.
- Third, the proposed location is well situated to meet the need for educational services. The site is centrally located within the community, thereby providing easier and more efficient access to the school facility from the surrounding area.

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

Response: All public facilities and services needed to serve the subject property are in place or will be provided concurrently with site development. As a result, there is no impact upon growth management mechanisms or capital improvement programs of the city.

5. *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.*

Response: The purpose of the Institutional and Public Use district is described in the Happy Valley Land Development Ordinance at Section 16.12.080A as follows:

This district proposes to serve the need for the designation of areas for necessary institutional uses such as schools and churches, and public and semi-public uses such as parks, a local government center and other governmental and public service uses. This district may be located at any place throughout the city, based on a determination by the city that such areas are

required. The comprehensive plan identifies the need for such uses throughout the city, with that need being fulfilled through this district.

As discussed above, there is a clear need for additional school facilities in the City of Happy Valley and that need is best met by the proposed improvement project on the subject property. The IPU district lists schools and churches as permitted uses within this zoning district. The proposed zone change will allow for the development of these needed school facilities and the replacement of the Happy Valley Baptist Church building in conformance with the standards of the IPU zone.

6. *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.*

Response: Lancaster Engineering, Inc. has prepared a detailed traffic analysis for the proposed school project. That report is appended to this application and discusses the impacts of the project upon transportation facilities in this area, as required by OAR 660-012-0060 and concludes as follows:

“The additional trips generated by the zone change will not change the functional classification of any existing or planned transportation facilities or the standards implementing the functional classification system within the study area.

At the end of the planning period, all impacted roadways and intersections can be made to meet the minimum acceptable performance standards identified in the City of Happy Valley TSP. As such, the proposed zone change does not significantly impact the existing and planned transportation facilities at the planning horizon.”

Please refer to the traffic report for more detailed information.

16.20.180 Historic Overlay District.

The City of Happy Valley Comprehensive Plan identifies a portion of the Happy Valley Elementary School building as a historic resource. Specifically, on page 13 of the Plan, it states:

“The potential historic resources include the following and comprise the entire inventory within the City...

-- a portion of the Happy Valley School structure, dated 1917.”

Further, on page 14 of the Plan, this portion of the Happy Valley Elementary School is deemed “worthy” of protection and, as such, is governed by the Historic Overlay District of the Land Development Ordinance. In order to demolish this structure, as is eventually proposed, the criteria set forth in Section 16.20.180 of the LDO must be satisfied. These criteria are as follows:

E. Permits.

5. *Removal of a designation or approval of a permit to demolish a designated historic feature shall be based on findings of adherence to the following:*
 - a. *Compelling evidence that the original designation was in error;*
 - b. *The resource has ceased to exist or is no longer of significance to the public, based on a reevaluation of the criteria in Section 16.20.170(C)(3); or*
 - c. *The property owner is bearing an unfair economic burden to maintain the historic or cultural resource. If the city council finds evidence of the latter criterion (economic burden), it shall continue the hearing on the matter to a date certain no longer than one hundred twenty (120) days from the date the application was accepted. During this period, the city shall explore all reasonable means of protecting the resource, including exploring informational and financial assistance for the property owner or public or private acquisition and/or relocation. If, by the second hearing date a method has not been found assuring the protection of the resource, and the application has not been withdrawn, it shall be approved. If alteration or demolition of the resource is intended, a condition of approval shall be that insofar as feasible and as funds are available, the city shall obtain a pictorial and graphic history of the resource, and artifacts from the resource it deems worthy of preservation.*

It is the applicant's position that the resource is no longer of significance to the public in consideration of the criteria in Section 16.20.170(C)(3). The criteria in that section are as follows:

3. *A decision of the planning commission to designate a feature "worthy of protection" shall be accompanied by findings which include:*
 - a. *A brief description of the resource;*
 - b. *Whether the feature:*
 - i. *Exemplifies or reflects special elements of the city's history;*
 - ii. *Is identified with persons or events significant in local history;*
 - iii. *Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;*
 - iv. *Is included in an official register of historic and cultural resources;*
 - v. *Is owned or controlled by a public, semi-public or not-for-profit entity; or*
 - vi. *Has already received significant effort to preserve, restore and/or maintain.*
- a. *The historic resource is identified in the Plan as the portion of the existing structure built in 1917. The building has gone through subsequent additions and remodels such that this portion of the building is not a significant structure in its own right.*

- b. The designated portion of the school, on balance, is not of such significance as to be “worthy of protection” in consideration of the following factors:
- i. While the school has been a significant element of community life in Happy Valley for decades, there is nothing inherent in that portion of the school building that reflects special elements of the city’s history.
 - ii. The identified portion of the school building is not identified with any persons or events of special significance in local history.
 - iii. There is nothing unusual or distinctive in the style, type, period, or method of construction of that portion of the school building. It makes no special use of indigenous materials or craftsmanship.
 - iv. The school is not on an official register of historic and cultural resources.
 - v. The school is owned by a public entity, North Clackamas School District. The District has determined that the structure in question is not adequate to meet the needs of the community in terms of providing on-going educational services and that it cannot reasonably be upgraded to meet those needs. Demolition of the structure is ultimately necessary to allow the District to accomplish its primary mission of providing public education services.
 - vi. There has never been any specific effort to preserve, restore, and/or maintain the structure for historic purposes. In fact, the additions and remodeling efforts that have taken place at the school over the years have been aimed at the District’s obligations of providing for the community’s educational needs. There has been no effort made to maintain any historic architectural integrity of the existing structure.

For all of these reasons, and in order to meet the identified existing and future needs of the community for public educational services, the structure should be deemed to be not worthy of protection as a historic resource.

Variance Application

The final action requested in this application is approval of a variance for reduced bicycle parking. Table 9.050.02A in Section 16.50.030 of the LDO establishes a requirement of eight parking spaces per classroom for elementary and middle school facilities. Compliance with this standard would require that a total of 592 bicycle parking spaces be provided. North Clackamas School District believes this standard to be well in excess of typical needs for such facilities and asks that the total requirement be reduced to 80 spaces. The request satisfies the variance criteria set forth in Section 16.28.030 of the LDO as follows:

16.28.030 Criteria for consideration of a variance.

A. *The planning commission or appropriate and designated body or agent may grant a variance only if it makes findings that all of the following requirements, insofar as applicable, have been satisfied:*

1. *That there are unique physical circumstances or conditions, including, but not limited to irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;*

Comment: The subject property is unique in terms of its location abutting significant wetlands along its northern boundary. The presence of these wetlands separates the site from residential areas to the north, thereby reducing the number of students who might otherwise choose to ride bicycles to school from that direction. Further, the site is physically separated from residential areas to the south by an arterial street, King Road, which will limit the number of students choosing to ride bicycles to school. Additionally, the site itself is impacted by having a major portion of the property restricted from development by the presence of wetlands. This reduces the area of the site available for constructing what we believe will be non-utilized bicycle parking racks.

2. *That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this title;*

Comment: A review of the Conceptual Development Plan demonstrates that the site has virtually no utilized space available for provision of additional bicycle parking. Vehicular parking, the school facility, and athletic fields, playground areas, and required landscaping consume virtually the entire site with the exception of wetland areas and their associated buffers. Because of this, the site cannot reasonably be developed in conformity with the bicycle parking standard.

3. *That the condition requiring the variance has not been intentionally created to circumvent the land development ordinance;*

Comment: The wetlands are a physical feature of the property, as is King Road and the limitation it poses to accessing the site via bicycle. Neither of these constraints has been intentionally created to circumvent the ordinance.

4. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property or create a precedent for the neighborhood which does not now exist;*

Comment: The variance relates only to bicycle parking on the property. Based on North Clackamas School District's experience at other schools, the amount of bicycle parking proposed will be adequate to meet the expected demand for bicycle traffic. As a result, there will be no impact upon the character of the

neighborhood or impairment of use of adjacent properties resulting from the granting of this variance.

5. *That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the development provisions which are in question.*

Comment: The proposed development plan demonstrates that there is no excess space on the property that could be devoted to additional bicycle parking. The request to permit the school to operate with 80 bicycle parking spaces is the minimum variance feasible on this property.

- B. *In granting the variance, the commission or appropriate and designated body or agent may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this title.*

Comment: The District understands that the City retains the option of imposing conditions of approval and will comment on any such proposed conditions at the time of the hearing.

Conclusion:

North Clackamas School District is working to provide a quality school environment at the Happy Valley Elementary School site in order to meet the community's needs for educational services. This narrative has demonstrated that the requested Zone Change/Plan Amendment satisfies the applicable approval criteria. Similarly, the request to remove the Historic designation from a portion of the existing school facility complies with the approval criteria for this proposed change. Finally, the requested variance to parking standards has been demonstrated to satisfy the variance approval criteria. We hereby request that the City grant approval of these applications so that construction of this project may proceed on schedule.



HAPPY VALLEY NEW SCHOOLS

Traffic Impact Study

Happy Valley, Oregon



Prepared By

STEPHEN HARTRICH

TOM R. LANCASTER, PE, PTOE

February, 2007

Exhibit # 2



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EXECUTIVE SUMMARY

1. A 550 student elementary school and 800 student middle school have been proposed on lands that host a church and 800 student elementary school. As a part of this application a zone change from R10 to Institutional & Public Use (IPU) has been proposed on properties located east of the existing elementary school.
2. The net new trip generation estimated for the proposed development is 353 trips (192 entering/161 exiting), 159 trips (76 entering/83 exiting), and 113 trips (54 entering/59 exiting) during the morning, afternoon, and evening peak hours, respectively.
3. The most intense land use with the proposed IPU zoning is anticipated to generate 75 net new trips (30 entering/45 exiting).
4. Intersection and stopping sight distances will be acceptable at each proposed access point.
5. The proposed site plan does not meet the City of Happy Valley access spacing standards, however, no safety concerns are expected and full access is restricted to accesses that do not meet City standards.
6. In year 2008 total conditions, the intersections of SE King Road at SE 132nd Avenue and SE 129th Avenue at SE Mountain Gate Road are expected to operate with a LOS F during the morning peak hour given that operations are evaluated with the current measured peak hour factor. If the operations are evaluated with a peak hour factor that is more likely with forecast traffic conditions, the intersections are anticipated to operate with acceptable operations.
7. During year 2026 with and without the zone change conditions, the intersections of SE King Road at SE 132nd Avenue, SE 129th Avenue at SE Mountain Gate Road, and SE 129th Avenue at SE William Otty Road are anticipated to operate with a LOS F. The City TSP Motor Vehicle Master Plan has identified that all three intersections be upgraded to signals. With this upgrade, the intersections will operate acceptably.



INTRODUCTION

Two new schools have been proposed for development north of SE King Road between SE Regina Court and SE Rolling Meadows Drive in Happy Valley, Oregon. The proposed development will include an 800 student middle school and 550 student elementary school on a site that presently hosts an 800 student elementary school and a church.

The purpose of this study is to assess the traffic impact of the proposed development on the nearby street system and to recommend any required mitigative measures. The analysis will include level of service calculations and a discussion of site access.

The development requires a rezone of the parcel of land currently hosting the church and the two lots to the east from R10 (One residential unit per 10,000 ft² land) zoning to the Institutional & Public Use (IPU) zoning. Per the City of Happy Valley requirements, a 20-year traffic analysis has been performed on the worst-case traffic conditions presented by the existing and proposed zoning.

Detailed information on level of service, traffic counts, trip generation calculations, crash data and level of service calculations is included in the appendix to this report.



LOCATION DESCRIPTION

A site proposing an 800 student middle school and 550 student elementary school is proposed for development in the City of Happy Valley, Oregon. The site is located north of SE Happy Valley Road between SE Regina Court and SE Rolling Meadows Drive.

A vicinity map showing the existing lane configurations and traffic control devices at the study area intersections is shown on page ten and the proposed site layout is shown on page eleven

The development plan proposes an expansion of the existing school site to the east. To expand east, a zone change is required for the parcels of land to the east. As this application includes a zone change, the City of Happy Valley has requested that a 20-year traffic analysis be performed during the evening peak hour.

A summary of the existing and proposed zoning for the parcels involved with the proposed development is shown in the table below.

EXISTING AND PROPOSED ZONING					
Happy Valley New Schools					
<u>Tax Lot</u>	<u>Existing Zoning</u>	<u>Proposed Zoning</u>	<u>Total Area</u>	<u>Developable Area</u>	<u>Wetland Area</u>
100	IPU	IPU	10.60 acres	9.60 acres	1.00 acres
2900	R10	IPU	3.45 acres	2.70 acres	0.75 acres
3001	R10	IPU	8.30 acres	5.00 acres	3.30 acres
3000	R10	IPU	1.00 acres	1.00 acres	0.00 acres

As a part of the redevelopment plan, the church located at the east of the existing elementary school will be relocated further east and opposite of SE Rolling Meadows Drive. As the church will only be relocated and will not generate any additional traffic, a traffic assessment has not been conducted for this component of the development site.



The 550 student elementary school is forecast for completion by August 2008. The school will primarily draw from the existing Happy Valley Elementary School attendance boundary, however, students within the existing attendance boundary that live east of SE 145th Avenue and SE 147th Avenue will not attend the proposed elementary school.

Completion of the 800 student middle school is anticipated for December 2008. The attendance boundary for the proposed middle school will be within the existing Mount Scott Elementary School, Happy Valley Elementary School, and Spring Mountain Elementary School attendance boundaries. A copy of the existing attendance boundaries is attached at the appendix.

School start and finish for either school have not been determined, however, the development application includes a condition of approval such that the start and finish times for both schools will be offset a minimum of 25-minutes.

The proposed schools will be located just east of the existing Happy Valley Elementary School. Upon completion of the new elementary school, the existing school and the new elementary school will be in operation at the same time. The construction of another new elementary school, on another site to the east, is expected to be completed by September, 2009. Upon completion of the 2008-2009 school year, it is anticipated that the existing school will be demolished on the site. However, if the new school to the east is delayed for some reason, the existing Happy Valley Elementary School may need to be kept in operation until that school is completed, possibly until the end of the 2009-2010 school year.

Access to the proposed site will be provided via three access points onto SE King Road. The main site entry will be located just west of the intersection at SE King Road and SE Rolling Meadows Drive. This access will be the primary entry to the school and will provide entry-only to both vehicles and buses for both schools. Approximately 80 feet north of the intersection of SE King Road and this access, the entry to the school separates into bus-only and vehicle-only lanes.

The vehicle-only access will have two lanes. The northern lane will provide a set-down area for vehicles dropping off and picking up students. Vehicles will exit the site via the southern vehicle-only lane and the access located opposite of SE Happy Valley Drive. A similar circulation plan is proposed for buses, however, all buses will exit the site via the exit-only access at the far west of the site.

The access opposite of SE Happy Valley Drive will provide entry to service vehicles and to the teacher parking lot located at the west of the site. This access will also provide the primary exit point for vehicles. This access will have two approach lanes, which should be striped with an exclusive left-turn lane and shared right-turn and through lane. This configura-



tion will align the approach with the opposite northbound approach appropriately. The access at the far west of the site will be an exit only for buses and for vehicles utilizing the teacher parking lot.

The City of Happy Valley requires study of site access points and intersections between arterials, collectors and neighborhood streets where development generated traffic exceeds ten percent of the total entering intersection volume during either the morning or evening peak hours. The intersections that fall under these criteria have been studied and are as follows:

- SE King Road at SE Happy Valley Drive and vehicle exit;
- SE King Road at SE Happy Valley Drive and bus exit;
- SE King Road at SE Mountain Gate Road;
- SE 129th Avenue at SE King Road and Mount Scott Road;
- SE 132nd Avenue at SE King Road;
- SE 129th Avenue at SE William Otty;
- SE 129th Avenue at SE Mountain Gate Road;
- SE Mount Scott Blvd at SE Ridgecrest Road and SE Idleman Road;

Though the intersection of SE King Road and SE 145th Avenue is close to the vicinity of the school, this intersection has not been evaluated as the volumes generated by the proposed development will not meet the ten percent intersection volume criteria. Though the new elementary and middle schools are anticipated to generate a number of trips through this intersection, the net new trips generated by the development will not exceed the ten percent volume threshold.

All intersections mentioned above are unsignalized. All-way stop controlled intersections are located at the intersection of SE 129th Avenue at SE King Road and Mount Scott Road and at the intersection of SE Mount Scott Blvd at SE Ridgecrest Road and SE Idleman Road. The entry only access at the east of the site has not been evaluated as the level of conflicting traffic movements is expected to be minimal.

All roadways and intersections evaluated in this study are under the City of Happy Valley jurisdiction. An inventory of the roads evaluated in this study is shown in the table below.



EXISTING ROADWAY CONDITIONS

Happy Valley New Schools

<i>Facility</i>	<u>Classification</u>	<u>Lanes</u>	<u>Posted Speed</u>	<u>Sidewalks</u>	<u>Bike Lanes</u>
SE King Road	Minor Arterial	2 to 3	35	Partial	Partial
SE 129th Ave	Minor Arterial	2 to 3	35	Partial	Partial
SE 132nd Ave	Collector	2	35	Partial	Partial
SE Mountain Gate Rd	Collector	2 to 3	35	Both Sides	Both Sides
SE Mount Scott Blvd	Minor Arterial	2	35	No	No
SE William Otty Road	Collector	2	25	Both Sides	No
SE Happy Valley Dr	Neighborhood	2	N/A	No	No
SE Idleman Road	Minor Arterial	2	35	No	No
SE Ridgecrest Road	Collector	2	25	No	No

Adjacent to Happy Valley Elementary School, SE King Road has a three-lane cross-section with sidewalks and bike lanes on both sides of the facility. Adjacent to the school, a posted speed of 20 mph is in effect along SE King Road around the start and finish of class each day. The speed zone change is designated with flashing lights.

Bus Route 157 services the area, providing service adjacent to the school on SE King Road. The service runs with an approximate headway of one hour during weekdays and on Saturdays. No Sunday service is provided. Data within the City of Happy Valley TSP shows that on average, a total of one weekday bus boarding occurs at the three bus stops adjacent to the school.

Manual turning movement counts were conducted at all study intersections in October and November of 2006. As requested by the City, counts were conducted during the morning, afternoon, and evening peak hours.

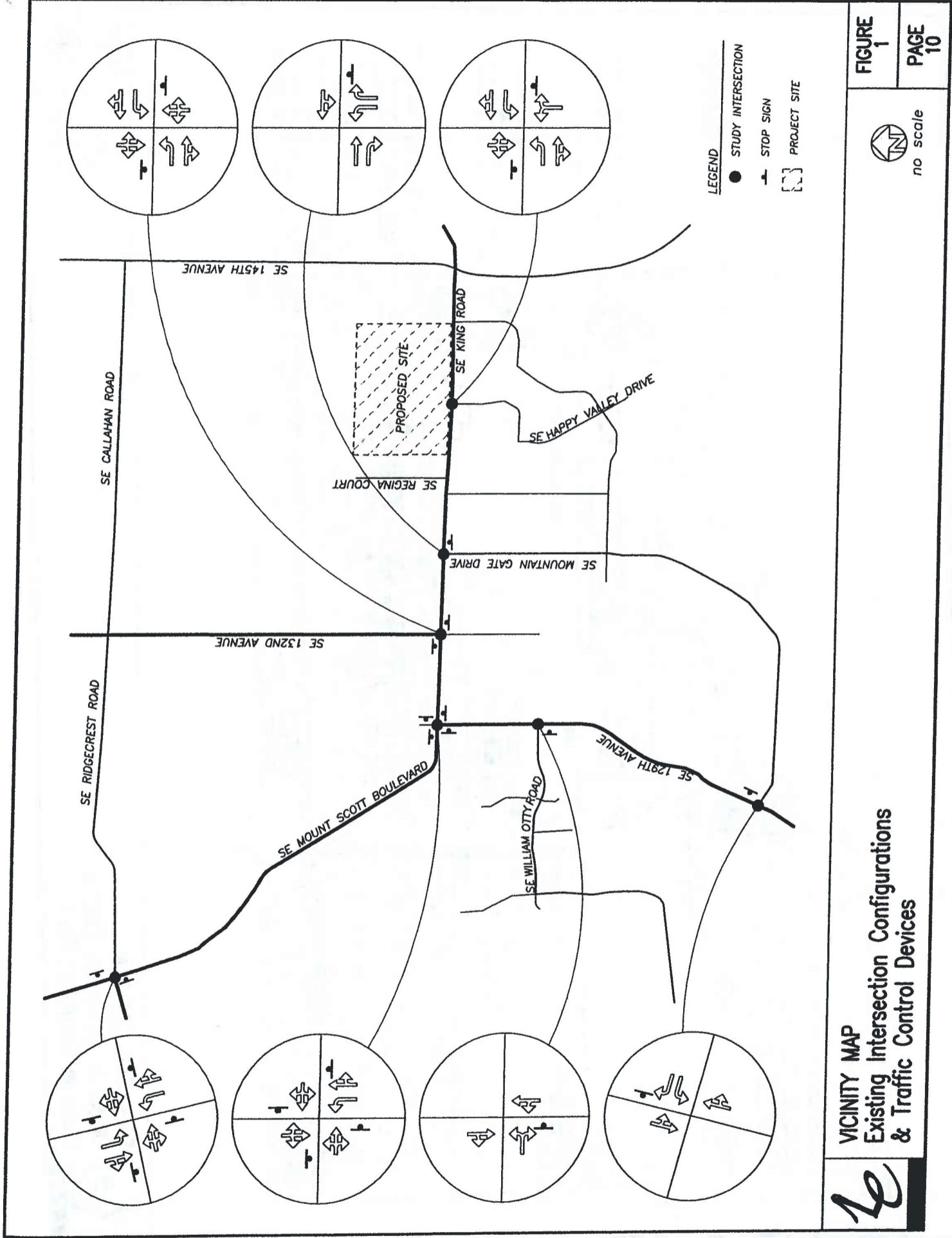
During the AM peak hour, traffic demands traveling to and from the proposed schools are expected to change the peak hour such that the AM peak hour coincides with the peak hour of traffic generated by the schools. Based on survey data at the existing school, the morning



peak hour at the proposed schools has been forecast between 8:15 and 9:15 AM. As such, counts during the AM peak period have been performed during this hour only.

Counts during the afternoon and evening peak hour have been conducted between 2:30 and 6:00 PM. The afternoon peak hour occurs between 3:20 to 4:20, as this hour is anticipated to capture the most traffic when the schools finish for the day. The evening peak hour occurs between 5:00 and 6:00 PM. Raw traffic count data is shown in the appendix.

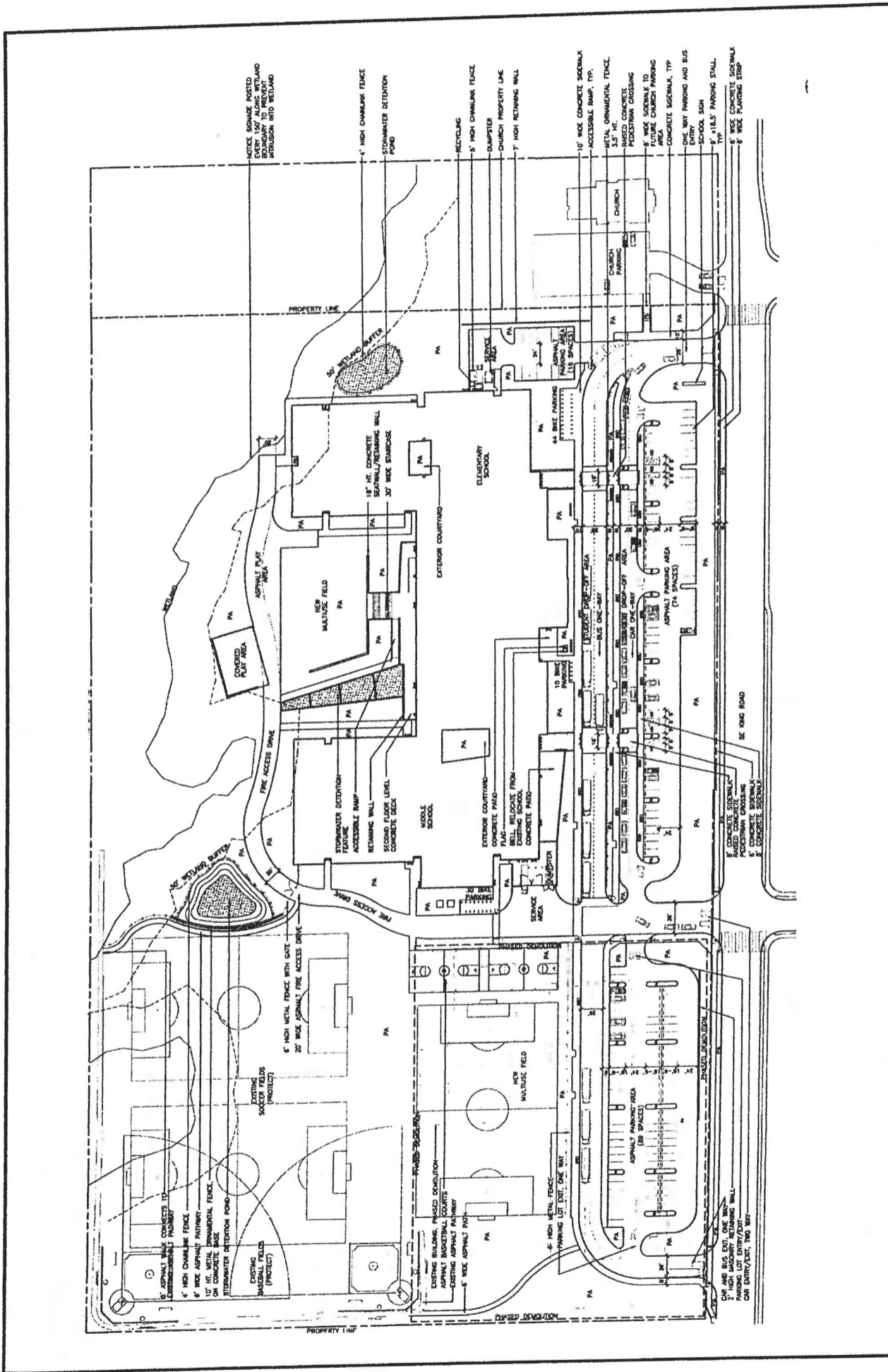
Traffic volumes for existing conditions analysis during the morning, afternoon, and evening peak hours are shown in the traffic flow diagrams on pages 12, 13, and 14, respectively.



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VICINITY MAP
Existing Intersection Configurations
& Traffic Control Devices

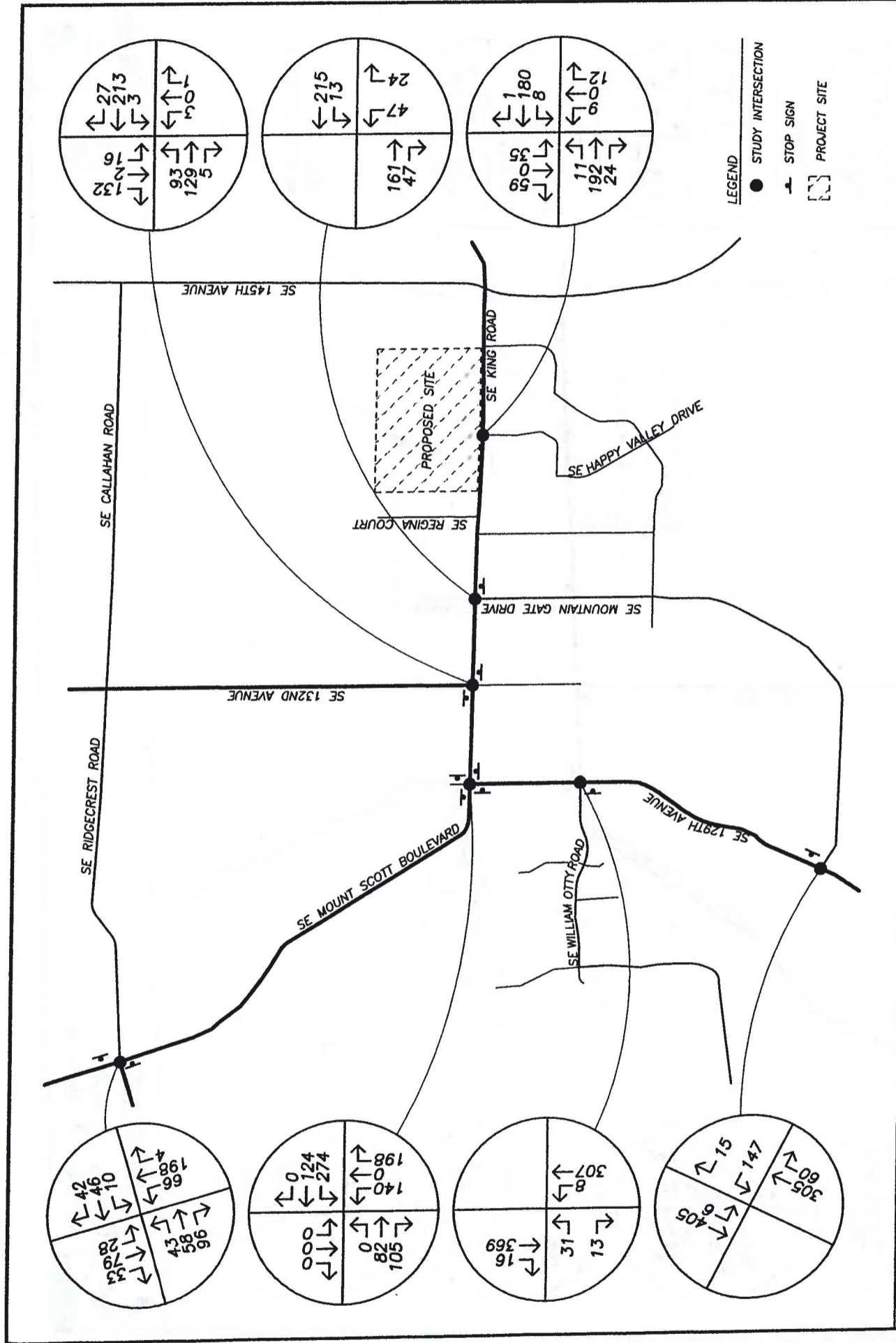
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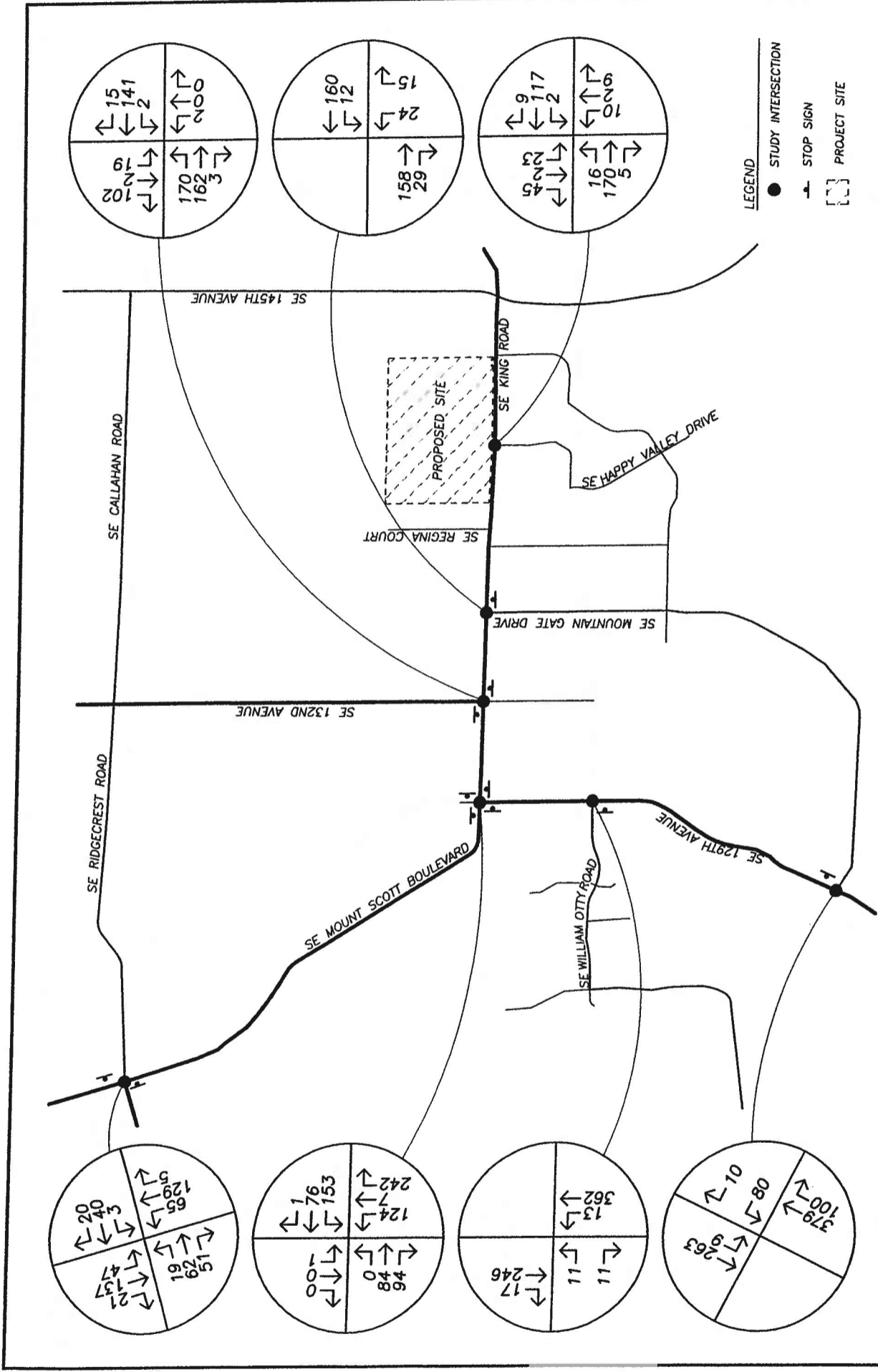


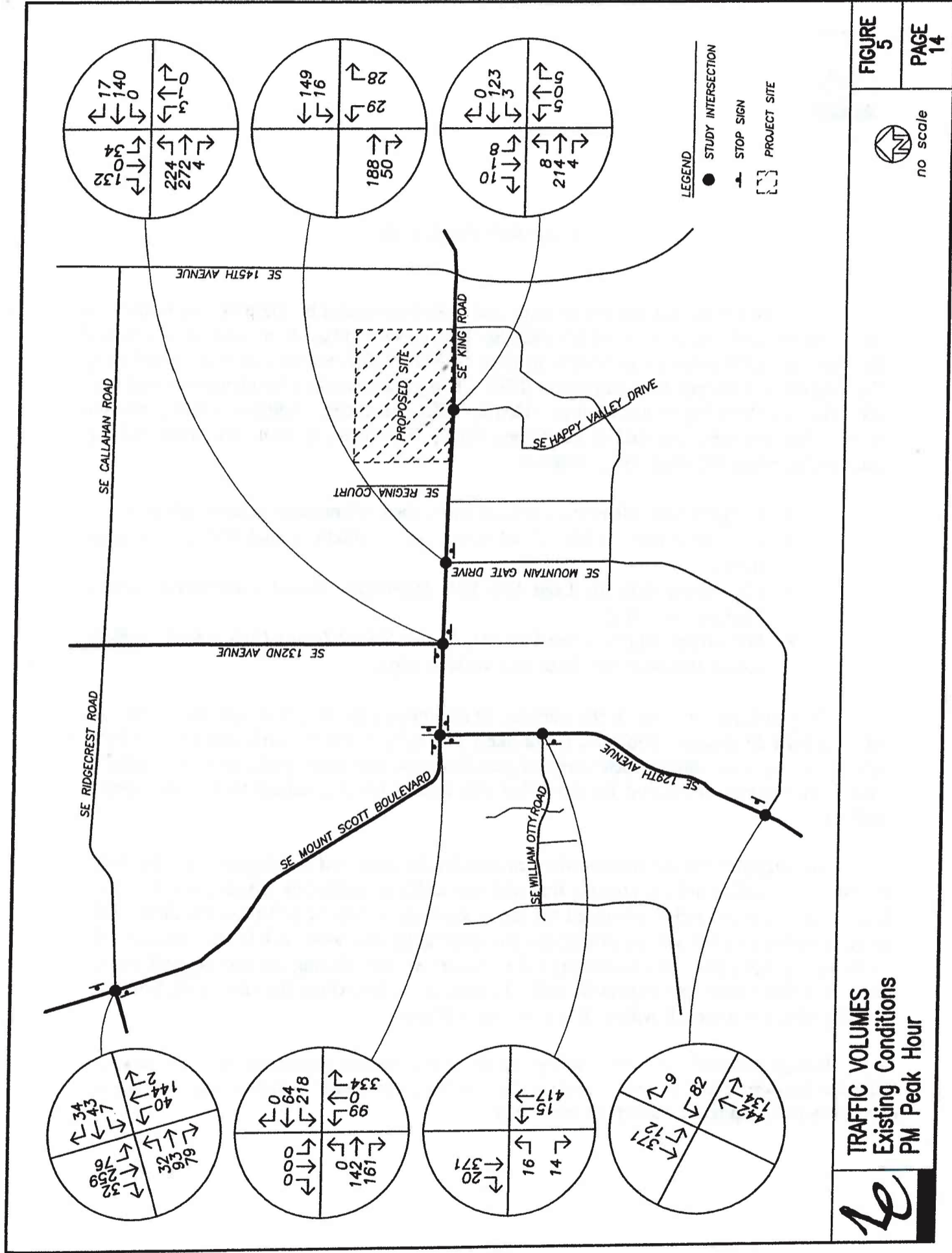
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PROPOSED SITE PLAN
Middle & Elementary School
Access & Circulation Plan

18









TRIP GENERATION

To estimate the number of new trips that will be generated by the proposed elementary and middle schools, an analysis of trip rates has been conducted based on survey data collected for this study and based on trip rates from *TRIP GENERATION*, Seventh Edition, published by the Institute of Transportation Engineers (ITE). Trip generation data for elementary and middle schools within Oregon has been provided by DKS Associates. Additional trip generation survey data has been collected at the Happy Valley Elementary School. The measured trip rates evaluated for this study are as follows:

- Happy Valley Elementary School survey data - elementary school peak hours;
- DKS Associates middle school survey data - middle school AM and PM peak hours;
- ITE survey data for Land Use 520, *Elementary School* - elementary school weekday trips; and
- ITE survey data for Land Use 522, *Middle School/Junior High School* - middle school afternoon peak hour and weekday trips.

As previously mentioned, the start and finish times at the proposed schools will be offset by at least 25-minutes. Though it is not likely that 100 percent of traffic generated by both schools will coincide during each analyzed peak hour and that some peak, no trip reductions have been assumed to account for the offset schedules. This is assumed to be conservative analysis.

To determine the net new traffic generated by the proposed development, traffic from the existing school must be subtracted from the new traffic generated by the proposed schools. The net new trip generation estimated for the morning peak hour is 353 trips. Of these, 192 will be entering and 161 will be exiting the site. During the afternoon peak hour, there are 159 net new trips expected, with 76 entering and 83 exiting the site. During the evening peak hour, there are 113 net new trips expected, with 54 entering and 59 exiting the site. A total of 974 weekday trips are expected, with half entering and half exiting.

Though a school land use is anticipated to have a number of pass-by trips, no pass-by reduction has been taken to ensure conservative analysis. No transit reduction has been taken due to low ridership in the vicinity of the school.



A summary of the trip generation calculations for the existing and proposed schools is shown in the table below. Detailed trip generation calculations and a summary of the rates evaluated for this report are included in the appendix to this report.

TRIP GENERATION SUMMARY			
Happy Valley New Schools			
	<u>Entering Trips</u>	<u>Exiting Trips</u>	<u>Total Trips</u>
<i>AM Peak Hour</i>			
Proposed Elementary School	135	96	231
Proposed Middle School	253	205	458
<i>Existing Elementary School</i>	<i>(196)</i>	<i>(140)</i>	<i>(336)</i>
Net New Trips	192	161	353
<i>Afternoon Peak Hour</i>			
Proposed Elementary School	72	105	177
Proposed Middle School	108	132	240
<i>Existing Elementary School</i>	<i>(104)</i>	<i>(154)</i>	<i>(258)</i>
Net New Trips	76	83	159
<i>PM Peak Hour</i>			
Proposed Elementary School	42	63	105
Proposed Middle School	73	88	161
<i>Existing Elementary School</i>	<i>(61)</i>	<i>(92)</i>	<i>(153)</i>
Net New Trips	54	59	113

As the development requires a zone change, a trip generation analysis has been conducted to determine the net new number of trips that a zone change will incur on the forecast



transportation network. This process has been conducted by estimating the most intense development that the existing and proposed zoning could facilitate.

Happy Valley Elementary School is currently over capacity. The school has the capacity to host 550 students, however, 800 students are enrolled at the school. As the current school is over capacity, it is anticipated that the existing school is the most intense land use that could be expected for the IPU zoning.

Approximately 378,250 ft² of developable lands zoned R10 exist east of the existing school. Given that R10 residential facilitates one residential unit per 10,000 ft², the most intense development projected for these lands is 38 single family residential units.

With the exception of the wetlands, the proposed site will occupy nearly all available land. As such, it is assumed that the estimated trips generated by the proposed schools are the most intense development that could be expected with the proposed zoning on these lands.

Trip generation estimates for the existing and proposed IPU zonings are the same as those that have been calculated for the traffic impact analysis portion of the study. Trip generation for the R10 zoning has been estimated based on trip rates for land use 210, *Single-Family Detached Housing*, from the *TRIP GENERATION* manual.

Based on the trip generation estimates, the zone change is estimated to generate an additional 75 trips during the weekday PM peak hour. Of the trips generated, 30 trips are anticipated to be entering the site and 45 trips are anticipated to be exiting. A summary of the results is shown below.



ZONE CHANGE TRIP GENERATION SUMMARY

Happy Valley New Schools

	PM Peak Hour		Total Trips
	Entering Trips	Exiting Trips	
<i>Proposed Zoning</i>			
IPU	115	151	266
<i>Existing Zoning</i>			
R10	(24)	(14)	(38)
IPU	(61)	(92)	(153)
Net New Trips	30	45	75



TRIP DISTRIBUTION

As mentioned previously, the existing elementary school, proposed elementary school, and proposed middle school have different attendance boundaries. As such, each school is anticipated to have a different trip distribution pattern.

As the land contained by each attendance boundary is primarily single-family residential, trip distribution patterns have been established based on the density of residential dwellings and the likely route choice that vehicles would take to between the residential clusters and the schools. Trip distribution patterns for the existing elementary school, proposed elementary school, and proposed middle school are shown on pages 21, 22, and 23, respectively.

The access located farthest to the west is an exit only that will service buses exiting the school facilities and some vehicles parking at the west end of the site. The primary entry to the school is at the east access, with a secondary entry provided at the center of the site. The secondary entry will provide access to some service vehicles and to those parking in the western lots, which will serve as primary parking for teachers. The central exit is the primary exit for vehicles. Given the proposed circulation plan, it is estimated that the access will service the site as follows:

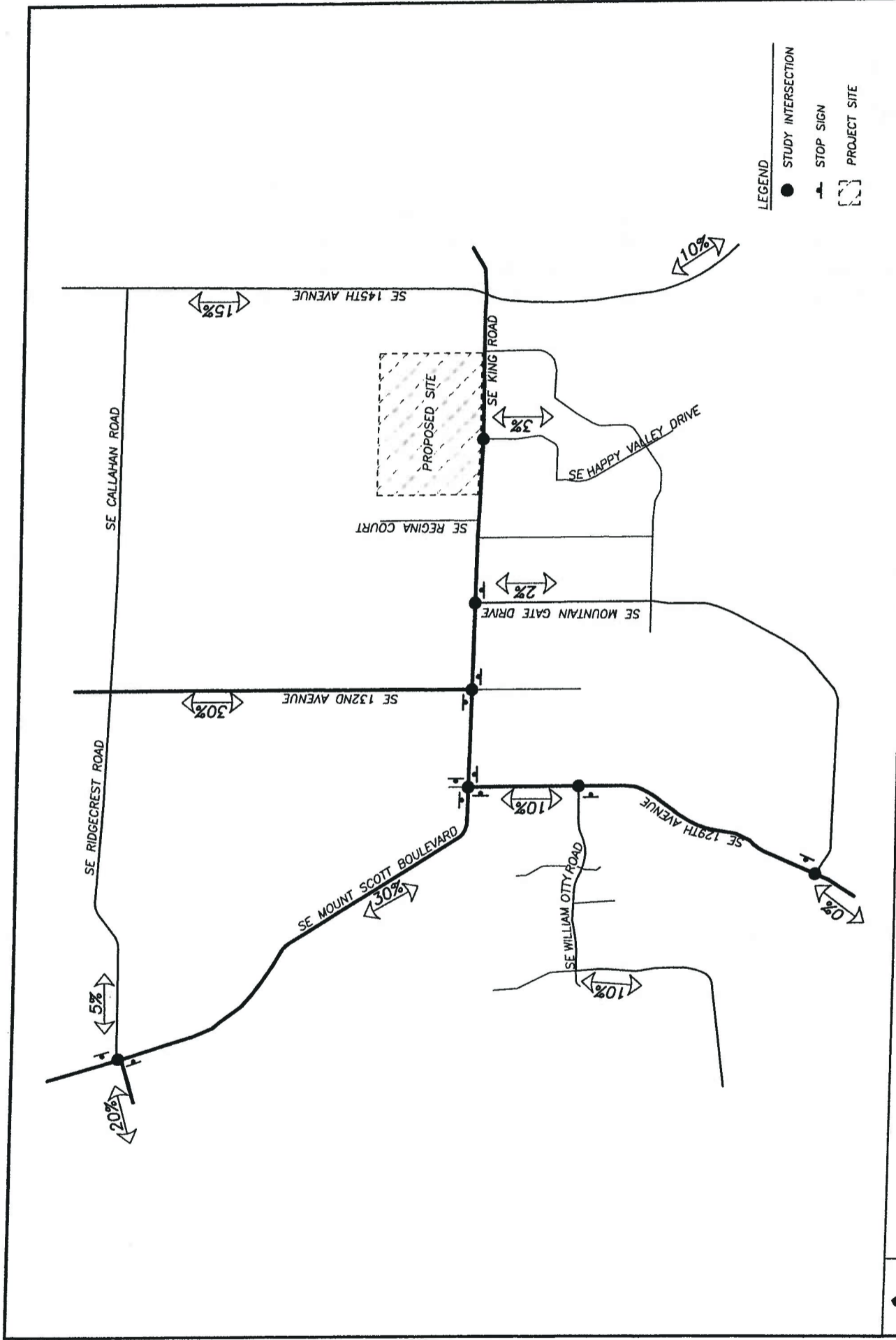
- East Access – 80% of inbound traffic;
- Central Access – 20% of inbound and 80% of outbound traffic; and
- West Access – 20% of outbound traffic.

Based on these distribution percentages at the access points, trips have been assigned to the access locations. Existing traffic peak hour volumes have been removed from the trip assignment at each access point, and throughout the network. The net new assignment trip assignment from the proposed schools during the morning, afternoon, and evening peak hours is shown on pages 24, 25 and 26, respectively.

Trip distributions for the R10 component of the existing zoning have been estimated based on review of the surrounding transportation network and surrounding land uses. During the weekday PM peak hour, vehicles traveling between the residential and surrounding lands will likely be traveling from employment or commercial centers. The trip distribution for the R10 component is shown on page 27.



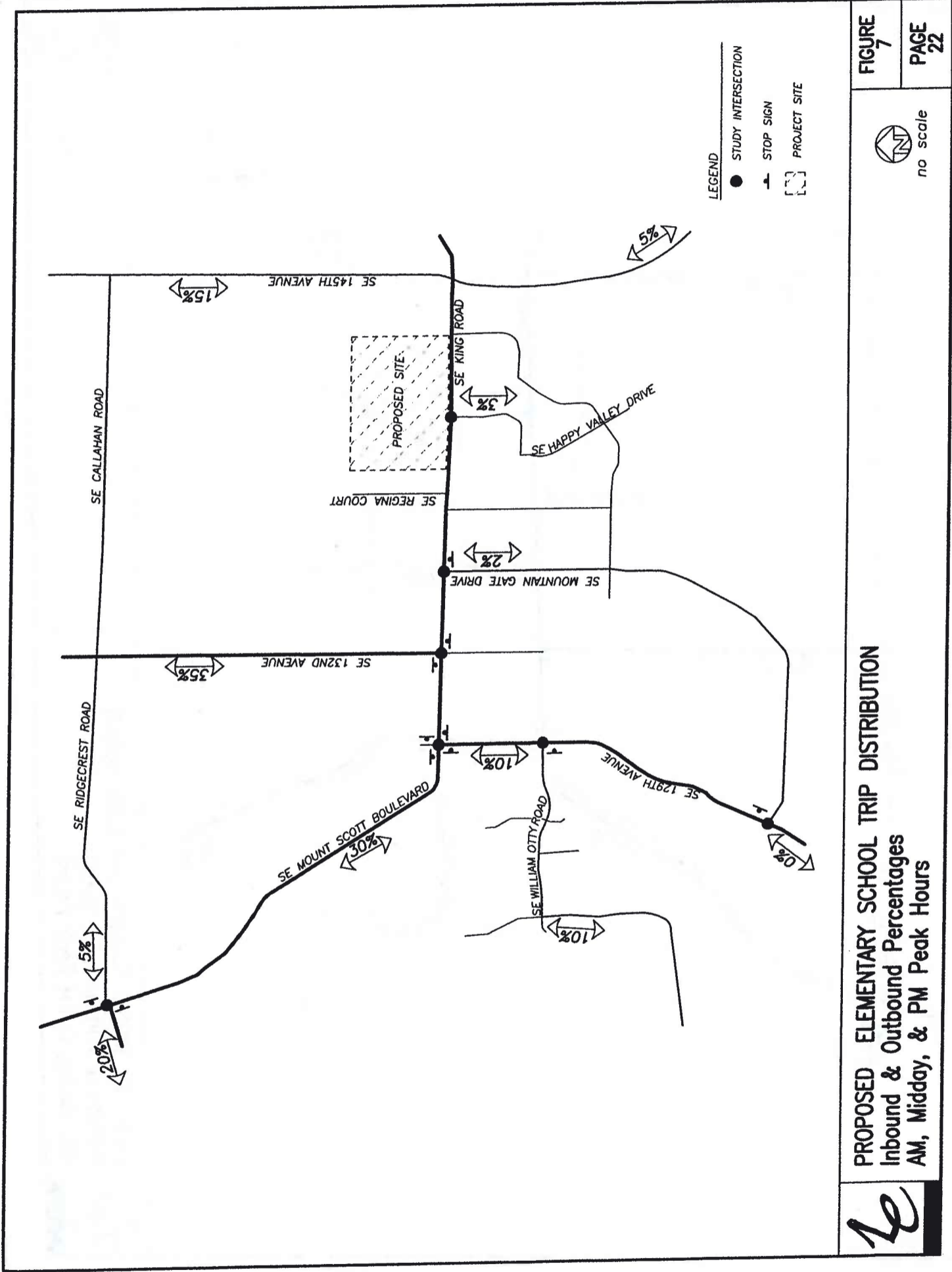
The net new trip assignment for the zone change has been estimated based on the trips assignment for the proposed schools less the trip assignment from the existing school and the trip assignment from the R10 zoning. The access points for the zone change have been evaluated with the same ingress and egress percentages as evaluated for the 2008 traffic conditions. A summary of net new trip assignment incurred by the zone change is shown on page 28



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EXISTING ELEMENTARY SCHOOL TRIP DISTRIBUTION
 Inbound & Outbound Percentages
 AM, MIDDAY, & PM PEAK HOURS

no scale



PROPOSED ELEMENTARY SCHOOL TRIP DISTRIBUTION
Inbound & Outbound Percentages
AM, MIDDAY, & PM PEAK HOURS

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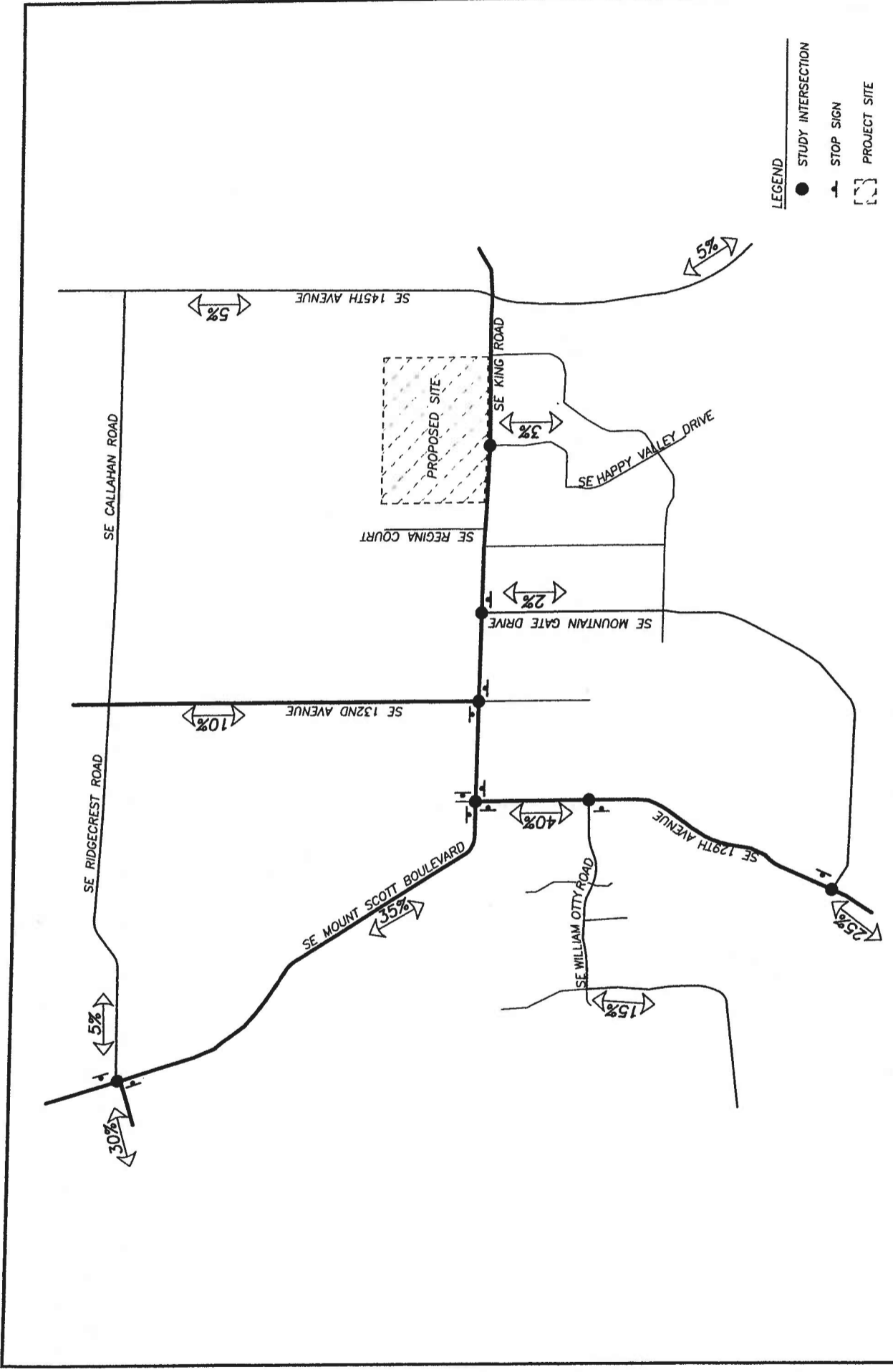
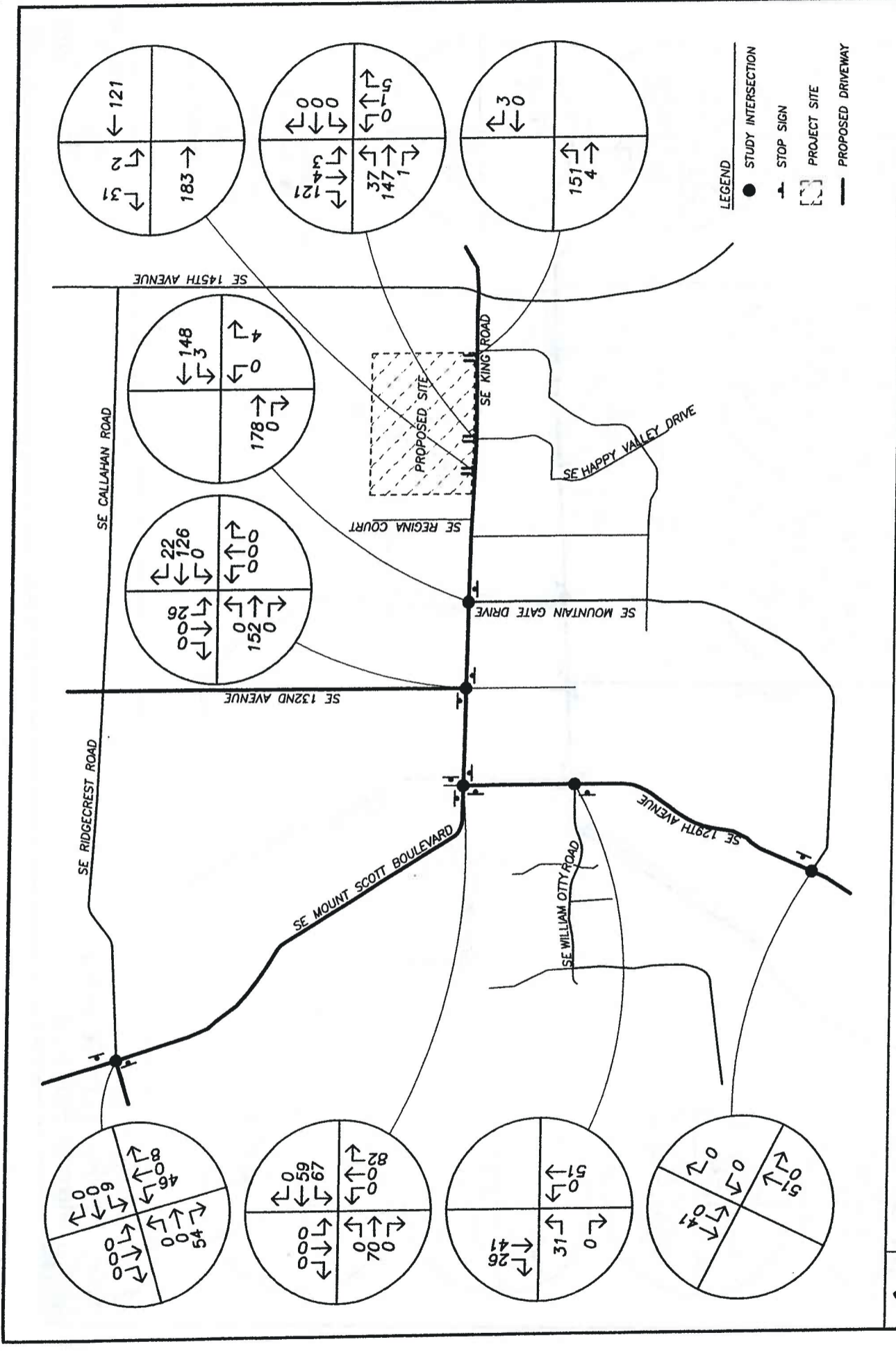


FIGURE 8
PAGE 23

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PROPOSED MIDDLE SCHOOL TRIP DISTRIBUTION
Inbound & Outbound Percentages
AM, Midday, & PM Peak Hours

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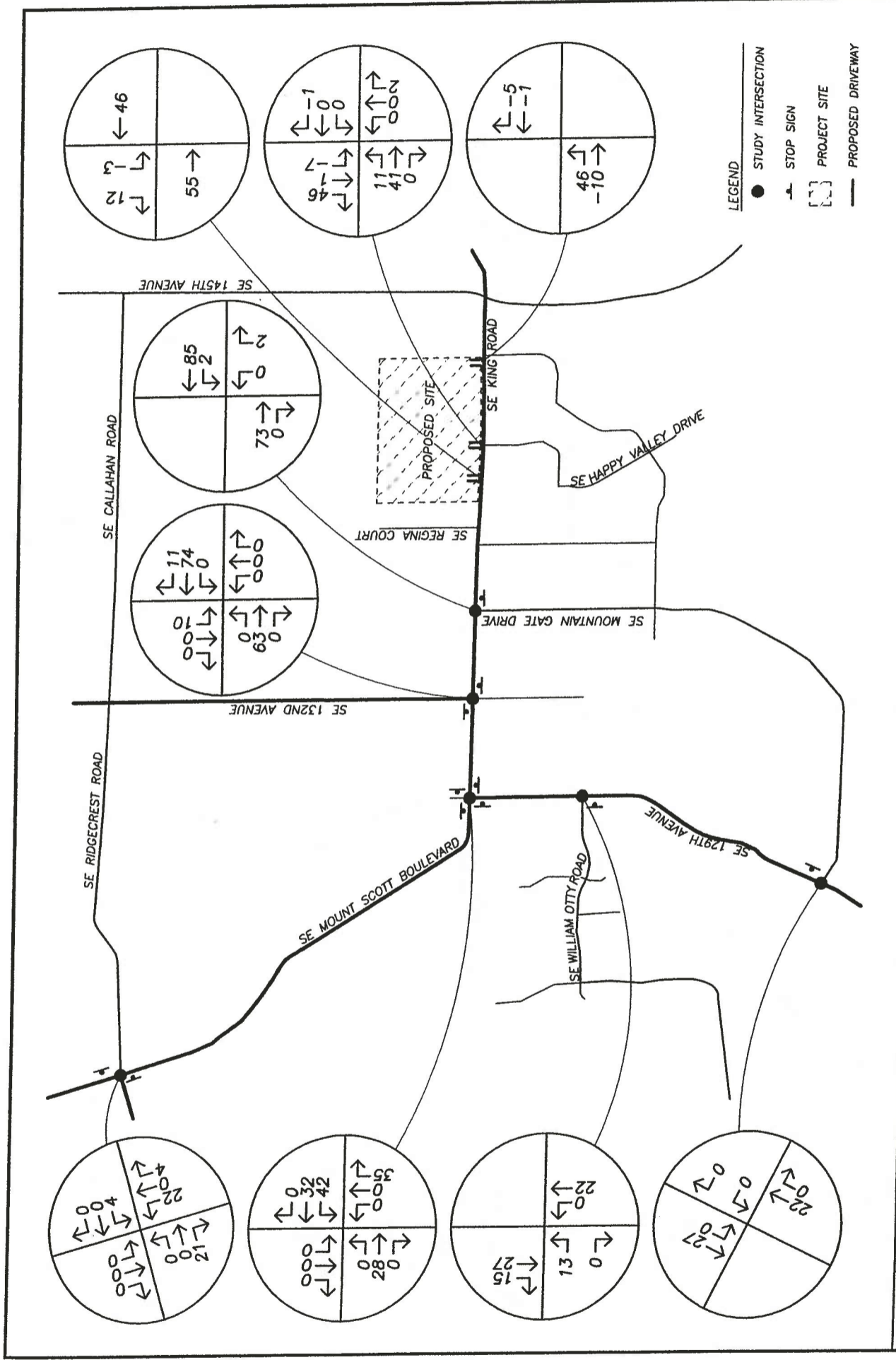
TRAFFIC VOLUMES
 Net New Traffic Generated
 AM Peak Hour

FIGURE 9

PAGE 24

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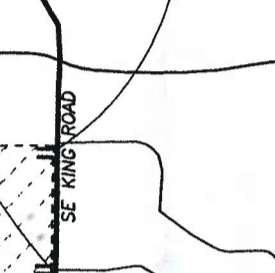
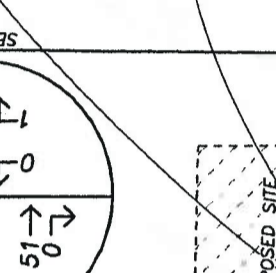
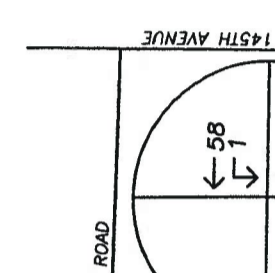
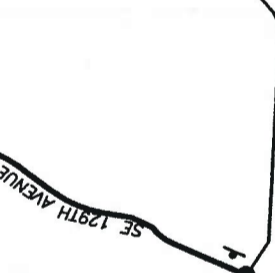
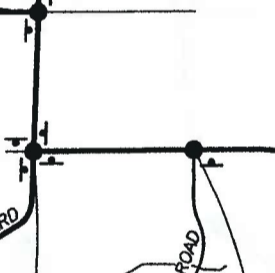
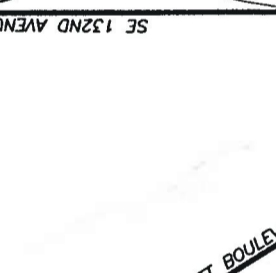
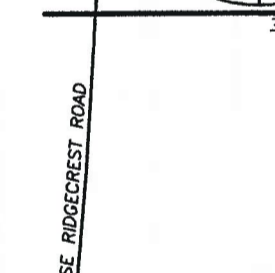
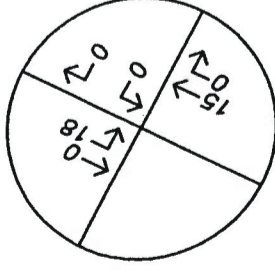
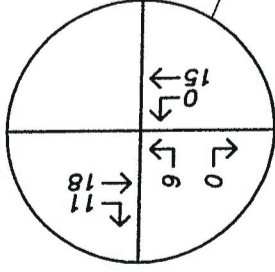
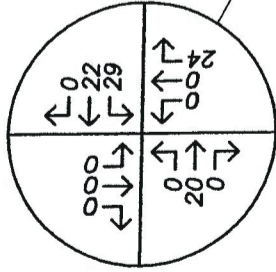
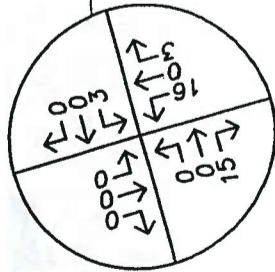
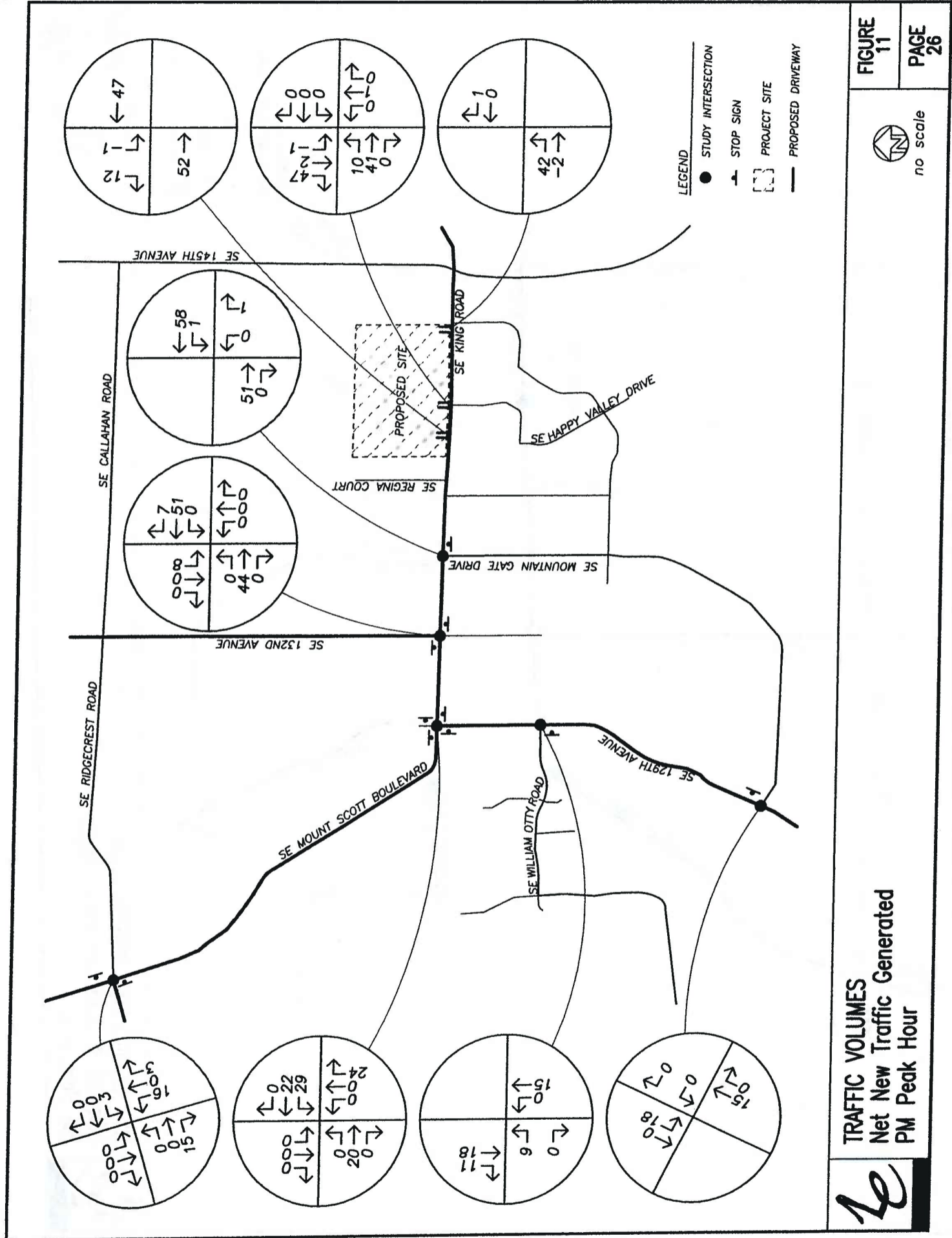
TRAFFIC VOLUMES
 Net New Traffic Generated
 Afternoon Peak Hour

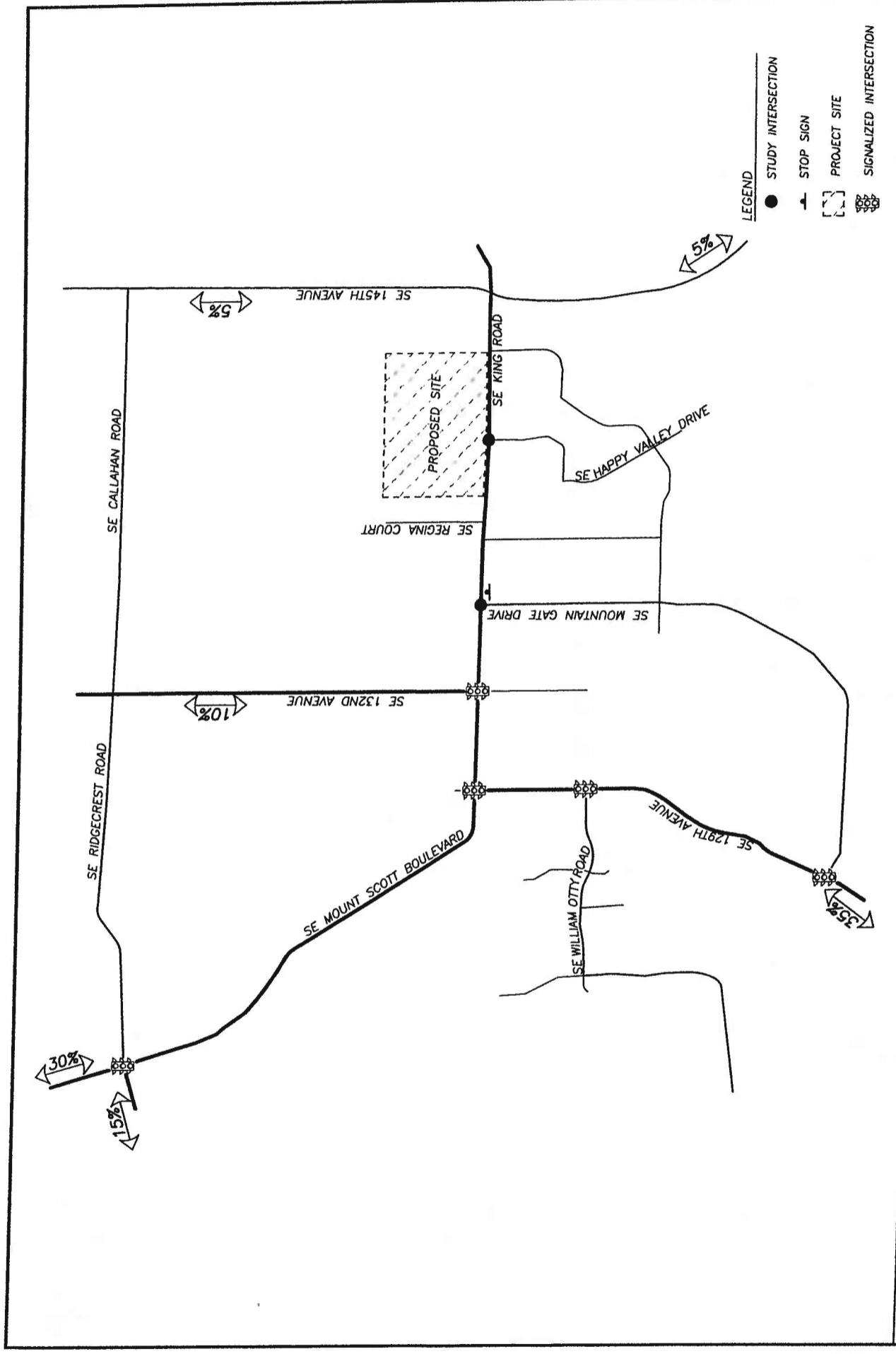
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FIGURE 10

PAGE 25







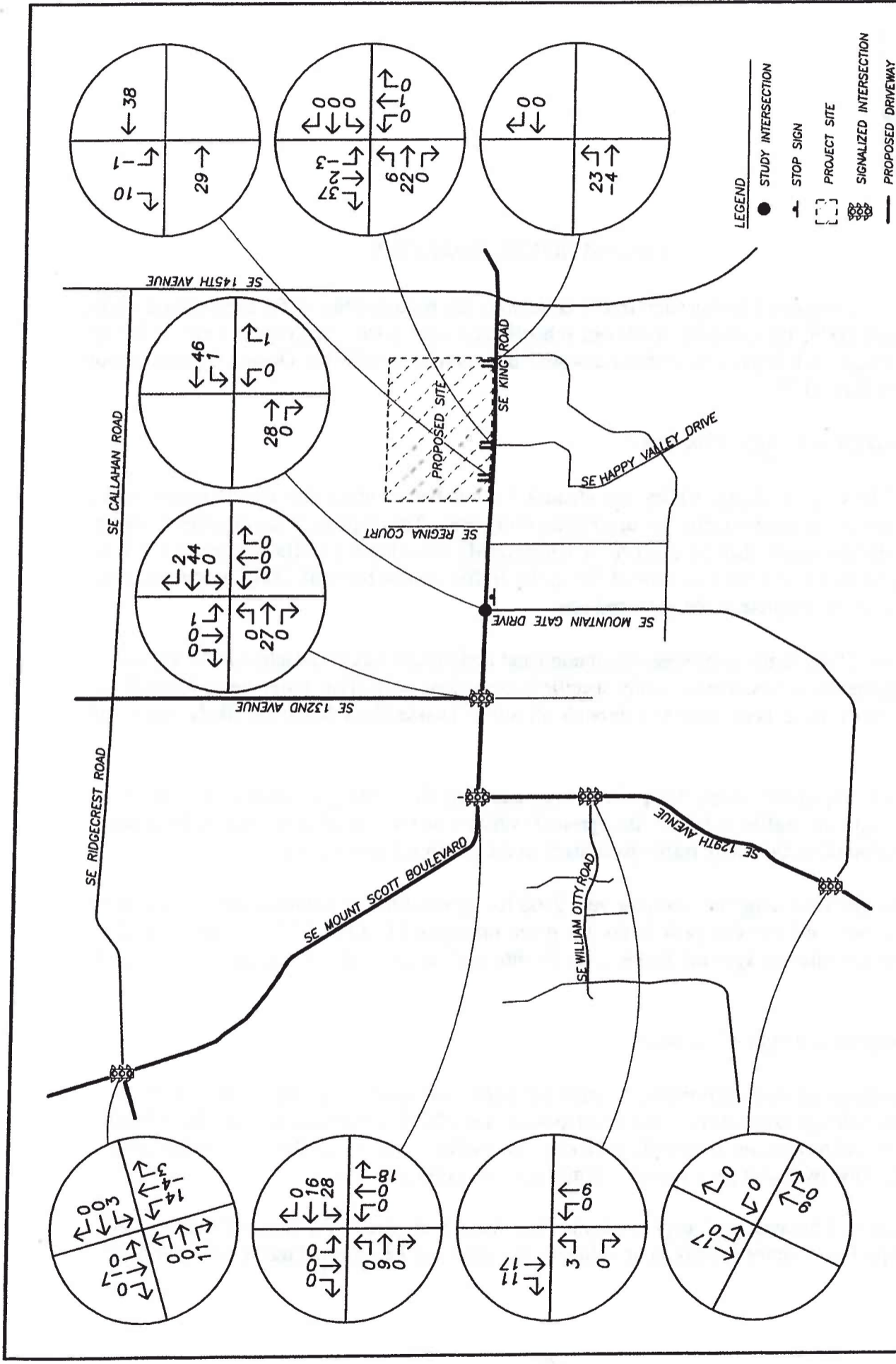
**R10 ZONING TRIP DISTRIBUTION
Inbound & Outbound Percentages
PM Peak Hour**

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no scale

FIGURE 12

PAGE 27



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OPERATIONAL ANALYSIS

An analysis of background traffic conditions has been conducted for two horizon years, December 2008, the completion of both schools, and year 2026, the 20-year analysis for the zone change. All impacts have been assessed in accordance with the Oregon Transportation Planning Rule (TPR).

2008 Background Traffic Conditions

The City of Happy Valley has identified a number of in-process developments which are forecast to generate traffic throughout the study area. The in-process developments are approved developments that have yet to be constructed, such that the traffic generated by these developments has not been accounted for in the traffic counts but will likely be present once construction is complete at the proposed site.

As shown in the in-process distribution and assignment figures attached at the appendix, trip assignments are included at study specific intersections only. Trip assignments for each in-process study have been assigned through all study intersections based on likely routes of travel.

The in-process assigned trips have been added to the existing volumes to estimate year 2008 background traffic volumes. Background volumes at the school access points have been estimated based on the likely traffic patterns with the proposed access plan.

Traffic flow diagrams showing year 2008 background traffic volumes during the morning, afternoon, and evening peak hours are given on pages 31, 32 and 33. Traffic flow diagrams showing the background traffic with the site trips added is given on pages 34, 35, and 36.

2026 Background Traffic Conditions

Analysis of year 2026 traffic volumes has been conducted to evaluate traffic conditions for the zone change component of the development. Year 2026 traffic volumes have been based on 2030 model projections provided by Metro. The model projections, which are shown in the appendix, show two-hour peak period volumes for both 2005 and 2030.

Base and forecast peak period volumes have been multiplied by a factor of 0.52 to convert peak period volumes to peak hour volumes. Twenty-year background traffic volumes have



been forecast at each turning movement within the study area. The expected to increase or decrease of trips has been added to the existing volumes to estimate year 2026 background traffic volumes

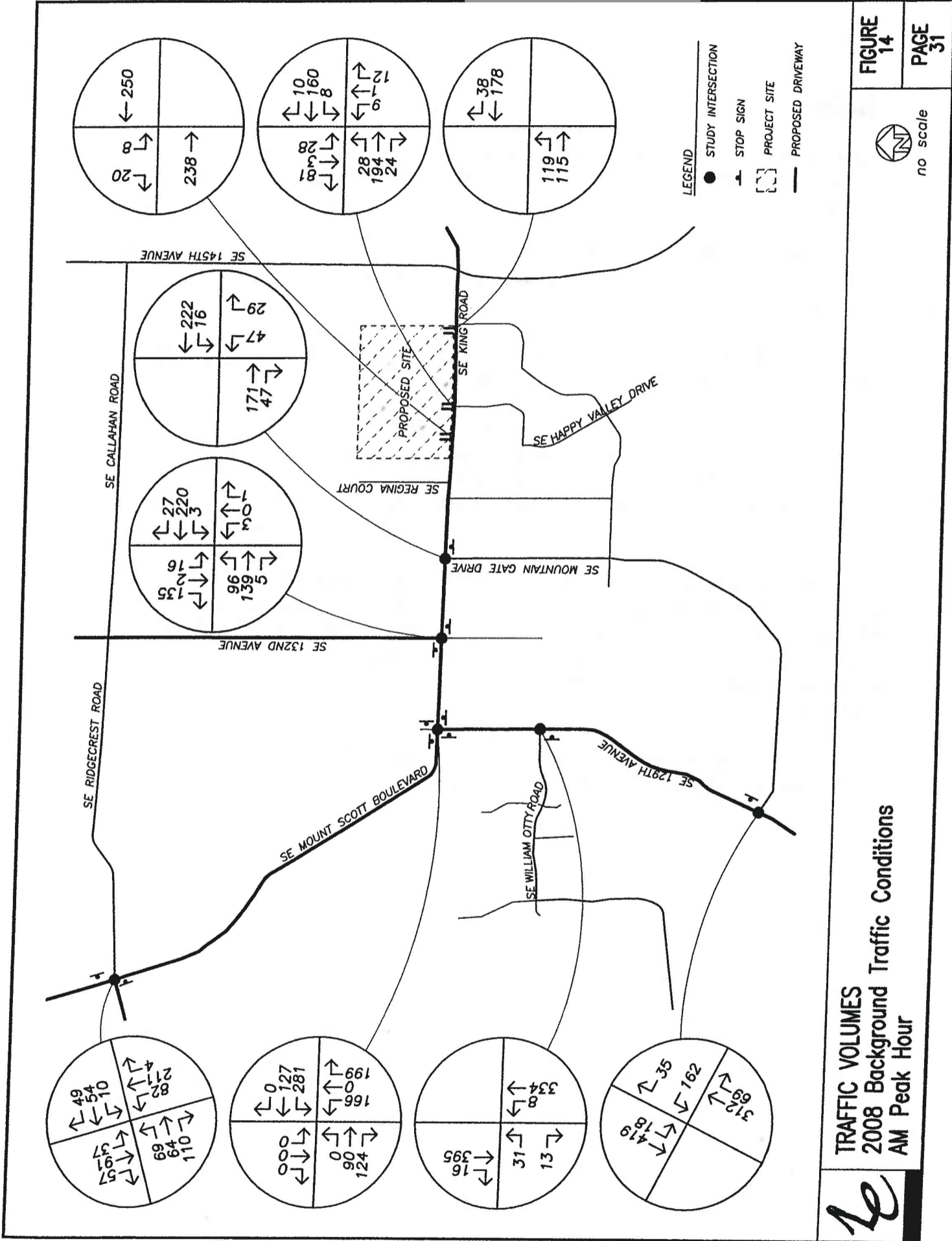
Forecast volumes along SE Mountain Gate Road and SE Happy Valley Drive are not included in the model but have been estimated to increase approximately 50 percent over the next 20 years.

The City of Happy Valley TSP Motor Vehicle Master Plan identifies the need to signalize the following intersections prior to year 2025:

- SE 129th Avenue at SE King Road and SE Mount Scott Road;
- SE 132nd Avenue at SE King Road;
- SE 129th Avenue at SE William Otty;
- SE 129th Avenue at SE Mountain Gate Road;
- SE Mount Scott Blvd at SE Ridgecrest Road and SE Idleman Road;

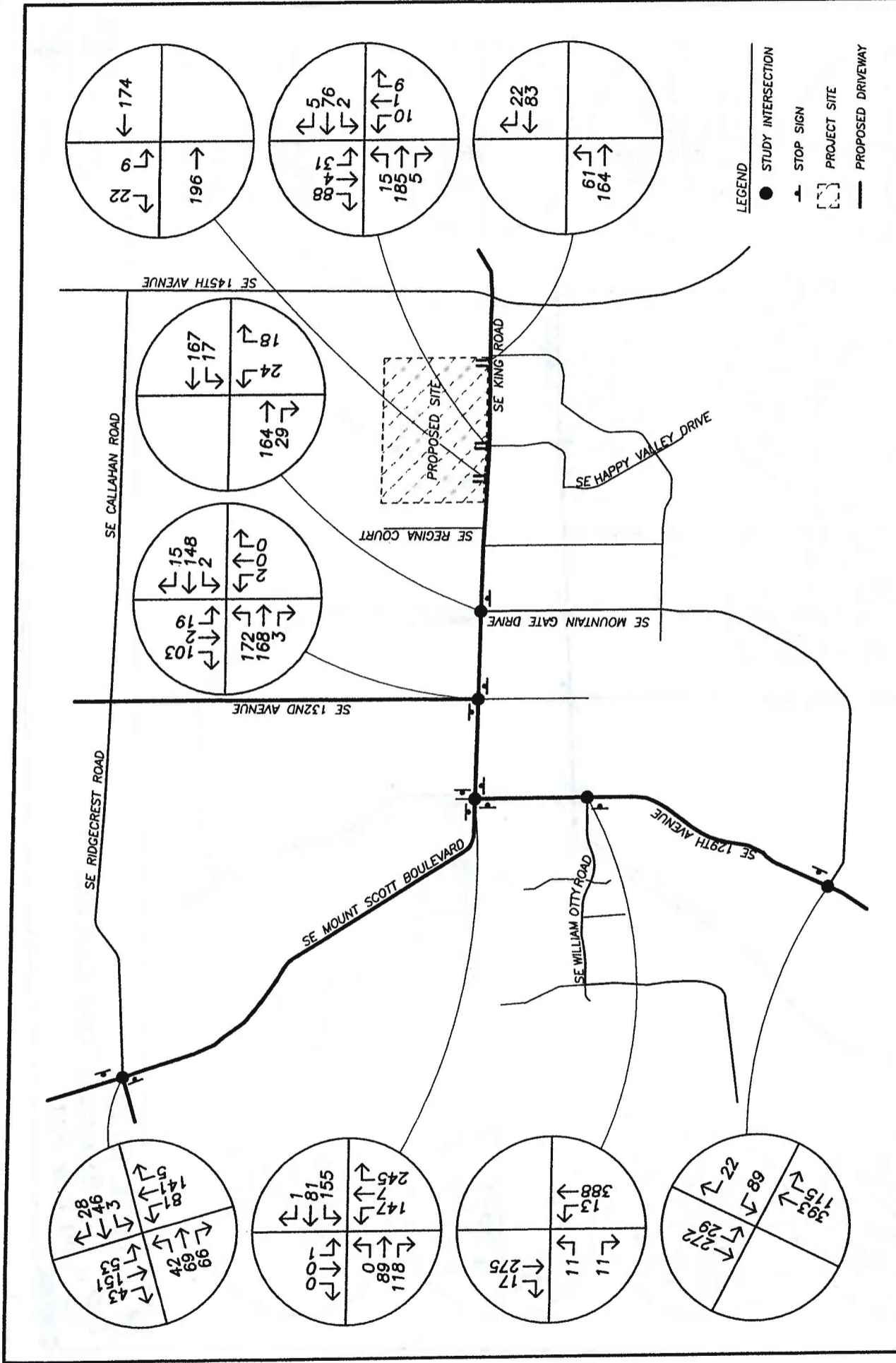
In addition to the signalizations, an additional eastbound right-turn lane has been recommended at the intersection of SE 129th Avenue at SE King Road and SE Mount Scott Road. Though the TSP Motor Vehicle Master Plan has recommended these upgrades, the TSP Motor Vehicle Action Plan has not identified a funding source for any of these improvements and thus all year 2026 operations analysis has been conducted with existing intersection configurations and traffic control.

Traffic flow diagrams showing the estimated year 2026 background and total traffic volumes during the evening peak hour are shown on pages 37 and 38, respectively.

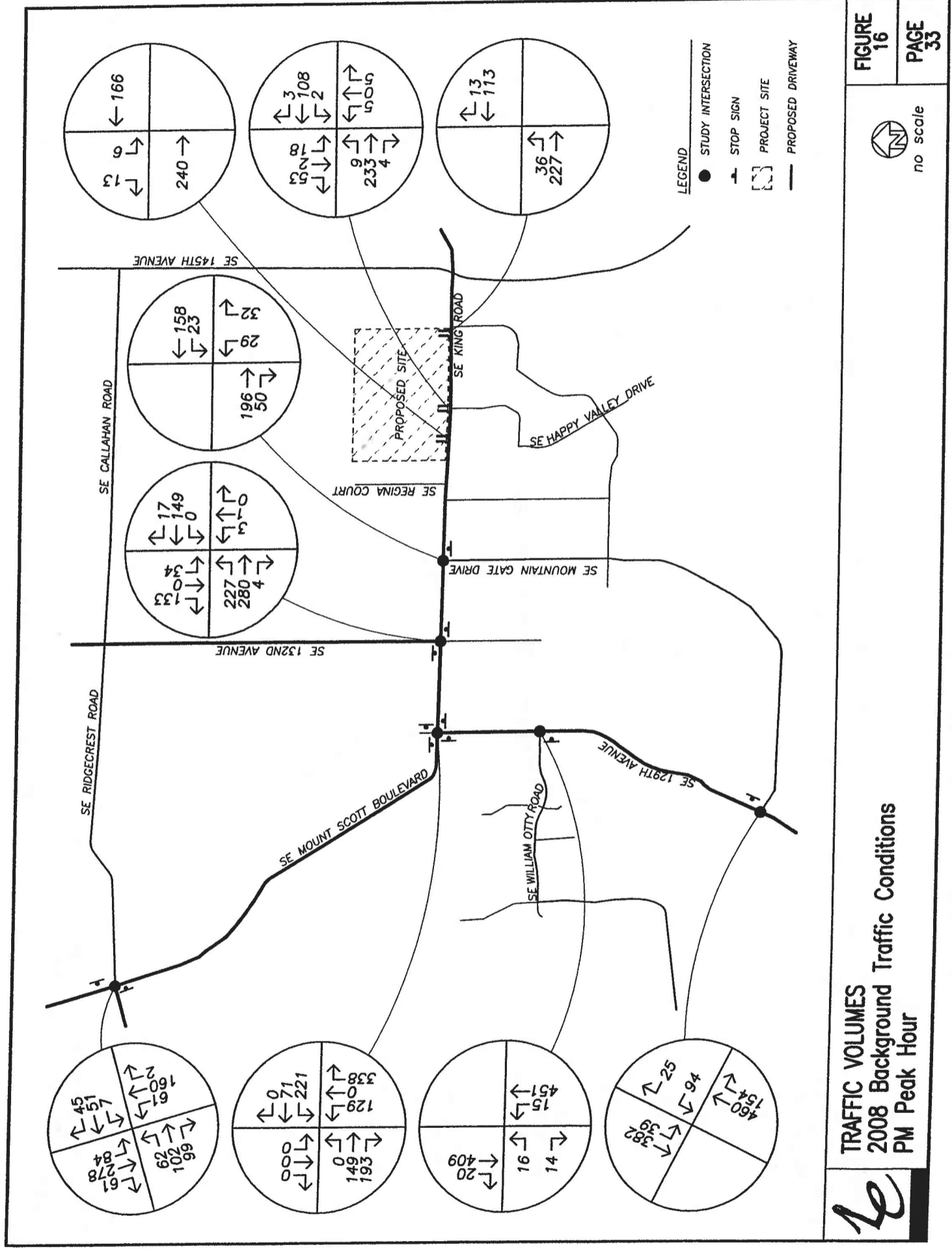


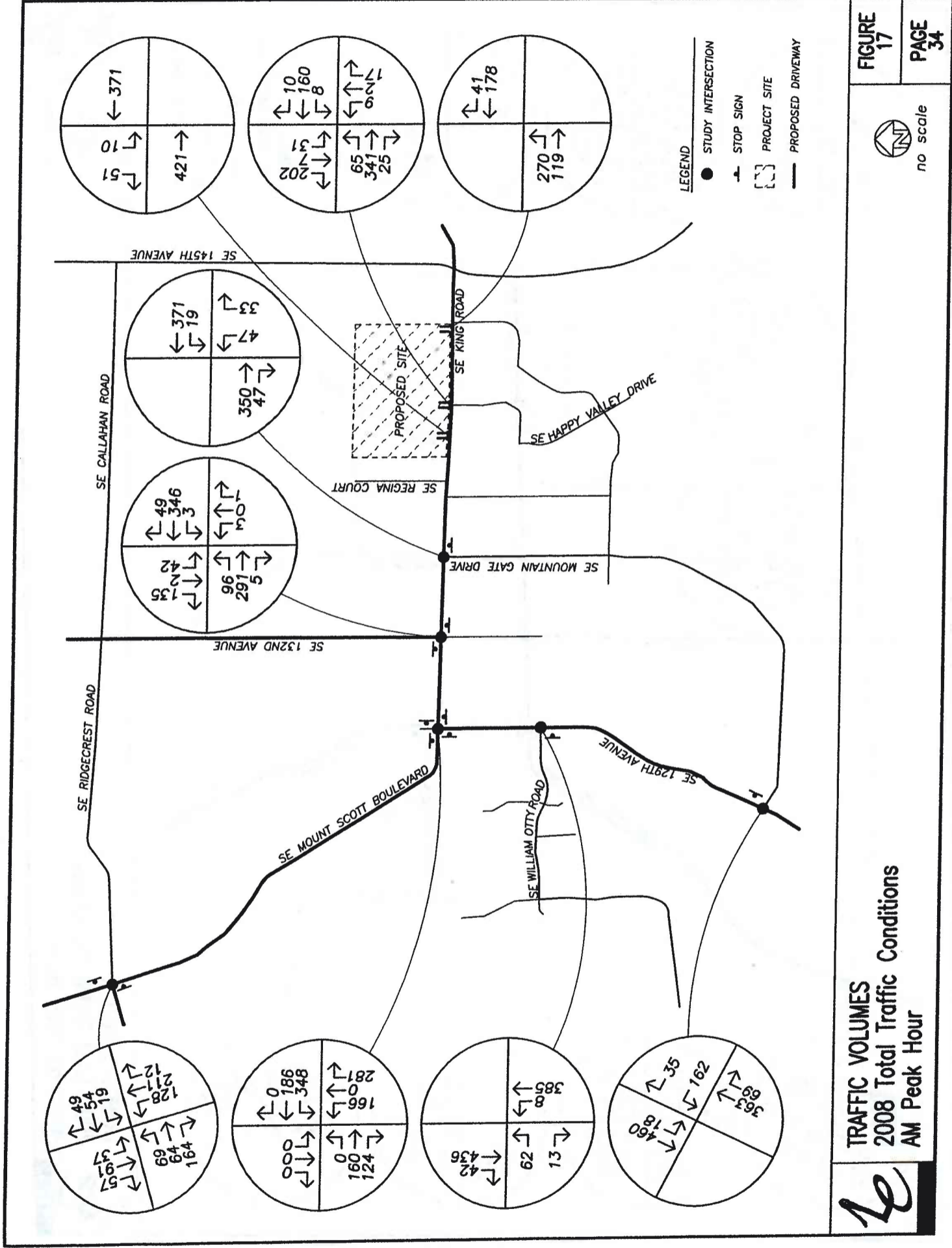
TRAFFIC VOLUMES
2008 Background Traffic Conditions
AM Peak Hour

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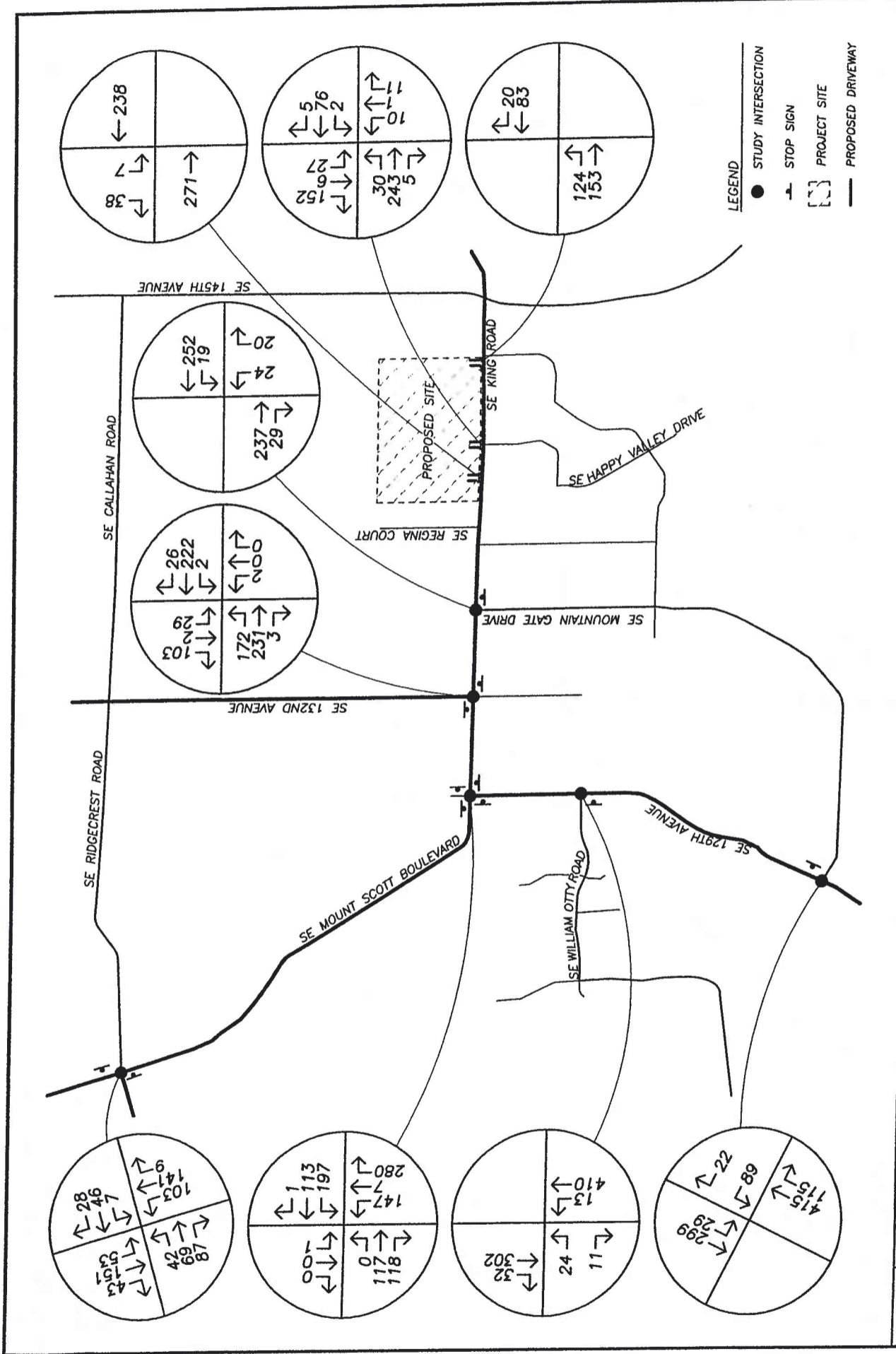
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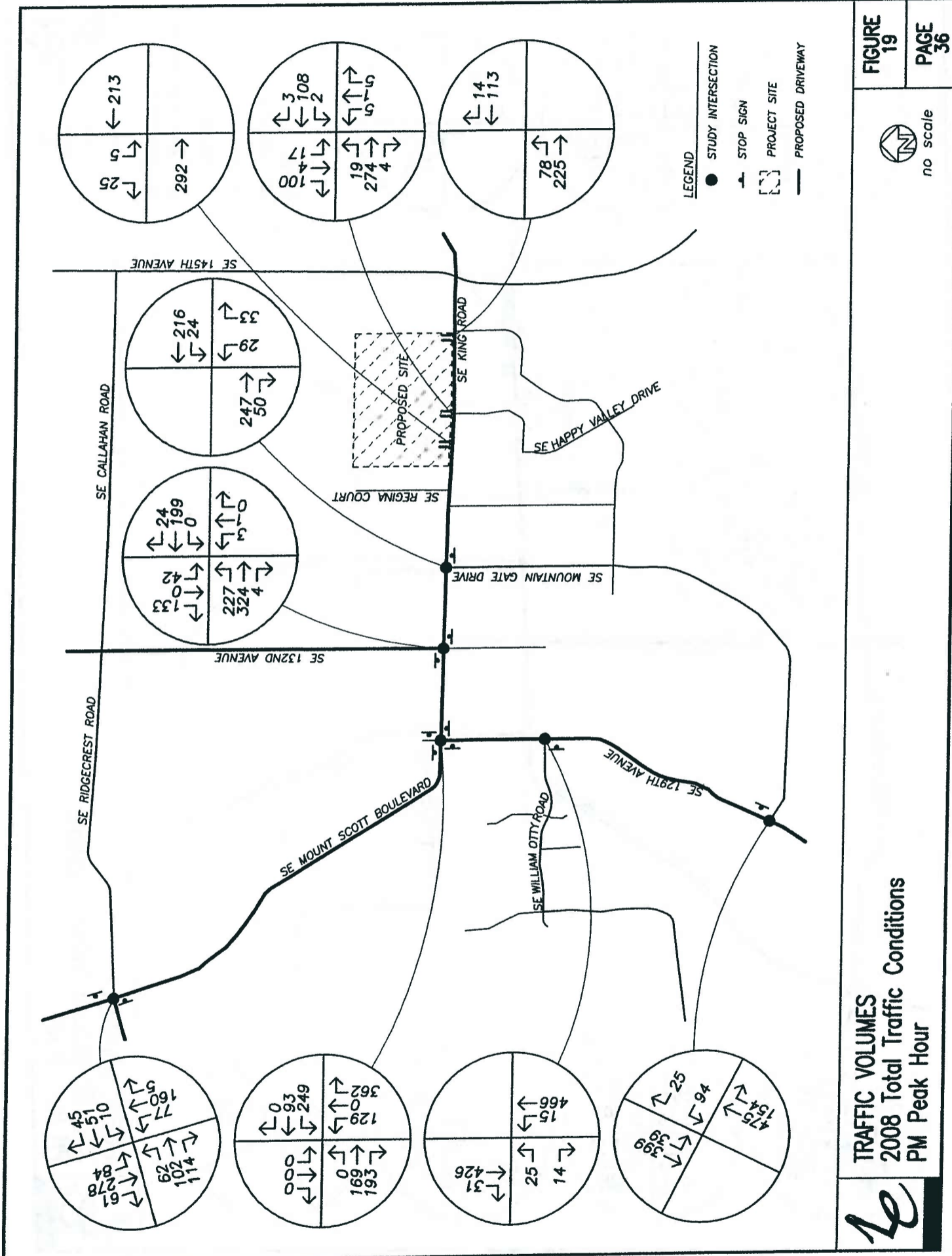
TRAFFIC VOLUMES
2008 Total Traffic Conditions
AM Peak Hour

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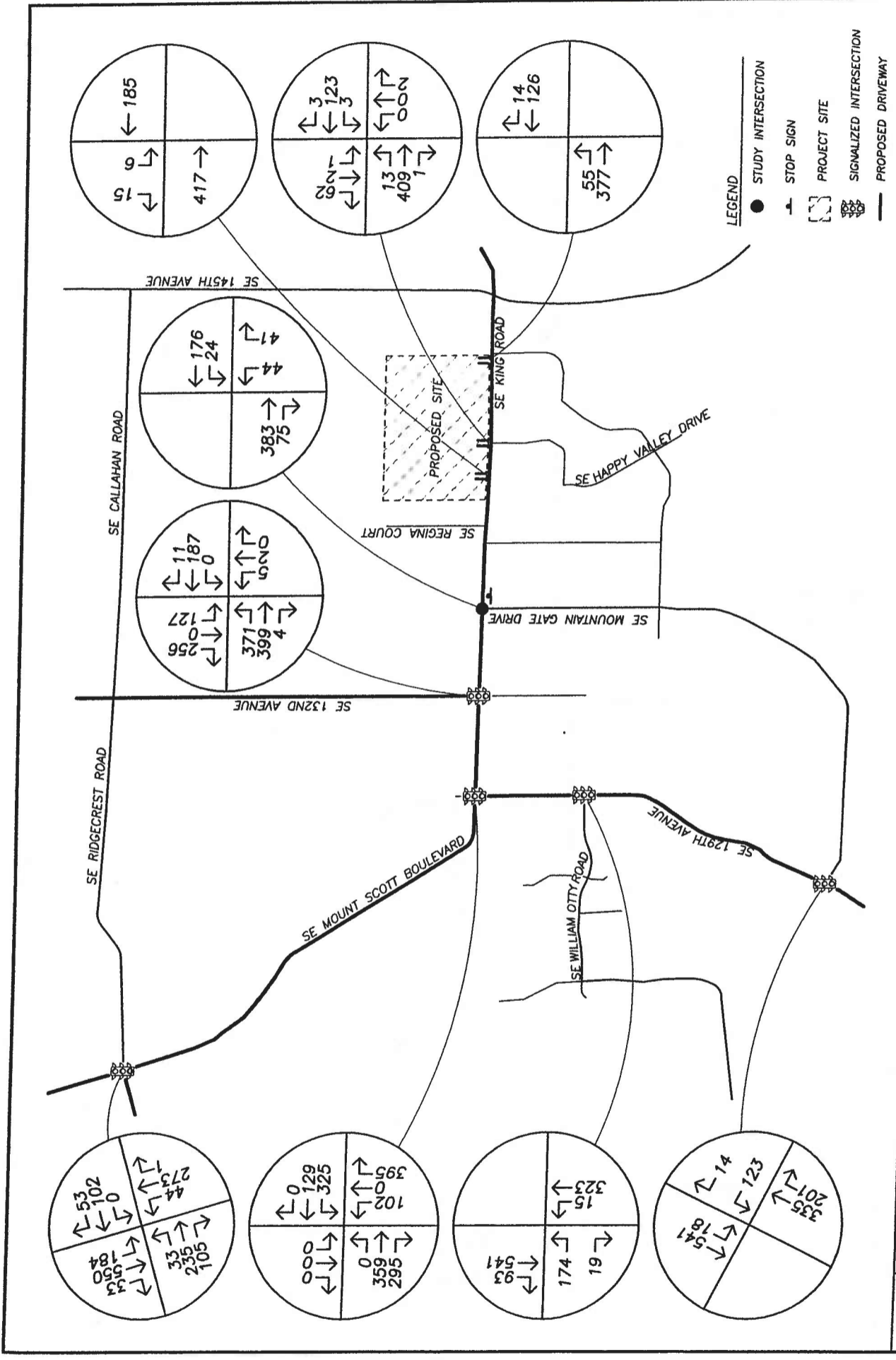


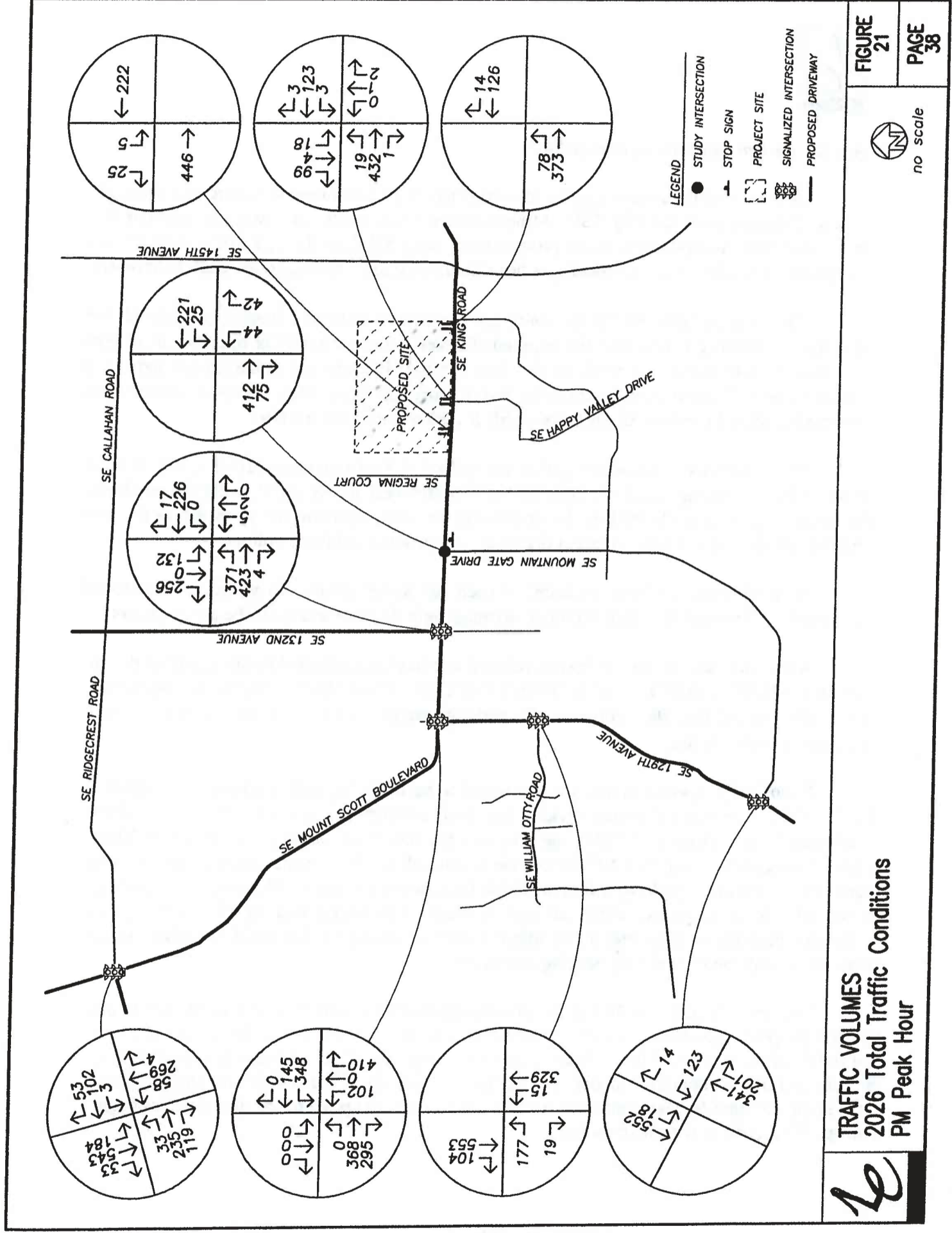
TRAFFIC VOLUMES
2008 Total Traffic Conditions
Afternoon Peak Hour

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Access, Parking and Circulation Review

A review of the access spacing standards has been conducted in accordance with information documented in the City TSP. Minimum access spacing for driveways on a Minor Arterial is 300 feet. Access points to the proposed site along SE King Road, a Minor Arterial, vary in spacing. The closest access spacing is between the east site access and the church driveway.

The distance between the east entry and the church driveway is approximately 80 feet. Though this distance is less than the required 300 feet, no major safety or operational concerns are anticipated to occur as a result of the close spacing. Primary use to the church and school access points will occur at different times and on different days. Also, access is entrance only and eastbound and westbound left-turns on SE King Road will not overlap.

The center and west access points are spaced at approximately 410 feet, which is acceptable by the spacing standard. Spacing between the west access and the adjacent residential driveway is approximately 80 feet. No operational or safety concerns are expected, as the west access is an exit only and the adjacent driveway will generate minimal volumes.

Sight distance has been evaluated at each site access point. No vertical or horizontal constraints will restrict the intersection or stopping sight distance at any of the access points.

A parking assessment has been conducted and has been attached to this report in the appendix as *HAPPY VALLEY NEW SCHOOLS PARKING ASSESSMENT*. Within the assessment it was determined that the proposed 175 parking spaces will be sufficient to service both schools for everyday use.

Periodically, special events are anticipated to be hosted by either school. As requested by the City, a review of events parking has been conducted. According to staff at North Clackamas School District (NCSD), the proposed site has more parking than any other school within the District. Given that NCSD has said that it will not host events at both schools at the same time, extra event parking will be available because each event will have access to parking at two schools. If necessary, additional parking could be provided with the 25 parking spaces in the pick-up/drop-off lane, and in the adjacent church parking lot, for which the school is anticipated to continue the existing parking agreement.

A review of traffic profiles at the existing elementary school has been conducted to determine the peak operations on-site. From the review, it was determined that 25-minute start and finish off set times will be sufficient to clear the majority of vehicles at one school prior to the start or finish of the other school. For example, nearly all of the vehicles dropping off students in the morning for the elementary school will exit the site prior to the time vehicles begin to drop off students at the middle school.



A queuing analysis has been conducted at the vehicle pick-up/drop-off locations. Traditional queuing models can not be used to assess queues at vehicle pick-up and drop-off locations as the models are based on the assumption that first vehicle in is the first vehicle out. Storage at the proposed pick-up/drop-off lane will provide storage for approximately 25 vehicles. At the existing elementary school, maximum queues of 35 and 23 vehicles have been observed in the morning and evening peak hours. Additionally, eight to ten vehicles were parked on SE Happy Valley Drive.

The on-site queue storage has been maximized to the extent feasible. However, given these reported queues and the projected attendance at each school, the storage lane is not anticipated to adequately accommodate all queued vehicles. When queue storage is no longer available along the vehicle pick-up/drop-off lane, the vehicles must be instructed to park in the lot located to the south of the pick-up/drop-off lane via any of the three lot access points. Additionally, vehicles queuing for drop off or pick up at the elementary school must be instructed to utilize the pick-up/drop-off storage west of the elementary school entry.

To prevent queues from restricting site access and circulation, strict enforcement is required to instruct drivers that vehicles are not allowed to queue in areas where vehicles and buses need to circulate. It is recommended that the school mail instructions to parents regarding vehicle access, circulation, and pick-up/drop-off protocol, and that a staff person monitor the queuing during arrival and dismissal times.

Bus queuing and storage has also been reviewed. Currently the proposed plan provides queue storage for at least 18 full-length, 42-foot long buses. The middle school and elementary school are scheduled to require a maximum of nine and five full-length buses, respectively. At most, 5, 24-foot special needs buses are expected on site. Even if start and finish times are the same for both schools, sufficient storage for buses will be provided. Even though the start and finish times are different for each school and thus the buses from two schools will never overlap, enough queuing space has been provided if they were to overlap.

Other than vehicle queuing issues, no safety concerns have been identified with the proposed circulation plan, however, it is recommended that appropriate signage be provided on site, particularly at the following locations:

- Central Site Access – Entry only for service vehicles and teacher parking at the west of the site;
- SE King Road – Restricted parking along SE King Road; and
- East Site Entry – Designated locations for bus-only and vehicle-only travel lanes.



Further to the issues predicted with the completion of the proposed schools, it is advised that all construction vehicles remain on site during the construction staging of the schools and not be allowed to park on adjacent streets.



Capacity Analysis

To determine the level of service at the study area intersections, a capacity analysis was conducted. The level of service can range from A, which indicates very little or no delay, to level F, which indicates a high degree of congestion and delay. The City of Happy Valley accepts level of service D or better at signalized intersections and level of service E or better at unsignalized intersections.

The study area intersections were analyzed using the signalized and unsignalized intersection analysis methods in the *HIGHWAY CAPACITY MANUAL* published in 2000 by the Transportation Research Board. The analysis was made for the morning and evening peak hours for existing, background, and background plus site trips conditions.

For existing and background conditions, all study intersections currently or are expected to operate acceptably by the minimum level of service (LOS) E standard during all peak hours. During year 2008 with the development traffic conditions, the intersections of SE King Road at SE 132nd Avenue and SE 129th at SE Mountain Gate Road are expected to operate at a LOS F during the morning peak hour. Minor geometric upgrades at either intersection will not improve the operations to an acceptable level of service.

During year 2026 traffic conditions, the intersections of SE 129th Avenue at SE William Otty Road, SE 129th Avenue at Mountain Gate Road, and SE King Road and 132nd Avenue are all anticipated to operate with a LOS F for both with and without proposed zone change traffic conditions. The City TSP Motor Vehicle Master Plan has identified the need to signalize all three intersections by 2025.

The results of the capacity analysis, along with the Levels of Service (LOS) and delay are shown in the following table. Tables showing the relationships between delay and level of service are included in the appendix to this report.



LEVEL OF SERVICE SUMMARY

Happy Valley New Schools (1 of 2)

	Morning		Afternoon		Evening	
	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
<i>King Road @ Main Site Exit & Happy Valley Drive</i>						
Existing Conditions	C	16.5	B	11.3	B	10.8
2008 Background Conditions	C	16.5	B	11.5	B	11.4
2008 Total Conditions	E	44.0	B	13.5	B	12.7
2026 Background Conditions	-	-	-	-	B	12.7
2026 Total Conditions	-	-	-	-	C	15.3
<i>King Road @ West Site Exit</i>						
2008 Background Conditions	B	10.6	A	9.9	B	10.0
2008 Total Conditions	B	12.3	B	10.4	B	10.2
2026 Background Conditions	-	-	-	-	B	10.6
2026 Total Conditions	-	-	-	-	B	10.6
<i>King Road @ Mountain Gate Drive</i>						
Existing Conditions	B	14.2	B	11.8	B	11.7
2008 Background Conditions	B	12.7	B	12.1	B	12.1
2008 Total Conditions	D	27.9	B	14.6	B	13.6
2026 Background Conditions	-	-	-	-	C	20.3
2026 Total Conditions	-	-	-	-	C	23.7
<i>King Road @ 132nd Avenue</i>						
Existing Conditions	D	28.9	C	19.4	D	33.7
Background Conditions	D	31.1	C	19.9	E	35.3
Total Conditions	F	149.7	C	24.1	E	42.0
2026 Background Conditions	-	-	-	-	F	>200
2026 Total Conditions	-	-	-	-	F	>200

LOS = Level of Service

Delay = Average Delay per Vehicle in Seconds



LEVEL OF SERVICE SUMMARY

Happy Valley New Schools (2 of 2)

	Morning		Afternoon		Evening	
	LOS	Delay	LOS	Delay	LOS	Delay
<i>King Road @ 129th Ave & Mt Scott Blvd</i>						
Existing Conditions	B	13.3	A	8.6	A	9.5
2008 Background Conditions	B	14.7	A	8.8	A	9.9
2008 Total Conditions	D	30.1	A	9.9	B	11.0
2026 Background Conditions	-	-	-	-	E	43.1
2026 Total Conditions	-	-	-	-	E	48.7
<i>129th Avenue @ William Otty Road</i>						
Existing Conditions	C	17.0	B	12.2	B	14.0
2008 Background Conditions	C	18.2	B	12.7	B	14.8
2008 Total Conditions	D	30.1	B	14.7	C	16.5
2026 Background Conditions	-	-	-	-	F	160.0
2026 Total Conditions	-	-	-	-	F	186.8
<i>129th Avenue @ Mountain Gate Road</i>						
Existing Conditions	D	33.7	C	18	C	23.5
2008 Background Conditions	E	47.6	C	21	D	30.8
2008 Total Conditions	F	56.7	C	22.8	D	33.0
2026 Background Conditions	-	-	-	-	F	73.4
2026 Total Conditions	-	-	-	-	F	79.4
<i>Mt Scott Road @ Idleman Road & Ridgecrest Road</i>						
Existing Conditions	A	8.7	A	7.7	A	8.2
Background Conditions	A	9.3	A	8.1	A	8.9
Total Conditions	B	10.0	A	8.3	A	9.0
2026 Background Conditions	-	-	-	-	D	25.1
2026 Total Conditions	-	-	-	-	D	25.4

LOS = Level of Service

Delay = Average Delay per Vehicle in Seconds

In year 2008 total conditions, the intersections of SE 129th Avenue at SE Mountain Gate Road and SE King Road at 132nd Avenue are expected to operate at a LOS F during the morning peak hour. Though the City TSP has identified a need for both intersections to be signal-



ized by year 2025, neither intersection meets signal warrants during year 2008 total traffic conditions.

For the evaluation of each intersection, a peak hour factor (PHF) has been applied to the existing peak hour traffic volumes to ensure that the intersection operates acceptably during the worst 15 minutes of traffic flow. A PHF ranges between 0.25 and 1.0 and represents the ratio of peak hour demand over four times the peak 15 minute flow. A PHF close to 1.0 represents a constant flow of traffic over the hour and a lower PHF represents a less consistent traffic flow. A PHF of approximately 0.95 is generally representative of a congested intersection.

The intersection of SE 129th Avenue at SE Mountain Gate Road is located just north of Spring Mountain Elementary School, and the intersection of SE King Road and SE 132nd Avenue is located just west of the existing Happy Valley Elementary School. As each intersection is located in close proximity to a school, the surveyed peak hour factor (PHF) is lower than intersections located farther away from the schools.

As the two proposed schools will have start times that offset by 25-minutes, it is expected that traffic flow entering the proposed site during the morning peak hour will be more constant than the traffic flows surveyed at the existing school site. As traffic flows will be more constant, a higher peak hour factor should be expected at both intersections. An analysis showing the effect of a more constant PHF on intersections that operate at or near a LOS F during the year 2008 total conditions morning peak hour has been summarized in the table below.

Year 2008 Total Conditions Peak Hour Factor Reevaluation						
Happy Valley New Schools						
<i>Intersection</i>	Surveyed PHF			Revised PHF		
	<u>PHF</u>	<u>LOS</u>	<u>Delay</u>	<u>PHF</u>	<u>LOS</u>	<u>Delay</u>
King Road @ 132nd Ave	0.63	F	149.7	0.88	D	27.7
129th Ave @ Mountain Gate Rd	0.82	F	56.7	0.88	E	48.1

LOS = Level of Service
Delay = Average Delay per Vehicle in Seconds
PHF = Peak Hour Factor



As shown above, the peak hour factor has considerable effect on the performance at each intersection. With a PHF of 0.88, all intersections will operate acceptably by City standards. As a PHF of 0.88 is more realistic at the two study intersections shown above and thus no mitigations are recommended.

As mentioned earlier, the City TSP Motor Vehicle Master Plan has recommended that five study intersections be signalized by year 2025. As such, signal warrant analysis has been conducted at each of these intersections the results are shown below and the detailed analysis is included in the appendix of the report.

TRAFFIC SIGNAL WARRANT COMPARISONS		
✓ = warrant is met		
	Warrant 1 8-Hour	Warrant 3 PM Peak
SE King Road at SE 132nd Avenue		
2026 Background Conditions		✓
2026 Total Conditions		✓
SE King Road at SE 129th Avenue and SE Mount Scott		
2026 Background Conditions	✓	✓
2026 Total Conditions	✓	✓
SE 129th Avenue at SE William Otty Road		
2026 Background Conditions		
2026 Total Conditions		
SE 129th Avenue at SE Mountain Gate Road		
Existing Conditions		
Existing + Background		
SE Mount Scott at SE Idleman Road		
2026 Background Conditions	✓	✓
2026 Total Conditions	✓	✓
Warrant 1 = Minimum Vehicular Volume		
Warrant 2 = Interruption of Continuous Traffic		
Warrant 11 = Peak Hour Warrant		



As shown above, additional trips generated by the proposed zone change are not anticipated to trigger the need for any intersection to be signalized. Signal warrants are not met at the intersections of SE 129th Avenue at Mountain Gate Road and SE King Road at SE William Otty Road. Though signal warrants have not been met for these intersections, the intersections should be signalized due to the high volume of left-turning vehicles from the minor street approaches. With signals, the intersections are forecast to operate acceptably during year 2026 traffic conditions. Trips generated by the proposed zone change are projected to be minimal at the critical movements of these intersections.

The intersections of SE King Road at SE 132nd Avenue, SE King Road at 129th Avenue and SE Mount Scott Boulevard, and SE Mount Scott Boulevard at SE Idleman Road all meet signal warrants, and given a signalized form, all intersections will meet City performance standards. With the exception of the intersection at SE King Road and SE 132nd, all signalized intersections have been evaluated with a two-phase signal. The intersection of SE King Road and SE 132nd has been evaluated with a protected eastbound left-turn phase.

Transportation Planning Rule

The *Transportation Planning Rule (TPR)*, State of Oregon, Section 660-012-0060, was evaluated to determine if the proposed Comprehensive Plan amendment and zone change would result in “significant effect” to the existing and planned transportation facilities over the planning horizon. As described in the TPR, a significant impact is defined as follows:

- “... A plan or land use regulation amendment significantly affects the transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a function classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum



acceptably performance standard identified in the TSP or comprehensive plan. ...”

The additional trips generated by the zone change will not change the functional classification of any existing or planned transportation facilities or the standards implementing the functional classification system within the study area.

At the end of the planning period, all impacted roadways and intersections can be made to meet the minimum acceptable performance standards identified in the City of Happy Valley TSP. As such, the proposed zone change does not significantly impact the existing and planned transportation facilities at the planning horizon.

Queuing Analysis

At the request of the City, a queuing analysis has been conducted at all study intersections along SE King Road. The queuing evaluation has been conducted in the field and 95th-percentile queues have been observed at stop controlled approaches. Near-term impacts of the proposed new schools have been assessed as well. Existing and forecast 95th-percentile queues are estimated in the table below. The queues were observed during the morning peak hour as this is the time period for which the proposed school traffic will have the greatest impact and for which traffic operations are expected to be at their worst. Queues reported in SimTraffic have been calibrated with the observed queues and then forecast traffic conditions have been modeled in SimTraffic to estimate forecast queues. Observed and forecast 95th-percentile queues are reported below and the SimTraffic analysis is included in the appendix of the report.



**Queuing Analysis
Happy Valley New Schools**

	<u>Existing Queue</u>	<u>Forecast Queue</u>
<i>King Road @ 129th Avenue</i>		
Westbound	6	10
Northbound	3	6
Eastbound	3	5
<i>King Road @ 132nd Avenue</i>		
Southbound	4	5
Northbound	1	1
<i>King Road @ Mountain Gate Road</i>		
Northbound	2	2
<i>King Road @ Happy Valley Drive</i>		
Northbound	3	2

95th-percentile queueus are measured in number of vehicles

As shown in the table above, additional traffic generated by the proposed schools is not expected to have a significant impact on queuing along SE King Road.



Conclusions and Recommendations

Access and internal circulation to the site are acceptable. Though access points at the proposed site do not meet City access spacing requirements, the access plan does not have any safety concerns and full access is restricted where access standards are not achieved. Internal circulation at the site will be acceptable provided appropriate signage is available to direct drivers where their vehicles are permitted and restricted.

In year 2008 total conditions, the intersections of SE King Road at SE 132nd Avenue and at SE 129th Avenue and SE Mountain Gate Road are anticipated to operate with a LOS F during the morning peak hour. As both intersections do not meet signal warrants, these intersections do not require signalization.

These intersections have been evaluated with the surveyed peak hour factor (PHF), however, given the staggered start times at the proposed elementary and middle schools, it is anticipated that the flow within the study area will be more constant and thus the PHF at both intersections will increase. With an increased PHF, intersection operations at SE King Road and SE 132nd Avenue and at SE 129th Avenue and SE Mountain Gate Road are anticipated to be acceptable.

In year 2026, the intersections of SE King Road at SE 132nd Avenue, SE 129th Avenue at William Otty Road, and SE 129th Avenue at SE Mountain Gate Road are anticipated to operate with LOS F. Though all three intersections are anticipated to operate with a LOS F, net new traffic generated by the proposed zone change does not trigger the failure of these intersections. All three intersections have been identified for signalization by year 2025 in the City TSP Motor Vehicle Action Plan. The signalization of these intersections is still recommended.



RECEIVED BY

MAR 21 2007

CITY OF HAPPY VALLEY

March 19, 2007

Garry Kryszak
North Clackamas Schools
12451 SE Fuller Road
Milwaukie, OR 97222

Dear Garry:

In her letter of March 16, 2007, Reah Beach of DKS requested additional information regarding the Transportation Planning Rule (TPR) analysis for the proposed new schools on King Road in Happy Valley. The TPR analysis is on page 47 of the traffic impact study for this project.

The TPR analysis in the traffic study is correct as written: the proposed zone change for the new schools will not create the need for any roadway improvements that are not already shown in the City of Happy Valley Transportation System Plan. However, a funding source is not specified in the TSP for traffic signals shown at three of the impacted intersections. The three intersections are as follows:

1. King Road at 132nd Avenue. Installation of a traffic signal will result in level of service C during the 2026 PM peak hour. The installation of a westbound right-turn lane would reduce delay, but the delay would still exceed the delay under background conditions. The net increase in trips resulting from the zone change will be 5.2% of the total 2026 PM peak-hour traffic volumes.
2. William Otty Road at 129th Avenue. Installation of a traffic signal will result in level of service B in 2026. The installation of an eastbound right-turn lane would reduce delay so that it is slightly lower than under 2026 background conditions, but the intersection will still operate at level of service F. The net increase in trips resulting from the zone change will be 2.7% of the total 2026 PM peak-hour traffic volumes.
3. Mountain Gate Drive at 129th Avenue. Installation of a traffic signal will result in level of service A in 2026. The installation of a northbound right-turn lane would reduce delay so that it is lower than under 2026 background conditions, but the intersection will still operate at level of service E. Installation of a southbound left-turn lane would not affect

Exhibit # 2



Garry Kryszak
March 19, 2007
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delay for the critical intersection movement. The net increase in trips resulting from the zone change will be 1.4% of the total 2026 PM peak-hour traffic volumes.

Following is a summary of the level of service at the three intersections:

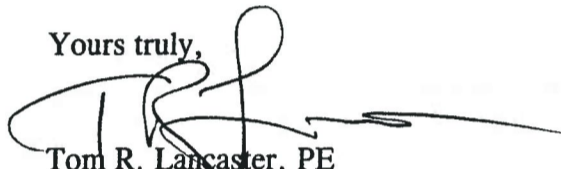
Level of Service Summary 2026 PM Peak Hour		
	<u>Level Of Service</u>	<u>Delay (Seconds)</u>
King Road and 132nd Avenue		
Unsignalized, WB Right-Turn Lane	F	>200
Signalized, Background Conditions	B	19
Signalized, Total Traffic	C	23
William Otty Road and 129th Avenue		
Unsignalized, EB Right-Turn Lane	F	155
Signalized, Background Conditions	B	11
Signalized, Total Traffic	B	11
Mountain Gate Drive and 129th Avenue		
Unsignalized, NB Right-Turn Lane	E	48
Signalized, Background Conditions	A	7
Signalized, Total Traffic	A	7



Garry Kryszak
March 19, 2007
Page 3

In summary, the installation of traffic signals would be required at three intersections in order to meet City performance standards. The three signals are shown in the City's TSP, but are not funded. Installation of turn lanes at two of the three intersections would be sufficient to mitigate the impacts of the trips generated by the zone change, but the intersections would not meet the City's performance standards.

Yours truly,



Tom R. Lancaster, PE
Principal

cc: Reah Beach
Michael Walter ✓

HCM Signalized Intersection Capacity Analysis
 3: SE King Road & SE 132nd Avenue

3/16/2007



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗			↕			↖	↗
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0			4.0			4.0			4.0	4.0
Lane Util. Factor	1.00	1.00			1.00			1.00			1.00	1.00
Fr _t	1.00	1.00			0.99			1.00			1.00	0.85
Fl _t Protected	0.95	1.00			1.00			0.96			0.95	1.00
Satd. Flow (prot)	1583	1723			1788			1833			1444	1495
Fl _t Permitted	0.24	1.00			1.00			0.84			0.75	1.00
Satd. Flow (perm)	402	1723			1788			1594			1141	1495
Volume (vph)	365	404	4	0	182	17	5	2	0	122	0	261
Peak-hour factor, PHF	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63
Adj. Flow (vph)	579	641	6	0	289	27	8	3	0	194	0	414
RTOR Reduction (vph)	0	0	0	0	4	0	0	0	0	0	0	254
Lane Group Flow (vph)	579	647	0	0	312	0	0	11	0	0	194	160
Heavy Vehicles (%)	14%	10%	20%	33%	5%	4%	0%	0%	0%	25%	50%	8%
Turn Type	pm+pt			Perm			Perm			Perm		Over
Protected Phases	7	4			8			2			6	7
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	50.2	50.2			17.3			16.7			16.7	28.9
Effective Green, g (s)	50.2	50.2			17.3			16.7			16.7	28.9
Actuated g/C Ratio	0.67	0.67			0.23			0.22			0.22	0.39
Clearance Time (s)	4.0	4.0			4.0			4.0			4.0	4.0
Vehicle Extension (s)	3.0	3.0			3.0			3.0			3.0	3.0
Lane Grp Cap (vph)	725	1155			413			355			254	577
v/s Ratio Prot	c0.31	0.38			0.18							0.28
v/s Ratio Perm	c0.23							0.01			c0.17	
v/c Ratio	0.80	0.56			0.76			0.03			0.76	0.28
Uniform Delay, d1	12.1	6.5			26.8			22.8			27.3	15.8
Progression Factor	1.00	1.00			1.00			1.00			1.00	1.00
Incremental Delay, d2	6.1	0.6			7.7			0.0			12.8	0.3
Delay (s)	18.2	7.1			34.5			22.8			40.0	16.1
Level of Service	B	A			C			C			D	B
Approach Delay (s)		12.4			34.5			22.8			23.7	
Approach LOS		B			C			C			C	

Intersection Summary

HCM Average Control Delay	18.9	HCM Level of Service	B
HCM Volume to Capacity ratio	0.78		
Actuated Cycle Length (s)	74.9	Sum of lost time (s)	8.0
Intersection Capacity Utilization	49.5%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
 17: SE William Otty Road & SE 129th Avenue

3/16/2007



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y			↑	↓	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0		4.0		4.0	
Lane Util. Factor	1.00		1.00		1.00	
Frt	0.99		1.00		0.98	
Flt Protected	0.96		1.00		1.00	
Satd. Flow (prot)	1625		1686		1699	
Flt Permitted	0.96		0.96		1.00	
Satd. Flow (perm)	1625		1627		1699	
Volume (vph)	175	18	15	324	543	93
Peak-hour factor, PHF	0.80	0.80	0.80	0.80	0.80	0.80
Adj. Flow (vph)	219	22	19	405	679	116
RTOR Reduction (vph)	6	0	0	0	10	0
Lane Group Flow (vph)	235	0	0	424	785	0
Heavy Vehicles (%)	10%	15%	0%	13%	7%	25%
Turn Type	Perm					
Protected Phases	4		2		6	
Permitted Phases	2					
Actuated Green, G (s)	12.0		32.1		32.1	
Effective Green, g (s)	12.0		32.1		32.1	
Actuated g/C Ratio	0.23		0.62		0.62	
Clearance Time (s)	4.0		4.0		4.0	
Vehicle Extension (s)	3.0		3.0		3.0	
Lane Grp Cap (vph)	374		1002		1047	
v/s Ratio Prot	c0.15				c0.47	
v/s Ratio Perm			0.26			
v/c Ratio	0.63		0.42		0.75	
Uniform Delay, d1	18.0		5.2		7.1	
Progression Factor	1.00		1.00		1.00	
Incremental Delay, d2	3.3		0.3		3.0	
Delay (s)	21.3		5.5		10.1	
Level of Service	C		A		B	
Approach Delay (s)	21.3		5.5		10.1	
Approach LOS	C		A		B	

Intersection Summary			
HCM Average Control Delay	10.6	HCM Level of Service	B
HCM Volume to Capacity ratio	0.73		
Actuated Cycle Length (s)	52.1	Sum of lost time (s)	8.0
Intersection Capacity Utilization	51.7%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
 20: SE Mountain Gate Road & SE 129th Avenue

3/16/2007



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↶	↷	↶	↷	↶	↷
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0			4.0
Lane Util. Factor	1.00	1.00	1.00			1.00
Flt	1.00	0.85	0.95			1.00
Flt Protected	0.95	1.00	1.00			1.00
Satd. Flow (prot)	1752	1272	1688			1766
Flt Permitted	0.95	1.00	1.00			0.98
Satd. Flow (perm)	1752	1272	1688			1727
Volume (vph)	123	14	336	201	18	541
Peak-hour factor, PHF	0.82	0.82	0.82	0.82	0.82	0.82
Adj. Flow (vph)	150	17	410	245	22	660
RTOR Reduction (vph)	0	14	28	0	0	0
Lane Group Flow (vph)	150	3	627	0	0	682
Heavy Vehicles (%)	3%	27%	11%	0%	50%	6%
Turn Type		Perm			Perm	
Protected Phases	8		2			6
Permitted Phases		8			6	
Actuated Green, G (s)	10.6	10.6	41.9			41.9
Effective Green, g (s)	10.6	10.6	41.9			41.9
Actuated g/C Ratio	0.18	0.18	0.69			0.69
Clearance Time (s)	4.0	4.0	4.0			4.0
Vehicle Extension (s)	3.0	3.0	3.0			3.0
Lane Grp Cap (vph)	307	223	1169			1196
v/s Ratio Prot	c0.09		0.39			
v/s Ratio Perm		0.01				c0.39
v/c Ratio	0.49	0.01	0.54			0.57
Uniform Delay, d1	22.5	20.6	4.6			4.7
Progression Factor	1.00	1.00	1.00			1.00
Incremental Delay, d2	1.2	0.0	0.5			0.7
Delay (s)	23.7	20.7	5.0			5.4
Level of Service	C	C	A			A
Approach Delay (s)	23.4		5.0			5.4
Approach LOS	C		A			A

Intersection Summary			
HCM Average Control Delay	7.2	HCM Level of Service	A
HCM Volume to Capacity ratio	0.55		
Actuated Cycle Length (s)	60.5	Sum of lost time (s)	8.0
Intersection Capacity Utilization	56.5%	ICU Level of Service	B
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
 3: SE King Road & SE 132nd Avenue

3/16/2007



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗			↕			↖	↗
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0			4.0			4.0			4.0	4.0
Lane Util. Factor	1.00	1.00			1.00			1.00			1.00	1.00
Frt	1.00	1.00			0.99			1.00			1.00	0.85
Flt Protected	0.95	1.00			1.00			0.96			0.95	1.00
Satd. Flow (prot)	1583	1724			1785			1833			1444	1495
Flt Permitted	0.19	1.00			1.00			0.83			0.75	1.00
Satd. Flow (perm)	310	1724			1785			1583			1141	1495
Volume (vph)	365	428	4	0	221	23	5	2	0	127	0	261
Peak-hour factor, PHF	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63	0.63
Adj. Flow (vph)	579	679	6	0	351	37	8	3	0	202	0	414
RTOR Reduction (vph)	0	0	0	0	5	0	0	0	0	0	0	268
Lane Group Flow (vph)	579	685	0	0	383	0	0	11	0	0	202	146
Heavy Vehicles (%)	14%	10%	20%	33%	5%	4%	0%	0%	0%	25%	50%	8%
Turn Type	pm+pt			Perm			Perm			Perm		Over
Protected Phases	7	4			8			2			6	7
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	45.9	45.9			17.5			15.3			15.3	24.4
Effective Green, g (s)	45.9	45.9			17.5			15.3			15.3	24.4
Actuated g/C Ratio	0.66	0.66			0.25			0.22			0.22	0.35
Clearance Time (s)	4.0	4.0			4.0			4.0			4.0	4.0
Vehicle Extension (s)	3.0	3.0			3.0			3.0			3.0	3.0
Lane Grp Cap (vph)	654	1144			451			350			252	527
v/s Ratio Prot	c0.31	0.40			0.22							0.28
v/s Ratio Perm	c0.27							0.01			c0.18	
v/c Ratio	0.89	0.60			0.85			0.03			0.80	0.28
Uniform Delay, d1	14.6	6.5			24.6			21.1			25.5	16.1
Progression Factor	1.00	1.00			1.00			1.00			1.00	1.00
Incremental Delay, d2	13.6	0.8			13.8			0.0			16.6	0.3
Delay (s)	28.2	7.4			38.4			21.2			42.1	16.4
Level of Service	C	A			D			C			D	B
Approach Delay (s)		16.9			38.4			21.2			24.8	
Approach LOS		B			D			C			C	

Intersection Summary			
HCM Average Control Delay	22.7	HCM Level of Service	C
HCM Volume to Capacity ratio	0.85		
Actuated Cycle Length (s)	69.2	Sum of lost time (s)	8.0
Intersection Capacity Utilization	52.3%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
 17: SE William Otty Road & SE 129th Avenue

3/16/2007



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↘			↕	↗	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0			4.0	4.0	
Lane Util. Factor	1.00			1.00	1.00	
Fr _t	0.99			1.00	0.98	
Fl _t Protected	0.96			1.00	1.00	
Satd. Flow (prot)	1625			1686	1693	
Fl _t Permitted	0.96			0.96	1.00	
Satd. Flow (perm)	1625			1625	1693	
Volume (vph)	178	18	15	330	555	104
Peak-hour factor, PHF	0.80	0.80	0.80	0.80	0.80	0.80
Adj. Flow (vph)	222	22	19	412	694	130
RTOR Reduction (vph)	6	0	0	0	11	0
Lane Group Flow (vph)	238	0	0	431	813	0
Heavy Vehicles (%)	10%	15%	0%	13%	7%	25%
Turn Type	Perm					
Protected Phases	4			2	6	
Permitted Phases			2			
Actuated Green, G (s)	12.2			32.9	32.9	
Effective Green, g (s)	12.2			32.9	32.9	
Actuated g/C Ratio	0.23			0.62	0.62	
Clearance Time (s)	4.0			4.0	4.0	
Vehicle Extension (s)	3.0			3.0	3.0	
Lane Grp Cap (vph)	373			1007	1049	
v/s Ratio Prot	c0.15				c0.49	
v/s Ratio Perm				0.27		
v/c Ratio	0.64			0.43	0.78	
Uniform Delay, d ₁	18.5			5.2	7.4	
Progression Factor	1.00			1.00	1.00	
Incremental Delay, d ₂	3.6			0.3	3.6	
Delay (s)	22.0			5.5	11.0	
Level of Service	C			A	B	
Approach Delay (s)	22.0			5.5	11.0	
Approach LOS	C			A	B	

Intersection Summary			
HCM Average Control Delay	11.2	HCM Level of Service	B
HCM Volume to Capacity ratio	0.75		
Actuated Cycle Length (s)	53.1	Sum of lost time (s)	8.0
Intersection Capacity Utilization	53.1%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
 20: SE Mountain Gate Road & SE 129th Avenue

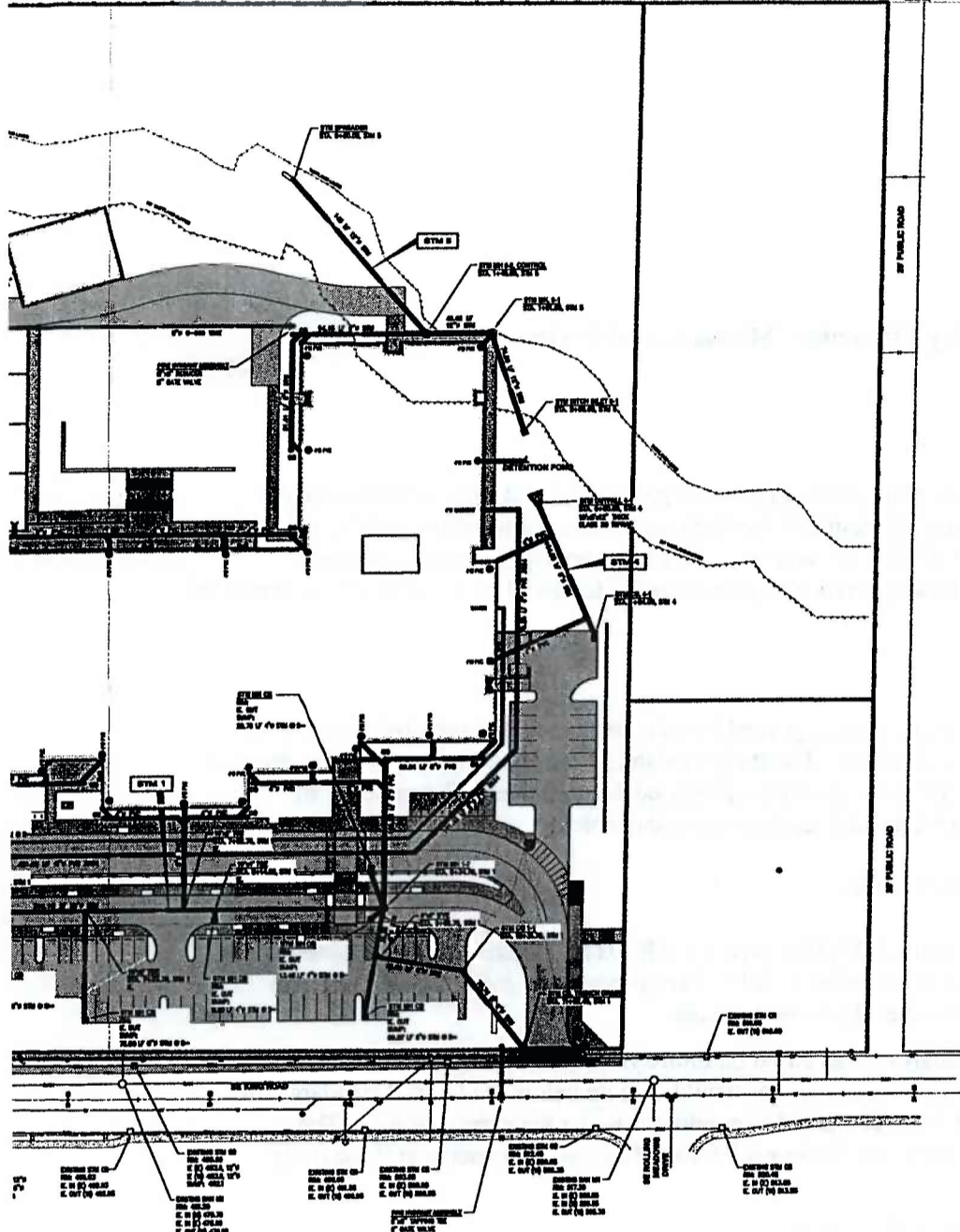
3/16/2007



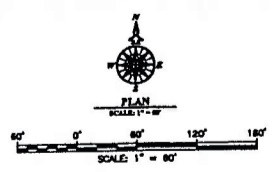
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	←	←	↑	→	←	←
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0			4.0
Lane Util. Factor	1.00	1.00	1.00			1.00
Frt	1.00	0.85	0.95			1.00
Flt Protected	0.95	1.00	1.00			1.00
Satd. Flow (prot)	1752	1272	1688			1766
Flt Permitted	0.95	1.00	1.00			0.98
Satd. Flow (perm)	1752	1272	1688			1727
Volume (vph)	123	14	342	201	18	553
Peak-hour factor, PHF	0.82	0.82	0.82	0.82	0.82	0.82
Adj. Flow (vph)	150	17	417	245	22	674
RTOR Reduction (vph)	0	14	27	0	0	0
Lane Group Flow (vph)	150	3	635	0	0	696
Heavy Vehicles (%)	3%	27%	11%	0%	50%	6%
Turn Type		Perm			Perm	
Protected Phases	8		2			6
Permitted Phases		8			6	
Actuated Green, G (s)	10.5	10.5	42.3			42.3
Effective Green, g (s)	10.5	10.5	42.3			42.3
Actuated g/C Ratio	0.17	0.17	0.70			0.70
Clearance Time (s)	4.0	4.0	4.0			4.0
Vehicle Extension (s)	3.0	3.0	3.0			3.0
Lane Grp Cap (vph)	303	220	1174			1202
v/s Ratio Prot	c0.09		0.39			
v/s Ratio Perm		0.01				c0.40
v/c Ratio	0.50	0.01	0.54			0.58
Uniform Delay, d1	22.8	20.9	4.5			4.7
Progression Factor	1.00	1.00	1.00			1.00
Incremental Delay, d2	1.3	0.0	0.5			0.7
Delay (s)	24.0	20.9	5.0			5.4
Level of Service	C	C	A			A
Approach Delay (s)	23.7		5.0			5.4
Approach LOS	C		A			A

Intersection Summary			
HCM Average Control Delay	7.2	HCM Level of Service	A
HCM Volume to Capacity ratio	0.56		
Actuated Cycle Length (s)	60.8	Sum of lost time (s)	8.0
Intersection Capacity Utilization	57.1%	ICU Level of Service	B
Analysis Period (min)	15		

c Critical Lane Group



- 1. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 2. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 3. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 4. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 5. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 6. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 7. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 8. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 9. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 10. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 11. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 12. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 13. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 14. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 15. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 16. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 17. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 18. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 19. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING
- 20. 12" DIA. STORM DRAIN, 18" DEPTH, 10' SPACING



boora

boora engineering, inc.
10000 Highway 100, Suite 100, Portland, OR 97206
503.251.1234 • FAX: 503.251.1235 • WWW.BOOORA.COM

Happy Valley Elementary School
City of Happy Valley, Oregon

APPROVALS

DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: [Date]

Design Review

NUMBER	REVISION	DATE
UTILITY PLAN		
Scale	1" = 60'	
Drawn By	B. Sagato	
Issued	02/02/07	
	C002	

Exhibit # 3

DKS Associates

TRANSPORTATION SOLUTIONS

April 12, 2007

Sarah Mizejewski
City of Happy Valley
12915 SE King Road
Portland, OR 97236-6298

**Subject: Review of Happy Valley Elementary/Middle School Review
DR-01-07/V01-07**

P98050x0

Dear Sarah:

DKS Associates has reviewed the site plan¹, transportation impact study² and supplemental analysis letters³ for the proposed Happy Valley Elementary/Middle School. The proposed project site is located on the north side of King Road west of SE 145th Avenue. This letter provides general comments regarding the proposed site plan and transportation impact analysis, followed by a listing of recommended conditions of approval.

Transportation Impact Analysis

The traffic impact study reviewed for this project generally meets the conditions required by the City of Happy Valley Traffic Impact Study Guidelines. The study evaluates the potential transportation impacts of both the proposed rezoning of the project site and the proposed development. The majority of assumptions used in the study and supplemental analysis are reasonable.

Key findings from the rezone analysis include:

- The project site is currently zoned IPU (10.6 acres) and R10 (12.75 acres). The proposed zoning amendment would change the R10 zoning to IPU. The proposed zoning would generate 75 **additional** PM peak hour trips over the current zoning.
- The proposed rezone traffic analysis was based on future year 2026 operating conditions. With the proposed rezone, several study intersections would operate below the LOS D standard and experience increased vehicle delay compared to conditions under the current zoning. The proposed rezone will contribute to the future need for roadway improvements at three study intersections.

Key findings from the impact study analysis include:

- The proposed 550 student elementary school and 800 student middle school will replace the existing school and church on the project property. The **net new trips** generated by the proposed project are 353 AM peak hour trips, 159 afternoon peak hour trips and 113 PM peak hour trips.
- Based on the capacity analysis, the King Road/SE 132nd Avenue and Mountain Gate Road/SE 129th Avenue intersections would operate at LOS F on the minor street approach during the AM

¹ Conceptual Development Plan, Happy Valley Elementary/Middle School, boora architects, inc.

² *Happy Valley New Schools Traffic Impact Study*, Lancaster Engineering, January 2007.

³ Steve Hartrich letter, Lancaster Engineering, March 2, 2007 and Tom Lancaster letter, Lancaster Engineering, March 19, 2007.

Exhibit # 4

peak hour. The remaining study intersections are expected to operate at level of service D or better during the AM, afternoon and PM peak hours.

- The proposed east site driveway does not meet Happy Valley access spacing standards for a minor arterial which requires a minimum of 300 feet between driveways and 600 feet between intersections. The site plan shows the east site driveway located less than 100 feet west of the Rolling Meadows Drive. It would be ideal for the east site driveway to be located opposite Rolling Meadows Drive, however the site property does not extend east far enough. The east site driveway will operate as an entrance only which would limit vehicle conflicts associated with the substandard access spacing. The eastbound left turn vehicle queues at the east site driveway would extend to the west and not conflict with westbound left turn vehicle queues at Rolling Meadows Drive.
- Intersection sight distances at the proposed project accesses to King Road were evaluated. AASHTO requires a minimum of 390-feet based on the posted speed limit of 35 miles per hour on King Road. Adequate sight distance is available at the project accesses.

Cost Sharing for Future Improvements

The rezone analysis identified substandard operating conditions at the King Road/SE 132nd Avenue, William Otty Road/SE 129th Avenue and Mountain Gate/SE 129th Avenue intersections. Based on the Happy Valley TSP⁴, the ultimate improvement for each of these intersections is the construction of a traffic signal at a cost of approximately \$250,000.

To fulfill the TPR requirement for a comprehensive plan map amendment, the applicant will be required to contribute a proportionate share for the ultimate improvements based on their share of projected future volume growth during the PM peak hour at the intersections. The methodology for determining the cost sharing portion for the proposed rezone is described below.

- The existing 2006 and forecasted 2026 traffic volumes provided in the transportation impact study (Figure 5 and Figure 38) were utilized to calculate the expected 20 year volume growth at each intersection.
- The net new trips generated by the proposed rezone through each intersection were provided in the transportation impact study (Figure 13).
- The proposed rezone will comprise 12 percent of the forecasted 20 year growth at the King Road/SE 132nd Avenue intersection. The proportionate share for the ultimate improvements at this intersection would be \$30,000.
- The proposed rezone will comprise 12 percent of the forecasted 20 year growth at the William Otty Road/SE 129th Avenue intersection. The proportionate share for the ultimate improvements at this intersection would be \$30,000.
- The proposed rezone will comprise 13 percent of the forecasted 20 year growth at the Mountain Gate/SE 129th Avenue intersection. The proportionate share for the ultimate improvements at this intersection would be \$32,500.

⁴ *Happy Valley Transportation System Plan*, adopted February 21, 2006.

Conditions of Approval – Comprehensive Plan Amendment

Proposed conditions of approval for the proposed zone change are provided below:

- The applicant shall contribute \$30,000 towards capacity improvements at the King Road/SE 132nd Avenue intersection.
- The applicant shall contribute \$30,000 towards capacity improvements at the William Otty Road/SE 129th Avenue intersection.
- The applicant shall contribute \$32,500 towards capacity improvements at the Mountain Gate Road/SE 129th Avenue intersection.

Conditions of Approval – Development Application

Proposed conditions of approval for the proposed development are provided below:

- The site plan shall designate all internal roadways such that they meet the standards of the Happy Valley Transportation System Plan⁵.
- Frontage (one-half street) improvements to King Road along the unimproved site frontage shall be constructed which meet City of Happy Valley standards for a minor arterial show in Figure 8-4 of the Happy Valley Transportation Plan. The improvements shall include 48 foot total curb to curb width in a 68 foot total right-of-way resulting in a 24 foot half street from the centerline of the roadway to the curb. The one-half street improvements shall include pavement, curb, gutter, landscape strip and sidewalk. The centerline of the roadway should be based on the centerline of the right-of-way.
- The frontage improvements shall transition to the existing improved frontage based on the City of Happy Valley Design Manual. The frontage improvement transition shall be approved by the City engineer prior to final site plan approval.
- The elementary school and middle school shall operate with schedules that off set the beginning and ending of the school day by a minimum of 25 minutes.
- Minimum AASHTO sight distance requirements shall be met at the project access points onto King Road. AASHTO requires sight distance to be measured at a point 14.4 feet from the edge of the traveled way with a driver's eye height of 3.5 feet and an object height of 3.5 feet. The project access points on King Road shall provide a minimum of 390 feet of intersection sight distance based on a posted driver speed of 35 mile per hour. The sight distance at the project access points shall be approved by the City engineer prior to final site plan approval.
- The applicant shall provide a signing and striping plan according to the City's *Permanent Signing Legend* and *Striping Details Legend*, prepared by a registered engineer, for all site roadways to be approved by the City prior to final plat approval. The applicant shall be responsible for the installation of all signing and striping as indicated on plans.

⁵ *Happy Valley Transportation System Plan*, adopted February 21, 2006.

April 12, 2007
Sarah Mizejewski
Page 4

Sincerely,

DKS Associates
A Corporation

Reah Beach
Transportation Engineer

X:\Projects\1998\98050 (Happy Valley On-Call)\2006\#230 - HV elementary & middle schools\Happy Valley schools conditions letter.doc

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 24th day of April, 2007 at the hour of 7:00 p.m. at the Happy Valley Elementary School Gym, and the Happy Valley City Council will hold a public hearing on the 15th day of May, 2007 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-01-07

The applicant is requesting a Comprehensive Plan Map Amendment/Zone Change from Medium Density Residential (R-10) to Institutional Public Use (IPU). The current use of the site includes an elementary school and a church. The site has been proposed to be reconfigured to include a middle school and an elementary school with the elimination of the church. The current R-10 zoning only allows a school use as a conditional use. The proposed IPU zone would allow for the school as an outright use.

The Planning Commission may recommend approval, approval with conditions or denial a Comprehensive Plan Map Amendment/Zone Change application 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 Chapter 16.40 (Amendments to the Comprehensive Plan, Specific Area Plans, Land Use Maps and Land Development Title of this Code). All written comments must be received by the City of Happy Valley, 12915 SE King Road, Portland, OR 97236 by 4:30 p.m. on **Monday April 16, 2007**.

Testimony should pertain to the applicable criteria. The decision will be made in accordance with said criteria. The City Council decision may be appealed to the Land Use Board of Appeals (LUBA). 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 and the City Council 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 and City Council 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 4:30 p.m. weekdays), please call for an appointment. For additional information, contact Sarah Mizejewski, Associate Planner at the above address and phone number.

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

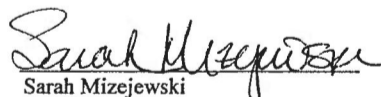

Sarah Mizejewski
Associate Planner

Exhibit # 5