



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

AMENDED NOTICE OF ADOPTED AMENDMENT

October 30, 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 009-07



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: November 13, 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
Bill Holmstrom, DLCD Transportation Planner
Michael Walter, 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: CPA-02-07
Date of Adoption: 10/16/07 Date Mailed: 10/16/07
Date original Notice of Proposed Amendment was mailed to DLCD: 7/17/07

- 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".

AMEND THE CITY'S ROCK CREEK COMPREHENSIVE PLAN, REPLACING PORTIONS OF THE PLAN AREA WITH MORE DENSE DESIGNATIONS, REMOVING AREAS THAT ARE CURRENTLY BEING PLANNED IN THE EAST HAPPY VALLEY COMPREHENSIVE PLAN AND REPLACING THE TRANSPORTATION CHAPTER WITH THE CITY'S TRANSPORTATION SYSTEM PLAN.

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: LOW DENSITY RESIDENTIAL to: MIXED USE RESIDENTIAL & MIXED USE COMMERCIAL
 Zone Map Changed from: N/A to: N/A
 Location: MAP 23E06C TAX LOT 05400 & MAP 23E06DB TAX LOT 01900 Acres Involved: 34 ACRES
 Specify Density: Previous: _____ New: _____
 Applicable Statewide Planning Goals: 1, 2, 10, 12 & 14
 Was and Exception Adopted? YES NO

DLCD File No.: 009-07 (16246)

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

- Forty-five (45) days prior to first evidentiary hearing? Yes No
- If no, do the statewide planning goals apply? Yes No
- If no, did Emergency Circumstances require immediate adoption? Yes No

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

CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

Local Contact: MICHAEL WALTER Phone: 503 760 3325 Extension:

Address: 12915 SE KING ROAD City: HAPPY VALLEY

Zip Code + 4: 97086 - Email Address: michaelw@cl.happy-valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to mar.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

2 Notice of Adoption

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



Jurisdiction: CITY OF HAPPY VALLEY Local file number: CPA-02-07
Date of Adoption: 10/16/07 Date Mailed: 10/16/07
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- New Land Use Regulation
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- Other: _____

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SAME

Plan Map Changed from: LOW DENSITY RESIDENTIAL to: MIXED USE RESIDENTIAL & MIXED USE COMMERCIAL
Zone Map Changed from: N/A to: N/A
Location: MAP 23E06C TAX LOT 05400 & MAP 23E06DB TAX LOT 01900 Acres Involved: 34 ACRES
Specify Density: Previous: _____ New: _____
Applicable Statewide Planning Goals: 1, 2, 10, 12 & 14
Was and Exception Adopted? YES NO

DLCD File No.: 009-07 (16246)

CITY OF HAPPY VALLEY
ORDINANCE NO. 363

AN ORDINANCE AMENDING THE ROCK CREEK COMPREHENSIVE PLAN – ADMINISTRATIVE
AMENDMENTS

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application CPA-02-07 is a City-initiated request to amend the Rock Creek Comprehensive Plan as detailed within Exhibit “A”; and,

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on September 11, 2007; and,

WHEREAS, the Planning Commission unanimously recommended the changes to the Rock Creek Comprehensive Plan as detailed in the Staff Report dated September 11, 2007, including Amended Exhibits; and,

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

WHEREAS, the City Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to amend the Rock Creek Comprehensive Plan as detailed within Exhibit “A”; and,

WHEREAS, the City Council held a Public Hearing with an opportunity for Public Testimony on October 2, 2007, and again on October 16, 2007; and,

WHEREAS, the City Council hereby adopts the proposed amendments as detailed in Exhibit “A”, as supported by the Findings of Fact in Exhibit “B”, at the regular meeting of the City Council on October 16, 2007.

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The Rock Creek Comprehensive Plan be amended as set forth as part of Exhibit “A” and is fully incorporated herein;
- Section 2. The Rock Creek Comprehensive Plan Transportation Section (Pages 14-25) is hereby removed from the Plan and replaced with the most currently adopted version of the City’s Transportation System Plan (TSP); and,
- Section 3. That the land areas removed from the Rock Creek Comprehensive Plan – Land Use Plan shall be entitled for future Comprehensive Plan Map/Zoning Map districts via the land use actions associated with the East Happy Valley Comprehensive Plan and as such, are no longer eligible for Comprehensive Plan Map Amendments/Zone Changes under the auspices of the Rock Creek Comprehensive Plan.

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

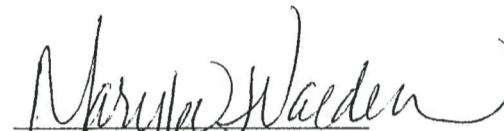
READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on October 2, 2007 and read for the second time on October 16, 2007, and adopted by unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.

PASSED AND APPROVED THIS 16TH day of October, 2007

CITY OF HAPPY VALLEY

ATTEST:


Mayor Rob Wheeler


Marylee Walden, City Recorder

City of Happy Valley, City Council

REPORT SUMMARY

Meeting Date October 2, 2007

Agenda Item No. V.4
(# To be assigned by Exec. Asst.)

Item Title

CPA-02-07 (Rock Creek Comprehensive Plan Amendments)

Prepared by Michael D. Walter, AICP

Department Planning

Explanation

City-initiated Rock Creek Comprehensive Plan Map/Text Amendments. The proposed changes to the Rock Creek Comprehensive Plan represent coordination efforts with the extensive land use planning that has occurred within the Damascus-Boring Concept Plan and subsequent East Happy Valley Comprehensive Plan efforts (including the formation of a Draft Transportation System Plan Update), as well as further analysis of transportation facilities and growth patterns within relevant portions of the plan area.

Special Issues

Rock Creek Comprehensive Plan amendments driven by the East Happy Valley Comprehensive Plan and changing development patterns.

Financial Impact

Potential for future "up-zoning" equates to higher land values for property owners, as well as higher potential tax revenue

Recommendation

Approve Ordinance No. 363

Planning Commission Recommendation

Approval (with modifications presented tonight)

Attachments

1. Planning Commission Staff Report dated August 28, 2007
2. City Council Report dated October 2, 2007

AGENDA SUMMARY MUST BE LIMITED TO ONE PAGE

Mayor
HON. ROB WHEELER

Council President
LORI DeREMER

City Councilors
TOM ANDRUSKO
MARKLEY DRAKE
KRISTIN MITCHELL



City of Happy Valley

12915 SE KING ROAD, HAPPY VALLEY, OREGON 97086-6298
TELEPHONE (503) 760-3325 FAX (503) 760-9397
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Staff Report to the City Council

Rock Creek Comprehensive Plan Map Amendment CPA-02-07 (Administrative Amendments)

October 2, 2007

I. GENERAL INFORMATION

- Applicant:** City of Happy Valley
- Property Owners:** Specific geographic regions identified in exhibits
- Development Dist.:** All applicable zones
- Proposal:** Amend the Rock Creek Comprehensive Plan – Land Use Plan and remove the Transportation section of the Plan by replacing it with the City's Transportation System Plan (TSP).
- Discussion:** In 1999, the City completed the Rock Creek Concept Plan for Urban Reserve Areas 14 and 15, which eventually became the Rock Creek Comprehensive Plan, adopted in 2001. However, portions of the greater Plan Area may have not have been appropriately planned for as they were outside the Urban Growth Boundary (UGB) at that time. Thus, from 2004 to the present, the Damascus-Boring Concept Plan and the subsequent draft efforts toward the completion of an integrated land use and transportation plan known as the East Happy Valley Comprehensive Plan have included "duplicative" planning efforts for certain geographic areas both north and south of the existing Pleasant Valley Golf Club (PV Golf Club).
- From the original proposal by staff to remove the approximately 80-acre "Hillside Residential" area to the north of the PV Golf Club, West Hills Development (contract purchaser of 27 acres of this land from the Beall Family) has communicated their willingness (see Attachment "3") to work with the city to provide an expedited Comprehensive Plan Map Amendment on roughly one-half of this area (for further clarification, see Attachment "2"). Staff supports the notion that this can be accomplished by West Hills Development

and recommends that the revised areas be formally removed from the Rock Creek Comprehensive Plan, so as to be included in the final analysis and adoption of the East Happy Valley Comprehensive Plan. This is of particular importance for the extensive commercial area that is planned to the south of the PV Golf Club, west of 172nd Avenue.

In addition, staff notes that the development of transportation facilities (most notably, Sunnyside Road, and to a lesser extent, 162nd Avenue) and development patterns including the construction of the Burgundy Rose Subdivision; Happy Valley Town Center; and the Hawks Ridge Apartments; combined with the planned development of the City Hall site on the corner of 162nd Avenue and Misty Drive and the pending Master Plan/Comprehensive Plan Map Amendment/Zone Change for "Arbor at Pleasant Valley" (proposed for PV Golf Club) have led to a great deal of change in the relationship between existing parcels of land, right-of-way, natural resource constraints, current and future land development patterns, and the existing Rock Creek Area Land Use Plan.

For example, the current Rock Creek Area Land Use Plan envisions commercial development at the southeast corner of the intersection of 162nd Avenue and Sunnyside Road in a "finger" of zoning area that is completely unrealistic given the constraints of the land, a small creek and the procurement of necessary right-of-way for the construction of "Phase 3B" of Sunnyside Road (162nd Avenue to 172nd Avenue). In further regard to proposed changes in this area, a property owner within the proposed "commercial corner" area (162nd & Sunnyside) has proposed a Mixed Use Residential (MUR) designation as opposed to the envisioned Mixed Use Commercial (MUC) designation (see Attachment Nos. 2 and 4). To clarify, if adopted – the proposed changes to the Rock Creek Area Land Use Plan will not change the underlying zone of any given affected property, but provides the overall land use governance for the area, and within a particular designation (for example, MUR), one could then subsequently apply for a comprehensive plan map amendment/zone change to an available zone (i.e. Mixed-Use Residential Single-Family, Mixed-Use Residential – Attached, etc.).

For further discussion, please see the Staff Report and Exhibits to the Planning Commission dated September 11, 2007 (Attachment "1").

**Conclusion and
Recommendation:**

The Planning Commission held a Public Hearing on September 11, 2007, and recommended that the City Council endorse the proposed amendments (as amended) based on the Findings of Fact within the Staff Report to the Planning Commission.

Attachments:

1. Staff Report to the Planning Commission dated August 28, 2007.
2. Amended Exhibits
3. Letter from Perkins Coie dated September 17, 2007
4. Letter from Taurus Development dated September 11, 2007
5. Letter from William Pendarvis dated September 18, 2007
6. Notice List

Mayor
HON. ROB WHEELER

Council President
LORI DEREMER

City Councilors
TOM ANDRUSKO
MARKLEY DRAKE
KRISTIN MITCHELL



City of Happy Valley

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**CITY OF HAPPY VALLEY
STAFF REPORT TO THE PLANNING COMMISSION**

SEPTEMBER 11, 2007

ROCK CREEK COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS

FILE NO. CPA-02-07

This is a City-initiated text amendment. The proposed changes to the Rock Creek Comprehensive Plan represent coordination efforts with the extensive land use planning that has occurred within the Damascus-Boring Concept Plan and subsequent East Happy Valley Comprehensive Plan efforts (including the formation of a Draft Transportation System Plan Update), as well as further analysis of transportation facilities and growth patterns within relevant portions of the plan area.

I. GENERAL INFORMATION:

APPLICABLE CRITERIA:

Applicable Goals and Policies from the City of Happy Valley Comprehensive Plan; applicable Sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code, including §16.40.020 (Initiation of a plan amendment) and §16.40.041 (Review criteria); Title 1 of METRO Chapter 3.07 (Urban Growth Management Functional Plan); and Section 197.010 of the Oregon Revised Statutes.

EXHIBITS:

1. Staff Report and Findings of Fact
2. Existing Rock Creek Area Land Use Plan
3. Proposed Rock Creek Area Land Use Plan
4. Areas Proposed to be removed from the Rock Creek Area Land Use Plan
5. Transportation Section to be removed from the Rock Creek Comprehensive Plan and replaced with the City's Transportation System Plan (TSP).
6. Rock Creek Plan Update Transportation Review by DKS Associates dated August 8, 2007

ATTACHMENT # 1

EXHIBIT # 1 P70

7. Draft East Happy Valley Plan Map dated June 20, 2007
8. E-mail from Mr. Brian Randol dated August 17, 2007
9. Measure 56 Public Notice

OBSERVATIONS:

BACKGROUND:

In 1999, the City completed the Rock Creek Concept Plan for Urban Reserve Areas 14 and 15, which eventually became the Rock Creek Comprehensive Plan, adopted in 2001. However, portions of the greater Plan Area may have not have been appropriately planned for as they were outside the Urban Growth Boundary (UGB) at that time. Thus, from 2004 to the present, the Damascus-Boring Concept Plan and the subsequent draft efforts toward the completion of an integrated land use and transportation plan known as the East Happy Valley Comprehensive Plan have included “duplicative” planning efforts for certain geographic areas both north and south of the existing Pleasant Valley Golf Club (PV Golf Club). Staff recommends that these areas (see Exhibit 4) be formally removed from the Rock Creek Comprehensive Plan, so as to be included in the final analysis and adoption of the East Happy Valley Comprehensive Plan. This is of particular importance for the extensive commercial area that is planned to the south of the PV Golf Club, west of 172nd Avenue.

In addition, staff notes that the development of transportation facilities (most notably, Sunnyside Road, and to a lesser extent, 162nd Avenue) and development patterns including the construction of the Burgundy Rose Subdivision; Happy Valley Town Center; and the Hawks Ridge Apartments; combined with the planned development of the City Hall site on the corner of 162nd Avenue and Misty Drive and the pending Master Plan/Comprehensive Plan Map Amendment/Zone Change for “Arbor at Pleasant Valley” (proposed for PV Golf Club) have led to a great deal of change in the relationship between existing parcels of land, right-of-way, natural resource constraints, current and future land development patterns, and the existing Rock Creek Area Land Use Plan. For example, the current Rock Creek Area Land Use Plan envisions commercial development at the southeast corner of the intersection of 162nd Avenue and Sunnyside Road in a “finger” of zoning area that is completely unrealistic given the constraints of the land, a small creek and the procurement of necessary right-of-way for the construction of “Phase 3B” of Sunnyside Road (162nd Avenue to 172nd Avenue). As illustrated within the Proposed Rock Creek Area Land Use Plan (Exhibit 3), the entire “corner” of this intersection is envisioned to accommodate future commercial development. That is, if adopted – the proposed changes to the Rock Creek Area Land Use Plan will not change the underlying zone of any given affected property, but provides the overall land use governance for the area, and within a particular designation (for example, Mixed-Use Commercial), one could then subsequently apply for a comprehensive plan map amendment/zone change to an available zone (i.e. Mixed-Use Commercial, Mixed-Use Residential Single-Family, Mixed-Use Residential – Attached, etc.).

SUBJECT AREAS:

- As illustrated within the Areas Proposed to be removed from the Rock Creek Area Land Use Plan (Exhibit 4), there are two main areas proposed to be singularly planned for within the East Happy Valley Comprehensive Plan Area. The first area (North RC Plan Removal Area) is a roughly rectangle-shaped area of land north of the PV Golf Club comprised of 11 properties equaling approximately 83 acres in size. These properties are currently zoned either Clackamas County Rural Residential Farm Forest 5-Acre (RRFF-5) or Farm Forest 10-Acre (FF-10), and nine of the 11 properties have been or are currently being annexed to the City. The second area (South RC Plan Removal Area) is comprised of seven properties located south of the PV Golf Club, north of Sunnyside Road and west of 172nd Avenue equaling approximately 37 acres in size. These properties are all currently zoned RRFF-5, and six of the seven properties have been or are currently being annexed to the City. Finally, in regard to the properties located north of Sunnyside Road and east of 162nd Avenue that are the subject of the proposed changes to the Rock Creek Area Land Use Plan (see Exhibit 3), this area (West RC Plan Amendment Area) is comprised of all or portions of approximately 22 properties equaling some 34 acres in size.

EAST HAPPY VALLEY COMPREHENSIVE PLAN:

- Although the Draft East Happy Valley Plan Map dated June 20, 2007 (see Exhibit 7), included within this application is by no means an adopted product, and is not anticipated to be finalized for many months, it is illustrative of some of the zoning designations that have been explored in the affected geographic areas, and is roughly based on the direction found within the City Council-approved Damascus-Boring Concept Plan. For example, in the South RC Plan Removal Area, the current Rock Creek Comprehensive Plan envisions "Mixed Use Residential" (6-24 du/net acre), while the Draft East Happy Valley Comprehensive Plan envisions a combination of "Single-Family Attached" (SFA), "Mixed Commercial Center" (MCC), and "Employment Center" (EC). The large commercial portion of this area has been presented by owner/contract purchaser Gramor Development as the potential home of a large retail facility, and the East Happy Valley Comprehensive Plan Citizen Advisory Committee heard presentations from representatives of Fred Meyer in conjunction with consideration of potential zoning for this area.

In the North RC Plan Removal Area, the Rock Creek Comprehensive Plan envisions "Hillside Residential" (5-8 du/net acre), while the Draft East Happy Valley Comprehensive Plan delineates a combination of single-family residential zones (R-10 and R-20); SFA; IPU; "Mixed Use Residential" (MUR – multi-family); and, "Community Commercial" zones. Staff notes that if the conceptualized zones (or some reasonable facsimile thereof) were to be adopted, the existing land use patterns to the west of 162nd (Burgundy Rose Subdivision, Happy Valley Town Center), combined with

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the envisioned SFA, MCC and EC areas to the east (potential Fred Meyer, etc.) would create a land use pattern and street system including the Major Arterial (Sunnyside), and an envisioned west-east Collector Street (crossing Rock Creek) that would be very difficult to construct given the "Low Density Residential" (2-4 du/net acre) designation found within the existing Rock Creek Area Land Use Plan east of 162nd Avenue, north of Sunnyside Road and south of the PV Golf Club. In addition, staff would argue that the range of commercial uses in the near vicinity of these currently envisioned low density lands, combined with a street system that includes arterials, collectors, transit, bikelanes and sidewalks demands greater residential densities and commercial opportunities in order to provide for shorter multi-modal trips (vehicular, bicycle and pedestrian) to previously unknown retail and office services in these rapidly developing neighborhoods. In addition, the creation (or more accurately, potential future creation) of a stronger commercial corner at the northeast corner of the intersection of Sunnyside Road and 162nd Avenue will not only present opportunity for expanded commercial/office uses in the City of Happy Valley, but will also augment and complement the recent development of the Happy Valley Town Center and planned City Hall site.

POTENTIAL DENSITIES

- Although it is difficult to envision a definitive projected change in residential densities and gross floor area that might someday be accommodated within the North and South RC Plan Removal Areas and the West RC Plan Amendment Area, a rough exercise making some density assumptions can be used for purposes of illustration when discussing potential density changes within these geographic areas. For example, in the West RC Plan Amendment Area, there are currently approximately 32 acres planned at 2-4 du/net acre. Assuming a fairly typical 20 percent reduction in land area for street and roads, this equates to roughly 25 net acres, which when multiplied by four du/net acre (assuming the market maximizes density) equates to a very rough 100 dwelling units. In the proposed plan, the commercial area would have the ability to expand from approximately two acres to 11 acres, while the remaining 18 net acres of residential land planned at an average of 12 du/net acre (again, assuming the market maximizes density) would equate to 220 dwelling units, an increase of approximately 120 units from the existing plan to the proposed plan, whilst theoretically occurring within approximately seven less net acres. Of course, said projections are not factual, and do not take into account a variety of factors, including natural resources constraints, steep slopes, existing structures, etc., and are presented only for discussion purposes.

TRANSPORTATION PLANNING

- The existing Rock Creek Comprehensive Plan contains Figure 5 – Rock Creek Area Functional Classification and Pages 15-25 (see Exhibit 6) that relate to transportation planning and conceptualized alignments in the Rock Creek Area. However, in the approximately seven years that have passed since the formulation of these materials, a

large amount of development and change has occurred within the Rock Creek Area. Concurrently, the City has utilized Oregon Transportation & Growth Management Grants to craft a 2006 TSP and current Draft TSP Update in conjunction with the East Happy Valley Comprehensive Plan that is more detailed and comprehensive in scope than the existing Figure 5 and Pages 15-25. Therefore, staff recommends that this transportation section be “struck” and replaced by referencing the most currently adopted City TSP.

SCHOOL CAPACITY

- As stated, the subject application does not propose to implement a change to the underlying zoning of the subject properties, but does lay the framework for future comprehensive plan map amendments/zone changes. Thus, on a related note the Planning Commission may recall significant past discussions in regard to future zone changes (particularly residential “up-zoning”) in regard to school capacity. As a reminder, please consider the existing language within City of Happy Valley Comprehensive Plan Policy No. 99:

[...]

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

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

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

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

99A.1 Within any adopted Comprehensive Plan Map/Zoning Map Area, parcels which have not annexed to within the city limits, and/or parcels which have a land use district that may accommodate residential development, but have not provided evidence of

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

Staff notes that prior to future comprehensive plan map amendments/zone changes for residential properties located within the West RC Plan Amendment Area, school capacity is required to be addressed in conjunction with said application(s).

AGENCY AND INTERESTED PERSONS COMMENTS

- Notification and materials were delivered to the Oregon Department of Land Conservation and Development (DLCD), the required 45 days prior to this initial evidentiary hearing. No comments were received. In addition, notice and materials were sent to the regional government (METRO) and other affected public and private agencies. No comments were received.

Measure 56 compliant notice was sent to all parcels within the subject area. As of the date this report was written, one e-mail had been received by the Community Development Department, and is included as Exhibit 8.

II. RECOMMENDATION

The identified portions of the Rock Creek Comprehensive Plan are either dated or duplicative in their relationship to the City's planning efforts over the last three years, in particular in their relationship to the Draft East Happy Valley Comprehensive Plan and TSP Update. The construction of a comprehensive, transit-friendly transportation system based on a network of major arterial and collector roads, paired with local residential streets and commercial drives in order to provide multi-modal transportation options to transport citizens to developed and developing commercial and professional office uses is predicated upon zoning being in place that will support and fund the construction of said transportation facilities, and will take advantage of the proximity and reduction in trips that said facilities will allow and by their very nature and placement, encourage.

Therefore, staff recommends that the Planning Commission forward a recommendation of approval of CPA-02-07 (Rock Creek Comprehensive Plan Amendments) to the City Council. If

approved, staff will create an ordinance and exhibits that demonstrates removal of the Rock Creek Comprehensive Plan Transportation section (and replacement with the City's TSP); removal of the North and South RC Plan Removal Areas (creation of the ordinance will include a limitation on development in these areas until adoption of the East Happy Valley Comprehensive Plan); and, replacement of the West RC Plan Amendment Area with the revised Land Use Plan illustrating a stronger commercial corner and an increase from Low Density Residential to Mixed Use Residential for the remainder of the affected area.

III. FINDINGS OF FACT

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

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

Staff Response:

The proposed changes to the Rock Creek Comprehensive Plan and the more accurate addition of lands from the Rock Creek Comprehensive Plan to the East Happy Valley Comprehensive Plan will insure orderly development in the City through the extensive planning and coordination work that has gone into the crafting of these growth management products. Growth within these areas is mandated to have adequate levels of services and facilities via the provisions of the City's Comprehensive Plan, Transportation System Plan, Intergovernmental Agreements (IGA's) with service providers (Clackamas County WES, Sunrise Water, CCFD#1, etc.) and the Development Code. Therefore, this criterion is satisfied by the request.

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

Staff Response:

The proposed changes will allow for better and more coordinated comprehensive planning efforts, which in turn will facilitate the encouragement of controlled development while yet endeavoring to protect the physical resources which make Happy Valley a desirable place to live. Therefore, this criterion is satisfied by the request.

[...]

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

Staff Response:

The proposed changes will lead to incorporation within Comprehensive Plans which include elements considering the City's unique natural resources, and provide a framework for future development that will include requirements for open space and natural resource protection. Therefore, this criterion is satisfied by the request.

[...]

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

Staff Response:

The proposed plan changes provide the potential for increase of the supply of housing in the City. Said plan changes help the City to satisfy Statewide Planning Goal 10 "Housing". Therefore, this criterion is satisfied by the request.

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

Staff Response:

The proposed plan changes provide coordination between the Rock Creek Comprehensive Plan and the East Happy Valley Comprehensive Plan that ultimately will reinforce and facilitate orderly and compatible community development in this geographic region. Therefore, this criterion is satisfied by the request.

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

Staff Response:

The proposed change from Low Density Residential to Mixed Use Residential in the Rock Creek Comprehensive Plan area will allow specifically allow for a variety of lot sizes and diversity of

housing types, that will attract a variety of household sizes and incomes to Happy Valley. Therefore, this criterion is satisfied by the request.

[...]

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

Staff Response:

The adoption of the City's 2006 TSP, and proposed changes to the Rock Creek Comprehensive Plan (replacing the Rock Creek Comprehensive Plan transportation section with the City's TSP) will continue to aid in the eventual development of good transportation routes between residential areas and major activity centers such as the Happy Valley Town Center and future commercial development along Sunnyside Road and to a lesser extent, along 162nd Avenue. Neighborhood livability issues are part and parcel of the analysis provided in the Rock Creek Comprehensive Plan Map Amendment, as well as in ongoing formulation of the East Happy Valley Comprehensive Plan. Therefore, this criterion is satisfied by the request.

[...]

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

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

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

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

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

Staff Response:

In the case of the proposed changes to the Rock Creek Comprehensive Plan, staff notes said changes, if approved – will but facilitate future Comprehensive Plan Map Amendments/Zone Changes from the existing County zone to an available Mixed Use Commercial or Mixed Use Residential zone. Thus, each parcel within the subject area of the Rock Creek Comprehensive Plan will have to demonstrate adequate school district capacity or support from the school district in regard to proposed residential "up-zoning". In regard to the removal of the two areas from the Rock Creek Comprehensive Plan and their inclusion within the East Happy Valley Comprehensive Plan, staff notes that legislative adoption of any proposed zoning within this area will require conformance with Comprehensive Plan Policy 99A.1. Therefore, these criteria are satisfied by the request.

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

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

[...]
16.40.020 Initiation of a plan amendment.

Any change in the text, map, or implementing ordinance of the adopted Happy Valley Comprehensive Plan may be initiated by the City, any resident of the City, property owners or authorized agent. [...]

Staff Response:

The Comprehensive Plan Map Amendments/Zone Changes have been initiated by the City of Happy Valley. Therefore, this criterion has been satisfied by the request.

[...]
Section 16.40.041 Review criteria.

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

Staff Response:

See the staff response to applicable Goals and Policies of the Comprehensive Plan, above. As addressed within the record, this criterion is satisfied by the request.

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

Staff Response:

Although there is not a specific and identified housing needs analysis completed by the City for additional medium to high density residential zoned land and/or a commercial lands needs analysis, the proposed changes would comply with Metro's Regional Framework Plan and the Urban Growth Management Functional Plan (UGMFP) for supplying housing and increasing density within the existing Urban Growth Boundary (UGB).

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

accommodating the anticipated future population and housing growth on available land. Therefore, this criterion is satisfied by the request.

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

Staff Response:

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

Not permitting the Rock Creek Comprehensive Plan Amendments to occur would limit the development potential of the properties, and would not as efficiently meet housing and urbanization goals and policies adopted in the greater Happy Valley Comprehensive Plan, and would not be consistent with Metro’s Regional Framework Plan and Urban Growth Management Plan that requires cities to increase density within existing UGBs. In addition, the land use district plan envisioned in the Rock Creek Comprehensive Plan and the East Happy Valley Comprehensive Plan compared with other alternatives does not significantly alter the lot size/lot pattern/home design of the surrounding neighborhoods to the west (Burgundy Rose), south (Taralon), or those currently being explored to the north (Arbor at Pleasant Valley). That is, if development were to occur within the subject area per the proposed land use districts associated with the amended Rock Creek Comprehensive Plan it is unlikely that the resultant homes would be appreciably different in size and character than the homes within surrounding neighborhoods to the west and south. Therefore, this criterion is satisfied by the request.

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

Staff Response:

The proposed amendments further refine and clarify the use and implementation of growth management mechanism and capital improvement programs of the City. For example, the utilization of the City’s TSP. Therefore, this criterion is satisfied by the request.

E. The proposed amendment can be implemented by this land development title and all other appropriate codes, ordinances and regulations. The applicant bears the entire burden of proof of establishing to the planning commission that the proposed amendment meets the above requirements. This burden of proof shall also apply to the city if it initiates a proposed amendment.

Staff Response:

As observed, the proposed amendments may lead to future zone changes/developments that are required to be implemented by the land development title and all other appropriate codes, ordinances and regulations. As demonstrated within these Findings of Fact, the City has met the burden of proof of establishing to the Planning Commission that the proposed amendments meet all applicable criteria. Therefore, this criterion is satisfied by the request.

G.¹ When an application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. If a Master Plan that requires a full traffic impact analysis is required for a comprehensive plan map amendment/zone change area, a subsequent Master Plan may satisfy this provision, as determined by the City of Happy Valley community development director or designee."

Staff Response:

The proposed amendments will not significantly affect a transportation facility, as demonstrated by the Rock Creek Plan Update Transportation Review by DKS Associates dated August 8, 2007 (see Exhibit 6). Therefore, this criterion is satisfied by the request.

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

REGIONAL FUNCTIONAL PLAN REQUIREMENTS

TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION

"3.07.110 Purpose and Intent

One goal of the Framework Plan is the efficient use of land. Title 1 intends to use land within the UGB efficiently by increasing its capacity to accommodate housing and employment. Title 1 directs each city and county in the region to consider actions to increase its capacity and to take action if necessary to accommodate its share of regional growth as specified in this title.

¹ A codification error exists within the City's Development Code, which has resulted in the incorrect lettering from this section. As quoted, Letter "G" should correctly be labeled as Letter "F". Staff is in the process of correcting this oversight.

Staff Response:

The proposed plan amendments are a necessary step towards efficient use of land within the UGB. They allow for a potential increase in residential density, thus meeting the goal of increasing housing. Therefore, this criterion is satisfied by the request.

3.07.120 Housing and Employment Capacity

A. Each city and county shall determine its capacity for housing and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table 3.01-7. Local governments shall use data provided by Metro unless the Metro Council or the Chief Operating Officer determines that data preferred by a city or county is more accurate.

Staff Response:

The proposed plan amendments help to meet the necessary housing capacities for the City. Therefore, this criterion is satisfied by the request.

B. A city or county shall determine its capacity for dwelling units by cumulating the minimum number of dwelling units authorized in each zoning district in which dwelling units are authorized. A city or county may use a higher number of dwellings than the minimum density for a zoning district if development in the five years prior to the determination has actually occurred at the higher number.

Staff Response:

The proposed plan amendments aid in meeting the necessary housing capacities for the City. The density of future development within the plan area is expected to be in conformance with the affected Comprehensive plans. Therefore, this criterion is satisfied by the request.

C. If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments of comprehensive plan or land use regulations that apply to the annexed territory.

Staff Response:

Before any properties within the affected plan area can develop, it is required to annex and apply for a zone change to be in conformance with the adopted comprehensive plan. The comprehensive plan increases the density so "there is no net loss in regional housing". Therefore, this criterion is satisfied by the request.

D. After completion of its initial determination of capacity, each city or county shall report changes in its capacity by April 15 of the first calendar year following completion of its initial determination and by April 15 of every following year.

Staff Response:

The City will report any required information. Therefore, this criterion is satisfied by the request.

3.07.130 Design Type Boundaries Requirement

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map:

Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.

Regional Centers--Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.

Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

Town Centers--Local retail and services will be provided in town centers with compact development and transit service.

Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited supporting uses.

Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.

Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods.

3.07.140 Measures to Increase Development Capacity

A. Each city and county shall adopt a minimum dwelling unit density, as prescribed in this subsection, for each zoning district in which dwelling units are authorized inside the UGB:

1. Any city or county minimum density standard deemed to comply with the Urban Growth Management Functional Plan pursuant to Section 3.07.810 prior to January 1, 2003, shall be deemed to comply with this subsection.

Staff Response:

The proposed comprehensive plan amendments increase the density over any remaining County zoning in the plan area, as well as going above and beyond the densities envisioned in the Rock Creek Comprehensive Plan (within the affected areas). In addition, the design type boundaries are consistent with the Rock Creek Comprehensive Plan as previously approved and for the removed areas, will be consistent with the Damascus-Boring Concept Plan dated November, 2005 and adopted by Metro. Finally, minimum density requirements are in place within the City's Development Code, and would be applied to any future development application. Therefore, these criteria are satisfied by the request.

[...]

D. In order to assist Metro to evaluate the effectiveness of Title 1 in aid of accomplishment of the 2040 Growth Concept, and to comply with state progress reporting requirements in ORS 197.301, by April 15 of each even-numbered year beginning 2004, each city and county shall report to Metro the actual density of new residential development per net developed acre authorized in those zoning districts that allow residential development in the preceding 24 months.

Staff Response:

The City will report any required information. Therefore, this criterion is satisfied by the request.

3.07.150 Transfer of Capacity

A. A city or county may amend its comprehensive plan and land use regulations to transfer capacity for housing or employment shown on Table 3.07-1 to another city or county inside the UGB upon a demonstration that:

1. *The transfer complies with the policies of the Regional Framework Plan,*

Staff Response:

No transfer of capacity is proposed. Therefore, this criterion and all other related criteria are not applicable to the request.

[...]

3.07.160 Local Plan Accommodation of Expected Growth Capacity for Housing and Employment—Performance Standard

All cities and counties within Metro shall demonstrate that:

- A. *The provisions required in Section 3.07.140 of this title have been included in comprehensive plans and implementing ordinances; and*

Staff Response:

The provisions required in Section 3.07.140 have been addressed within these findings and will be adopted in the comprehensive plan. The City of Happy Valley is responsible for tracking that the target capacity of residential housing units is met. Therefore, this criterion is satisfied by the request.

- B. *Using the computation method in Section 3.07.120, calculated capacities will achieve the target capacities for dwelling units and full-time and part-time jobs contained in Table 3.07-1; and*

Staff Response:

The proposed amendments aid in meeting the necessary housing capacities for the City. The density of future development within the affected plan areas is expected to be in conformance with the plan(s). The City is required to file Metro compliance reports in order to track whether the housing capacities are being met. Therefore, this criterion is satisfied by the request.

- C. *Effective measures have been taken to reasonably assure that the calculated capacities will be built for dwelling units and jobs; and*

Staff Response:

The density of future development within the affected plan areas is expected to be in conformance with the plan(s). Therefore, this criterion is satisfied by the request.

D. Expected development has been permitted at locations and densities likely to be achieved during the 20-year planning period by the private market or assisted housing programs, once all new regulations are in effect.

Staff Response:

The proposed plan amendments aid in meeting the necessary housing capacities for the City. The density of future development within the plan area is expected to be in conformance with the plans. As these planning area are not dependent on assisted housing programs, but on private, market-driven development, they are expected to develop consistent with the 20-year projections for the planning period, once zoning is adopted and the areas are available to develop. Therefore, this criterion is satisfied by the request.

3.07.170 Design Type Density Recommendations

A. For the area of each of the 2040 Growth Concept design types, the following average densities for housing and employment are recommended to cities and counties:

- Central City - 250 persons per acre*
- Regional Centers - 60 persons per acre*
- Station Communities - 45 persons per acre*
- Town Centers - 40 persons per acre*
- Main Streets - 39 persons per acre*
- Corridor - 25 persons per acre*
- Employment Areas - 20 persons per acre*
- Industrial Areas - 9 employees per acre*
- Regionally Significant Industrial Area – 9 employees per acre*
- Inner Neighborhoods - 14 persons per acre*
- Outer Neighborhoods - 13 persons per acre*

Table 3.07-1

<i>City or County</i>	<i>Dwelling Unit Capacity</i>	<i>Job Capacity</i>
<i>Beaverton</i>	<i>13, 635</i>	<i>21,368</i>
<i>Cornelius</i>	<i>1,285</i>	<i>3,054</i>
<i>Durham</i>	<i>243</i>	<i>522</i>
<i>Fairview</i>	<i>2,929</i>	<i>7,063</i>
<i>Forest Grove</i>	<i>3,054</i>	<i>5,943</i>
<i>Gladstone</i>	<i>880</i>	<i>1,569</i>
<i>Gresham3</i>	<i>20,020</i>	<i>27,679</i>

<i>Happy Valley</i> ⁴	5,705	1,418
<i>Hillsboro</i> ⁵	16,106	59,566
<i>Johnson City</i>	38	82
<i>King City</i> ⁶	461	470
<i>Lake Oswego</i>	4,049	13,268
<i>Maywood Park</i>	12	5
<i>Milwaukie</i>	3,188	3,650
<i>Oregon City</i>	9,750	8,298
<i>Portland</i> ³	72,136	209,215
<i>Rivergrove</i>	20	0
<i>Sherwood</i>	5,216	9,518
<i>Tigard</i>	6,308	17,801
<i>Troutdale</i>	3,260	7,222
<i>Tualatin</i> ⁷	4,054	12,301
<i>West Linn</i>	3,732	1,935
<i>Wilsonville</i> ²	4,425	15,030
<i>Wood Village</i>	458	1,074
<i>Clackamas County</i> ^{1,3}	13,340	31,901
<i>Multnomah County</i> ⁸	0	0
<i>Washington County</i> ¹	51,649	55,921
Regional Total	246,053	516,873

Staff Response:

For the entire affected plan area, it is unknown if topographic and natural resource (for example, the presence of Rock Creek) constraints will prohibit the achievement of the Metro prescribed density. However, the density within the plan area will increase over the existing zoning. Because of this increase in density, the plan will help achieve Metro's target number of units. Therefore, this criterion is satisfied by the request.

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

197.010 Policy. *The Legislative Assembly declares that:*

(1) In order to assure the highest possible level of livability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:

- (a) Must be adopted by the appropriate governing body at the local and state levels;*
- (b) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;*
- (c) Shall be the basis for more specific rules and land use regulations which implement the policies expressed through the comprehensive plans;*

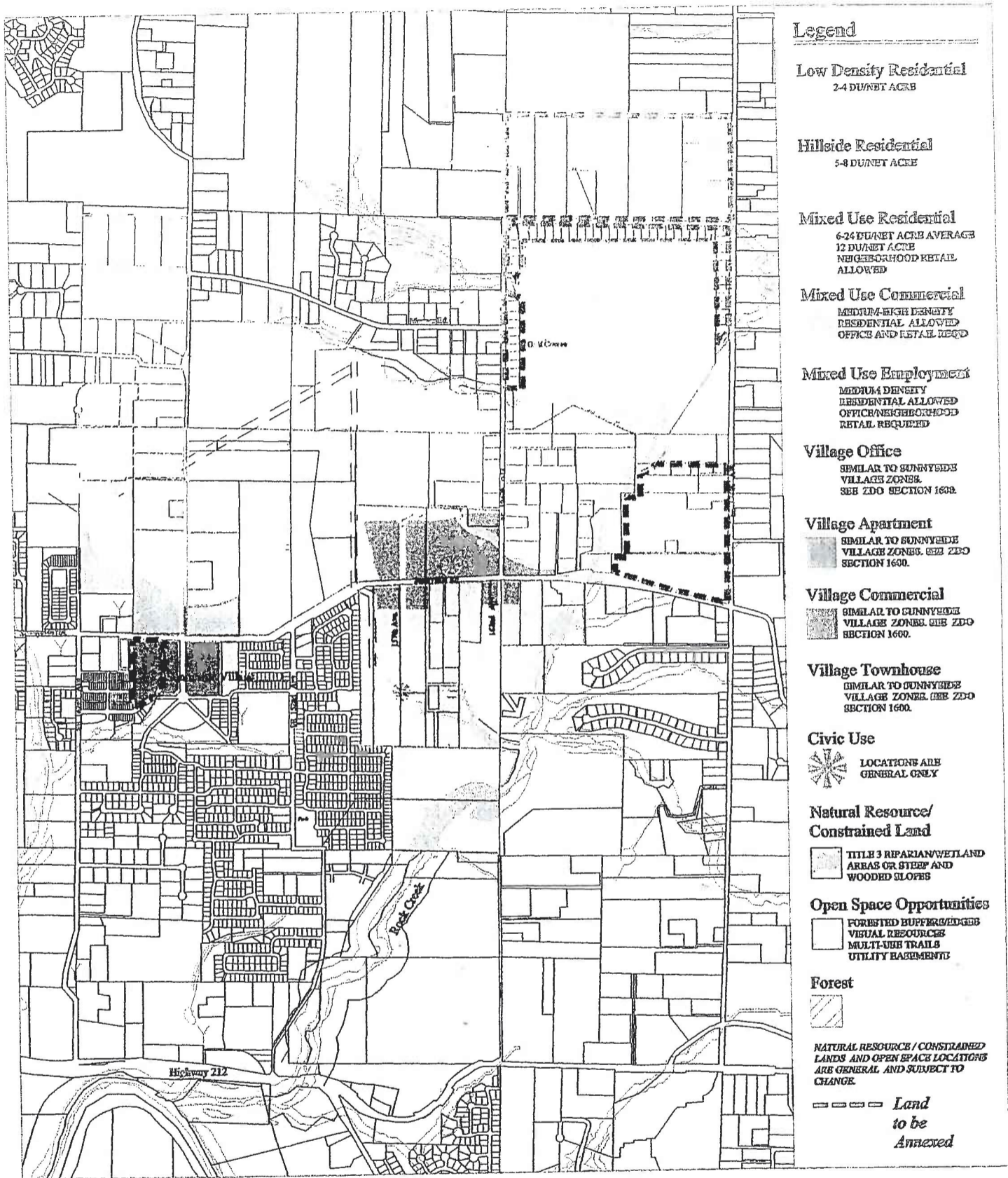
(d) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and

(e) Shall be regularly reviewed and, if necessary, amended to keep them consistent with the changing needs and desires of the public they are designed to serve.

(2) The equitable balance between state and local government interests can best be achieved by resolution of conflicts using alternative dispute resolution techniques such as mediation, collaborative planning and arbitration. Such dispute resolution techniques are particularly suitable for conflicts arising over periodic review, comprehensive plan and land use regulations, amendments, enforcement issues and local interpretation of state land use policy. [1973 c.80 §2; 1981 c.748 §21a; 1993 c.792 §48]

Staff Response:

The proposed comprehensive plan amendments are following proper procedures and requirements. Plan adoption will take place at the local level, when the plans are amended by the City of Happy Valley. Therefore, these criteria are satisfied by the request.

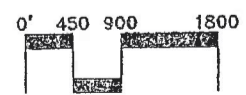


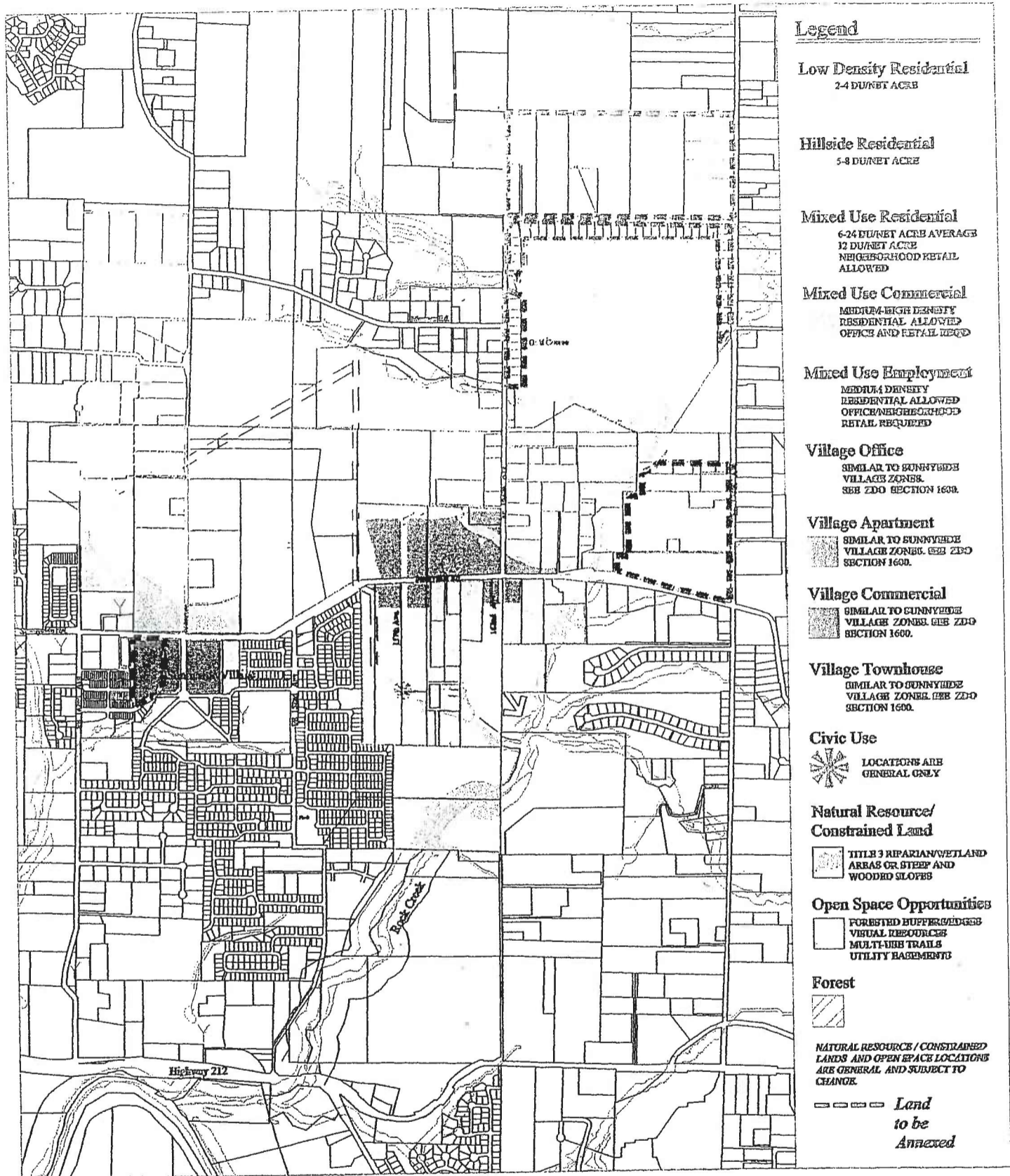
Rock Creek Area

Land Use Plan

EXHIBIT # 2

EXISTING LAND USE PLAN



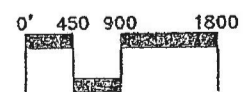


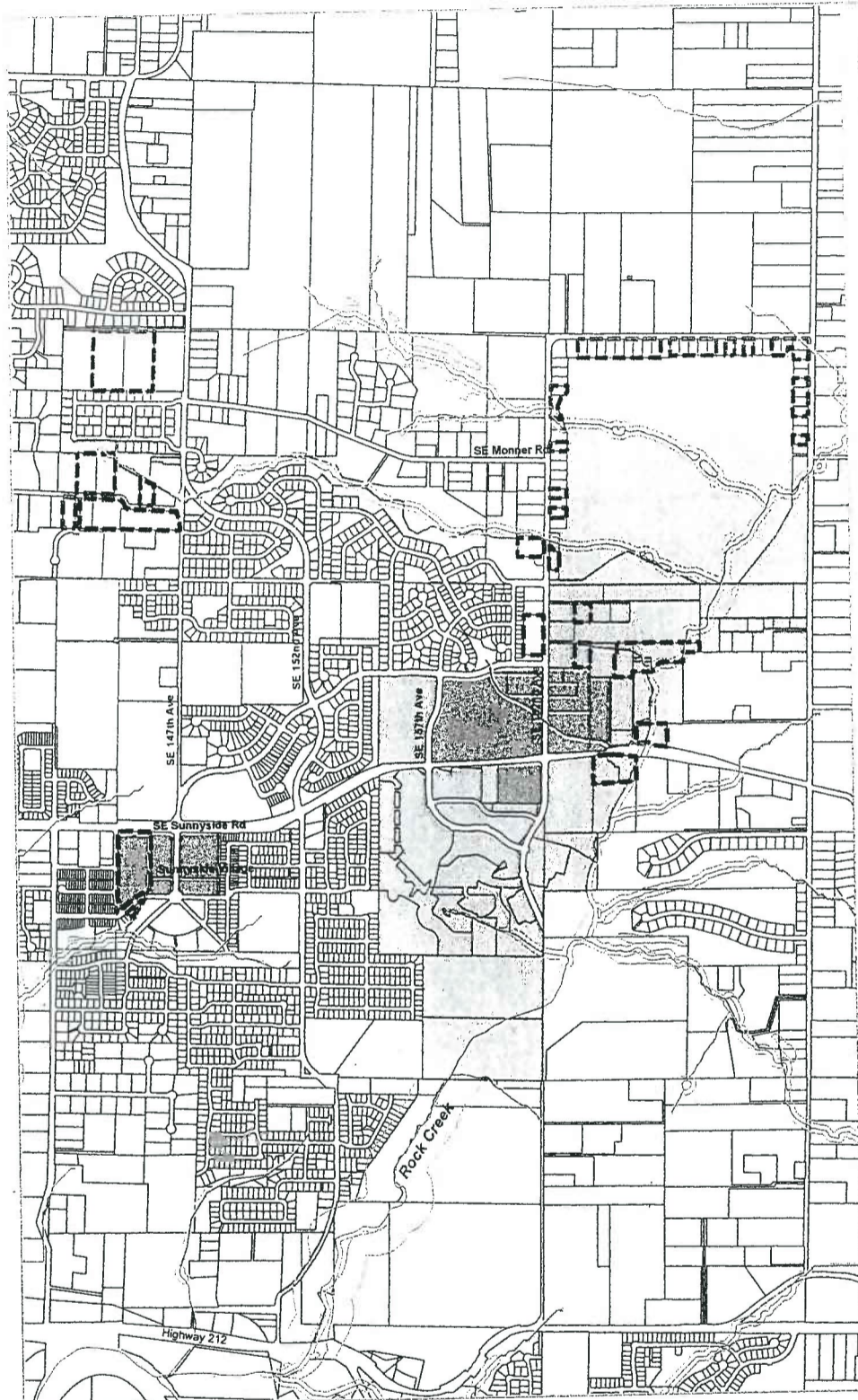
Rock Creek Area

Land Use Plan

EXHIBIT # 2

EXISTING LAND USE PLAN





Legend

- Low Density Residential
2 - 4 DU/NET ACRE
- Hillside Residential
5 - 8 DU/NET ACRE
- Mixed Use Residential
6 - 24 DU/NET ACRE AVERAGE
12 DU/NET ACRE
NEIGHBORHOOD RETAIL
ALLOWED.
- Mixed Use Commercial
MEDIUM-HIGH DENSITY
RESIDENTIAL ALLOWED.
OFFICE AND RETAIL REQ'D.
- Mixed Use Employment
MEDIUM DENSITY
RESIDENTIAL ALLOWED
OFFICE/NEIGHBORHOOD
RETAIL REQUIRED
- Village Office
SIMILAR TO SUNNYSIDE
VILLAGE ZONES.
SEE ZDO SECTION 1600.
- Village Apartment
SIMILAR TO SUNNYSIDE
VILLAGE ZONES.
SEE ZDO SECTION 1600.
- Village Commercial
SIMILAR TO SUNNYSIDE
VILLAGE ZONES.
SEE ZDO SECTION 1600.
- Village Townhouse
SIMILAR TO SUNNYSIDE
VILLAGE ZONES.
SEE ZDO SECTION 1600.
- Land Outside
Current City
Limits

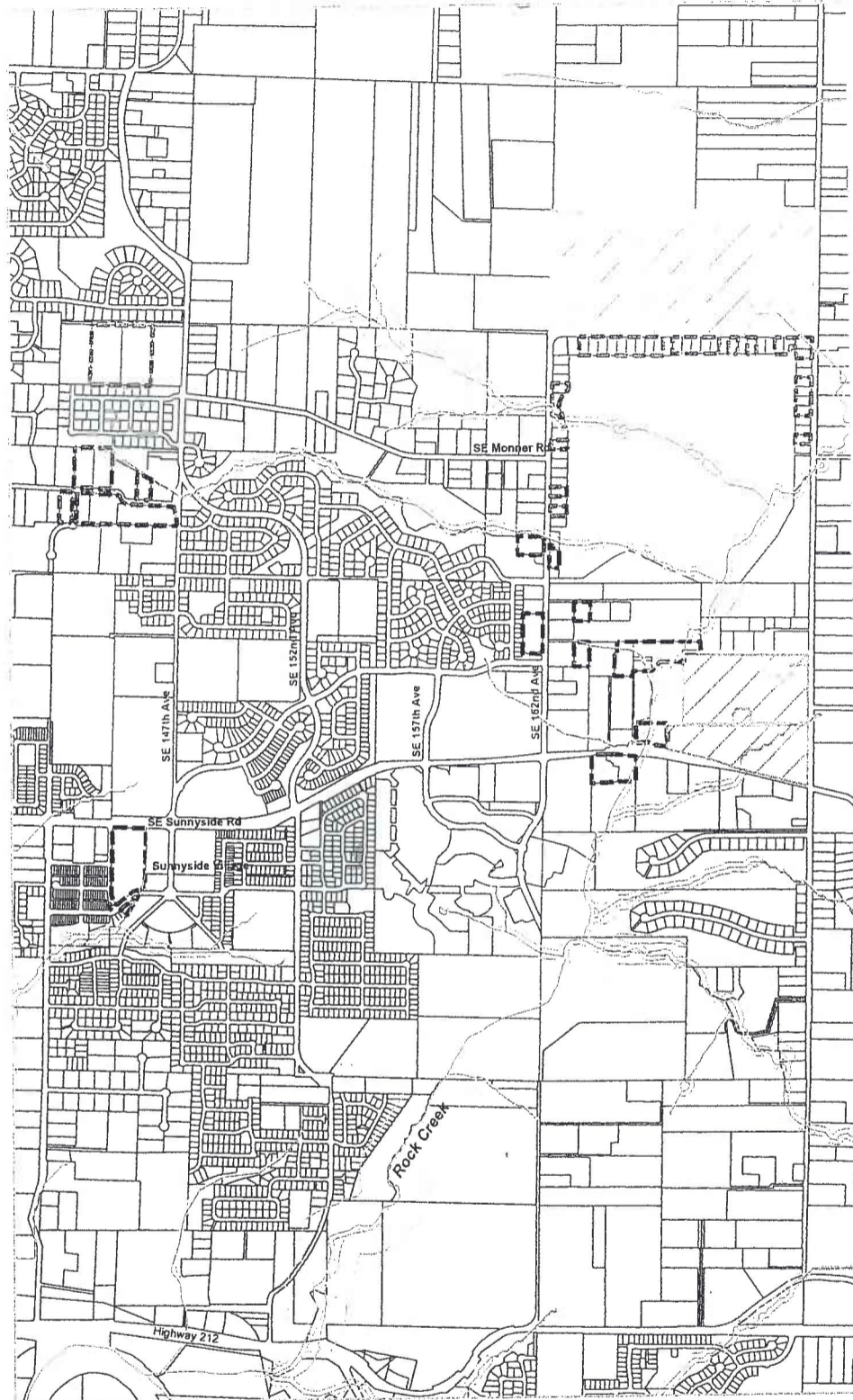
Rock Creek Area

Land Use Plan

EXHIBIT # 3



PROPOSED LAND USE PLAN



Legend

Areas proposed to be removed from the Rock Creek Comp Plan and added to the East Happy Valley Comprehensive Plan

Rock Creek Plan Area

Land Outside Current City Limits

Rock Creek Area

Areas Proposed to be Removed from the Rock Creek Comp Plan

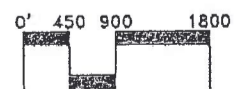
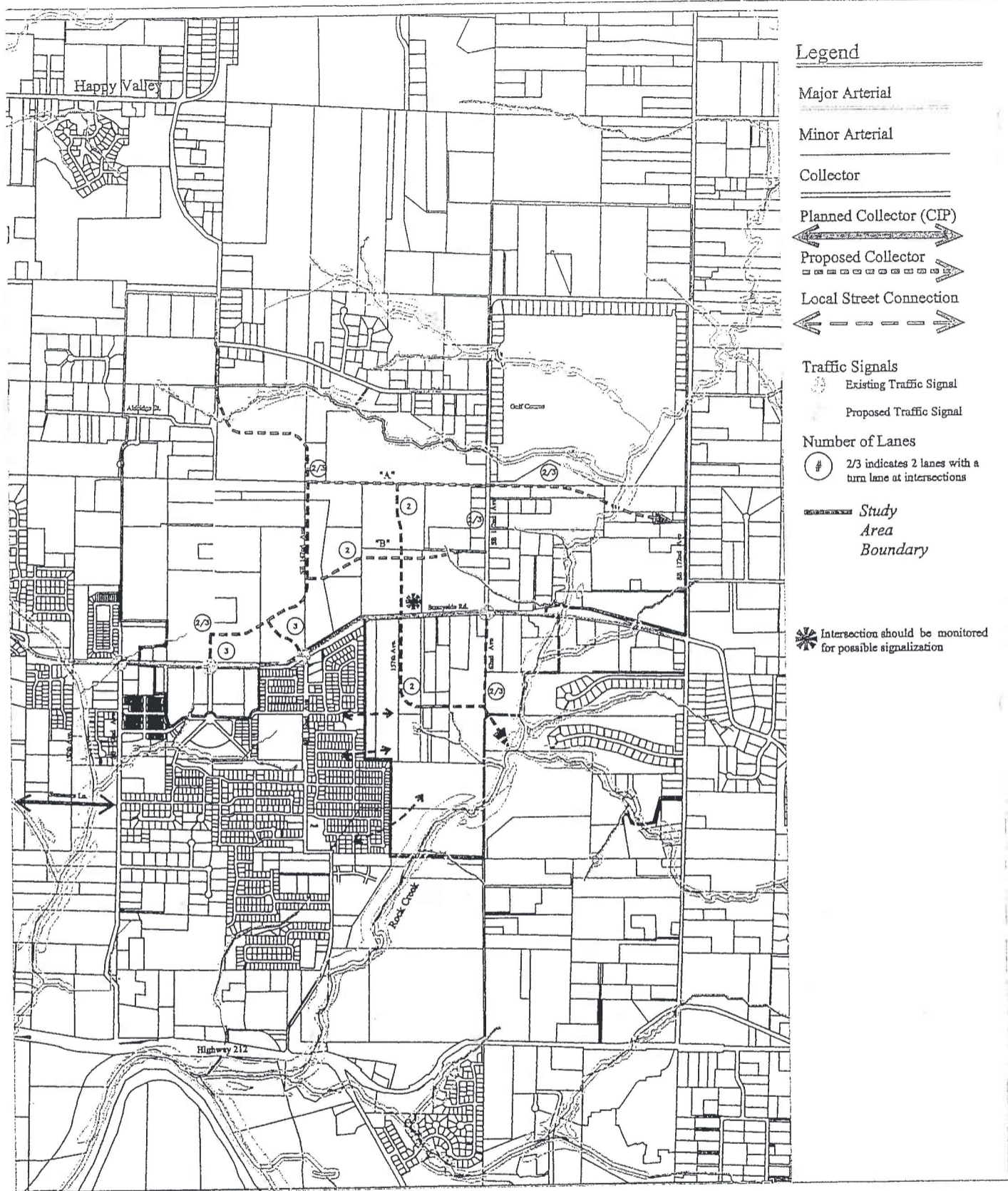


EXHIBIT # 4 P92



Rock Creek Area

Functional Classification

EXHIBIT # 5



Transportation

Recommended Roadway System

The recommended Rock Creek Area roadway system is shown in Figure 5. The figure shows both the functional classifications and the numbers of lanes for the proposed roadways.

Collector Streets

Collector level roadways form the basic structure of the network. The proposed roadway alignments were developed to provide route continuity between arterial roadways and activity centers, and to support the development of a grid pattern made up of local streets to achieve neighborhood connectivity.

- SE 147th Avenue, which is currently closed north of Sunnyside Road due to safety deficiencies associated with the steep grade, would be reopened with a new alignment to correct the safety problems. Improvements will be needed at the existing intersection of SE 147th Avenue and Aldridge Road. The specific improvements will depend on the new alignment of SE 147th Avenue, but will need to address safety issues related to sight distance and the grade of the roadway. See Figure 6 for the proposed alignment.
- A realigned SE 147th Avenue connection will provide collector street access between Sunnyside Road and areas to the north, including Happy Valley. This roadway also provides connections to one east/west collector and one local street through the study area, and to SE 147th and SE 152nd Avenues south of Sunnyside. The Collector "B" will provide a connection from 152nd to SE 142nd, SE 147th, and SE 162nd Avenues. Development of properties benefiting from Collector "B" shall be conditioned to assure adequate transportation facilities are provided. The steep grade of the hillside and impacts to existing properties will be important factors in determining the specific alignment and cross-section of the road.
- A two/three lane collector local street along the northern project boundary and east of SE 162nd will provide an east/west connection between SE 162nd and SE 172nd. This proposed collector will offer a much needed relief valve to Sunnyside Road during highly congested conditions.
- A two-lane collector street north of Sunnyside (labeled "B" in Figure 5) would connect the SE 147th avenue realignment and SE 162nd Avenue, serving east/west traffic within the Rock Creek Planning area. Left-turn lanes on this roadway should be provided at intersections to ensure adequate flow of through traffic. The parallel alignment to Sunnyside and the northern collector, along with connections to north/south streets, will support development of a grid system and local street development conducive to neighborhood connectivity.
- SE 157th Avenue would be constructed as a two-lane collector providing a connection to proposed civic areas north and south of Sunnyside Road. While the exact alignment of SE 157th Avenue has some flexibility, it should intersect Sunnyside Road with adequate spacing between SE 152nd Avenue and SE 162nd Avenue, so that if a traffic signal is needed in the future, it can be integrated with the other signals on the roadway and an efficient signal timing system can be implemented. While there is some flexibility in the exact alignment, the intersection should be at least 500 feet from the horizontal curve in Sunnyside Road (at the southern study area boundary) to ensure adequate sight distance.
- North of Sunnyside Road, SE 157th Avenue will serve the area designated for mixed use commercial, connecting to both proposed east/west collectors at stop-controlled intersections.
- SE 162nd Avenue plays a key role in the Rock Creek area as a north/south collector, connecting the study area to a major arterial (Sunnyside Road) and a minor arterial (SE 172nd Avenue) via Hagen Road. This roadway will be



New Roadway Bridge Crossing
of Rock Creek Tributary (Title
3 Resource Area)

New Configuration of Aldridge
Street Intersection in Conjunction
with Bridge.

Rock Creek Area

Proposed
147th Avenue Alignment

Figure 6

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

Local Streets

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

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

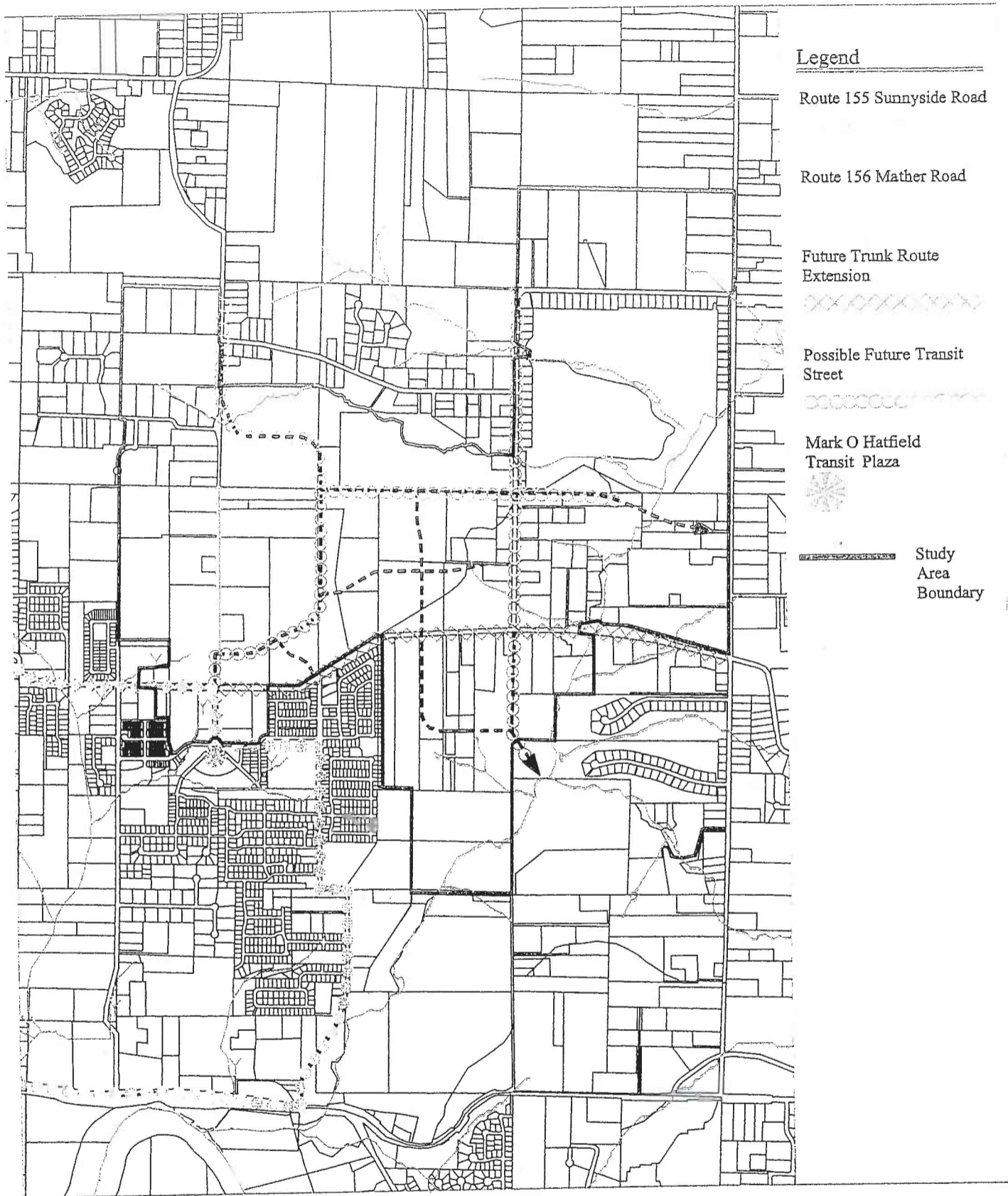
Transit

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

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

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

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



Legend

Route 155 Sunnyside Road

Route 156 Mather Road

Future Trunk Route
Extension



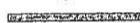
Possible Future Transit
Street



Mark O Hatfield
Transit Plaza



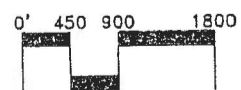
Study
Area
Boundary



Rock Creek Area

Transit Concept Plan

Figure 7



Local transit service should be developed with consideration to the following:

- In general, transit service should be provided within a one-quarter mile walk from the activity nodes in the Rock Creek area.
- Transit stops on Sunnyside Road should be located at traffic signals to provide safe pedestrian crossing opportunities to access transit.

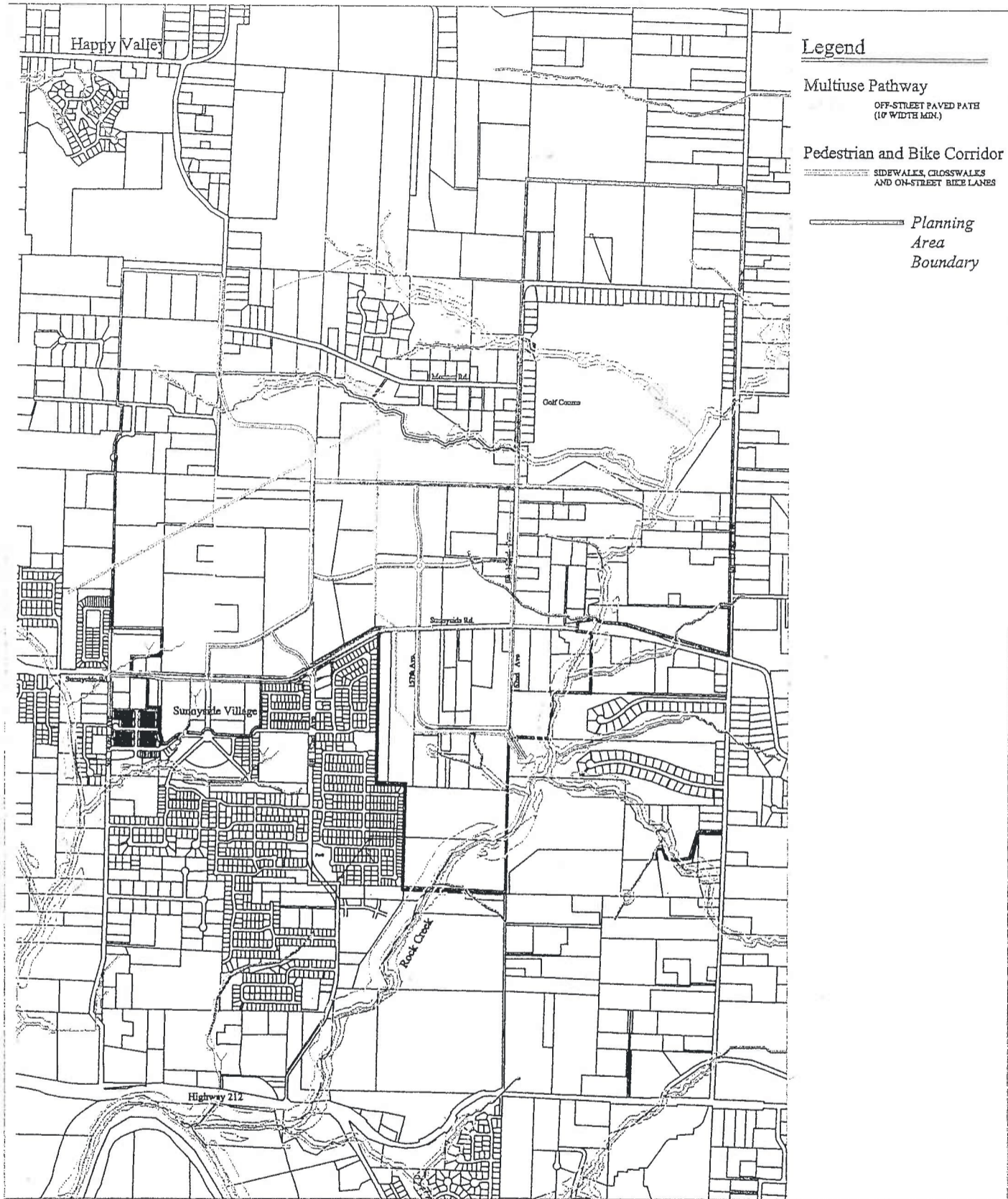
Given the future development indicated by the land use element of this Comprehensive Plan, future transit service on Sunnyside Road would provide service to the civic and commercial centers near SE 157th Avenue. Other areas would be served with on-demand service. If sufficient demand develops in areas more than one-quarter mile from Sunnyside Road, or if safe pedestrian access to bus stops cannot be provided due to the high volume of traffic on Sunnyside Road, additional bus routes may be needed. Figure 7 shows the existing bus routes in the vicinity of the Rock Creek area, and possible future streets for transit service.

Pedestrian and Bike Plan

The Pedestrian and Bike Plan shown on Figure 8 illustrates the major recommended on-street and off-street routes. The entire collector road system is recommended for striped bike lanes, unless topography and other natural constraints dictate that a reduced street width is warranted. A connected local street pattern with approximately 10 to 16 streets per mile is also recommended. This will provide the “finer” network of sidewalks and streets needed to make walking and biking direct and convenient, and reinforce the pedestrian character of the area.

Street connections to Sunnyside Road are likely to be limited to collector streets at one-quarter to one-half mile spacing. Therefore, it is essential that additional north/south pedestrian easements and facilities be provided as development occurs. These should be at the same spacing as local streets: 10 to 16 per mile or every 330 to 530 feet. These connections will encourage local walking trips and transit use by reducing physical barriers and out-of-direction travel. Pedestrian crossings across Sunnyside Road will be provided for at a minimum of two locations in the plan area. These locations will be determined at the time of development.

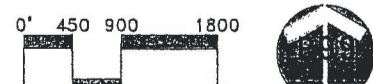
The proposed location of two multi-use trails, which follow current easements, are shown in Figure 8. Other trails in the Rock Creek Plan area will be located in compliance with the Happy Valley Parks Master Plan. Public trails that are within publicly owned land or easements are encouraged. Metro allows paths and trails within “Water Quality Resource Areas” under conditions to assure that the functions and values of the resource are protected (see Metro Code 3.07.340.B).



Rock Creek Area

Pedestrian and Bike Plan

Figure 9



Transportation

Continued

Forecast Methodology and Evaluation Criteria

Forecast Methodology

The analysis of the Rock Creek area transportation system was based on 20-year forecast traffic volumes, which were developed using the projections in the Sunnyside Road Environmental Assessment (Sunnyside EA). As part of the Sunnyside EA, traffic volume forecasts were developed and analyzed for the year 2020 using development patterns derived for Metro's regional traffic forecasting model. Due to the constrained conditions on Sunnyside Road, the volumes developed in the Sunnyside EA were maintained as the upper limit of allowable traffic on the roadway for the purpose of this Comprehensive Plan.

This concept-level planning analysis considers only daily traffic link volumes and does not consider capacity or level of service at intersections. This methodology is designed to adequately determine the size and classification of the recommended roadway system. However, this analysis does not provide the level of detail to determine specific intersection improvements such as additional right-turn lanes or deceleration lanes.

Evaluation Criteria

To determine how well roadways will operate under forecast traffic volumes, planning-level level-of-service (LOS) analysis was applied to key roadways comprising the Rock Creek area transportation network. Levels of service range from A to F, with LOS A indicating free-flow, unconstrained conditions, LOS E indicating capacity conditions, and LOS F indicating congested conditions. These levels of service are based on average travel speeds through a particular roadway segment.

The methodology, described in the 1997 Update to the Highway Capacity Manual (HCM) provides several levels of detail for analysis, depending upon the amount of information that is available. The lowest level of detail characterizes the Generalized Level of Service Tables and is appropriate for this concept level transportation analysis. The methodology applies default values to the inputs required for the various HCM methods. The generalized tables list level of service for roadways based on maximum average daily traffic (ADT) for various roadway characteristics (such as number of lanes, divided or undivided) and environment (urban, rural, or transitioning). Level of Service D or better is acceptable, and was used as the threshold for assigning roadway classifications within the study area.

2020 Background Traffic Conditions

As described above, the base 2020 traffic volumes were obtained from the Sunnyside EA, which were derived using Metro's EMME/2 travel demand forecasting model. These forecasts reflect the regional levels of housing and employment growth predicted throughout the Portland metropolitan area. For the Sunnyside EA, the model was refined to a finer resolution. The level of development assumed in the Sunnyside EA was approximately 2950 households and 625 jobs.

The Sunnyside EA reported the following key findings and recommendations for Sunnyside Road within the Rock Creek area:

- Sunnyside Road should maintain a five-lane cross-section from SE 122nd to SE 162nd Avenue. A three-lane cross-section was recommended between SE 162nd and SE 172nd Avenues.

Transportation

Continued

- Vehicular access to Sunnyside Road between SE 142nd and SE 152nd Avenues should be provided at the signalized intersections of SE 142nd, SE 147th, and SE 152nd Avenues.
- A major access point should be located at approximately SE 157th Avenue, located midway between SE 152nd and SE 162nd Avenues. SE 162nd Avenue can be signalized if warrants are met.
- Parallel east-west local street connections should be provided to ensure that motorists can use the signals at SE 152nd and SE 162nd Avenues for access to Sunnyside Road during peak hours.
- Minor unsignalized access points could be allowed between pairs of signalized intersections.

2020 Traffic Conditions with Site Development

In order to assess traffic conditions with site development, traffic volumes associated with the development were estimated and distributed onto the traffic system based on the proposed development densities and roadway network. The level of development proposed for the Rock Creek area includes just under 3,000 households and 700 jobs, which is effectively equivalent to the Sunnyside EA study. Therefore, the 2020 total traffic volumes for the planning area are appropriately reflected as a redistribution of background volumes based on changes in the proposed development locations and internal roadways.

Trip Generation

Future trip generation under the maximum development proposed for Rock Creek Plan was estimated in order to confirm consistency with the forecast traffic volumes applied in the Sunnyside EA. Gross trip generation for the study area was calculated using the standard reference manual, *Trip Generation: Sixth Edition*. The estimated gross trips were then reduced for internalized trips and alternative mode trips to determine the net vehicle trips associated with the study area.

The Rock Creek area is planned to be a residential community, complemented by mixed office and commercial retail uses. The non-residential uses are intended to complement the residential uses; therefore, it is reasonable to assume that internalization of travel will occur, as will utilization of transit service. The internal trip capture rate was estimated using a methodology from the Institute for Transportation Engineers' *1998 Trip Generation Handbook*. The internal trip reduction was estimated to be approximately 10 percent. Additionally, a mode share reduction of five percent was applied. The estimated daily and weekday p.m. peak hour trip generation for the proposed Rock Creek area is summarized in Table 3.

Table 3
Trip Generation Estimate

	<i>Weekday PM Peak Hour</i>			
	<i>Daily</i>	<i>Total</i>	<i>In</i>	<i>Out</i>
Gross Trips	31,135	3,995	2,315	1,680
Reductions (15%)	4,670	600	345	250
Net Trips	26,465	3,395	1,970	1,430

Transportation

Continued

The trip generation estimate summarized in Table 3 shows that approximately 26,465 daily (3,395 weekday p.m. peak hour) vehicle trips will be generated by the level of development in the Rock Creek Plan. This level of trip generation is consistent with that applied in the Sunnyside EA.

Trip Distribution & Assignment

Although the new trip generation is consistent with that from the Sunnyside EA, changes in the Comprehensive Plan development patterns and internal road network affect the distribution of trips onto the street system. The distribution of trips to and from the site was based on character, proximity, and relative magnitude of desired destinations in the vicinity and region. In general, the estimated traffic volumes increase in the area north of Sunnyside Road and east of SE 152nd Avenue, associated with the mixed use residential development. Traffic volumes along the SE 142nd-SE 147th realignment are somewhat reduced from the Sunnyside EA.

Level-of-Service Analyses

Level-of-service analyses were conducted for the Comprehensive Plan roadway system under estimated future traffic conditions. The level-of-service analyses only evaluated collector and arterial streets. Capacity and level-of-service are not typically applicable to local streets due to low traffic volumes. The findings of the level-of-service analyses are summarized in Table 4.

Traffic Control

Based on the daily traffic volume forecasts traffic signals will be required on Sunnyside Road at SE 142nd and SE 147th Avenues (existing), and on SE 152nd and SE 162nd Avenues. If traffic volumes exceed the forecast levels, and if adequate local street access to the signalized intersections at SE 152nd and SE 162nd Avenues is not provided, the intersection may require a traffic signal in the future. These conditions should be monitored as future development takes place. These findings are consistent with the findings of the Sunnyside EA.

Other than the Sunnyside Road intersections named above, all of the intersections in the proposed roadway network will not require traffic signals. Stop-controlled intersections and roundabouts may be considered as potential traffic control devices. However, the terrain in the study area is generally very steep and roundabouts may not be feasible.

Transportation

Continued

<i>Street</i>	<i>Classification</i>	<i>Lanes</i>	<i>ADT</i>	<i>LOS</i>
<i>Existing Roadways</i>				
Sunnyside Road <i>West of SE 162nd Avenue</i>	Major Arterial	5	20,000 - 24,000	C-D
<i>East of SE 162nd Avenue</i>	Major Arterial	3	11,000 - 12,000	C
SE 162nd Avenue <i>North of Sunnyside Road</i>	Collector	2-3	4,000-6,000	C
SE 147th Avenue Realignment <i>North of Collector "B"</i>	Collector	2-3	7,000-9,000	C-D
<i>Proposed Roadways</i>				
SE 142nd-147th Realignment <i>South of Collector "B"</i>	Collector	2-3	5,000-7,000	C
SE 157th Avenue <i>North of Sunnyside Road</i>	Collector	2	2,000-4,000	C
<i>South of Sunnyside Road</i>	Collector	2	2,000-4,000	C
SE 162nd Avenue Extension <i>South of Sunnyside Road</i>	Collector	2-3	3,000-5,000	C
New Collector "B"	Collector	2	2,000-3,000	C

As Table 4 shows, the proposed new roadways will operate at LOS D or better under the proposed build-out conditions. Sunnyside Road, which was analyzed for volumes consistent with the Sunnyside EA, will operate at LOS C or D west of SE 147th Avenue, where traffic volumes will be highest. It is important to note that arterial LOS is not the same as the delay-based intersection LOS typically reported in traffic studies.

Transportation

Continued

External Transportation Network

Clackamas County has many transportation projects planned which will be important to facilitating the development of the Rock Creek area. These improvement projects are listed below.

Sunnyside Road

Sunnyside Road is a major arterial that frequently operates at capacity under existing traffic conditions. The Sunnyside EA recommended widening of Sunnyside Road to five-lanes from SE 122nd to the eastern extent of urban development, projected to be SE 162nd Avenue. The remaining roadway to SE 172nd will be a three-lane road. This project is identified in the County's Capital Improvement Program (CIP) as a five-year (1998/99 to 2002/23), unfunded project. However, rapid growth in the area will quickly absorb any additional capacity created by this project. Additional regional level facilities will be needed to accommodate growing demand for travel in this area.

The need for parallel routes to Sunnyside Road has been identified in the Clackamas County Transportation Plan and recent planning efforts. These roadways will be needed to provide access between land uses without requiring additional trips onto Sunnyside Road. Collector "A" of the Rock Creek plan (see Figure 5) provides an alternative east/west route north of Sunnyside Road. The proposed roadway extends west of the study area, consistent with a future connection indicated in the both the Happy Valley and Clackamas County Transportation System Plans. East of the study area, Collector "A" is proposed to cross Rock Creek and connect to SE 172nd Avenue.

The proposed southern extension of SE 162nd Avenue shown in the Rock Creek plan was aligned to accommodate a southern Rock Creek crossing to connect potential development east of the planning area. Additionally, three local street connections to SE 152nd Avenue are proposed to further provide for east-west connectivity and link residential, commercial, and civic activities south of Sunnyside Road (see Figure 5).

Sunrise Corridor

Future construction of the Sunrise Corridor will provide much needed relief for east/west travel demand, and will off-load demand from Sunnyside Road and Highway 212.

Highway 212/224

Improved connections to Highway 212 from the area would relieve considerable pressure on Sunnyside Road.

SE 152nd Avenue

Realignment of a segment of SE 152nd Avenue south of Sunnyside Road has been identified in the County's five-year TIP. However, full reconstruction and widening of this roadway in order to provide an efficient connection from Sunnyside Road to Highway 212 will be expensive and funding for the project has not been identified.

DKS Associates
TRANSPORTATION SOLUTIONS

August 8, 2007

Michael Walter
City of Happy Valley
12915 SE King Road
Portland, OR 97236-6298

Subject: Rock Creek Plan Update Transportation Review

Dear Michael:

DKS Associates has reviewed the proposed land use amendments to the Rock Creek Plan¹. The focus of the land use amendments is a 34 acre area bounded by Sunnyside Road to the south, 162nd Avenue to the west, Rock Creek to east and Greetings Drive to the north. The proposed changes to the current land use designations in the Rock Creek Plan were evaluated to determine if the potential for additional vehicle trips would impact the adjacent roadway network.

Trip Generation Estimate

The proposed zoning amendments would change the focus area land use from low density residential to mixed use residential (23 acres) and mixed use commercial (11 acres). Table 1 summarizes the current and proposed land uses and the potential buildout. The buildout rates assumed were based on the land use densities provided in the Rock Creek Plan². For low density residential, the highest allowable number of dwelling units per net acre was assumed. For mixed use residential, the average allowable number of dwelling units per net acre was assumed. For mixed use commercial, a typical build-out rate was assumed for office and retail land uses.

Table 1: Trip Generation Estimate (PM Peak Hour)

Land Use Designation	Acres	Build-out Rate	Build-out	PM Trip Rate	PM Trips	Daily Trips
<i>Current Plan</i>						
Low Density Residential	34	4 units/acre	136 units	1.01 trips/unit	137	1,302
<i>Proposed Plan</i>						
Mixed Use Commercial	11	10 KSF/acre	110 KSF	4 trips/KSF	440	3,960
Mixed Use Residential	23	12 units/acre	276 units	1.01 trips/unit	278	2,641
Net New Trips					581	5,245

KSF = 1,000 square-feet

¹ Rock Creek Comprehensive Plan, City of Happy Valley, adopted June 5, 2001.

² Rock Creek Comprehensive Plan, City of Happy Valley, adopted June 5, 2001, Figure 4.

The PM peak hour trip generation rates and resulting PM peak hour trips for each plan are also summarized in Table 1. The residential trip generation rate is based on available ITE trip data. The commercial trip generation rate is based on a review of available ITE data for land uses that are allowed, such as office and various retail developments. The commercial trip generation rate assumes a 60% reduction for internal and passby trip reductions that would likely occur with retail and office land uses. The proposed land use changes would result in 581 (237 in/344 out) new PM peak hour trips.

Transportation Planning Rule Analysis

To assess the long-term impacts of a proposed land use amendments, the Oregon Transportation Planning Rule³ (TPR) was evaluated. The first TPR requirement evaluation focused on future facility performance.

“A plan or land use regulations amendment significantly affects the transportation facility if it would worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.”

The regional 2025 priority travel demand model was utilized to forecast long-term traffic volumes in the study area. These future forecasts were the basis of the current Happy Valley Transportation System Plan.⁴ The future year 2025 analysis assumes the planned roadway improvements on Sunnyside Road from 162nd Avenue to 172nd Avenue and the intersection improvements at 172nd Avenue/Sunnyside Road. The year 2025 operating performance at intersections nearby the land use amendment area were evaluated for the base 2025 scenario and the 2025 plus land use amendment scenario. The operational analysis focused on the PM peak hour. The operational analysis findings are summarized in Table 2.

Table 2: 2025 Operational Analysis (PM Peak Hour)

Intersection	2025 Base			2025 With Land Use Amendment		
	Level of Service	Delay	Volume/Capacity	Level of Service	Delay	Volume/Capacity
Sunnyside Rd/152 nd Ave	C	32.0	0.77	C	34.8	0.83
Sunnyside Rd/157 th Ave	C	32.3	0.75	C	32.9	0.78
Sunnyside Rd/162 nd Ave	D	36.0	0.67	D	41.2	0.78
Sunnyside Rd/172 nd Ave	C	30.6	0.66	C	31.7	0.69

Signalized delay = average vehicle delay in seconds for entire intersection

With the addition of 581 PM peak hour trips to the adjacent roadway system, all of the study intersections would meet performance standards. The proposed land use amendments to the Rock Creek Plan would not significantly worsen the performance at nearby intersections.

³ *Transportation Planning Rule*, State of Oregon, Section 660-012-0060 (1) (2), November 6, 1998.

⁴ Happy Valley Transportation System Plan, DKS Associates, Inc., adopted February 21, 2006.

The second TPR requirement evaluation focused on roadway functional classification.

“A plan or land use regulation amendment significantly affects a transportation facility if it changes the functional classification of an existing or planned transportation facility”.

Based on the daily trip generation estimates shown in Table 1, the proposed land uses would generate approximately 5,245 new daily trips on the adjacent roadway system. The majority of the net new trips generated by the proposed land use amendment would travel on Sunnyside Road, 162nd Avenue and 172nd Avenue. The Happy Valley TSP classifies Sunnyside Road and 172nd Avenue as major arterials and 162nd Avenue as a collector.

The functional classification of Sunnyside Road and 172nd Avenue as major arterials would not change with the addition of trips from the proposed land uses. Higher density development is appropriate on parcels located adjacent to major arterials which are designed to connect to other regional facilities and carry high traffic volumes.

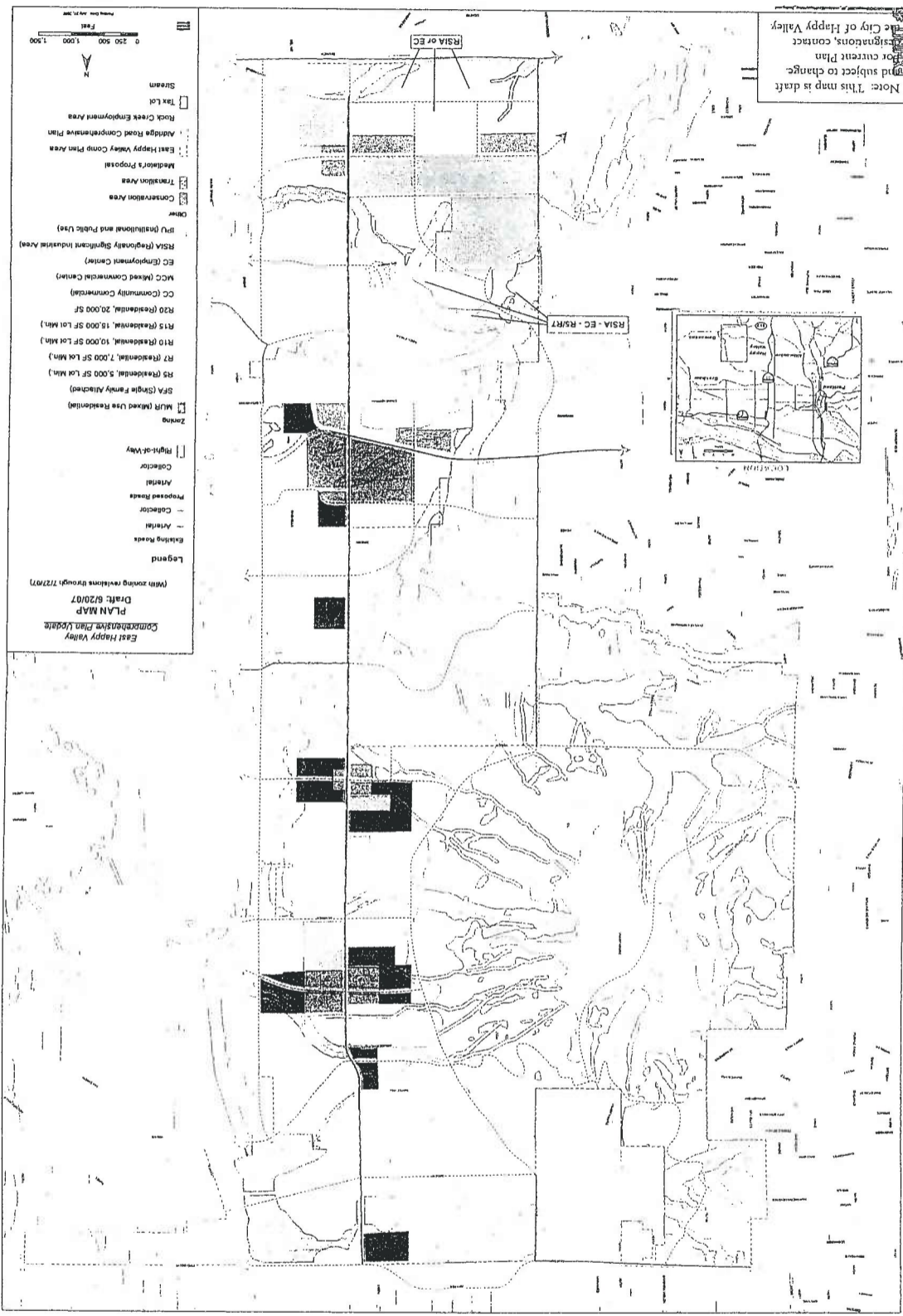
The functional classification of 122nd Avenue as a collector would not change with the addition of trips from the proposed land uses. Approximately 30% of the traffic generated by the proposed land use amendment would travel on 162nd Avenue north of the focus area. This would result in 1,600 additional daily trips on 162nd Avenue in the study area. These additional daily trips would not change the recommended functional classification of 162nd Avenue from a collector to a minor arterial.

Sincerely,

DKS Associates
A Corporation

Reah Flisakowski, P.E.
Transportation Engineer

Note: This map is draft and subject to change. For current Plan designations, contact the City of Happy Valley.



NOTICE OF PUBLIC HEARING

**CITY OF HAPPY VALLEY
PLANNING COMMISSION AND CITY COUNCIL**

THIS IS TO NOTIFY YOU THAT THE CITY OF HAPPY VALLEY HAS PROPOSED A PLAN AND/OR LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES (IF ANNEXED).

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

Notice is hereby given that the

HAPPY VALLEY PLANNING COMMISSION will hold a
PUBLIC HEARING on
TUESDAY, SEPTEMBER 11, 2007 and the **HAPPY VALLEY CITY COUNCIL** will hold a subsequent **PUBLIC HEARING** on **TUESDAY, OCTOBER 2, 2007** both hearings to commence at 7:00 p.m.

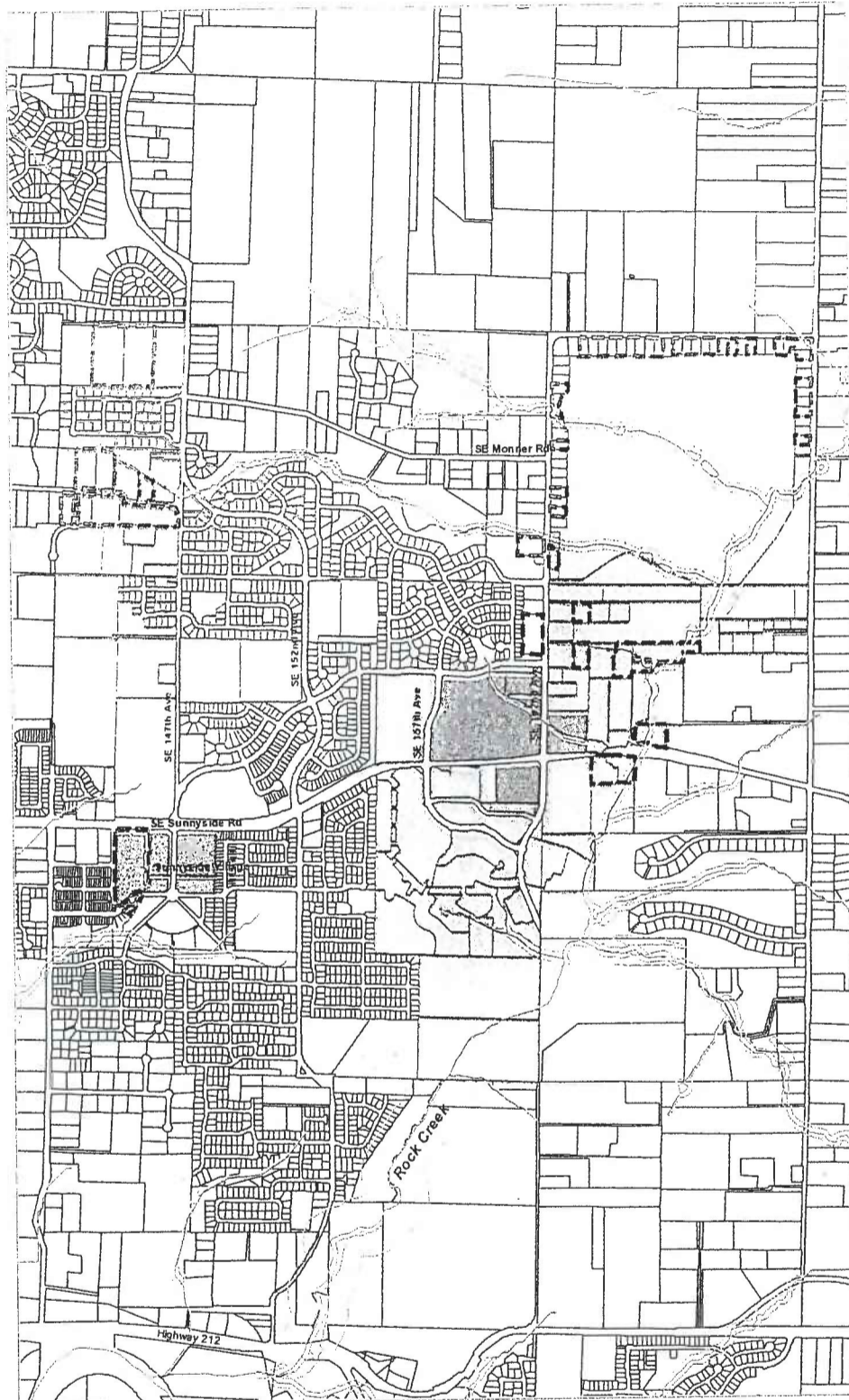
The hearings will be held at the Happy Valley City Hall Annex
12915 SE King Road,
Happy Valley, OR, 97086

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

**AMENDMENTS TO THE ROCK CREEK COMPREHENSIVE PLAN
LOCAL FILE NO. CPA-02-07**

On September 11, 2007 and October 2, 2007, the City of Happy Valley will hold public hearings regarding proposed amendments to the "Rock Creek Comprehensive Plan," (Local File No. CPA-02-07). *The City of Happy Valley has determined that adoption of this plan may affect the permissible uses of your property, and other properties in the affected area, and may change the value of your property.* CPA-02-07 is available for inspection at the City of Happy Valley City Hall located at 12915 SE King Road, Happy Valley, OR 97086. A copy of the entire CPA-02-07 file may be obtained electronically for the cost of electronic transfer to a writable CD, or copying costs for paper copies. For additional information concerning CPA-02-07, please contact Michael D. Walter, AICP at 503-595-6172, or write to michaelw@ci.happy-valley.or.us. The Planning Commission holds a first evidentiary public hearing in regard to the proposed Plan Amendments, followed by a recommendation to the City Council. The City Council is the final local review authority and will consider the Plan Amendments and an Ordinance at the subsequent public hearing. Applicable criteria for this review are generally set forth in:

- Rock Creek Comprehensive Plan;
- Happy Valley Comprehensive Plan Policies.



Legend

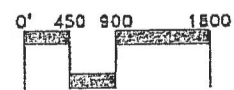
- Low Density Residential
2 - 4 DU/NET ACRE
- Hillside Residential
5 - 8 DU/NET ACRE
- Mixed Use Residential
6 - 24 DU/NET ACRE AVERAGE
12 DU/NET ACRE
NEIGHBORHOOD RETAIL
ALLOWED.
- Mixed Use Commercial
MEDIUM-HIGH DENSITY
RESIDENTIAL ALLOWED.
OFFICE AND RETAIL REQD.
- Mixed Use Employment
MEDIUM DENSITY
RESIDENTIAL ALLOWED
OFFICE/NEIGHBORHOOD
RETAIL REQUIRED
- Village Office
SIMILAR TO SUNNYSIDE
VILLAGE ZONES.
SEE ZDO SECTION 1600.
- Village Apartment
SIMILAR TO SUNNYSIDE
VILLAGE ZONES.
SEE ZDO SECTION 1600.
- Village Commercial
SIMILAR TO SUNNYSIDE
VILLAGE ZONES.
SEE ZDO SECTION 1600.
- Village Townhouse
SIMILAR TO SUNNYSIDE
VILLAGE ZONES.
SEE ZDO SECTION 1600.
- Land Outside
Current City
Limits

Rock Creek Area

Land Use Plan

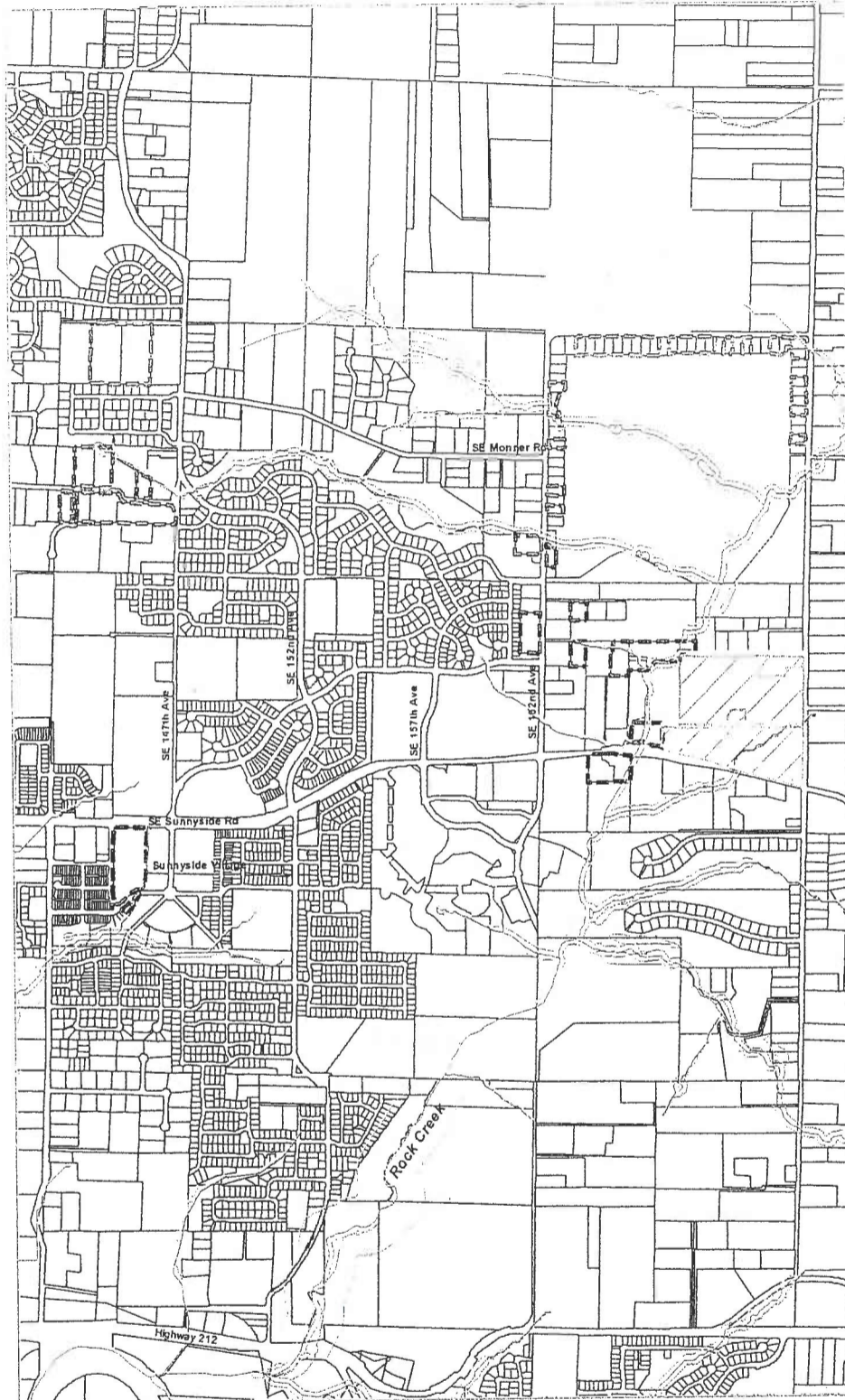
AMENDED PROPOSED LAND USE PLAN

Figure 4



ATTACHMENT #

P111
2



Legend

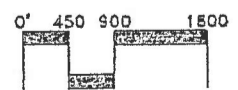
Areas proposed to be removed from the Rock Creek Comp Plan and added to the East Happy Valley Comprehensive Plan

Rock Creek Plan Area

Land Outside Current City Limits

Rock Creek Area

Areas Proposed to be Removed from the Rock Creek Comp Plan



ATTACHMENT # 2



1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

Michael C. Robinson
PHONE: (503) 727-2264
FAX: (503) 346-2264
EMAIL: MRobinson@perkinscoie.com

September 17, 2007

VIA E-MAIL

Mayor Rob Wheeler
City of Happy Valley
12915 S.E. King Road
Happy Valley, OR 97236-6298

Re: City of Happy Valley; File No. CPA--02-07

Dear Mayor Wheeler and Members of the Happy Valley City Council:

This office represents the applicant. I am writing to ask that you follow the Planning Commission's recommendation to leave the Beall family property and adjacent property within the Rock Creek Plan and not add it to the East Happy Valley Plan. I have enclosed a copy of my September 10, 2007 letter to the Planning Commission.

West Hills Development Company ("West Hills") has a contract to purchase the Beall family property north of Hagen Road. West Hills and the Beall family met with the Planning Department and City Manager on Tuesday, September 11, 2007. At the end of that meeting, the staff agreed that not only should the Beall family property remain in the Rock Creek Plan, but that another area currently within the Rock Creek Plan east of the Beall family property should also remain in the Rock Creek Plan. The Planning Department made that recommendation to the Planning Commission and the Planning Commission agreed.

37165-0036/LEGAL13563208.1

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · LOS ANGELES
MENLO PARK · OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · WASHINGTON, D.C.

Perkins Cole LLP and Affiliates

ATTACHMENT # 3 p 113

Mayor Rob Wheeler
September 17, 2007
Page 2

We will be in attendance at your public hearing on October 2, 2007. We will be happy to answer any questions that you have about this matter at that time.

Very truly yours,



Michael C. Robinson

MCR/cfr

Enclosure

cc: Mr. Dan Grimberg (w/encl.) (via email)
Mr. Bruce Beall (w/encl.) (via email)
Mr. Don Hanson (w/encl.) (via email)
Mr. Steve Janik (w/encl.) (via email)
Mr. Michael Walter (w/encl.) (via email)
Ms. Cathy Daw (w/encl.) (via email)
Mr. Jason Tuck (w/encl.) (via email)

37165-0036/LEGAL13563208.1



TAURUS DEVELOPMENT, LLC

September 11, 2007

City of Happy Valley
12915 SE King Road
Happy Valley, OR 97086

Dear Planning Commission,

I am the Manager of Foxwood Village LLC which owns three properties in the City of Happy Valley that will be affected by the proposed amendments to the Rock Creek Comprehensive Plan, Local File No. CPA-02-07. Please accept this letter as the official comment from Foxwood Village LLC for the September 11, 2007 hearing.

Foxwood Village LLC owns the following properties:

2s3e06b Tax Lot 600
2s3e06bb Tax Lots 701 and 800

See attached Tax Maps for reference.

Foxwood Village LLC would prefer that the lots it owns get designated as Mixed Use Residential (MUR) on the Land Use Plan in the amended Rock Creek Comprehensive Plan. The current designation is Low Density Residential (LDR) on Lots 701 and 800 and on Lot 600 north of the drainage which bisects the property on the south end. Lot 600 is designated as Mixed Use Commercial (MUC) for a small portion south of this drainage where it fronts on Sunnyside Road. The proposed land use plan provided by the City of Happy Valley, which we received August 15, 2007 shows all of our lots designated as MUC. Foxwood Village LLC does not support this proposed land use for our properties.

The intent of Foxwood Village LLC was to construct residential uses on these properties. Mixed Use Residential (MUR) would allow for us do this as we had intended. If it was the City's intent to have commercial uses in this area, an MUR designation on our properties would also allow for commercial use on portions of the property in the form of neighborhood retail.

Designating our properties as Mixed Use Commercial (MUC) would limit the residential uses to medium and high density. This would take away from Foxwood Village LLC the ability to build single family detached housing. This is an option we do not wish to lose. On the other hand a designation of Mixed Use Residential (MUR) would allow for a City zoning that would allow a variety of housing types which may include detached, attached, and multifamily. By this we mean it would allow us the greatest flexibility to provide the type of housing needed. As stated above, it will also allow for some types of commercial uses that will help meet City goals that may have lead the proposed new designation to be MUC.

Sincerely,

Jeff Low
Manager
Taurus Development LLC/Foxwood Village LLC

29345 NW West Union Rd
CCB#136009

North Plains, OR 97133
www.taurushomes.com

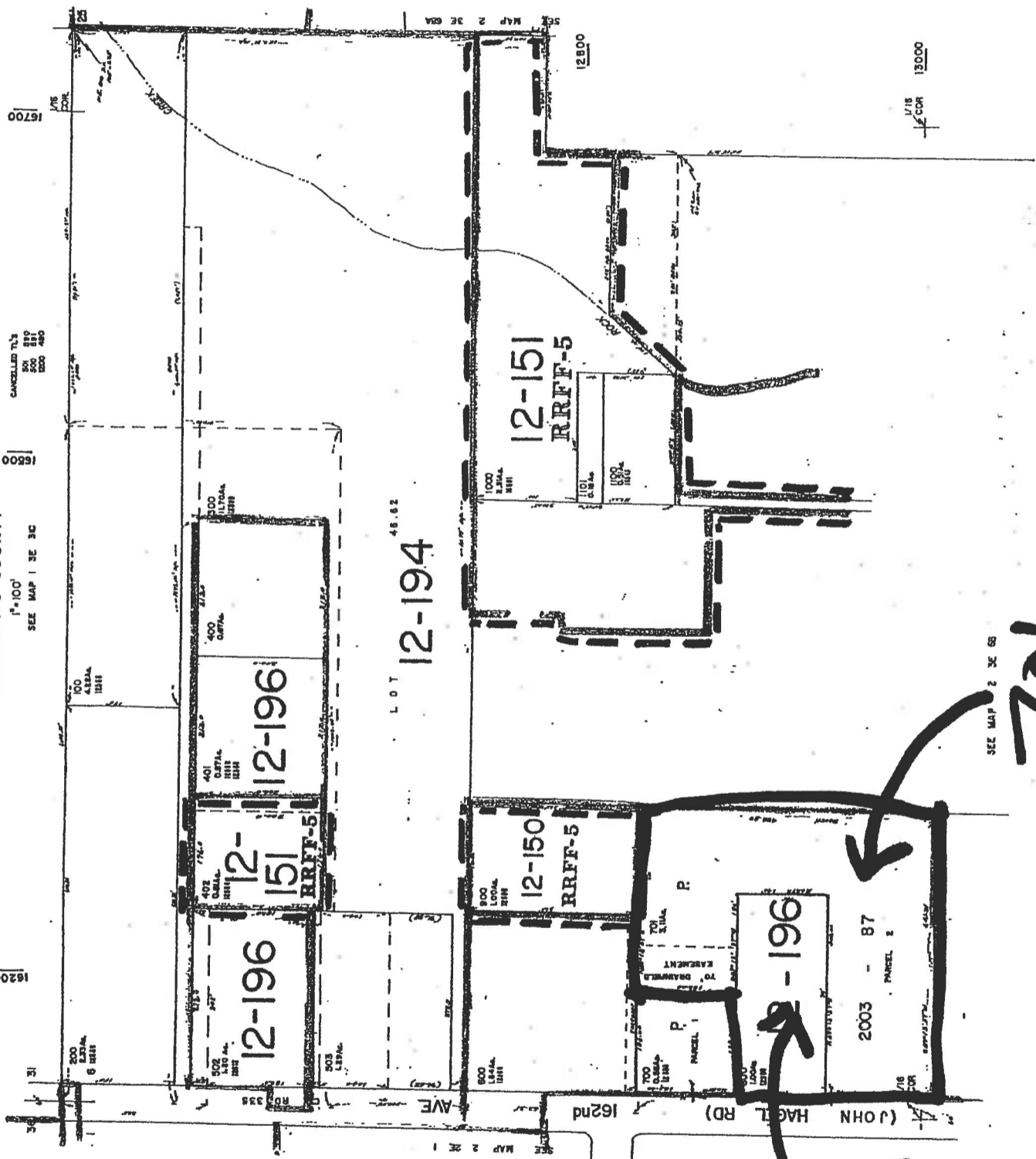
503.647.9444 ph 503. 647.9445 fx
Equal Housing Opportunity

ATTACHMENT # 4P115

This map was prepared for assessment purposes only.

NW1/4 NW1/4 SEC. 6 T2S. R3E. W.M.
CLACKAMAS COUNTY

2 3E 6BB



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SEE MAP 2 3E 6B

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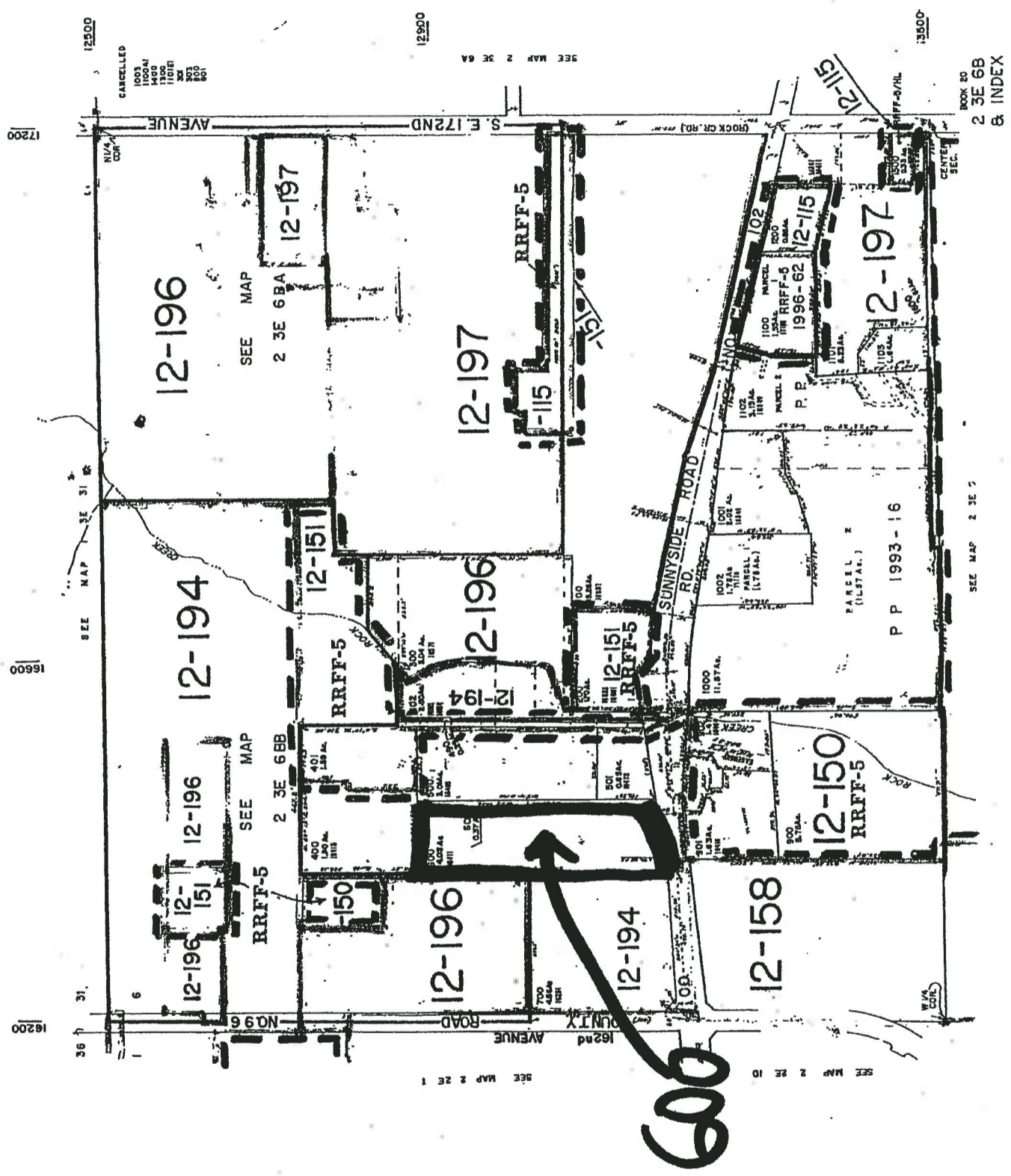
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2 3E 6BB
BOOK 20

2 3E 6B
& INDEX

NW 1/4 SE T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1"=200'

This map was prepared for
assessment purposes only.



W

BOOK 20
2 3E 6B
& INDEX

William Pendarvis
11781 s.e. 162nd Avenue
Clackamas, Oregon 97015
27086

RECEIVED BY
SEP 19 2007
CITY OF HAPPY VALLEY

Sept. 18, 2007

To Whom it may Concern:

The Pendarvis Family Partnership presently owns properties adjacent to the proposed West Hills developments north of S.E. Hagen Rd. and also the "Arbor at Pleasant Valley". The main purpose of this letter is to ask some questions and to voice our opinion on the results of the public meeting held on September 11, 2007 and the upcoming meeting of September 27, 2007.

1. We find it highly unusual that we were not consulted by the Planning Commission or West Hills Development regarding the area proposed to be removed from the Rock Creek Comp Plan and added to the East Happy Valley Comprehensive Plan. We have filed our application for annexation to Happy Valley and we certainly feel we should have been consulted before our property was arbitrarily decided to be removed from the Rock Creek Comp Plan. We would appreciate an explanation as to why we were left out in the cold on these important discussions and decisions. We feel you will agree that those matters should be discussed in a fair and unbiased manner.

2. We wish to refer to the proposed collector road outlined in "Arbor at Pleasant Valley" planning submittal dated August 10, 2007 which was prepared by Otak. This proposed collector road would run right through the center of our property so we cannot understand the thinking of those proposing the road which would run parallel to S.E. Hagen Rd. There are property lines and roads north of the collector road proposal which to us seem more suitable than just cutting our property

P118

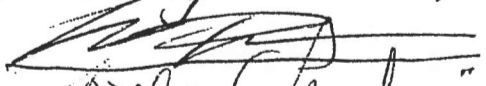
ATTACHMENT # 5

William Pendarvis
11781 s.e. 162nd Avenue
Clackamas, Oregon 97015
97086

3. We have no intention of developing our properties. Scott and Sherry Pendarvis have hosted many community events at the Pendarvis Farm i.e. fund raisers for North Clackamas Schools and other charitable events. Their future plans for the farm are to continue developing a music and art program for young and old alike. To build a collector road through the center of their property would practically destroy their future plans.

4. We are looking forward to being part of Happy Valley in the years ahead and certainly hope that all city officials will consider our concerns and desires in a fair way which will be beneficial to all concerned. We have always advocated a proper balance in considering the growth of Happy Valley. My wife and I organized the Rock Creek Community Association in 1970 so we are not newcomers to the area.

We look forward to any comments from the various officials to whom we are sending this letter.

Sincerely
Pendarvis Family Partnership
General Partner 
General Partner Betty L. Pendarvis

cc: Ron Wheeler
Council
Don Klever
Tom Ellis

LEUSCA TABITA
16400 SE HAGEN RD
HAPPY VALLEY OR 97086

REAC LLC
PO BOX 916
CLACKAMAS OR 97015

LIEN LARRY & LYNETTE
16200 SE HAGEN RD
HAPPY VALLEY OR 97086

AWLOR RICK ALLEN
16240 SE HAGEN RD
HAPPY VALLEY OR 97086

ENDARVIS FAMILY LTD PRSHP ✓
1781 SE 162ND AVE
HAPPY VALLEY OR 97086

ANDARVIS FAMILY LTD PRNRS ✓
1781 SE 162ND AVE
HAPPY VALLEY OR 97086

ENDARVIS SHERRY & SCOTT ✓
3581 SE HAGEN RD
HAPPY VALLEY OR 97086

EAC LLC
PO BOX 963
CLACKAMAS OR 97015

ENDERSON JOHN T & CHARLOTTE M
113 SE 172ND AVE
HAPPY VALLEY OR 97086

EASTERN OR CONF ASSN 7-DAY
300 OATFIELD RD
ADSTONE OR 97027

WONG LUCY
245 SE 172ND AVE
HAPPY VALLEY OR 97086

CITY OF HAPPY VALLEY
ORDINANCE NO. 363

AN ORDINANCE AMENDING THE ROCK CREEK COMPREHENSIVE PLAN – ADMINISTRATIVE
AMENDMENTS

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application CPA-02-07 is a City-initiated request to amend the Rock Creek Comprehensive Plan as detailed within Exhibit “A”; and

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on September 11, 2007; and

WHEREAS, the Planning Commission unanimously recommended the changes to the Rock Creek Comprehensive Plan as detailed in the Staff Report dated September 11, 2007, including Amended Exhibits; and

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

WHEREAS, the City Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to amend the Rock Creek Comprehensive Plan as detailed within Exhibit “A”; and

WHEREAS, the City Council hereby adopts the proposed amendments as detailed in Exhibit “A”, as supported by the Findings of Fact in Exhibit “B”, at the regular meeting of the City Council on October 2, 2007.

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The Rock Creek Comprehensive Plan be amended as set forth as part of Exhibit “A” and is fully incorporated herein;
- Section 2. The Rock Creek Comprehensive Plan Transportation Section (Pages 14-25) is hereby removed from the Plan and replaced with the most currently adopted version of the City’s Transportation System Plan (TSP); and,
- Section 3. That the land areas removed from the Rock Creek Comprehensive Plan – Land Use Plan shall be entitled for future Comprehensive Plan Map/Zoning Map districts via the land use actions associated with the East Happy Valley Comprehensive Plan and as such, are no longer eligible for Comprehensive Plan Map Amendments/Zone Changes under the auspices of the Rock Creek Comprehensive Plan.

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 October 2, 2007 and read for the second time on October 2, 2007, and adopted by unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.

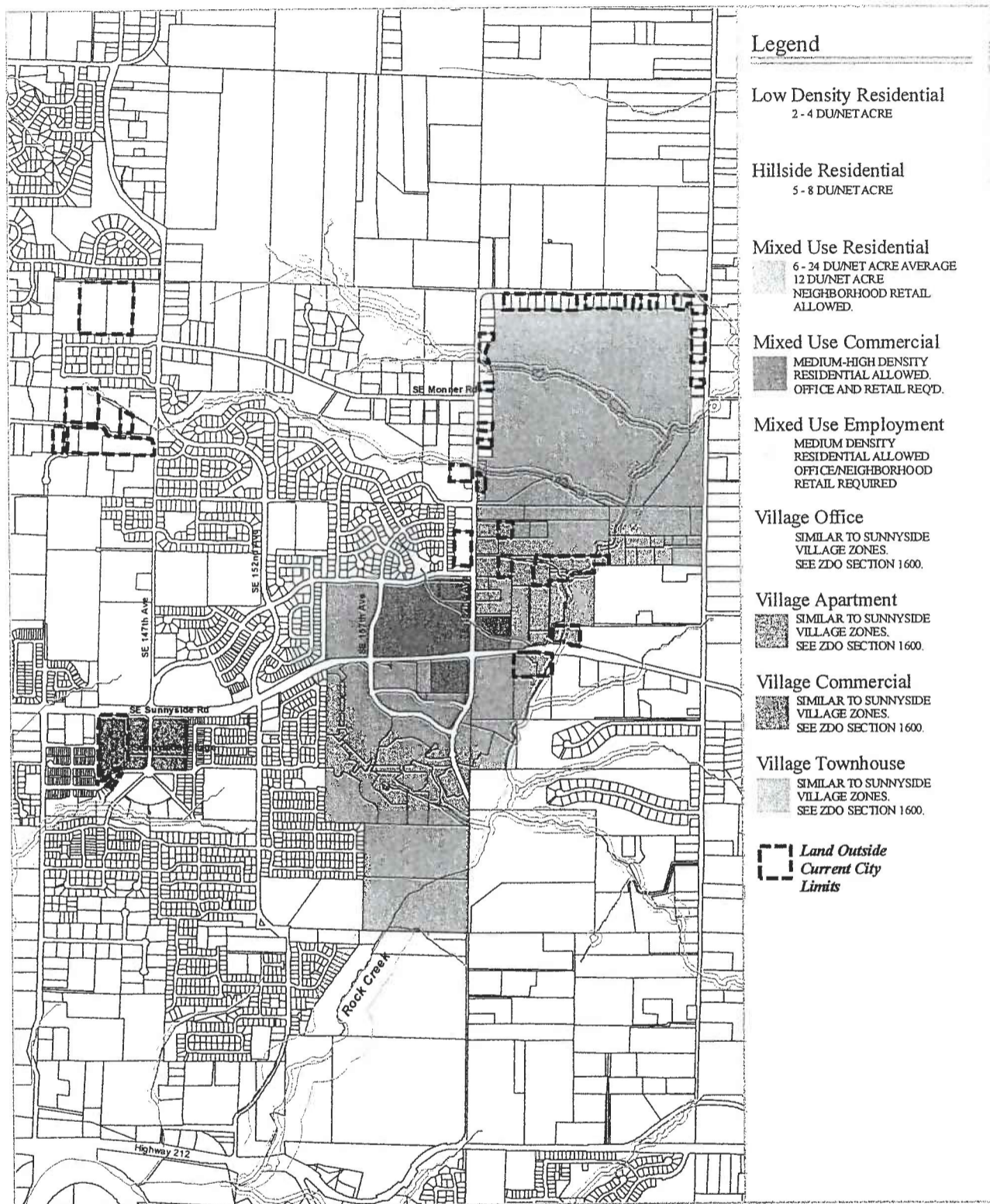
PASSED AND APPROVED THIS 2nd day of October, 2007

CITY OF HAPPY VALLEY

ATTEST:

Mayor Rob Wheeler

Marylee Walden, City Recorder



Rock Creek Area

Land Use Plan

Figure 4

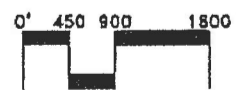
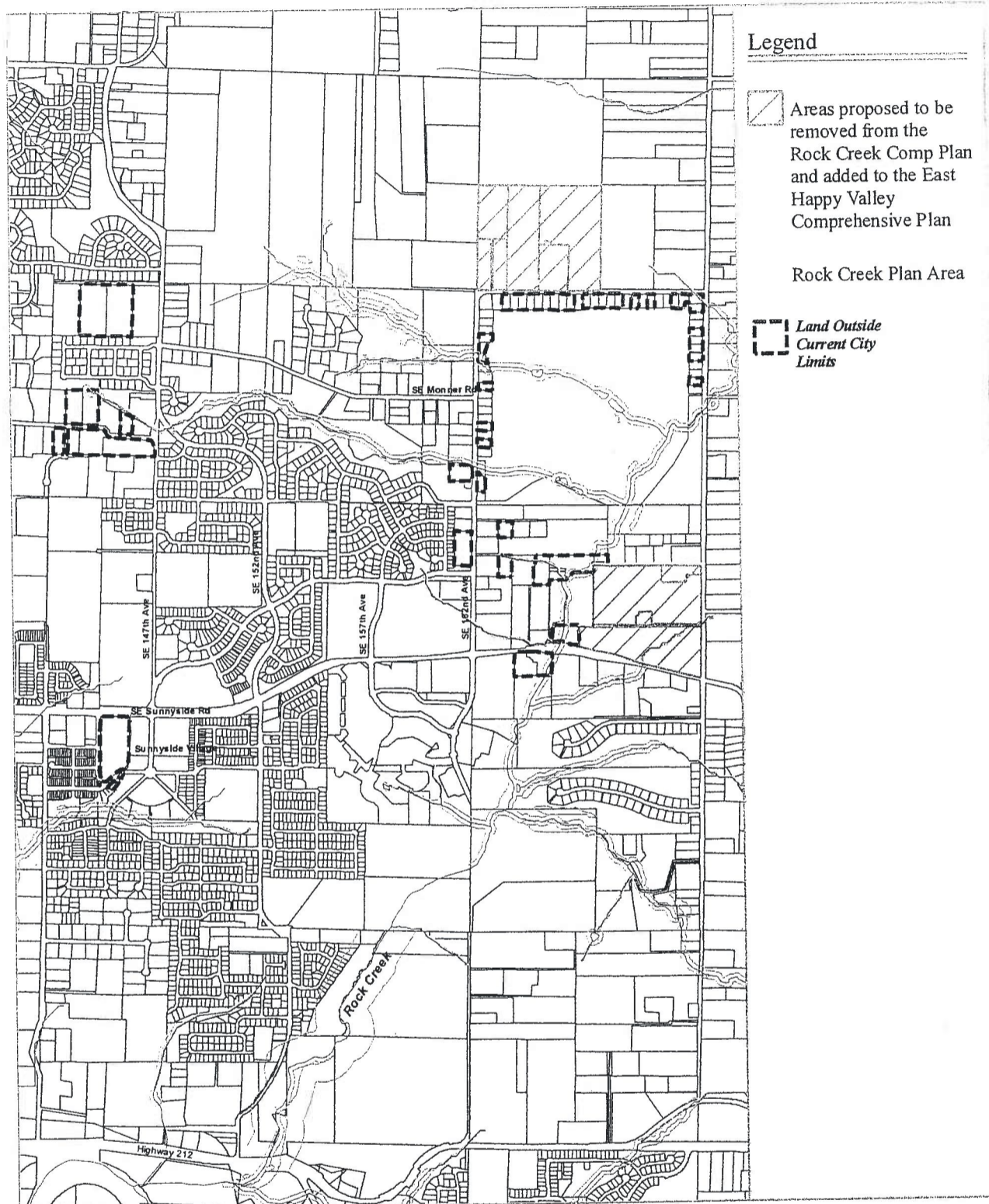
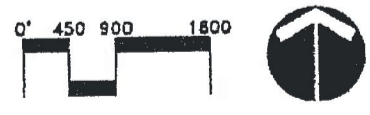


EXHIBIT # P123



Rock Creek Area

Areas Proposed to be Removed from the Rock Creek Comp Plan



ORDINANCE NO. 363

**Findings of Fact for Local File No. CPA-02-07
(Rock Creek Comprehensive Plan Amendments)**

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

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

Staff Response:

The proposed changes to the Rock Creek Comprehensive Plan and the more accurate addition of lands from the Rock Creek Comprehensive Plan to the East Happy Valley Comprehensive Plan will insure orderly development in the City through the extensive planning and coordination work that has gone into the crafting of these growth management products. Growth within these areas is mandated to have adequate levels of services and facilities via the provisions of the City's Comprehensive Plan, Transportation System Plan, Intergovernmental Agreements (IGA's) with service providers (Clackamas County WES, Sunrise Water, CCFD#1, etc.) and the Development Code. Therefore, this criterion is satisfied by the request.

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

Staff Response:

The proposed changes will allow for better and more coordinated comprehensive planning efforts, which in turn will facilitate the encouragement of controlled development while yet endeavoring to protect the physical resources which make Happy Valley a desirable place to live. Therefore, this criterion is satisfied by the request.

[...]

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

Staff Response:

The proposed changes will lead to incorporation within Comprehensive Plans which include elements considering the City's unique natural resources, and provide a

framework for future development that will include requirements for open space and natural resource protection. Therefore, this criterion is satisfied by the request.

[...]

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

Staff Response:

The proposed plan changes provide the potential for increase of the supply of housing in the City. Said plan changes help the City to satisfy Statewide Planning Goal 10 "Housing". Therefore, this criterion is satisfied by the request.

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

Staff Response:

The proposed plan changes provide coordination between the Rock Creek Comprehensive Plan and the East Happy Valley Comprehensive Plan that ultimately will reinforce and facilitate orderly and compatible community development in this geographic region. Therefore, this criterion is satisfied by the request.

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

Staff Response:

The proposed change from Low Density Residential to Mixed Use Residential in the Rock Creek Comprehensive Plan area will allow specifically allow for a variety of lot sizes and diversity of

housing types, that will attract a variety of household sizes and incomes to Happy Valley. Therefore, this criterion is satisfied by the request.

[...]

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

Staff Response:

The adoption of the City's 2006 TSP, and proposed changes to the Rock Creek Comprehensive Plan (replacing the Rock Creek Comprehensive Plan transportation section with the City's TSP) will continue to aid in the eventual development of good transportation routes between residential areas and major activity centers such as the Happy Valley Town Center and future commercial development along Sunnyside Road and to a lesser extent, along 162nd Avenue. Neighborhood livability issues are part and parcel of the analysis provided in the Rock Creek Comprehensive Plan Map Amendment, as well as in ongoing formulation of the East Happy Valley Comprehensive Plan. Therefore, this criterion is satisfied by the request.

[...]

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

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

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

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

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

demonstrated support, said legislative implementation of the land use district may occur at the time of annexation, or may occur at any time after annexation of parcels to within the city limits.”

Staff Response:

In the case of the proposed changes to the Rock Creek Comprehensive Plan, staff notes said changes, if approved – will but facilitate future Comprehensive Plan Map Amendments/Zone Changes from the existing County zone to an available Mixed Use Commercial or Mixed Use Residential zone. Thus, each parcel within the subject area of the Rock Creek Comprehensive Plan will have to demonstrate adequate school district capacity or support from the school district in regard to proposed residential “up-zoning”. In regard to the removal of the two areas from the Rock Creek Comprehensive Plan and their inclusion within the East Happy Valley Comprehensive Plan, staff notes that legislative adoption of any proposed zoning within this area will require conformance with Comprehensive Plan Policy 99A.1. Therefore, these criteria are satisfied by the request.

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

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

[...]

16.40.020 Initiation of a plan amendment.

Any change in the text, map, or implementing ordinance of the adopted Happy Valley Comprehensive Plan may be initiated by the City, any resident of the City, property owners or authorized agent. [...]

Staff Response:

The Comprehensive Plan Map Amendments/Zone Changes have been initiated by the City of Happy Valley. Therefore, this criterion has been satisfied by the request.

[...]

Section 16.40.041 Review criteria.

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

Staff Response:

See the staff response to applicable Goals and Policies of the Comprehensive Plan, above. As addressed within the record, this criterion is satisfied by the request.

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

Staff Response:

Although there is not a specific and identified housing needs analysis completed by the City for additional medium to high density residential zoned land and/or a commercial lands needs analysis, the proposed changes would comply with Metro's Regional Framework Plan and the Urban Growth Management Functional Plan (UGMFP) for supplying housing and increasing density within the existing Urban Growth Boundary (UGB).

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

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

Staff Response:

Staff interprets the language "other alternatives" in this criterion to mean that the alternatives would be to not allow Comprehensive Plan Map Amendments/Zone Changes within the subject areas. This criterion is not interpreted to require the City to look at other properties as an alternative. Staff's interpretation of this criterion has been consistent since this criterion was adopted and is carried forward in review of the proposed Rock Creek Comprehensive Plan Map Amendments.

Not permitting the Rock Creek Comprehensive Plan Amendments to occur would limit the development potential of the properties, and would not as efficiently meet housing and urbanization goals and policies adopted in the greater Happy Valley Comprehensive

Plan, and would not be consistent with Metro's Regional Framework Plan and Urban Growth Management Plan that requires cities to increase density within existing UGBs. In addition, the land use district plan envisioned in the Rock Creek Comprehensive Plan and the East Happy Valley Comprehensive Plan compared with other alternatives does not significantly alter the lot size/lot pattern/home design of the surrounding neighborhoods to the west (Burgundy Rose), south (Taralon), or those currently being explored to the north (Arbor at Pleasant Valley). That is, if development were to occur within the subject area per the proposed land use districts associated with the amended Rock Creek Comprehensive Plan it is unlikely that the resultant homes would be appreciably different in size and character than the homes within surrounding neighborhoods to the west and south. Therefore, this criterion is satisfied by the request.

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

Staff Response:

The proposed amendments further refine and clarify the use and implementation of growth management mechanism and capital improvement programs of the City. For example, the utilization of the City's TSP. Therefore, this criterion is satisfied by the request.

E. The proposed amendment can be implemented by this land development title and all other appropriate codes, ordinances and regulations. The applicant bears the entire burden of proof of establishing to the planning commission that the proposed amendment meets the above requirements. This burden of proof shall also apply to the city if it initiates a proposed amendment.

Staff Response:

As observed, the proposed amendments may lead to future zone changes/developments that are required to be implemented by the land development title and all other appropriate codes, ordinances and regulations. As demonstrated within these Findings of Fact, the City has met the burden of proof of establishing to the Planning Commission that the proposed amendments meet all applicable criteria. Therefore, this criterion is satisfied by the request.

G.¹ When an application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. If a Master Plan that requires a full traffic impact analysis is required for a comprehensive plan map amendment/zone change area, a subsequent Master Plan may

¹ A codification error exists within the City's Development Code, which has resulted in the incorrect lettering from this section. As quoted, Letter "G" should correctly be labeled as Letter "F". Staff is in the process of correcting this oversight.

satisfy this provision, as determined by the City of Happy Valley community development director or designee.”

Staff Response:

The proposed amendments will not significantly affect a transportation facility, as demonstrated by the Rock Creek Plan Update Transportation Review by DKS Associates dated August 8, 2007 (see Exhibit 6). Therefore, this criterion is satisfied by the request.

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

REGIONAL FUNCTIONAL PLAN REQUIREMENTS

TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION

“3.07.110 Purpose and Intent

One goal of the Framework Plan is the efficient use of land. Title 1 intends to use land within the UGB efficiently by increasing its capacity to accommodate housing and employment. Title 1 directs each city and county in the region to consider actions to increase its capacity and to take action if necessary to accommodate its share of regional growth as specified in this title.

Staff Response:

The proposed plan amendments are a necessary step towards efficient use of land within the UGB. They allow for a potential increase in residential density, thus meeting the goal of increasing housing. Therefore, this criterion is satisfied by the request.

3.07.120 Housing and Employment Capacity

A. Each city and county shall determine its capacity for housing and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table 3.01-7. Local governments shall use data provided by Metro unless the Metro Council or the Chief Operating Officer determines that data preferred by a city or county is more accurate.

Staff Response:

The proposed plan amendments help to meet the necessary housing capacities for the City. Therefore, this criterion is satisfied by the request.

B. A city or county shall determine its capacity for dwelling units by cumulating the minimum number of dwelling units authorized in each zoning district in which dwelling

units are authorized. A city or county may use a higher number of dwellings than the minimum density for a zoning district if development in the five years prior to the determination has actually occurred at the higher number.

Staff Response:

The proposed plan amendments aid in meeting the necessary housing capacities for the City. The density of future development within the plan area is expected to be in conformance with the affected Comprehensive plans. Therefore, this criterion is satisfied by the request.

C. If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments of comprehensive plan or land use regulations that apply to the annexed territory.

Staff Response:

Before any properties within the affected plan area can develop, it is required to annex and apply for a zone change to be in conformance with the adopted comprehensive plan. The comprehensive plan increases the density so “there is no net loss in regional housing”. Therefore, this criterion is satisfied by the request.

D. After completion of its initial determination of capacity, each city or county shall report changes in its capacity by April 15 of the first calendar year following completion of its initial determination and by April 15 of every following year.

Staff Response:

The City will report any required information. Therefore, this criterion is satisfied by the request.

3.07.130 Design Type Boundaries Requirement

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map:

Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.

Regional Centers--Seven regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.

Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

Town Centers--Local retail and services will be provided in town centers with compact development and transit service.

Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited supporting uses.

Regionally Significant Industrial Areas--Industrial areas with site characteristics that are relatively rare in the region that render them especially suitable for industrial use.

Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods.

3.07.140 Measures to Increase Development Capacity

A. Each city and county shall adopt a minimum dwelling unit density, as prescribed in this subsection, for each zoning district in which dwelling units are authorized inside the UGB:

1. Any city or county minimum density standard deemed to comply with the Urban Growth Management Functional Plan pursuant to Section 3.07.810 prior to January 1, 2003, shall be deemed to comply with this subsection.

Staff Response:

The proposed comprehensive plan amendments increase the density over any remaining County zoning in the plan area, as well as going above and beyond the densities envisioned in the Rock Creek Comprehensive Plan (within the affected areas). In addition, the design type boundaries are consistent with the Rock Creek Comprehensive Plan as previously approved and for the removed areas, will be consistent with the Damascus-Boring Concept Plan dated November, 2005 and adopted by Metro. Finally, minimum density requirements are in place within the City's Development Code, and

would be applied to any future development application. Therefore, these criteria are satisfied by the request.

[...]

D. In order to assist Metro to evaluate the effectiveness of Title 1 in aid of accomplishment of the 2040 Growth Concept, and to comply with state progress reporting requirements in ORS 197.301, by April 15 of each even-numbered year beginning 2004, each city and county shall report to Metro the actual density of new residential development per net developed acre authorized in those zoning districts that allow residential development in the preceding 24 months.

Staff Response:

The City will report any required information. Therefore, this criterion is satisfied by the request.

3.07.150 Transfer of Capacity

A. A city or county may amend its comprehensive plan and land use regulations to transfer capacity for housing or employment shown on Table 3.07-1 to another city or county inside the UGB upon a demonstration that:

- 1. The transfer complies with the policies of the Regional Framework Plan;*

Staff Response:

No transfer of capacity is proposed. Therefore, this criterion and all other related criteria are not applicable to the request.

[...]

3.07.160 Local Plan Accommodation of Expected Growth Capacity for Housing and Employment—Performance Standard

All cities and counties within Metro shall demonstrate that:

A. The provisions required in Section 3.07.140 of this title have been included in comprehensive plans and implementing ordinances; and

Staff Response:

The provisions required in Section 3.07.140 have been addressed within these findings and will be adopted in the comprehensive plan. The City of Happy Valley is responsible for tracking that the target capacity of residential housing units is met. Therefore, this criterion is satisfied by the request.

B. Using the computation method in Section 3.07.120, calculated capacities will achieve the target capacities for dwelling units and full-time and part-time jobs contained in Table 3.07-1; and

Staff Response:

The proposed amendments aid in meeting the necessary housing capacities for the City. The density of future development within the affected plan areas is expected to be in conformance with the plan(s). The City is required to file Metro compliance reports in order to track whether the housing capacities are being met. Therefore, this criterion is satisfied by the request.

C. Effective measures have been taken to reasonably assure that the calculated capacities will be built for dwelling units and jobs; and

Staff Response:

The density of future development within the affected plan areas is expected to be in conformance with the plan(s). Therefore, this criterion is satisfied by the request.

D. Expected development has been permitted at locations and densities likely to be achieved during the 20-year planning period by the private market or assisted housing programs, once all new regulations are in effect.

Staff Response:

The proposed plan amendments aid in meeting the necessary housing capacities for the City. The density of future development within the plan area is expected to be in conformance with the plans. As these planning area are not dependent on assisted housing programs, but on private, market-driven development, they are expected to develop consistent with the 20-year projections for the planning period, once zoning is adopted and the areas are available to develop. Therefore, this criterion is satisfied by the request.

3.07.170 Design Type Density Recommendations

A. For the area of each of the 2040 Growth Concept design types, the following average densities for housing and employment are recommended to cities and counties:

- Central City - 250 persons per acre*
- Regional Centers - 60 persons per acre*
- Station Communities - 45 persons per acre*
- Town Centers - 40 persons per acre*
- Main Streets - 39 persons per acre*
- Corridor - 25 persons per acre*

Employment Areas - 20 persons per acre
Industrial Areas - 9 employees per acre
Regionally Significant Industrial Area – 9 employees per acre
Inner Neighborhoods - 14 persons per acre
Outer Neighborhoods - 13 persons per acre

Table 3.07-1

City or County	Dwelling Unit Capacity	Job Capacity
<i>Beaverton</i>	13,635	21,368
<i>Cornelius</i>	1,285	3,054
<i>Durham</i>	243	522
<i>Fairview</i>	2,929	7,063
<i>Forest Grove</i>	3,054	5,943
<i>Gladstone</i>	880	1,569
<i>Gresham</i> ³	20,020	27,679
<i>Happy Valley</i> ⁴	5,705	1,418
<i>Hillsboro</i> ⁵	16,106	59,566
<i>Johnson City</i>	38	82
<i>King City</i> ⁶	461	470
<i>Lake Oswego</i>	4,049	13,268
<i>Maywood Park</i>	12	5
<i>Milwaukie</i>	3,188	3,650
<i>Oregon City</i>	9,750	8,298
<i>Portland</i> ³	72,136	209,215
<i>Rivergrove</i>	20	0
<i>Sherwood</i>	5,216	9,518
<i>Tigard</i>	6,308	17,801
<i>Troutdale</i>	3,260	7,222
<i>Tualatin</i> ⁷	4,054	12,301
<i>West Linn</i>	3,732	1,935
<i>Wilsonville</i> ²	4,425	15,030
<i>Wood Village</i>	458	1,074
<i>Clackamas County</i> ^{1,3}	13,340	31,901
<i>Multnomah County</i> ⁸	0	0
<i>Washington County</i> ¹	51,649	55,921
Regional Total	246,053	516,873

Staff Response:

For the entire affected plan area, it is unknown if topographic and natural resource (for example, the presence of Rock Creek) constraints will prohibit the achievement of the Metro prescribed density. However, the density within the plan area will increase over

the existing zoning. Because of this increase in density, the plan will help achieve Metro's target number of units. Therefore, this criterion is satisfied by the request.

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

197.010 Policy. *The Legislative Assembly declares that:*

(1) In order to assure the highest possible level of livability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:

(a) Must be adopted by the appropriate governing body at the local and state levels;

(b) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;

(c) Shall be the basis for more specific rules and land use regulations which implement the policies expressed through the comprehensive plans;

(d) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and

(e) Shall be regularly reviewed and, if necessary, amended to keep them consistent with the changing needs and desires of the public they are designed to serve.

(2) The equitable balance between state and local government interests can best be achieved by resolution of conflicts using alternative dispute resolution techniques such as mediation, collaborative planning and arbitration. Such dispute resolution techniques are particularly suitable for conflicts arising over periodic review, comprehensive plan and land use regulations, amendments, enforcement issues and local interpretation of state land use policy. [1973 c.80 §2; 1981 c.748 §21a; 1993 c.792 §48]

Staff Response:

The proposed comprehensive plan amendments are following proper procedures and requirements. Plan adoption will take place at the local level, when the plans are amended by the City of Happy Valley. Therefore, these criteria are satisfied by the request.