



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 10, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 007-08



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: July 23, 2008

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
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-04-08/LDO-04-08
 Date of Adoption: 7/01/08 Date Mailed: 7/02/08
 Date original Notice of Proposed Amendment was mailed to DLCD: _____

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

AMEND THE CITY'S COMPREHENSIVE PLAN MAP AND ZONING MAP TO REZONE PROPERTIES
CURRENTLY DESIGNATED R-10 (residential medium density) TO MUC (mixed use
commerical.

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: R-10 (Residential Medium Density) to: MUC (Mixed Use Commercial)
 Zone Map Changed from: R-10 (Residential Medium Density) to: MUC (Mixed Use Commercial)
 Location: 11411 and 11451 SE Sunnyside Road Acres Involved: 1.20
 Specify Density: Previous: N/A New: N/A
 Applicable Statewide Planning Goals: 1, 2, 9, 12 & 14
 Was and Exception Adopted? YES NO

DLCD File No.: 007-08 (16846)

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

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

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

Local Contact: Michael Walter, Planning Phone: (503) 760-3325 Extension: _____
Services Manager
Address: 12915 SE King Road City: Happy Valley
Zip Code + 4: 97086 - Email Address: michealw@ci.happy-valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

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

Mayor
HON. ROBERT
WHEELER

City Councilors
LORI DEREMER
MARKLEY DRAKE
TOM ANDRUSKO
KRISTEN MITCHELL



City of Happy Valley

12915 SE KING ROAD, HAPPY VALLEY, OREGON 97086
Telephone (503) 760-3325 ~ Fax (503) 760-9397
Web Site: www.ci.happy-valley.or.us

July 2, 2008

File No. CPA-04-08/LDO-04-08
(Doyle/Chapman, LLC)

NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley City Council at a public hearing on July 2, 2008, with regard to an application by Doyle/Chapman, LLC for a Comprehensive Plan Map Amendment/Zone Change application (CPA-04-08/LDO-04-08) on properties located at the northeast corner of the intersection of SE Sunnyside Road and SE 114th Court. The subject properties are described as Clackamas County Assessor Map No. T1S, R2E, Section 34D: Tax Lots 1500, 1601 and 1602.

At the public hearing, the City Council voted to uphold a recommendation from the Planning Commission to approve CPA-04-08/LDO-04-08 based upon submitted information, public testimony and deliberations of the City Council. No Conditions of Approval were adopted in conjunction with said approval.

Copies of the original Staff Reports for CPA-04-08/LDO-04-08 are available upon request.

This action of the City Council may be subject to appeal to the State of Oregon Land Use Board of Appeals per the auspices of ORS 197.830. An appeal of this decision must be filed within 21 days of the mailing of this Notice of Decision. If no appeal is filed by **Wednesday, July 23, 2008 at 5:00 p.m.**, this decision shall be deemed final.

Michael D. Walter, AICP
Planning Services Manager

cc: Doyle/Chapman, LLC, Applicant
Monty Hurley, AKS Engineering (via e-mail)
Chris Goodell, AKS Engineering (via e-mail)

CITY OF HAPPY VALLEY

ORDINANCE NO. 381

AN ORDINANCE AMENDING OFFICIAL MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND DEVELOPMENT ORDINANCE NO. 97, AS AMENDED – COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE FROM CLACKAMAS COUNTY URBAN LOW DENSITY RESIDENTIAL (R-10) TO CITY COMMUNITY COMMERCIAL (CC) FOR SPECIFIC PROPERTIES

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application CPA-04-08/LDO-04-08 was requested by Doyle/Chapman, LLC to amend the Development District Map (Official Map Exhibit 11 of Ordinance 97) by applying City CC zoning to the properties described as Clackamas County Assessor Map Number 1S 2E 34D Tax Lots 1500, 1601 and 1602; and,

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on June 10, 2008; and,

WHEREAS, the Planning Commission unanimously recommended that the Development District Map be amended as recommended in the staff report dated June 10, 2008; and,

WHEREAS, the City has timely forwarded a copy of the proposed comprehensive plan map amendment/zone change to the Department of Land Conservation and Development of the State of Oregon; and,

WHEREAS, the City Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to change Official Development District Map, Exhibit 11, and upholds the Planning Commission's recommendation pursuant to the findings contained in the staff report to the Planning Commission dated June 10, 2008.

NOW, THEREFORE, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The City of Happy Valley declares that the City's CC district be applied to the three properties described in Exhibit "A".
- Section 2. The City of Happy Valley declares that the Findings of Fact included within the Staff Report to the Planning Commission dated June 10, 2008 are hereby adopted in conjunction with this Ordinance.
- Section 3. The City of Happy Valley declares 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 July 1, 2008 and read for the second time on July 1, 2008, and adopted by a unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.

CITY OF HAPPY VALLEY



Mayor Rob Wheeler

ATTEST:



Marylee Walden, City Recorder

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

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

JULY 1, 2008

Comprehensive Plan Map Amendment/Zone Change
(Clackamas County R-10 to City Community Commercial)

(File No. CPA-04-08/LDO-04-08)

I. GENERAL INFORMATION

**Applicant/
Property Owner:** Doyle/Chapman, LLC
David Doyle
10121 SE Sunnyside Road, Suite 320
Clackamas, OR 97015

**Applicant's
Representative:** Monty Hurley/Chris Goodell
AKS Engineering & Forestry
13910 SW Galbreath Drive, Suite 100
Sherwood, OR 97140

Site Location: The project site is located on the north side of SE Sunnyside Road, east of SE 114th Court. The site is approximately one acre in size and is comprised of three tax lots (Tax Map 1 2E 34D Lots 1500, 1601, and 1602).

Proposal: The applicant seeks approval for a Comprehensive Plan Map Amendment/Zone Change from Clackamas County Medium Density Residential (R-10) to City Community Commercial (CC) for property located at 11411 and 11451 SE Sunnyside Road.

II. DISCUSSION

On June 10, 2008, the Planning Commission held a public hearing and unanimously voted to forward a recommendation of approval of CPA-04-08/LDO-04-08.

III. CONCLUSION AND RECOMMENDATION

Staff recommends the City Council uphold the Planning Commission recommendation and approve application CPA-04-08/LDO-04-08 authorizing a Comprehensive Plan Map Amendment/Zone Change from Clackamas County R-10 to City Community Commercial (CC).

- Attachments:**
- A. Staff Report and Exhibits to the Planning Commission dated June 10, 2008.
 - B. Ordinance No. 381

Mayor
HON. ROB WHEELER

Council President
LORI DEREMER

City Councilors
TOM ANDRUSKO
MARKLEY DRAKE
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City of Happy Valley

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

Comprehensive Plan Map Amendment/Zone Change
CPA-04-08/ LDO-04-08
June 10, 2008

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

I. GENERAL INFORMATION

PROPOSAL: The applicant seeks approval for a Comprehensive Plan Map Amendment/Zone Change from Clackamas County Medium Density Residential (R-10) to City Community Commercial (CC) for property located at 11411 and 11451 SE Sunnyside Road.

(Note: Staff notes that some miscommunication has occurred between staff and the applicant's representative, and as a result, the original application sought approval for Mixed Use Commercial (MUC) zoning, but that zone is unique to the Rock Creek Comprehensive Plan Area, which unfortunately was not noted at the completeness determination associated with this application and subsequently communicated to the applicant's representative. Therefore, staff has recommended that the application be changed to a comprehensive plan map amendment/zone change to the City's Community Commercial (CC) zone, and has incorporated said change within the following staff report).

APPLICANT: Doyle/Chapman, LLC
David Doyle
10121 SE Sunnyside Road, Suite 320
Clackamas, OR 97015

ATTACHMENT # A

S:\ECONOMIC AND COMMUNITY DEVELOPMENT\Planning\Plng Dev Rev\Dev Review\CPA\2008\CPA-04-08 (Sunnyside, 114th)\CPA-04-08 pc staff report.doc

EXHIBIT # 1

City of Happy Valley Staff Report
CPA-04-08/-LDO-04-08
(Sunnyside Road/114th Court)

June 10, 2008

PROPERTY OWNER: Doyle/Chapman, LLC
David Doyle
10121 SE Sunnyside Road, Suite 320
Clackamas, OR 97015

APPLICABLE CRITERIA:

City of Happy Valley Comprehensive Plan

- Goal 14 – Policies 4 and 5
- Goal 7 – Policies 10, 13, and 15
- Goal 5 – Policies 21, 28, and 35
- Goal 2 – Policy 50
- Goal 9 – Policies 55 and 60
- Goal 10 – Policies 42 and 44
- Goal 11 – Policies 74, 85, 86, 99, 100, 102, and 103

Happy Valley Development Code

Section 16.12.140 Community commercial district (CC)
Chapter 16.40 Amendments to the Comprehensive Plan, Land Use Map and Land Development
Code Title of this Code

EXHIBITS:

1. Staff Report and Findings of Fact
2. Application, Narrative and Plan Set
3. Traffic Impact Study Executive Summary by Lancaster Engineering dated February, 2008
4. Letter from Lancaster Engineering dated April 4, 2008
5. Letter from DKS Associates dated May 5, 2008
6. Letter from DKS Associates dated May 12, 2008
7. Letter from Lancaster Engineering dated May 15, 2008
8. Letter from DKS Associates dated May 20, 2008
9. Letter from Bob Galati, City Engineer, dated April 28, 2008

SITE LOCATION AND PROJECT DESCRIPTION:

The project site is located on the north side of SE Sunnyside Road, east of SE 114th Court. The site is approximately one acre in size and is comprised of three tax lots (Tax Map 1 2E 34D Lots 1500, 1601, and 1602). The project site is surrounded by land in unincorporated Clackamas County. Zoning and uses surrounding the project site include the following:

North – The property to the north is zoned Urban Low Density Residential (R-10) by the County. The property is owned by Valley View Evangelical Church and ball fields on the property are adjacent to the project site.

East – The property to the East is also zoned Urban Low Density Residential (R-10) by the County and owned by Valley View Evangelical Church. The property is used for landscaping and recreation.

South – The property to the south is zoned Medium High Density Residential (MR-2) by the County, and is separated from the project site by SE Sunnyside Road. Multi-family residential uses have been developed on this property.

West – The property to the west is zoned Urban Low Density Residential (R-10) by the County, and is separated from the project site by SE 114th Court. Detached single-family residential uses have been developed on this property.

KEY ISSUES / PROJECT ANALYSIS:

Conceptual Development Plan

- The proposed application is for a comprehensive plan amendment/zone change only. A future design review application will be required for any building to take place on the site. At the time a design review application is submitted, staff will review the file in order to provide recommendations for issues such as right-of-way dedication/frontage improvements and driveway access. A conceptual development plan was submitted with the comprehensive plan/zone change application. The plan is illustrated in Sheets 3 and 4 of the site plan set submitted by the Applicant (Exhibit 2). The conceptual site plan shows a multi-story building situated on the southwest corner of the site and featuring a combination of medical office and residential uses. The plan does not specify the number of stories but the applicant's traffic study assumes that the building will be four stories, with commercial and office uses on the first three floors and housing on the fourth floor. In the conceptual plan, the building dimensions are 80 x 100 feet so that each floor of the building is 8,000 square feet. The plan also depicts parking and access for the site. Most of the remainder of the site is shown for parking use. Access is shown on both SE Sunnyside Road on the southeast corner of the site, and on SE 114th Court on the northwest corner of the site. However, it is important to note that this is a conceptual plan only and is subject to change until the time that a separate development application is submitted for design review.

Transportation

- SE Sunnyside Road and SE 114th Court are under the jurisdiction of Clackamas County. SE Sunnyside Road is classified as a Major Arterial and SE 114th Court as a Local Street. The intersection of SE Sunnyside Road at SE Valley View Terrace is currently signalized and the intersection at SE 114th Court is currently stop-sign controlled. No additional traffic improvements are identified for either intersection in the Happy Valley Transportation System Plan (TSP) or Clackamas County TSP.

Curbs, gutters, sidewalks, and bike lanes are provided on SE Sunnyside Road. Curbs and gutters exist on both sides of SE 114th Court, but sidewalks have been constructed only near the intersection with SE Sunnyside Road. At the time of development and redevelopment, County standards for local streets require full sidewalks on streets identified as part of the Essential Pedestrian Network. SE Valley View Terrace and SE 117th Avenue are identified as part of the network, but SE 114th Court is not. The project site's study intersections are within the Clackamas Regional Center Area Design Plan and standards for the plan area require level of service (LOS) E or better. The applicant submitted a traffic study of the intersections and two study addendums in response to comments from the City's traffic engineer, DKS Associates (see Exhibits 3, 4, and 6). DKS Associates submitted a traffic analysis review of the applicant's analysis as well as a response to the applicant's second traffic study addendum (Exhibits 5 and 7). Ultimately, DKS validates the applicant's findings that the study intersections would perform at least at LOS E and better for the year 2025 and, thus, would meet traffic standards for the area. Below is a summary of the findings for each study intersection:

Intersection of SE Valley View Terrace and SE Sunnyside Road – In the applicant's original study, the intersection is modeled to operate at LOS B during morning peak hour and LOS D during evening peak hour under background conditions, and at LOS B during morning peak hour and LOS E during evening peak hour under conditions for background trips plus estimated trips generated by the project site. Given feedback from DKS Associates, the applicant modified the evening peak hour analysis to assume permitted instead of protected signal phasing, a turned-off multi-lane factor, a longer signal cycle length of 120 seconds and total lost time of 12 seconds, and a peak hour factor of 1.0. The applicant still found the intersection to operate at LOS E during the evening peak hour in year 2025. In their final response (Exhibit 7), DKS Associates concurred with this finding.

Intersection of SE 114th Court and SE Sunnyside Road –The intersection is modeled to operate at LOS D during morning peak hour under both background and background plus site trips conditions in the applicant's traffic study. It will operate at LOS B under background conditions and LOS C under background plus site trips conditions during evening peak hour.

Intersection of conceptual site access at SE Sunnyside Road – This access point does not currently exist, but is proposed by the applicant. The applicant's traffic study found it to operate at LOS D during morning peak hour and LOS C during evening peak hour under background plus site trips conditions. Because the project site fronts both SE 114th Court and SE Sunnyside Road and the intersection of SE Sunnyside Road and SE Valley View Terrace will be close to failure in 2025 even with proposed improvements to the intersection, the City traffic engineer recommends that this site access be prohibited.

II. RECOMMENDATION

The proposed Comprehensive Plan Map Amendment/Zone Change application on the approximately one-acre subject will accommodate the planned development of a mixed-use building incorporating a dental office with the potential for residential housing through a future Design Review application. The subject application addresses the objectives and policies of the City of Happy Valley Comprehensive Plan; addresses the criteria of the City's Land Development Code; provides a traffic impact analysis that ultimately proves that the proposed CC zone will provide a range of uses that may be accommodated by the intersection of Sunnyside Road and SE 114th Court; and, may provide a future mixed-use building that will provide a small business adjacent to residential areas, thereby reducing potential vehicle trip generation, while integrating a use that (through future design review), will minimize impacts to those same residential areas. Therefore, staff recommends that the Planning Commission forward a recommendation of approval of CPA-04-08/LDO-04-08 (Sunnyside Road/114th Court) on to the City Council, subject to the following Condition of Approval:

1. That a future Design Review application for the subject site include site access limited to SE 114th Court.

III. FINDINGS OF FACT

City of Happy Valley Comprehensive Plan

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

"Goal 14 – To provide for an orderly and efficient transition from rural to urban land use.

[...]

Policy 4: To insure orderly development in the City of Happy Valley through formulation of growth management policies and guidelines which will determine that

development can occur only when adequate levels of services and facilities are or will be available.

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

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

The City of Happy Valley ensures that “orderly and controlled development” occurs through the continuous and ongoing development of growth management policies and guidelines, primarily through implementation of the City’s Comprehensive Plan Policies and Development Code regulations. This application proposes to change the zoning of the project site from Clackamas County R-10 to City CC, which allows for a more intense and mixed use of land. The purpose statement for the CC zone (Section 16.12.140 of the Development Code) provides general locational criteria for the zone. The proposal is consistent with the purpose of the CC zone in the following ways:

- *Provide locations or “nodes” for a relatively wide range of small businesses and services adjacent to residential areas* – The proposal is adjacent to residential areas (County R-10 and MR-2 zoning) and the conceptual site plan features a mixture of commercial and residential uses as are allowed in the CC zone.
- *Located and developed in a manner consistent with the comprehensive plan* – The proposed Comprehensive Plan Map Amendment/Zone Change is consistent with the City’s Comprehensive Plan as detailed within these findings.
- *Limited in size to not more than two acres of contiguous land* – The proposal’s project site is 1.01 acres in size. The CC zone also limits impacts to surrounding residential zones and existing uses by regulating building footprints, building heights, residential densities, rear and side yard setbacks, and parking area landscaping and screening.
- *Building size limited to a thirty thousand (30,000) square-foot building footprint¹* – No development is proposed as part of this application. The applicant’s conceptual plan shows a multi-story building on the project site, and the applicant’s traffic study assumes a “worst-case” development scenario of a four-story mixed-use building, where each floor is 8,000 square feet.

¹ Staff notes that a codification error exists in Section 16.12.130.D.4 listing maximum building footprint size as 50,000 square feet, which conflicts with the 30,000 square-foot limit stated in Section 16.12.140.A. Staff is in the process of amending these code sections to be consistent with the 30,000 square-foot maximum building footprint.

- *Appropriate locations are at the intersection of two arterial streets (major and minor), an arterial street and a collector street, or two collector streets* – The project site is located at the intersection of a major arterial street and a local street. While this does not fully comply with this standard, traffic studies have found there to be little or no anticipated change in the forecast level of service of the intersection of the local street (SE 114th Court) and the major arterial (SE Sunnyside Road) given the proposed comprehensive plan map amendment/zone change.

Existing City development and design review regulations and the requirements of the City's urban service providers (Clackamas County DTD, CCFD#1, CCSD#1, Sunrise Water, etc.) require that development must provide adequate levels of service and facilities prior to development. Future development applications on the project site will need to demonstrate adequate levels of service and facilities can be provided. Even though development is not proposed at this time, the applicant has provided a conceptual development plan to which service providers have responded. DKS Associates finds there to be adequate capacity in the project site traffic study area if the applicant takes access only off of SE 114th Court and not SE Sunnyside Road (Exhibit 5). Sunrise Water Authority has also found that there will be adequate water service for the site (Exhibit 8). Other service providers, including Clackamas County DTD, will respond to future development applications regarding service provision. Therefore, these criteria are satisfied by the applicant's proposal.

[...]

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

[...]

Policy 15: Engineering studies by private developers, the City and other government agencies for sites proposed for development within areas of suspected or known hazards and compliance with appropriate chapters of the adopted Uniform Building Code and applicable sections of the Happy Valley Land Development Ordinance, are required.

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

The applicant's proposal will facilitate development of commercial and residential uses on the approximately one-acre project site in the future. Proposed development will be required by existing Development Code regulations to comply with current restrictions on development affecting runoff and erosion, including applicable service provider requirements, including those of CCSD#1 and Oregon DEQ. In addition, no known hazard areas exist within the greater subject area. Therefore, these criteria are satisfied by the applicant's proposal.

Goal 5: To conserve and protect natural and scenic resources.

[...]

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

[...]

Policy 28: Conserve the area's unique natural resources through their inclusion in the 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.

[...]

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

Narrative Response:

See Page 5 of the submitted Narrative (Exhibit 2).

Staff Response:

The applicant's proposal will facilitate development of commercial and residential uses on the approximately one-acre project site in the future. Proposed development will be required by existing Development Code regulations to comply with current restrictions on development affecting natural resources, runoff and erosion, including applicable service provider requirements, including those of CCSD#1 and Oregon DEQ. In addition, the City's code requires that at least 15 percent of a lot be landscaped when the lot is developed with non-residential uses. Landscaping can provide soil stability and help maintain natural areas. Therefore, these criteria are satisfied by the applicant's proposal.

[...]

Goal 10 – To provide for the housing needs of the citizens of the state.

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

[...]

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 a range of prices to attract a variety of household sizes to Happy Valley.

Narrative Response:

See Page 6 of the submitted Narrative (Exhibit 2).

Staff Response:

The applicant's proposal would change the zoning of about one acre of land from Clackamas County R-10 to City CC. The County R-10 zone allows a variety of housing types outright and conditionally. Housing is allowed in the CC zone at densities of up to 10-15 units per acre. Allowed housing types are not specified. While the County R-10 zone is a more exclusively residential zone, the minimum lot size is 10,000 square feet and, thus, an acre of land zoned CC can accommodate more housing units than land zoned R-10. Requiring a minimum lot size of 10,000 square feet in the R-10 zone – which corresponds to a maximum density of about four dwelling units per acre (du/ac) – also has the potential to create more of a barrier to housing affordability in the County R-10 zone. Therefore, the applicant's proposal can provide for more housing and a greater range of household sizes and prices and satisfies these criteria.

[...]

Goal 2 – To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

[...]

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

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

The CC zoning district, if applied to the project site, will take advantage of existing systems such as the transportation and public transit system provided by SE Sunnyside Road and recent improvements to SE Sunnyside Road. Surrounding sites are already provided with urban services, including water and sewer. Adjoining existing uses include open space and housing with which limited-scale commercial and medium density residential uses allowed in the CC zone will be compatible. Further, regulations in the CC zone including maximum building footprints and residential densities, building height limits, minimum setbacks, and parking area landscaping and screening requirements will limit impacts of the project site on surrounding sites. Therefore, this criterion is satisfied by the applicant's proposal.

[...]

Goal 9 – To diversify and improve the economy of the state.

[...]

Policy 55: To improve the economy of Happy Valley by providing a range of land use types including variety of commercial and employment districts

[...]

Policy 60: To encourage compatible residential, commercial and light industrial development in Happy Valley that will provide jobs. The City supports the development of commercial and employment uses in Rock Creek (including the Rock Creek Employment Area) and in other areas, subject to design standards.

Narrative Response:

See Pages 5-6 of the submitted Narrative (Exhibit 2).

Staff Response:

The proposed zone change to CC will allow for a greater variety of land uses on the project site – including commercial and employment uses – than is allowed under the existing Clackamas County R-10 zoning. The new zoning will provide employment opportunities while also allowing for residential uses and promoting compatibility with surrounding uses by being limited in its building footprint for commercial uses and its density for residential uses. Therefore, the applicant's proposal satisfies these criteria.

[...]

Goal 11 – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for the planned growth and ultimately for full urban development of the City.

[...]

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

[...]

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

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

Narrative Response:

See Page 7 of the submitted Narrative (Exhibit 2).

Staff Response:

Although the applicant's proposal does not request new development, approving the proposal will provide the opportunity for submitting land development applications for a wider variety and greater intensity of land uses in the future. All future applications will have to demonstrate that the proposed development can be provided with adequate public facilities. They will need to show how storm drainage runoff and sewer service will comply with City regulations, including CCSD#1 requirements.

Level 1 public facilities and services include water, sanitary sewer, storm drainage, fire protection, and streets. Water service will be provided by the Sunrise Water Authority; sanitary sewer and storm drainage service will be provided by CCSD#1; fire protection will be provided by CCFD#1; and, the streets are public and owned and managed by Clackamas County.

All surrounding sites are provided with Level 1 public facilities. Of the Level 1 service providers, Sunrise Water Authority has responded to this application with the finding that there is sufficient water service capacity for the project site if the proposal is approved (Exhibit 8). The City traffic engineer DKS Associates found there to be sufficient capacity for the proposal if access for the project site is taken from SE 114th Court and not SE Sunnyside Road (Exhibit 5). The other service providers have not submitted specific observations or conditions about serviceability in response to this application but will do so for future development applications for the site and will ensure that there is adequate service to the site. Therefore, as conditioned, the applicant's proposal satisfies this criterion.

[...]

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

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

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

Narrative Response:

See Page 7 of the submitted Narrative (Exhibit 2).

Staff Response:

Although the applicant's proposal does not request new development, approving the proposal will provide the opportunity for submitting land development applications for a wider variety and greater intensity of land uses in the future. These development applications will be required to demonstrate that the proposed development can be adequately served with Level 2 facilities. Therefore, the applicant's proposal satisfies this criterion.

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

Narrative Response:

See Page 7 of the submitted Narrative (Exhibit 2).

Staff Response:

Level 1 facilities and services exist either on the project site or surrounding the site and will be extended to the site by any development approved in the future. These improvements are required to be designed by a licensed engineer, constructed by a licensed contractor, and paid for by a developer. The improvements are required to be in substantial conformance with the information provided in future Design Review applications. Therefore, this criterion is satisfied by the applicant's proposal.

[...]

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

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

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

Narrative Response:

See Page 7 of the submitted Narrative (Exhibit 2).

Staff Response:

The City of Happy Valley has contacted and coordinated with all the listed service providers. The City has augmented the list of service providers to include the Oregon Department of Land Conservation and Development (DLCD) and the regional government METRO, and the requirements of these service providers are incorporated within the record. As has been previously stated, future development applications will be required to demonstrate that the development can be served with adequate public facilities and services based on the findings of the service providers and the City. Therefore, this criterion is satisfied by the applicant's proposal.

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

Narrative Response:

See Page 7 of the submitted Narrative (Exhibit 2).

Staff Response:

Although the applicant's proposal does not request new development, approving the proposal will provide the opportunity for submitting land development applications for a wider variety and greater intensity of land uses in the future. These applications will be required to facilitate in the extension of any Level 1 facilities, not in any way prevent them. Therefore, the applicant's proposal satisfies this criterion.

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

“16.12.140 Community commercial district (CC).

A. Purpose. The community commercial (CC) district is intended to provide locations or “nodes” for a relatively wide range of small businesses and services adjacent to residential areas as a convenience to nearby residents. The CC district is to be located and developed in a manner consistent with the comprehensive plan. In order to limit impacts to residential areas, new community commercial nodes are intended to be limited in size to not more than two acres of contiguous land.

Building size is also limited to a thirty thousand (30,000) square feet footprint, and measured in accordance with requirements of this section. Appropriate locations for community commercial nodes are at the intersection of two arterial streets (major and minor), an arterial street and a collector street, or two collector streets.

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

See the staff response to the City’s Comprehensive Goals and Policies, above – specifically the response to Goal 14 and Policies 4 and 5. As delineated within that finding, these criteria are satisfied by the applicant’s proposal.

B. Permitted Uses². The following uses are permitted in a CC community commercial district and subject to provisions of LDO Chapter 16.50, General Site Design Standards, and Chapter 16.32, Design Review:

- 1. All neighborhood commercial uses permitted in the SFA district;*
- 2. Art and craft supply stores, studios;*
- 3. Bakeries;*
- 4. Banks, savings and loan associations, loan companies, ATM without drive-through;*
- 5. Barber shops, beauty salons;*
- 6. Bicycle sales, supplies, repair service;*

² Staff notes that a codification error exists in Section 16.12.130.B in which the original list of permitted uses omitted “professional and administrative offices, including medical and dental office buildings”. Staff is in the process of amending this code section.

7. *Book stores;*
 8. *Camera stores;*
 9. *Coffee shops, cafes, sandwich shops and delicatessens;*
 10. *Drug stores;*
 11. *Dry cleaners and tailors;*
 12. *Florists;*
 13. *Home furnishing stores;*
 14. *Gift stores;*
 15. *Grocery, food, specialty foods, and produce stores;*
 16. *Interior decorating shops, sales and service;*
 17. *Home occupations (Section 16.04-.080);*
 18. *Laundromats;*
 19. *Library, post office, community center, etc.;*
 20. *Music shops, sales and service;*
 21. *Optometry and optical goods, sales and service;*
 22. *Photo finishing, photography studios;*
 23. *Shoe sales and shoe repair stores;*
 24. *Sporting goods, sales and service;*
 25. *Stationery stores;*
 26. *Yogurt and ice cream stores;*
 27. *Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination by the community development director;*
 28. *Medium density residential at SFA densities (ten (10) to fifteen (15) du/acre).*
- [...]

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

Staff notes that although the applicant's conceptual plan illustrates a combination of medical office and residential uses, the proposal (if approved) would allow future development of any of the listed approved uses, subject to subsequent design review approval. Therefore, submittal of a future development application may satisfy the requirements of this criterion.

[...]

2. *Minimum Setbacks.*
 - a. *Front setback: Ten (10) feet.*

- b. *Rear setback: None, except when a rear lot line is abutting a lot in a residential zone and then the rear setback shall be a minimum of ten (10) feet. The required rear setback shall be increased by one-half foot for each foot by which the building height exceeds twenty (20) feet.*
- c. *Side setback: None, except when a side lot line is abutting a lot in a residential zone and then the side setback shall be a minimum of ten (10) feet. The required side setback shall be increased by one-half foot for each foot by which the building height exceeds twenty (20) feet.*
- d. *Street side setback: Ten (10) feet.*
- 3. *Lot Coverage. Maximum lot coverage by buildings and structures shall be seventy-five percent (75) of the total lot area.*
- 4. *Building Size. Maximum building square footage for single use retail buildings is limited to a maximum of a fifty thousand (50,000) square foot footprint. For the purposes of measuring maximum building footprint, measurement is taken from outside wall to outside wall of the ground level.*
- 5. *Building Height.*
 - a. *Building height shall not exceed thirty-five (35) feet.*
 - b. *Method of Measurement. Building height shall be measured pursuant to Section 16.20.060, Building heights.*
- 6. *Off-Street Parking and Loading (vehicle and bicycle). Off-street parking and loading spaces shall be provided as required in LDO Chapter 16.50.030.*
- 7. *Landscaping. Landscaping shall be provided as required in LDO Chapter 16.50.020.*
- 8. *Pedestrian Access and Circulation. Adequate pedestrian access and circulation systems shall be provided as required in LDO Chapter 16.50.040.*
- E. *Special Standards.*
 - 1. *Design Review. New development in the community commercial district shall be subject to LDC Chapter 16.32, Design Review, and the Happy Valley Style Architectural Design standards.*

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

Again, staff points out the formatting error in Section 16.12.130.D.4. Staff notes that although the applicant's conceptual plan illustrates a conceptual building footprint, the proposal (if approved) would allow future development that would be subject to subsequent design review approval, and evaluation of the above design standards. Therefore, submittal of a future development application may satisfy the requirements of these criteria.

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

[...]

16.40.020 Initiation of a plan amendment.

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

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

The application for a proposed Comprehensive Plan Amendment and Zone Change for the project site has been submitted by a property owner within the City of Happy Valley. Therefore, this criterion has been satisfied by the applicant's proposal.

[...]

16.40.040 Public hearing and notice.

A. Any proposed change to the adopted Happy Valley land use regulations shall follow the stated scheduling, notification and procedure.

1. Process. The first evidentiary hearing shall occur before the planning commission, who may make a recommendation to the city council to approve, approve with conditions, or deny subject requests. The city council shall be the final local review authority, and shall decide to approve, approve with conditions, or deny subject requests.

2. *Notice.*

a. *All affected governmental agencies shall be notified by mail. Failure to receive such notices shall not invalidate the application, public hearing or other proceedings.*

b. *Continued hearings may be held on any application without giving further notice as outlined above, provided that the date and time of additional or continued hearings are given during the first public hearing or subsequent hearing on the subject preceding the additional or continued hearing.*

c. *Notice of all non-site-specific proposed plan text, map or implementing ordinance amendments shall be provided pursuant to the city charter and applicable state statutes.*

B. *Any proposed annexation to the city via an expedited process shall follow the stated scheduling, notification and procedure.*

1. *Process. Expedited annexations shall be processed as an ordinance per chapter eight of the city's Charter, effective January 1, 2001. The final decision shall occur before the city council. The city council shall be the only local review authority, and shall decide to approve, approve with conditions, or deny subject requests.*

2. *Notice.*

a. *All interested and necessary parties, as defined by the Metro Code Section 3.09.020, shall be notified by mail. Failure to receive such notices shall not invalidate the application, final decision or other proceedings.*

b. *Continued hearings may be held on any application without giving further notice as outlined above, provided that the date and time of additional or continued hearings are given during the first public hearing or subsequent hearing on the subject preceding the additional or continued hearing.*

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

The processes and notice described within this section have been followed by the City, including the provision of Measure 56 notice. The application was deemed complete on April 15, 2008. 45-Day Notice was sent to the Department of Land Conservation and Development on April 16, 2008, public notice was sent April 30, 2008, and newspaper notice was published on May 7, 2008. Public hearings are scheduled with the Planning Commission on June 10, 2008 and with the City Council on July 1, 2008. Therefore, these criteria have been satisfied in relation to the applicant's proposal.

Section 16.40.041 Review criteria.

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

Narrative Response:

See Pages 2-3 of the submitted Narrative (Exhibit 2).

Staff Response:

See the staff responses to the applicable Goals and Policies of the Comprehensive Plan, above. As addressed within the record, this criterion is satisfied in relation to the applicant's proposal.

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

Narrative Response:

See Page 3 of the submitted Narrative (Exhibit 2).

Staff Response:

Zoning and land uses within the City of Happy Valley are predominantly residential. Economic development goals in the City's Comprehensive Plan support increasing the mixture of land uses in the City where compatible with surrounding development and increasing employment opportunities. The proposed comprehensive plan map amendment/zone change from County R-10 to CC would still allow for housing but also provides employment opportunities on the project site where none are currently allowed. The proposed zoning also allows for an intensification of land uses along a major traffic corridor, which serves City objectives regarding efficient use of land and public facilities, while limiting the extent of the intensification so it can be compatible with surrounding institutional and residential uses. Therefore, the proposal satisfies this criterion.

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

Narrative Response:

See Page 4 of the submitted Narrative (Exhibit 2).

Staff Response:

The applicant's proposal for a zone change to CC zoning addresses the purpose and criteria of the zone in the following ways.

- *Provide locations or "nodes" for a relatively wide range of small businesses and services adjacent to residential areas* – The proposal is adjacent to residential areas (County R-10 and MR-2 zoning) and the conceptual site plan features a mixture of commercial and residential uses as are allowed in the CC zone.
- *Located and developed in a manner consistent with the comprehensive plan* – The applicant is proposing a comprehensive plan map amendment/zone change that is in compliance with City Comprehensive Plan policies as addressed in previous sections of this report.
- *Limited in size to not more than two acres of contiguous land* – The proposal's project site is 1.01 acres. The CC zone limits impacts to surrounding residential zones and uses in the following ways:
 - Maximum building footprint – 30,000 square feet
 - Maximum building height – 35 feet
 - Maximum residential density – 10-15 du/ac
 - Minimum rear and side yard setbacks – 10 feet when adjacent to a residential zone, plus a half-foot for each foot of building height above 20 feet
 - Required landscaping and screening around parking areas.

Surrounding residential zones include the County's MR-2 zone and R-10 zone. The MR-2 zone allows multi-family housing (including duplexes, triplexes, and condominiums) and attached single-family housing and requires at least 2,420 square feet per dwelling unit (a density of 18 du/ac). The R-10 zone allows single-family detached and attached housing (including condominiums) and requires a minimum lot size of 10,000 feet (a density of approximately four du/ac).

- *Building size limited to a thirty thousand (30,000) square-foot building footprint* – No development is proposed as part of this application. The applicant's conceptual plan shows a multi-story building on the project site, and the applicant's traffic study assumes a "worst-case" development scenario of a four-story mixed-use building, where each floor is 8,000 square feet.
- *Appropriate locations are at the intersection of two arterial streets (major and minor), an arterial street and a collector street, or two collector streets* – The project site is located at the intersection of an arterial street and a local street. While this does not fully comply with this standard, traffic studies have found there to be little or no change in the forecast level of service of the intersection of the local street (SE 114th Court) and the arterial (SE Sunnyside Road) given the proposed zone change.

Staff interprets “other alternatives” in this criterion to mean any other zoning alternatives that would allow for employment uses, housing, efficient use of land and public facilities, and development that is compatible with surrounding uses. Other City residential zones would not allow for employment uses. The only other citywide zone that would permit employment and commercial uses outright is the General Commercial (GC) zone, but this zone does not permit the same mixture of housing and commercial uses that the CC zone does. The GC zone also does not limit the size of commercial uses as the CC zone does, which may result in development on the project site that is less compatible with surrounding existing uses and place too much of a burden on existing transportation facilities. Therefore, the proposal better serves the need and satisfies this criterion.

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

Narrative Response:

See Page 4 of the submitted Narrative (Exhibit 2).

Staff Response:

The City of Happy Valley Comprehensive Plan establishes goals and policies to guide the amount, type, costs, timing, and quality of development within the city. The applicable growth management mechanism policies related to the applicant’s include those addressed earlier in this report.

Policy 97 states that the “City shall permit development on vacant buildable lands when all Level 1 facilities and services are available [including] sanitary sewer, water supply, storm drainage, fire protection, and streets and roads.” Policy 99 is similar to Policy 97, although it refers to having adequate provisions for providing Level 2 services that include schools, police protection, parks and recreation, public transit, vector control, and city administrative services. Policy 102 requires city coordination with local service providers to ensure adequate services are available. Policy 102 states that the “city shall rely on a determination provided by the service providers and other affected agencies. ...Any determination shall be within the parameters of the providers’ or agency’s own standards, criteria, requirements or plans.” The availability of Level 1 services and impact to Level 2 service providers has been generally discussed in this report, and future land development applications will need to demonstrate specifically how proposed development will be adequately served.

Service providers for the project site include service areas currently serving the area. This includes Sunrise Water Authority, CCFD #1, CCSD #1, Clackamas County DTD, North

Clackamas School District, North Clackamas Parks & Recreation District, and TriMet. Upon development/building permit issuance for any future development on the project site, the development will contribute to park and transportation funding through payment of City System Development Charges (SDCs). Funding will be directed toward projects in park and transportation facility plans and, for transportation in particular, toward any projects in the City's Transportation System Plan and County CIP in the project study area. Again, if the applicant's proposal is approved, future development applications will need to meet local development standards set forth by the City and local service providers. Therefore, this criterion is satisfied by the applicant's proposal.

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

Narrative Response:

See Pages 4-5 of the submitted Narrative (Exhibit 2).

Staff Response:

Information in the applicant's narrative, conceptual site plans, transportation studies, and in the responses from service providers indicates that the current proposal meets the above requirements. Future development application will need to meet the requirements in this report with more specificity. The applicant's proposal satisfies this criterion.

G.³ 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."

³ A codification error exists within the City's Development Code, which has resulted in the incorrect lettering from this section. As quoted, Letter "G" should correctly be labeled as Letter "F". Staff is in the process of correcting this oversight.

Narrative Response:

This is addressed as Goal 12 on Pages 7-9 within the submitted Narrative (Exhibit 2). Also see the applicant's traffic studies in Exhibits 3 and 4.

Staff Response:

The project site's traffic study intersections are all within the Clackamas Regional Center Area Design Plan and standards in the plan area require level of service (LOS) E or better. The applicant's studies found that the study intersections would perform at least at LOS E and better for the year 2025 and, thus, the proposal does not significantly affect transportation facilities. Although there was a series of responses and study addendums submitted by DKS Associates and the applicant (Exhibits 4-7), ultimately the City's traffic engineer concurred with the applicant's findings that all study intersections would operate at acceptable levels of service in the year 2025.

No improvements are planned for the study intersections in the Happy Valley TSP or the Clackamas County CIP. Because the project site fronts both SE 114th Court and SE Sunnyside Road and the intersection of SE Sunnyside Road and SE Valley View Terrace is modeled to operate at LOS E in 2025, the City traffic engineer recommends that access to the project site be allowed only on SE 114th Court and not on SE Sunnyside Road. Therefore, the proposal satisfies this criterion.

[...]

16.40.090 Amendments to the land development code.

An amendment to any chapter or section of this title for the purpose of adding or deleting words or subjects, broadening or narrowing scope, providing direction, clarification or improvement of the development code may be initiated by any person or persons, including the city itself. The procedure for such action and the criteria for approval or denial of such action shall be in accordance with Sections 16.40.030, 16.40.040, 16.40.050 and 16.40.060 of this chapter.

Narrative Response:

Not addressed within the submitted Narrative (Exhibit 2).

Staff Response:

This application has been submitted by a property owner in the City of Happy Valley, and City deemed the application complete on April 15, 2008. Development code sections 16.40.030, -040, -050, and -060 address applications and fees, public hearing and notice, planning commission action, and city council action. The City is following the procedures established in these sections. Therefore, this criterion is satisfied.

**11411 SE SUNNYSIDE ROAD
COMPREHENSIVE PLAN MAP
AMENDMENT AND ZONE CHANGE**

CITY OF HAPPY VALLEY, OREGON

DATE:
March, 2008

APPLICANT:
DOYLE / CHAPMAN, LLC.
DAVID DOYLE
10121 SE SUNNYSIDE ROAD SUITE 320
CLACKAMAS, OR 97015

APPLICANT'S REPRESENTATIVE:



AKS ENGINEERING & FORESTRY, LLC.
13910 SW. GALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

EXHIBIT # 2

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- LAND USE APPLICATION FORM
- APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP INTERESTS FOR LAND USE APPLICATIONS, AMENDMENTS, AND PERMITS
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- VICINITY MAP AND CONCEPTUAL DEVELOPMENT PLANS
- COUNTY ASSESSOR'S MAP
- TRAFFIC IMPACT STUDY
- CITY OF HAPPY VALLEY APPLICATION FEE (ATTACHED)
- LIST OF PROPERTY OWNERS AND MAILING LABELS (ATTACHED)

LAND USE APPLICATION

City of Happy Valley
12915 SE King Road
Portland, Oregon 97236
Phone: 503-760-3325 Fax: 503-760-9397

FOR STAFF USE ONLY		
<input type="checkbox"/> Zone change	<input type="checkbox"/> Master Plan	File No. _____
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Design Review	Date Rec'd _____
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Other _____	FEE: _____
<input type="checkbox"/> Planned Unit Development		Receipt No. _____
<input type="checkbox"/> Partition (Lot Line Adjustments are a separate application)		Staff: _____

APPLICANT INFORMATION

Proposed change:
Comprehensive Plan Map Amendment/Zone Change from R-10 (Residential Medium Density) to MUC (Mixed Use Commercial)

NAME OF APPLICANT: Doyle / Chapman, LLC, (David Doyle)

Mailing Address: 10121 SE Sunnyside Road # 320 City: Clackamas ST OR Zip 97015

Applicant is: Legal Owner Agent

Phone Number of Applicant: Work (503) 786-5082 Home _____

Name of Contact Person, (if other than applicant) AKS Engineering & Forestry (Monty Hurley / Chris Goodell)

Mailing Address 13910 SW Galbreath Dr. # 100 City: Sherwood ST OR Zip 97140

Phone Number of Contact Person: work (503) 925-8799 Home _____

Site Address: 11411 and 11451 SE Sunnyside Road

Legal Description T 1 R 2E Section 34D Tax Lot(s) 500, 1601, and 1602

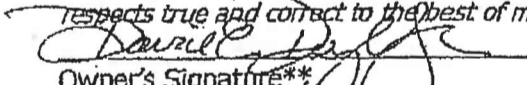
Present use of property: Vacant property

Method of Sewage Disposal: Public sanitary sewer

Water Supply: Sunrise Water Authority

Required Attachments (see attached listing)

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.


 Owner's Signature** _____ Applicant's Signature _____
 Date: 1/30/08 Date: _____

**LDO, Section 16.16.010.24 requires that the Applicant's Statement of Disclosure of Interest be completed and included with any application for LDO Amendments, Variances, Conditional Use Permits, Partitions, Subdivisions, Planned Unit Developments and all Appeals (form on reverse).

APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP INTERESTS FOR LAND USE APPLICATION, AMENDMENTS AND PERMITS

The City of Happy Valley's Land Development Ordinances require that the following information must be disclosed on any application for amendments, variances, conditional use permits, partitions, subdivisions, planned unit developments, master plans and for appeals.

A. List the names of all persons having a financial interest in the application:

List the names of all persons having any ownership interest in the property involved:

David Doyle } Doyle/Chapman LLC
Gary Chapman }

B. If any persons identified pursuant to (A) above is a corporation or a partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

David Doyle
Gary Chapman

C. If any person identified pursuant to (A) above is a non-profit organization or trust, list the names of any person serving as director of the non-profit organization or as a trustee or beneficiary or trustor of the trust.

NOTE: The definition section of the Zoning Ordinance defines "Person" as "Any individual, firm, co-partnership, joint venture, association, syndicate, trust and any other country, City and County, municipality, district or other political subdivision or any other group or combination acting as a unit.

Applicant(s) hereby authorize the city staff and/or planning commission members access and entrance on the site for the purposes of information gathering prior to the public hearing.

YES NO

David E Doyle
Signature of Applicant

1/30/08
Date

IF THERE IS MORE THAN ONE OWNER LISTED IN ANY OF THE ABOVE AREAS, PLEASE ATTACH ADDITIONAL FORMS WITH EACH OWNER'S SIGNATURE.

NARRATIVE

Project Location

11411 and 11511 SE Sunnyside Road - Happy Valley, Oregon

Map and Tax Lot Numbers

Clackamas County Map 1 2E 34D Tax Lots 1500,1601, and 1602

Legal Description

Attached in Title Report

Property Site Area

1.20 Acres +/- per Clackamas County Assessment Records

Pre-Application Meeting

Meeting with Sara Mizejewski (City Staff) on July 10, 2007

Applicant's Request

The Applicant requests a Zone Change from City of Happy Valley Residential Medium Density (R-10) to City of Happy Valley Mixed Use Commercial (MUC).

Site Description

The subject property includes two parcels. The approximate area of the two parcels combined is 1.20 acres. The site is located in the City of Happy Valley.

Existing Conditions

The site slopes gently to the southeast at less than 10 percent grade. The subject property is a corner lot has frontage on SE Sunnyside Road and SE 114th Court. The site vegetation is dominated by a grass field with a few scattered trees within the interior of the site. The perimeter boundary of the site is defined by a thick tree barrier on the northern and eastern sides. SE Sunnyside Road along the project site's frontage is completely improved to an arterial road section with 6 travel lanes, a landscaped center median, standard curb and gutter sections, curb tight sidewalks, street trees and street lights. SE 114th Court is improved to a local street standard with a 2-lane section, mountable curbs, and a concrete sidewalk on its west side. The site is devoid of structural improvements and there are no floodplains, wetlands, or streams on the property.

Surrounding Area

North. The adjacent property to the north is used for ball fields for the Valley View Evangelical Church. This property is located in unincorporated Clackamas County and is zoned Urban Low Density Residential (R-10).

South. SE Sunnyside Road abuts the subject property to the south. An existing multi-family housing complex is located on the south side of SE Sunnyside Road. That development is located within unincorporated Clackamas County and is zoned Medium High Density Residential (MR-2).

East. The adjacent property to the east is occupied by landscaping and is used for passive recreational purposes for the Valley View Evangelical Church. This property is located in unincorporated Clackamas County and is zoned Urban Low Density Residential (R-10).

West. SE 114th Court abuts the subject property to the west. Properties across SE 114th Court to the west are located in unincorporated Clackamas County, developed as single-family detached homes and are zoned Urban Low Density Residential (R-10).

The following code sections are applicable to the proposed zone change application:

CITY OF HAPPY VALLEY MUNICIPAL CODE - CHAPTER 16 DEVELOPMENT CODE

16.40 – Amendments to the Comprehensive Plan, Land Use Map and Land Development Title of the Code.

16.40.041 Review Criteria

16.40.041. A The proposed amendment is consistent with and promotes the objectives of the Plan of the City.

Response: The applicant is requesting that the City of Happy Valley amend the Official Zoning Map designation for this site from Urban Low Density Residential (R-10) to Mixed Use Commercial (MUC). The requested zone change for the property complies with local, County, regional, and state land use goals and policies, as discussed below.

The subject property is currently zoned Urban Low Density Residential (R-10). This land use district has been carried over from its previous designation with Clackamas County (R-10). The proposed zone change is consistent with the objectives of the comprehensive plan because it will enable the applicant to locate services and offices near residential units and major transportation networks. Such are the uses that are permitted in the MUC District. As currently designated, the property could not be used to fulfill these goals.

The proposed zone change is consistent with land use policies of the State, Metro, and City of Happy Valley Comprehensive Plan.

State Land Use *Goal 9, Economic Development* is implemented through specific policies in Happy Valley's Comprehensive Plan including Policies 50, 55, 60, 60.B, 60.C, 60.C.1,

and 60.D. These policies encourage commercial development in logical locations that is compatible with surrounding uses. The MUC zoning and potential uses of land on this site is compatible with the surrounding land uses as described previously in this narrative.

State Land Use *Goal 14, Urbanization* is implemented through specific policies in Happy Valley's Comprehensive Plan that "provide for an orderly and efficient transition from rural to urban land use". The proposal is consistent with these policies because the site is located within the urban growth boundary, already has an urban designation and is supported by a full range of urban services.

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

Response: The majority of property located in the City of Happy Valley is designated exclusively for residential development. The subject property is located to the south of an established Urban Low Density Residential (R-10 and R-15) neighborhood and to the north of a substantially sized Medium High Density Residential (MR-2) multi-family housing complex. The defining boundary between the two areas is SE Sunnyside Road. This expanse of existing residential development requires commercial services in the vicinity that are not currently being met.

Some commercially designated land is included in the City but the most substantial amount is located several miles to the east of this property, well outside of the area to be served. Additional lands in the area but not within City limits are commercially designated. The closest of which is a Neighborhood Commercial (NC) at the intersection of SE Sunnyside Road and SE Valley View Terrace which is occupied by an existing medical clinic. Commercial zoning (C-2) also exists several blocks to the east on the south side of SE Sunnyside Road at SE 122nd Avenue. Again however, this area completely occupied by a developed commercial center. RCO and RC designated lands do exist to the west along the I 205 corridor. This area is dominated by a hospital and medical office development and is primarily occupied which serves the regional area as opposed to the project vicinity.

Therefore, there is a lack of land that is available for development (vacant) within a reasonable distance of the project vicinity that is appropriately designated for a new mixed use type project. Clearly, the project that is contemplated for this property will serve a demonstrated need for the area. This is why the property owner recently has annexed this property into the City.

To address public need for growth, state law requires urban growth boundaries to have adequate capacity for an expected 20-year horizon. Metro, however requires UGB expansions be minimized by increasing the overall *density* within the existing UGB, thereby reducing the overall *area* increase of the UGB. This proposal is consistent with both of these expectations because it will permit the site to be developed with both commercial and residential development to a more suitable level of intensity given this property's proximity to SE Sunnyside Road. Furthermore, development of this site with retail and office uses will bring additional employment to the City.

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

Response: The applicant believes that the Mixed Use Commercial (MUC District) together with the proposed conceptual development plan will best balance the need for a blend of commercial and residential development on this site with the needs of residents in the vicinity.

Other alternatives for this site could include split zoning with a commercial designation for one portion and residential in another. However, the envisioned future use depicted on the proposed concept plan is a combined use with ground level retail commercial uses and second story residential and offices uses above. Therefore, the most appropriate development district available that would best serve the need is MUC.

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

Response: The City of Happy Valley Comprehensive Plan establishes goals and policies to guide the quantity, type, costs, timing, and quality of development within the city. The most applicable growth management mechanism policies related to the proposed project are Policies 49, 97, 99, and 102. Policy 49 states "To ensure orderly development in the City of Happy Valley." Policy 97 states that the "City shall permit development on vacant buildable lands...when all Level 1 facilities and services are available including sanitary sewer, water supply, storm drainage, fire protection, and streets and roads." Policy 99 is similar to Policy 97, although it refers to having adequate provisions for providing Level 2 services that include schools, police protection, parks and recreation, public transit, vector control, and city administrative services. Policy 102 requires city coordination with local service providers to ensure adequate services are available. Policy 102 states that the "city shall rely on a determination provided by the service providers and other affected agencies...Any determination shall be within the parameters of the providers' or agency's own standards, criteria, requirements or plans."

Generally, the property would remain within service areas already serving the area. The parcel is in Clackamas County Service District #1 (Clackamas County Water Environment Services) for sanitary sewer and storm drainage service. The Sunrise Water Authority currently provides water to the area and will continue to serve the property. The parcel is in Clackamas County Service District #5 for street lighting. The subject property will be served by the City of Happy Valley for park and recreation needs.

Potential impacts on service providers include providing adequate water supply, stormwater drainage, and wastewater collection and treatment. Discussions with local service providers and review of existing available utilities indicate that adequate capacity to service potential development exists when the parcel is rezoned. When the zone change is completed, future development would meet local development standards set forth by the city and local service providers through the Design Review process.

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

Response: The applicant is not aware of any legal impediment to the implementation of this zone change under any applicable legal requirements other than as set forth above with respect to the MUC development district.

STATEWIDE PLANNING GOALS (DLCD)

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources (660-015-0000(5))

Goal 5 establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of balance between the resource and the uses that would conflict with it.

Response: The Happy Valley Comprehensive Plan (1984) identifies Goal 5 resources within the UGB as required under state Goal 5 requirements. The City's development standards regulate stormwater runoff and stormwater detention, development on steep slopes, riparian corridors, etc. Site planning for the subject property must be compliant with the Happy Valley Comprehensive Plan and Development Ordinance, protecting identified Goal 5 resources. There are no identified Goal 5 resources on the property.

Goal 9: Economic Development (660-015-0000(9))

Goal 9 specifies that urban areas shall have comprehensive plans that provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The comprehensive plans shall analyze the community's economic situation, contain policies addressing the economic development opportunities in the community, and provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for industrial and commercial uses.

Response: The proposed rezone complies with Metro's Regional Framework Plan and the Urban Growth Management Functional Plan (UGMFP) for commercial development necessary to service the increasing density within the existing UGB. This proposal is consistent with state goals and policies.

The policies most applicable to the proposal are Policies 50, 55, 60, 60.B, 60.C, 60.C.1, and 60.D of the Happy Valley Comprehensive Plan.

Policy 50 states, "To locate land uses so as to take advantage of existing systems and physical features, to minimize development cost and to achieve compatibility and to avoid conflicts between adjoining uses." This site can utilize the transportation facilities provided by SE Sunnyside Road and SE 114th Avenue. The site's development cost should be reasonable because of its gentle topography. Mixed use development of the site should not conflict with adjoining uses.

Policy 55 states, "To improve the economy of Happy Valley by providing a range of land use types including a variety of commercial and employment districts..." The MUC zone allows for a variety of commercial uses.

Policy 60 states, "To encourage compatible residential, commercial and light industrial development in Happy Valley that will provide jobs. The City supports the development of commercial and employment uses in Rock Creek and in other areas, subject to design standards." The zone change from R-10 to MUC will provide the opportunity for mixed use commercial development and jobs associated with those uses.

Policy 60.B states, "To comply with Statewide Planning Goal 9 (Economy of the State) and to meet long-term needs of Happy Valley residents for local services and employment land. Neighborhood-oriented commercial and office needs for existing and future City residents are met through the sub districts of the planned Mixed Use designation (PMU) and the range of Commercial districts." Approval of the zone change from R-10 to MUC will allow for development of the site with local service businesses that will help to meet the long-term needs of surrounding Happy Valley residents.

Policy 60.D states, "Happy Valley shall ensure that all commercial and office centers are accessible by transit, bicyclist and pedestrians, generally as shown on the Rock Creek Urban Reserve Plan." The site has frontage on SE Sunnyside Road, which will allow access by transit, bicyclist, and pedestrians.

The rezoning will allow development to occur as planned in the Comprehensive Plan. The proposal is compliant with the City's acknowledged Comprehensive Plan and the UGMFP (see Compliance with Regional Goals), and therefore, is consistent with Statewide Land Use Goal 9.

Goal 10: Housing (660-015-0000(10))

Goal 10 specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Policy 42 states "To increase the supply of housing to allow for population growth and provide for the housing needs of a variety of Citizens of Happy Valley." The conceptual site plan depicts a mixed use building, medical dental offices with dwelling units included. Approval of this zone change will provide the opportunity for live/work housing where residents could reside above their business. This increases the variety of housing types that are available in the City.

Policy 44 states "To provide a variety of lot sizes, a diversity of housing types including single family attached (townhouses) duplexes, senior housing and multiple family and a range of prices to attract a variety of household sizes to Happy Valley. Approval of this zone change will provide the opportunity for live/work housing where residents could reside above their business. This increases the variety of housing types that are available in the City.

Goal 11: Public Facilities and Services ((660-015-0000(11))

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that the public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Response: Metro Code requires that development proposals meet minimum criteria that include addressing the capacity for urban services. This is consistent with City of Happy Valley Comprehensive Plan Policies 74, 86, 99, 100, 102, and 103. These policies all require new developments to provide adequate services in an orderly and logical pattern.

Generally, the parcel would remain within service areas already serving the area. This includes Clackamas County Service District #1 (Clackamas County Water Environment Services) for sanitary sewer and storm drainage service. The Sunrise Water Authority currently provides water to the property and will continue to serve the area. The parcel will be in Clackamas County Service District #5 for street lighting. The subject property will be served by the City of Happy Valley for park and recreation needs.

The requirements of service providers include providing adequate water supply, stormwater drainage, and wastewater collection and treatment. Discussions with local service providers and review of existing available utilities indicate that adequate capacity to service potential development exists when the parcel is rezoned. When the zone change is approved, future development would meet local development standards set forth by the city and local service providers; therefore this proposal is consistent with Goal 11.

Goal 12: Transportation ((660-015-0000(12))

Goal 12 calls for the provision of "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

Response: Vehicle and pedestrian infrastructure are primarily supported by SE Sunnyside Road, which is fully improved. SE 114th Court is an improved local street that provides a secondary source of vehicle and pedestrian infrastructure. Therefore, these facilities provide for "a safe, convenient and economic transportation system." A traffic study has been included with this application.

The proposal is compliant with the Transportation Planning Rule (TPR), as it is consistent with the Happy Valley Transportation System Plan (TSP) that addresses citywide transportation system. The TSP was adopted in December 1998 and has been amended more recently; it includes an inventory of the existing transportation system, addresses current problem areas, and evaluates future needs for both motorized and non-motorized transportation options. The TSP is consistent with the Metro Regional Transportation Plan (RTP), the Clackamas County Comprehensive Plan and Pedestrian and Bicycle Master Plan, and the Oregon Department of Transportation Oregon Transportation Plan (OTP).

A Traffic Impact Study, by Lancaster Engineering, has been provided that addresses the primary test of the TPR, which is to determine if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation will "significantly affect" an

existing or Planned transportation facility. According to the Traffic Impact Study, "The transportation system is not significantly affected as defined by the TPR."

Development plans will address access to various multi-modal transportation options that blend with surrounding infrastructure. No significant additional transportation system upgrades are anticipated. Site development and associated transportation improvements will be in conformance with the adopted Happy Valley TSP, Comprehensive Plan, and Land Development Ordinance.

16.40.041. G

(1) When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

"Significant" means the proposal would:

(a) Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the transportation plan; or

Response: There is one major arterial street, SE Sunnyside Road, and one local street, SE 114th Court which are directly adjacent to the site. A Traffic Impact Study, prepared by a registered professional traffic engineer is included in the submittal materials. According to the analysis, findings, and conclusions contained within the study, future development of the subject property with uses and intensities that would be permitted in the MUC zone will not cause future traffic to exceed the capacity of either facility. Please refer to the Traffic Impact Study for further documentation.

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

Response: A Traffic Impact Study, prepared by a registered professional traffic engineer is included in the submittal materials. According to the analysis, findings, and conclusions contained within the study, future development of the subject property with uses and intensities that would be permitted in the MUC zone will change the standards for implementing the functional classification system described in the TSP. Please refer to the Traffic Impact Study for further documentation.

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

(A) Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

Response: A Traffic Impact Study, prepared by a registered professional traffic engineer is included in the application materials. According to the analysis, findings, and conclusions contained within the study, future development of the subject property with uses and intensities that would be permitted in the MUC zone would not result in levels

of travel or access that are inconsistent with functional classifications for SE Sunnyside Road or SE Misty Drive. Please refer to the Traffic Impact Study for further information.

(B) Reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan.

Response: A Traffic Impact Study, prepared by a registered professional traffic engineer is included in the submittal materials. According to the analysis, findings, and conclusions contained within the study, future development of the subject property with uses and intensities that would be permitted in the MUC zone will change the standards for implementing the functional classification system described in the TSP. Please refer to the Traffic Impact Study for further documentation.

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

Response: A Traffic Impact Study, prepared by a registered professional traffic engineer is included in the application materials. The analysis, findings, and conclusions contained within the study demonstrate that future development of the subject property with uses and intensities that would be permitted in the MUC zone would not 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. Please refer to the Traffic Impact Study for further information.

(2) Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

Response: These standards do not apply as the Traffic Impact Study demonstrates that that future development of the subject property with uses and intensities that would be permitted in the MUC zone would not "significantly" affect a transportation facility.

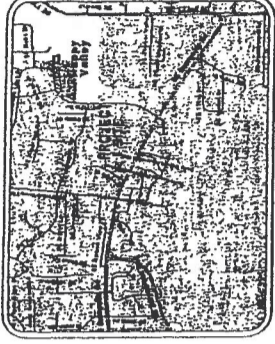
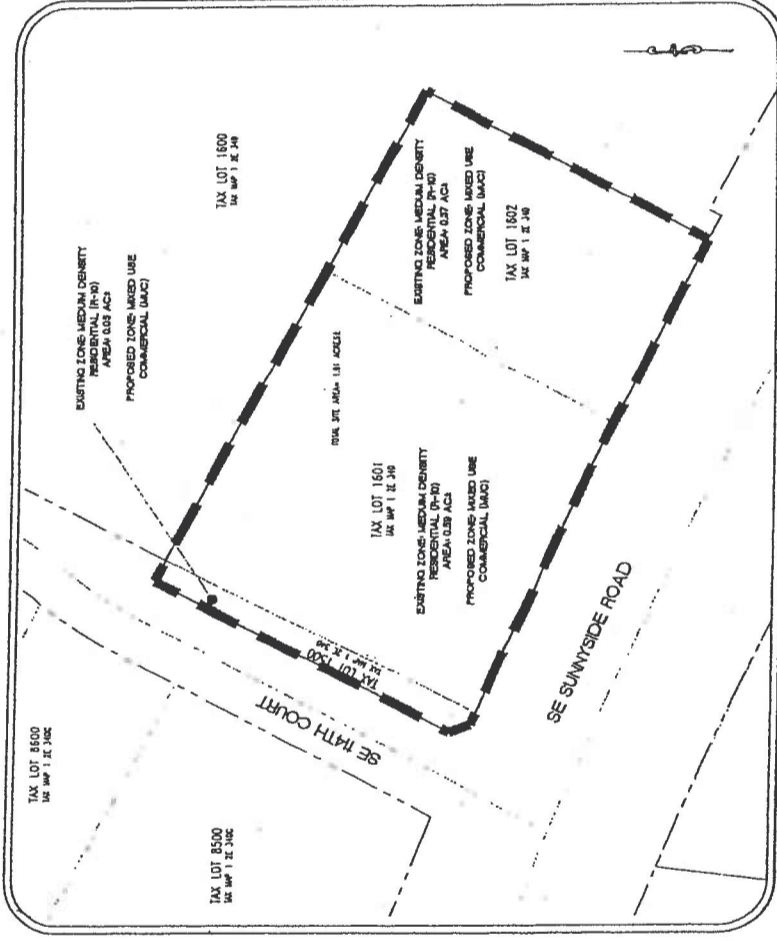
SUMMARY

The above listed findings and accompanying documentation demonstrate that the proposal is consistent with the applicable provisions of the City of Happy Valley Comprehensive Plan as acknowledged by the State of Oregon Land Conservation and Development Commission and the City of Happy Valley Development Code. Therefore, the applicant respectfully requests approval for the proposed Comprehensive Plan Map Amendment / Zone Change from Urban Low Density Residential (R-10) to Mixed Use Commercial (MUC).

11411 SE SUNNYSIDE ROAD

COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE

SITE PLANS



VICINITY MAP
NOT TO SCALE

SHEET INDEX

1. COVER SHEET WITH VICINITY AND SITE MAP
2. EXISTING CONDITIONS PLAN
3. CONCEPTUAL SITE PLAN
4. AERIAL PHOTO SITE PLAN
5. ADJACENT PROPERTY ZONE MAP

SITE MAP

1" = 30'

REVISIONS:	<p>ENGINEERING PLANNING SURVEYING FORESTRY</p> <p>AKS ENGINEERING & FORESTRY, LLC 13910 SW CALBREATH DRIVE, SUITE 100 SHERWOOD, OR 97139 PH: 503-925-8799 FAX: 503-925-8989</p>	<p>DATE: 2-19-08</p> <p>JOB NUMBER: 1848</p> <p>SHEET: 1 OF 5</p>
COVER SHEET WITH VICINITY AND SITE MAP	<p>PREPARED FOR:</p> <p>AKS ENGINEERING & FORESTRY, LLC 13910 SW CALBREATH DRIVE, SUITE 100 SHERWOOD, OR 97139 PH: 503-925-8799 FAX: 503-925-8989</p>	<p>11411 SE SUNNYSIDE ROAD COMPREHENSIVE PLAN MAP AMENDMENT ZONE CHANGE HAPPY VALLEY</p> <p>OREGON CLACKAMAS COUNTY MAP 1848</p>

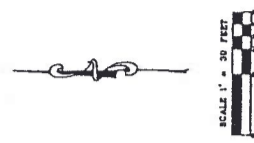
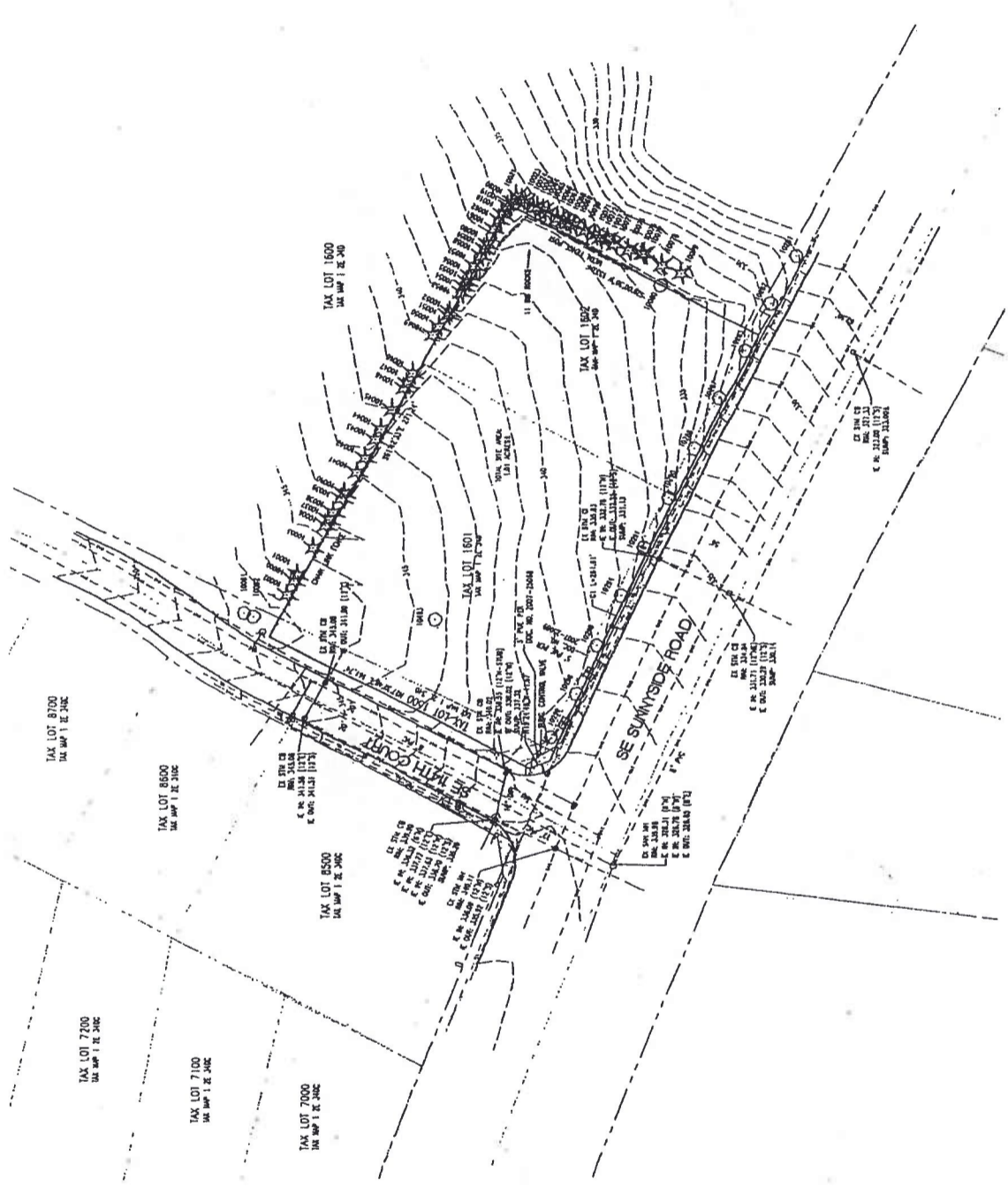
LAND USE PLANNING / CIVIL ENGINEERING / SURVEYING FIRM
AKS ENGINEERING & FORESTRY, LLC
CONTACT: MONTY HURLEY / CHRIS GOODFELL
13910 SW CALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97139
PH: 503-925-8799
FAX: 503-925-8989

APPLICANT
DOLÉ / CHAPMAN, LLC
10121 SE SUNNYSIDE ROAD, SUITE 320
CLACKAMAS, OR 97015
PH: 503-786-5002
FAX: 503-786-3483

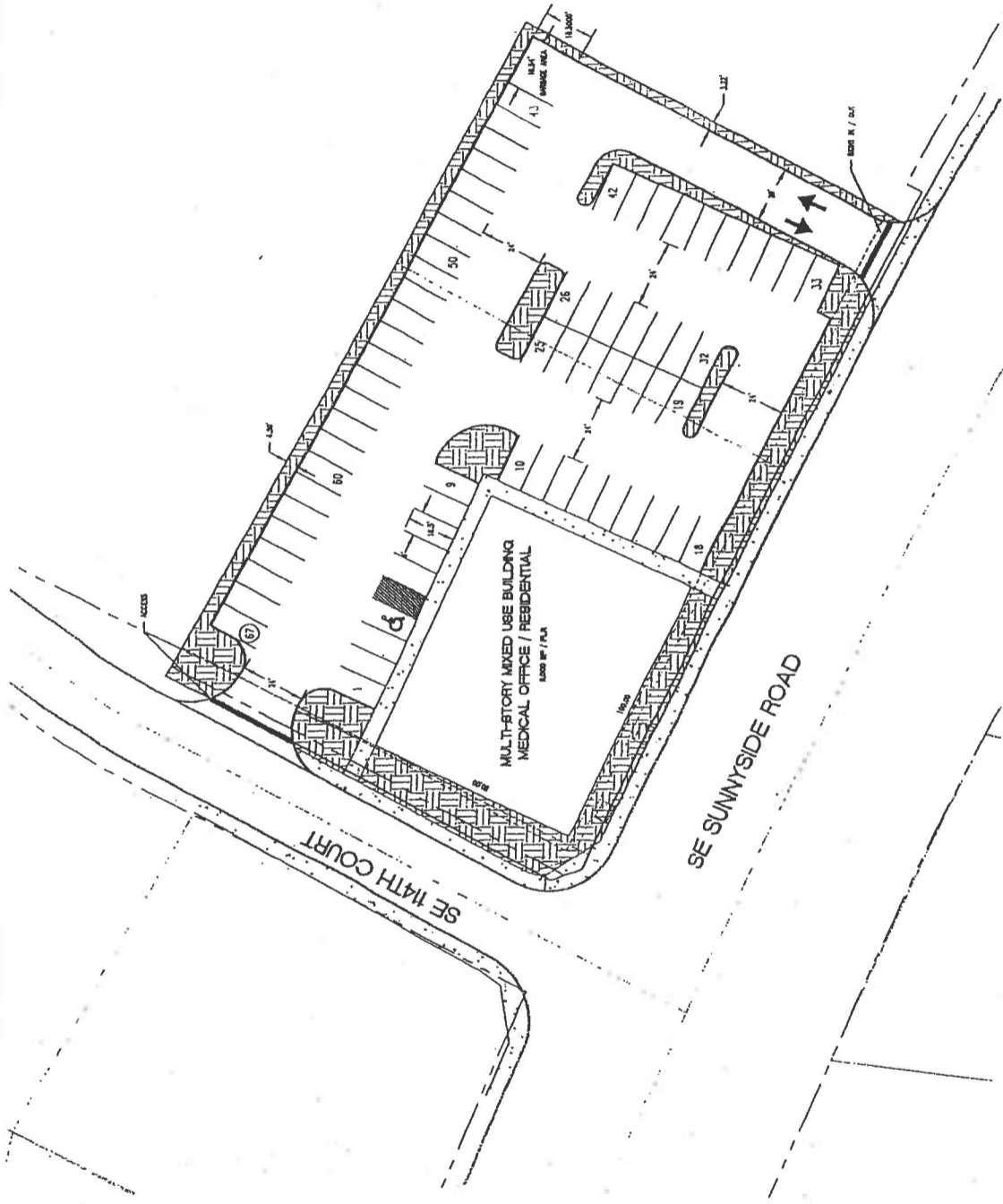
PROJECT LOCATION:
AT THE INTERSECTION OF SE SUNNYSIDE ROAD AND SE 114TH COURT, HAPPY VALLEY, CLACKAMAS COUNTY, OREGON

PROPERTY DESCRIPTION:
TAX LOTS 1500, 1601, AND 1602, CLACKAMAS COUNTY MAP NUMBER 1-2E-340, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON.

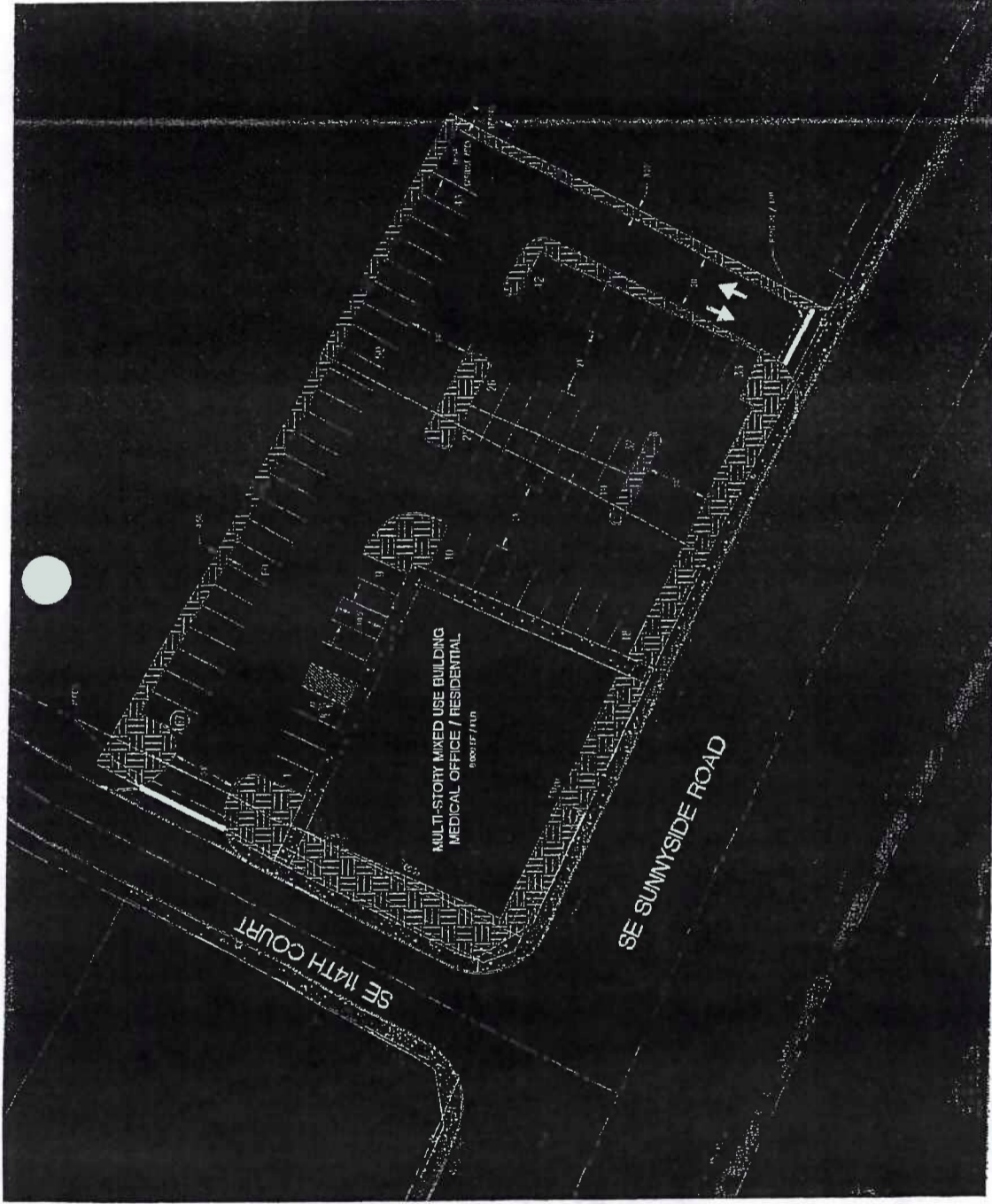
EXISTING LAND USE: NONE
PROPOSED LAND USE: ZONE CHANGE
EXISTING ZONE: MEDIUM DENSITY RESIDENTIAL (R-10)
PROPOSED ZONE: MIXED USE COMMERCIAL (MUC)



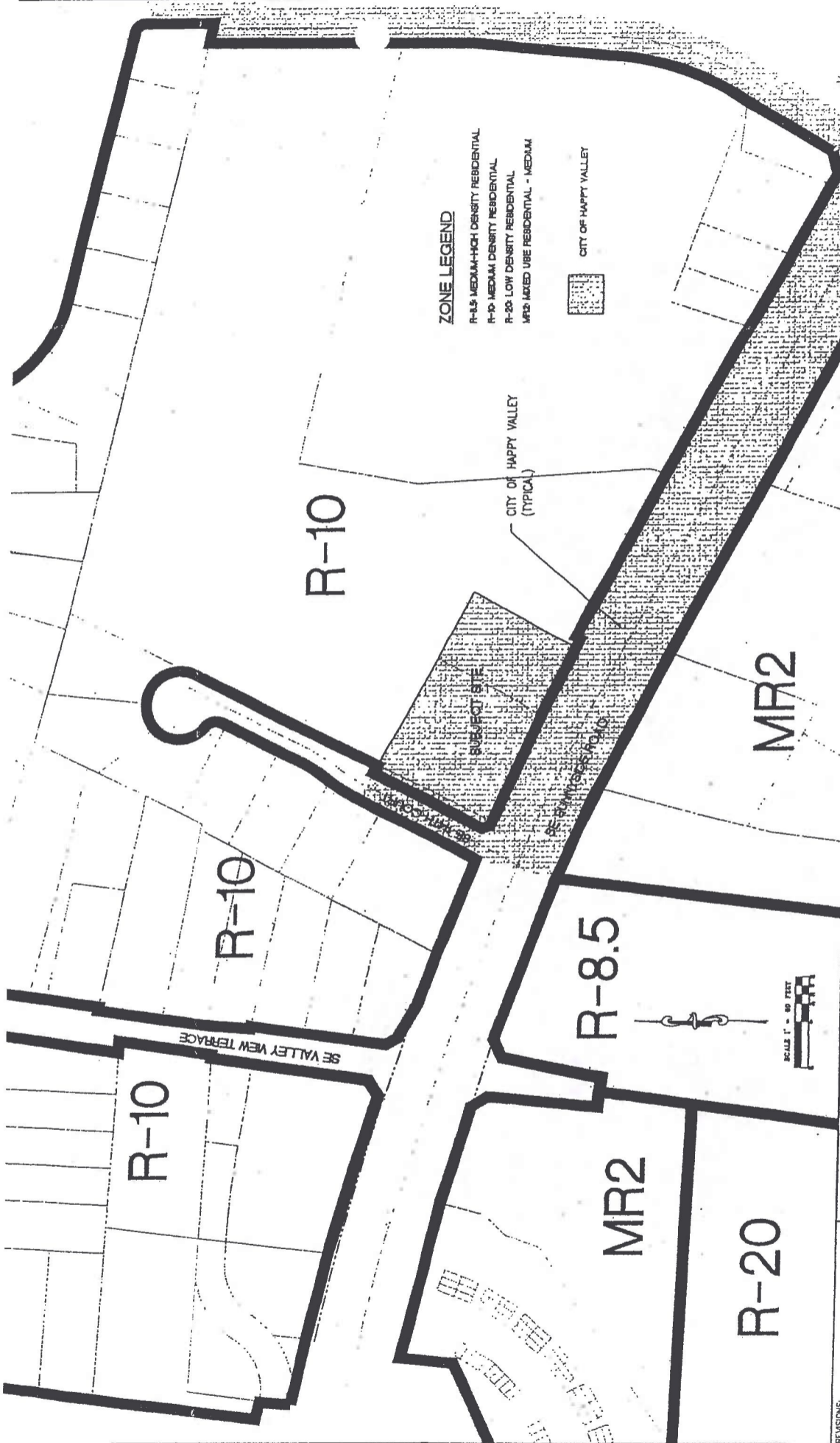
EXISTING CONDITIONS PLAN		11411 SE SUNNYSIDE ROAD COMPREHENSIVE PLAN MAP AMENDMENT ZONE CHANGE HAPPY VALLEY <small>CLATSOP COUNTY JULY 1971 (E. 24)</small>		JOB NUMBER 1848	SHEET 2 OF 5
REVISIONS:		AKS <small>ARCHITECTS & ENGINEERS</small>			
ENGINEERING & PLANNING <small>INCORPORATED IN OREGON</small> 11411 SE SUNNYSIDE RD. SUITE 100 HAPPY VALLEY, OREGON 97110 PHONE (503) 251-1111 FAX (503) 251-1111		PREPARED FOR ROYAL / SHAWKIN, LLC 1001 SE SUNNYSIDE RD. STE 200 CLATSOP, OR 97115 FAX 503-251-1111		DATE: 02-28-2018 SCALE: AS SHOWN	
BURBETT & POSEY <small>INCORPORATED IN OREGON</small> 11411 SE SUNNYSIDE RD. SUITE 100 HAPPY VALLEY, OREGON 97110 PHONE (503) 251-1111 FAX (503) 251-1111		PREPARED BY JESSIE L. BURBETT DATE: 02-28-2018		CHECKED BY JESSIE L. BURBETT DATE: 02-28-2018	



CONCEPTUAL SITE PLAN		1411 SE SUNNYSIDE ROAD COMPREHENSIVE PLAN MAP AMENDMENT ZONE CHANGE HAPPY VALLEY <small>CLATSOP COUNTY, CLATSOP COUNTY, OREGON</small>		JTB NUMBER 1848	SHEET 3 OF 5
REVISIONS:		AKS <small>ARCHITECTURAL & ENGINEERING</small>		DATE: 2-19-08 PM 1/4	
ENGINEERING PLANNING SURVEYING POVERTY <small>1319 SE CLATSOP BL. SUITE 100 SEASIDE, OR 97138 PHONE: (503) 735-4477 FAX: (503) 735-4488</small>		PREPARED FOR: <small>DRIVE / COMPANY, LLC 1411 SE SUNNYSIDE RD. SUITE 200 HAPPY VALLEY, OREGON 97110 PHONE: (503) 735-4477 FAX: (503) 735-4488</small>		OREGON <small>CLATSOP COUNTY, CLATSOP COUNTY, OREGON</small>	
PROJECT NO. _____ SHEET NO. _____ DATE: _____		PREPARED BY: <small>AKS</small>		DATE: 2-19-08 PM 1/4	



REVISIONS:		ENGINEERING • PLANNING 1000 N. W. 11th St. SUITE 100 GAITHERSBURG, MD 20878 PHONE: (301) 921-1779 FAX: (301) 921-1881		AKS ARCHITECTS & ENGINEERS 1000 N. W. 11th St. SUITE 100 GAITHERSBURG, MD 20878 PHONE: (301) 921-1779 FAX: (301) 921-1881		PREPARED FOR: ROTAL / COMPANY, LLC 8001 SE SUNNYSIDE RD. STE 200 HAPPY VALLEY, OR 97003 PH: 503-784-3081 FAX: 503-784-3043		DATE: 2-14-2010	
		ENGINEERING • SURVEYING • FORESTRY 1000 N. W. 11th St. SUITE 100 GAITHERSBURG, MD 20878 PHONE: (301) 921-1779 FAX: (301) 921-1881		ARCHITECT 1000 N. W. 11th St. SUITE 100 GAITHERSBURG, MD 20878 PHONE: (301) 921-1779 FAX: (301) 921-1881		PROJECT: 1411 SE SUNNYSIDE ROAD COMPREHENSIVE PLAN MAP AMENDMENT ZONE CHANGE HAPPY VALLEY CLATSOP COUNTY, OR MAP 12 200		JOB NUMBER: 1848 SHEET: 4 OF 5	



ZONE LEGEND
 R-1.5 MEDIUM-HIGH DENSITY RESIDENTIAL
 R-10 MEDIUM DENSITY RESIDENTIAL
 R-20 LOW DENSITY RESIDENTIAL
 MR2 MIXED USE RESIDENTIAL - MEDIUM



CITY OF HAPPY VALLEY
 (TYPICAL)

R-10

R-10

R-10

R-8.5

MR2

MR2

R-20

SE VALLEY VIEW TERRACE

SE VALLEY VIEW DRIVE



ADJACENT AREA ZONE MAP		11411 SE SUNNYSIDE ROAD COMPREHENSIVE PLAN MAP AMENDMENT ZONE CHANGE HAPPY VALLEY <small>CLACKAMAS COUNTY JULY 11, 2011 (L. 2011-01)</small>		JOB NUMBER 1848	SHEET 5 OF 5
REVISIONS:					
SPONSORING: PLANNING <small>JOHN & K. M. A. S.</small> <small>1000 SE ALPINE DR. SUITE 100</small> <small>PORTLAND, OREGON 97202</small> <small>PHONE: (503) 253-7771</small> <small>FAX: (503) 253-7771</small>		PREPARED FOR: <small>AKS</small> <small>1000 SE ALPINE DR. SUITE 100</small> <small>PORTLAND, OREGON 97202</small> <small>PHONE: (503) 253-7771</small> <small>FAX: (503) 253-7771</small>		DATE: 05/18/11	

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S.E. 1/4 S. 34 T. 1 S. R. 2 E. W.M.
CLA .MAS COUNTY

This map was prepared for
assessment purposes only.

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1" = 200'

SEE MAP 1 2E 34

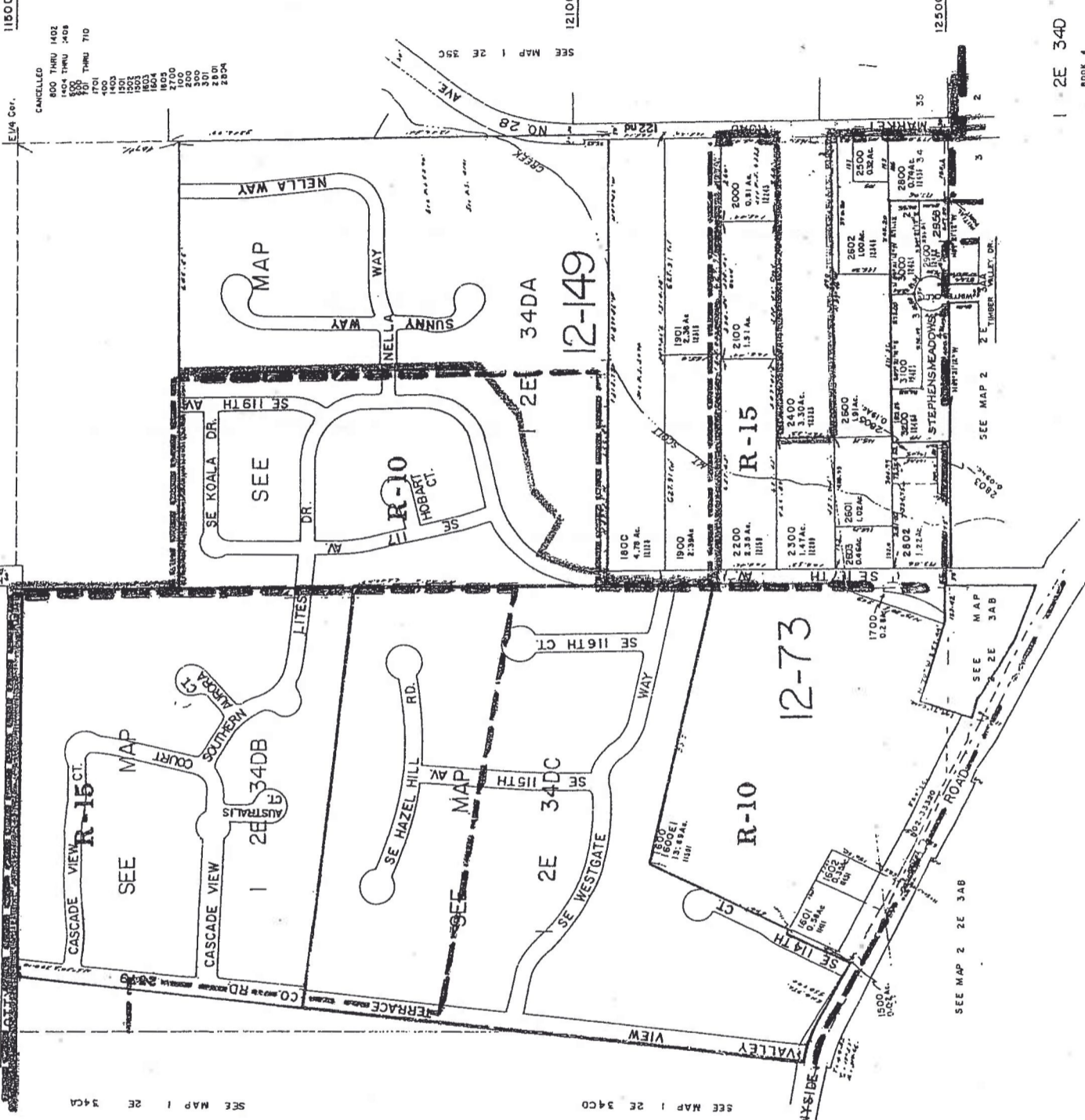
SEE MAP 1 2E 34AC

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SEE MAP 1 2E 34CA

CANCELLED
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BOOK 4

114th COURT ZONE CHANGE
TRAFFIC IMPACT STUDY

HAPPY VALLEY, OREGON

PREPARED BY
LANCASTER ENGINEERING

FEBRUARY 2008

EXHIBIT # 3



SE 114th COURT ZONE CHANGE

Traffic Impact Study

Happy Valley, Oregon



EXPIRES: 12/31/2008

Prepared By

MICAH HECKMAN, EIT
TODD E. MOBLEY, PE, PTOE

February 2008



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Operational Analysis	15
Safety Analysis	21
Appendix	23



EXECUTIVE SUMMARY

1. A zone change has been proposed for a parcel in Happy Valley, Oregon. The site is in the northeast corner of the intersection of SE 114th Court at SE Sunnyside Road. The land is currently zoned R-10 (Medium Density-Residential) and the proposed zoning is MUC (Mixed Use Commercial).
2. A reasonable worst-case development scenario associated with the proposed zone change will result in an increase of 56 trips during the morning peak hour with 45 entering the site and 11 exiting the site. The worst-case development scenario will result in an increase of 83 trips during the evening peak hour with 21 entering the site and 62 exiting the site. A total increase of 833 trips is expected during an average weekday with half entering and half exiting the site.
3. All study intersections are under the jurisdiction of Clackamas County and are inside the Clackamas Regional Center Area Design Plan Boundary. Therefore, all study intersections must operate at a level of service E or better.
4. All study intersections currently operate at an acceptable level of service. In year 2025 all study intersections will continue to operate at an acceptable level of service and will continue to operate at an acceptable level of service with the zone change. The proposed intersection of the site access at SE Sunnyside Road will operate at an acceptable level of service in year 2025 with the addition of the site trips.
5. A queuing analysis was conducted at the intersection of SE Valley View Terrace at SE Sunnyside Road. The results showed that currently the westbound through lanes queue length extends approximately 275 feet from the intersection. With background and background plus site trips conditions in place the queue length will be 500 feet. This queue will block the intersection of SE 114th Court at SE Sunnyside Road causing restricted access to the site. The second site access, onto SE Sunnyside Road, would allow traffic to enter and exit the site without being affected by the queues.
6. The proposed zone change does not have a significant effect on the City's transportation system since all study intersections currently operate at an acceptable level of service and will continue to with the zone change. Therefore, the Transportation Planning Rule is satisfied for this proposed zone change.



April 4, 2008

David Doyle
Doyle/Chapman LLC
10121 SE Sunnyside Road, Suite 320
Clackamas, OR 97015

RE: 114th Court Zone Change - Addendum to the Traffic Impact Study

Dear Mr. Doyle:

This letter is written to provide a response to comments made by DKS Associates on behalf of the City of Happy Valley staff regarding the Traffic Impact Study for the 114th Court Zone Change. The comments from DKS Associates are *italicized* with the response in normal text.

It should be noted that the original scope of work for this project, prescribed by Clackamas County who has jurisdiction of Sunnyside Road, did not include the intersection of SE Valley View Terrace at SE Sunnyside Road. The intersection was added for the purpose of examining the queuing and the potential blockage of the intersection of SE 114th Court at SE Sunnyside Road.

We have reviewed the 114th Court Zone change for completeness and have deemed it incomplete. Lancaster will need to redo their operational analysis for the intersection at Sunnyside Road/Valley View Terrace. The north/south phasing should be permitted (they have it shown as protected) and there needs to be lost time added to the signal. This will degrade the intersection to LOS F and will require Lancaster to recommend mitigations.

In the previous report, the analysis of the intersection of SE Valley View Terrace at SE Sunnyside Road was incorrectly conducted using protected phasing for the north and southbound left-turn movements. Also, no lost time was added to the signal timing in Traffix, the intersection capacity analysis software. The analysis was redone with permitted phasing for both the north and southbound left turns as well as nine seconds of lost time added to the signal. The results of this analysis showed that the intersection will operate at a level of service F with default values for lane utilization.

EXHIBIT #

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David Doyle
April 4, 2008
Page 2 of 3

While reviewing the Traffix file for the intersection, it was noted that the multi-lane factor (MLF) was turned on. The multi-lane factor is referred to as the Lane Utilization Factor (U) in the HCM signalized intersection analysis methodology. With the MLF turned on, Traffix uses a set of default values which are also specified in HCM 2000. The default multi-lane factor used by Traffix is 0.91 for through and shared lanes when three or more lanes are present. For all single lane approaches and all exclusive single-turn lanes, a default value of 1.0 is used.

On page 10-26 of the HCM 2000 it is stated: "As demand approaches capacity, the analyst may use lane utilization factors closer to 1.0, which would indicate a more uniform use of the available lanes and less opportunity for drivers to freely select their lane."

The Traffix 7.9 User Manual similarly states, "If the intersection's critical V/C is high, the use of MLF should be turned off to more accurately represent likely peak hour operations."

Since this intersection exceeds capacity during the evening peak hour of both the background and background plus site trips conditions, it is appropriate for the MLF in Traffix to be turned off. With the MLF turned off the value defaults to 1.0 for all lane groups, which agrees with the HCM 2000 recommendation for intersections at or near capacity. This means that since the roadway is at capacity, drivers will not be as selective about which lane they are using.

With the north and southbound phasing changed to permitted, the addition of nine seconds of lost time, and the MLF turned off, the level of service during the evening peak hour of the background conditions will be E. The level of service will continue to be E during the evening peak hour with site trips added. The detailed analysis worksheets are attached to this document.

At this intersection, level of service E is acceptable due to the intersection being contained in the Clackamas Regional Center Design Plan Area. The operational standards have been relaxed inside the Clackamas Regional Center Design Plan Area, which allows additional congestion, and intersections that may be at or near capacity.



David Doyle
April 4, 2008
Page 3 of 3

Conclusions and Recommendations

As shown in this letter, with the adjustment to the MLF to better represent actual conditions in the year 2025, the intersection will operate at an acceptable level of service with both background and background plus site trips conditions in place. As such, the Transportation Planning Rule is satisfied and no mitigations are recommended at the intersection of Sunnyside Road and Valley View Terrace.

Respectfully,

Micah Heckman, EIT
Transportation Analyst



DKS Associates
TRANSPORTATION SOLUTIONS

May 5, 2008

Justin Popilek
City of Happy Valley
12915 SE King Road
Portland, OR 97236-6298

**Subject: Transportation Review of Sunnyside Heights Commercial Comprehensive Plan
Amendment/Zone Change
CPA-02-08/LDO-02-08**

Dear Justin:

DKS Associates has reviewed the site plan¹ and traffic impact study² for the proposed Sunnyside Heights Commercial Development Zone Change. The proposed project site is located west of SE Misty Drive and north of SE Sunnyside Road. The general comments in this letter are based on a review of the transportation impact analysis and site plan.

REZONE ANALYSIS

The trip generation potential of the project site was evaluated under both the existing and proposed zoning. The project site is approximately 5.48 acres in size and is not currently occupied. The project site is currently zoned by Happy Valley as Mixed Use Employment/Neighborhood Commercial (MUE/NC). It was assumed the reasonable worst case build out would include:

- 5,000 SF Day Care
- Two-5,000 SF Specialty Retail
- 2,500 SF Specialty Retail
- 5,000 SF Apparel Store
- 3,983 SF Drive-in Bank

Based on ITE trip generation rates, the reasonable worst case buildout under the current zoning would generate 164 (78 in/86 out) PM peak hour trips.

The proposed zoning is Mixed Use Commercial (MUC) and would allow a mix of retail and office land uses and larger commercial development pads (as compared to the existing zoning). The reasonable worst case build out analyzed under the proposed (MUC) zoning included:

- 14,820 SF Specialty Retail
- 3,887 SF Specialty Retail
- 3,500 SF Drive-in Bank
- Two-2,608 SF Fast Food Restaurants w/ Drive-Through

¹ Sunnyside Heights Commercial Comp Plan/Zone Change Site Plan, AKS Engineering & Forestry, January 31, 2008.

² Sunnyside Heights Zone Change Traffic Impact Study, Lancaster Engineering, February 2008.

EXHIBIT #

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Based on the ITE trip generation rates, the proposed zone change would generate approximately 49 additional vehicle trips during the PM peak hour to the adjacent roadway system.

The 2025 operational analysis for the PM peak hour shows the Sunnyside Road/SE 147th Avenue/Misty Drive intersection would operate at LOS F (157 seconds of delay and v/c ratio of 1.51) during the PM peak hour with the existing zoning. This analysis was conducted with a peak hour factor of 0.85, which is excessive for a long term analysis. The intersection analysis was updated with the results shown in Table 1. With the proposed zone change and addition of 49 more PM peak hour vehicle increases the volume to capacity ratio at the intersection and also increases the average stopped delay at the intersection.

**Table 1: Year 2025 PM Peak Hour Intersection Performance
Sunnyside Road/147th Avenue/Misty Drive**

Scenario	V/C Ratio	Delay	Level of Service
Year 2025 From City TSP	1.200	87.3	F
Year 2025 From City TSP With Zone Change	1.205	88.5	F
Year 2025 From City TSP With Zone Change – Mitigated with Double Northbound Left Turn Lanes	1.113	75.6	E

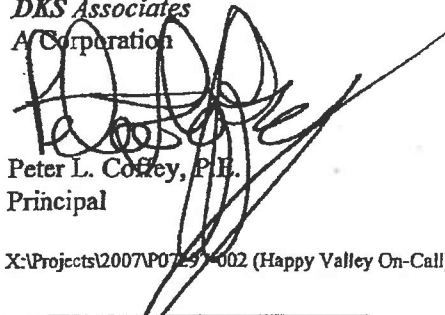
Delay = Average Stopped Delay (seconds per vehicle)
V/C = Volume-to-Capacity Ratio

The proposed zone change would further degrade the performance of the Sunnyside Road/SE 147th Avenue intersection based on the 2025 operational analysis; however, no improvements are identified in the Happy Valley TSP Motor Vehicle Master Plan or Clackamas County CIP. As required by the Transportation Planning Rule, the performance of intersections over capacity must at least be mitigated back to pre-zone change conditions. A proposed improvement at the Sunnyside Road/147th Avenue/Misty Drive would be the addition of a second northbound left turn lane which would mitigate the high volume projected for that movement. An assumed cost for the improvement of a second northbound left turn lane would be \$700,000³ which includes right-of-way, roadway improvements and traffic signal improvements. Therefore, a prorated share of the \$700,000 improvement for the zone change would be \$7,000⁴ (for the 49 new vehicle trips). Therefore, the applicant should be required to pay \$7,000 towards future improvements at the Sunnyside Road/SE 147th Avenue/Misty Drive intersection. These improvements could also be allocated to future traffic signal system improvements along the Sunnyside Road Corridor which would also improve traffic operations along the corridor.

Please contact me if you have any questions.

Sincerely,

DKS Associates
A Corporation


Peter L. Coffey, P.E.
Principal

X:\Projects\2007\PO7297-002 (Happy Valley On-Call)\2007#254 - Sunnyside Heights\Sunnyside Heights Review Letter.doc

³ Cost estimate of \$50,000 for right of way, \$200,000 for traffic signal improvements, \$300,000 for roadway improvements and \$150,000 for engineering/administration/construction support results in \$700,000.

⁴ 4,940 total vehicles entering the intersection during the PM peak hour in the year 2030 and 49 trips associated with the zone change results in 1.0 percent pro-rated share of the overall improvements, or \$7,000.

Happy Valley TSP Update
2025 Priority Plus Model Mitigated
PM Peak Hour

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #6 147th Ave/Sunnyside Rd

Cycle (sec): 120 Critical Vol./Cap. (X): 1.200
Loss Time (sec): 12 (Y+R=4.0 sec) Average Delay (sec/veh): 87.3
Optimal Cycle: 180 Level Of Service: F

Table with columns: Approach (North Bound, South Bound, East Bound, West Bound), Movement (L, T, R), Control (Permitted, Protected), Rights (Include, Ovl), Min. Green, Lanes.

Volume Module table with columns: Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume.

Saturation Flow Module table with columns: Sat/Lane, Adjustment, Lanes, Final Sat.

Capacity Analysis Module table with columns: Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, LOS by Move, HCM2kAvgQ.

Note: Queue reported is the number of cars per lane.

Happy Valley TSP Update
2025 Priority Plus Model Mitigated
PM Peak Hour

with Sunnyside Heights Zone
Change with double northbound
left turn lanes

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #6 147th Ave/Sunnyside Rd

Cycle (sec): 120 Critical Vol./Cap. (X): 1.113
Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 75.6
Optimal Cycle: 180 Level Of Service: E

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Protected			Protected			Protected			Protected		
Rights:	Include			Include			Ovl			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	2	0	0	1	0	0	1	0	2	1	0	1

Volume Module:												
Base Vol:	300	60	130	120	80	100	150	2480	300	140	1030	50
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	300	60	130	120	80	100	150	2480	300	140	1030	50
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	1	1	0	18	1	8	24	-12	0	0	1	7
Initial Fut:	301	61	130	138	81	108	174	2468	300	140	1031	57
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	301	61	130	138	81	108	174	2468	300	140	1031	57
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	301	61	130	138	81	108	174	2468	300	140	1031	57
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	301	61	130	138	81	108	174	2468	300	140	1031	57

= 4,940 Trips
= 49 Trips
= 170

Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	0.90	0.90	0.95	0.91	0.91	0.94	0.94	0.84	0.93	0.92	0.92
Lanes:	2.00	0.32	0.68	1.00	0.43	0.57	1.00	2.00	1.00	1.00	1.90	0.10
Final Sat.:	3502	545	1161	1805	744	992	1787	3574	1599	1769	3326	184

Capacity Analysis Module:												
Vol/Sat:	0.09	0.11	0.11	0.08	0.11	0.11	0.10	0.69	0.19	0.08	0.31	0.31
Crit Moves:	****			****			****			****		
Green/Cycle:	0.08	0.10	0.10	0.07	0.10	0.10	0.17	0.62	0.70	0.07	0.53	0.53
Volume/Cap:	1.11	1.08	1.08	1.08	1.11	1.11	0.59	1.11	0.27	1.11	0.59	0.59
Delay/Veh:	143.8	143	143.1	157.2	157	156.7	49.4	80.6	6.9	169.5	20.0	20.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	143.8	143	143.1	157.2	157	156.7	49.4	80.6	6.9	169.5	20.0	20.0
LOS by Move:	F	F	F	F	F	F	D	F	A	F	C	C
HCM2kAvgQ:	11	12	12	9	13	13	7	67	4	10	14	14

Note: Queue reported is the number of cars per lane.

Happy Valley TSP Update
2025 Priority Plus Model Mitigated, With Sunnyside Heights Zone Change
PM Peak Hour

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #6 147th Ave/Sunnyside Rd

Cycle (sec): 120 Critical Vol./Cap.(X): 1.205
Loss Time (sec): 12 (Y+R=4.0 sec) Average Delay (sec/veh): 88.5
Optimal Cycle: 180 Level Of Service: F

Table with 4 columns: North Bound, South Bound, East Bound, West Bound. Rows include Movement, Control, Rights, Min. Green, and Lanes.

Volume Module table with 12 columns representing different traffic movements and various volume/adjustment metrics.

Saturation Flow Module table with 12 columns for Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module table with 12 columns for Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, LOS by Move, and HCM2kAvgQ.

Note: Queue reported is the number of cars per lane.

DKS Associates
TRANSPORTATION SOLUTIONS

May 12, 2008

Justin Popilek
City of Happy Valley
12915 SE King Road
Portland, OR 97236-6298

**Subject: Transportation Review of 114th Court Zone Change
CPA-04-08/LDO-02-08**

Dear Justin:

DKS Associates has reviewed the site plan¹ and traffic impact study² for the 114th Court Zone Change. The proposed project site is located east of SE 114th Court and north of SE Sunnyside Road. The general comments in this letter are based on a review of the transportation impact analysis and site plan.

REZONE ANALYSIS

The trip generation potential of the project site was evaluated under both the existing and proposed zoning. The project site is approximately 1.01 acres in size and is not currently occupied. The project site is currently zoned by Happy Valley as Medium Density-Residential (R-10). It was assumed the reasonable worst case build out would include 5 households. Based on ITE trip generation rates, the reasonable worst case buildout under the current zoning would generate 5 trips (3 in/2 out) during the PM peak hour.

The proposed zoning is Mixed Use Commercial (MUC) and would allow a mix of retail and office land uses and larger commercial development pads (as compared to the existing zoning). The reasonable worst case build out analyzed under the proposed (MUC) zoning included:

- 24 ksf Medical-Dental Office
- Apartment (2 apartment dwelling units)

Based on the ITE trip generation rates, the proposed zone change would generate approximately 83 (21 in/62 out) additional vehicle trips during the PM peak hour to the adjacent roadway system.

The traffic analysis contained in the February traffic impact study¹ and April 4th supplemental letter³ incorporated the use of a 100 second cycle length, 9 seconds of lost time and the multi-lane factor turned off in the traffic operations analysis for the intersection. To be consistent with the traffic analysis conducted for the Happy Valley Transportation System Plan, a 120 second cycle length and 12 seconds of lost time should be utilized (under these conditions it is appropriate for the multi-lane factor to be turned off). When these factors are incorporated into the results, the intersection analysis results in LOS F conditions at the Sunnyside Road/Valley View Terrace intersection in the year 2025 with the proposed zone change (see Table 1). The proposed zone change and addition of 83 more PM peak hour vehicles (and 77 additional PM peak hour vehicles entering the SE Sunnyside Road/Valley View Terrace intersection) results in an increase in both

¹ 11411 SE Sunnyside Road Comp Plan/Zone Change Site Plan, AKS Engineering & Forestry, February 19, 2008.

² 114th Court Zone Change Traffic Impact Study, Lancaster Engineering, February 2008.

³ 114th Court Zone Change-Addendum to the Traffic Impact Study, Lancaster Engineering, April 4, 2008.

EXHIBIT #

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the volume to capacity ratio and average stopped delay at the intersection. The intersection degrades to LOS F conditions and falls below the minimum level of service standard for Clackamas County (LOS E for the intersection of SE Sunnyside Road/Valley View Terrace).

**Table 1: Year 2025 PM Peak Hour Intersection Performance
Sunnyside Road/Valley View Terrace**

Scenario	V/C Ratio	Delay	Level of Service
Year 2025 From City TSP*	1.155	74.3	E
Year 2025 From City TSP With Zone Change	1.183	83.1	F
Year 2025 From City TSP With Zone Change – Mitigated with Double Southbound Left Turn Lanes	1.073	52.8	D

Delay = Average Stopped Delay (seconds per vehicle)

V/C = Volume-to-Capacity Ratio

*The analysis conducted in the Happy Valley TSP included the use of a multi-lane factor. The analysis above did not include the provision of the multi-lane factor due to the high v/c ratios as documented in the April 4, 2008 letter from Lancaster Engineering.

The proposed zone change would degrade the performance of the SE Sunnyside Road/SE Valley View Terrace intersection based on the 2025 operational analysis from LOS E to LOS F conditions and no improvements are identified in the Happy Valley TSP Motor Vehicle Master Plan or Clackamas County CIP. As required by the Transportation Planning Rule, the performance of intersections over capacity (or over the adopted level of service standard) must at least be mitigated back to pre-zone change conditions. A proposed improvement at the SE Sunnyside Road/Valley View Terrace would be the addition of a second southbound left turn lane which would mitigate the high volume projected for that movement. An assumed cost for the improvement of a second southbound left turn lane would be \$700,000⁴ which includes right-of-way, roadway improvements and traffic signal improvements. Therefore, a prorated share of the \$700,000 improvement for the zone change would be \$7,690⁵ (for the 77 new vehicle trips). Therefore, the applicant should be required to pay \$7,690 towards future improvements at the SE Sunnyside Road/Valley View Terrace intersection. These improvements could also be allocated to future traffic signal system improvements along the Sunnyside Road Corridor which would also improve traffic operations along the corridor.

As the project site fronts both SE Sunnyside Road and SE 114th Court and SE Sunnyside Road is an arterial roadway, direct access to the project site should not be provided from Sunnyside Road. All access to the site should be from SE 114th Court.

Please contact me if you have any questions.

Sincerely,

DKS Associates
A Corporation

Peter L. Coffey, P.E.
Principal

⁴ Cost estimate of \$50,000 for right of way, \$200,000 for traffic signal improvements, \$300,000 for roadway improvements and \$150,000 for engineering/administration/construction support results in \$700,000.

⁵ 7,010 total vehicles entering the intersection during the PM peak hour in the year 2025 and 77 trips associated with the zone change results in 1.0 percent pro-rated share of the overall improvements, or \$7,690.

May 15, 2008

Justin Popilek
City of Happy Valley
12915 SE King Road
Happy Valley, OR 97236

RE: 114th Court Zone Change -- Response to Comments
CPA-02-08/LDO-02-08

Dear Justin:

This letter is written as an addendum to the original traffic analysis and is in response to the May 12, 2008 letter from Peter Coffey at DKS Associates. The analysis of the intersection of Sunnyside Road at Valley View Terrace has been revised based on inputs established by DKS Associates. This revised analysis shows that the intersection will operate at an acceptable level of service with the zone change and resulting development in place and no mitigations are necessary.

In the May 12th letter, DKS offers a revised capacity analysis at the intersection of Sunnyside Road at Valley View Terrace using a traffic signal cycle length of 120 seconds and a total lost time of 12 seconds. The prior analysis from Lancaster Engineering was done with a 100 second cycle length and 9 seconds of lost time. By changing these two inputs, the DKS analysis finds that the level of service degrades to F during the 2025 evening peak hour with the proposed zone change and potential worst-case development in place. As a result of this calculated failure, DKS recommended a mitigation, calculated a cost estimate to construct the mitigation, and determined a proportional share contribution.

Applicable Performance Standards

The subject intersection is under the jurisdiction of Clackamas County and is therefore subject to the performance standards identified by the County in the Concurrency portion of their Zoning and Development Ordinance, Section 1022.07(B)(2)(b). This section requires an intersection to operate at level of service E during each of the two one-hour periods within the two-hour evening peak period. There is no mention of volume-to-capacity ratio in the Clackamas County ordinance.

The Transportation Planning Rule (TPR) in Oregon Administrative Rule (OAR) 660-012-0060(1)(c)(B) considers whether a plan amendment will reduce the performance of an existing or planned transportation facility "below the minimum acceptable performance standard identified in the TSP or comprehensive plan". In this case the Clackamas County Zoning and Development Ordinance is part of the relevant comprehensive plan and as such, level of service is the applicable performance standard.



321 SW 4th Ave., Suite 400
Portland, Oregon 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

EXHIBIT #

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Justin Popilek
May 15, 2008
Page 2 of 2

Revised Intersection Analysis

The intersection analysis completed previously by Lancaster Engineering was modified to reflect the new inputs for cycle length and lost time that are described above. In addition, the peak hour factor was changed to 1.0 since the analysis was done for 2025 conditions and the volume-to-capacity ratio is high. With the cycle length of 120 seconds, a total lost time of 12 seconds, and a peak hour factor of 1.0, the intersection operates at level of service E during the evening peak hour in 2025 with the proposed zone change and resulting development in place. As such, the applicable performance standards are met and no mitigation is necessary. The revised capacity analysis is attached to this letter for reference.

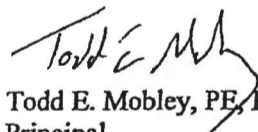
This practice of using a peak hour factor of 1.0 has been established by DKS Associates in a very similar analysis at the intersection of Sunnyside Road and 147th Avenue for a recent comprehensive plan amendment application in the northwest corner of that intersection. In a May 5, 2008 letter from Peter Coffey to yourself, issue was taken with our use of a peak hour factor of 0.85 for such an analysis. The revised analysis conducted by DKS for that application, which is attached to the May 5th letter, implemented a peak hour factor of 1.0 and recommended the same dual-left turn lane mitigation that was recommended at Valley View Terrace. The May 5th letter and the associated DKS capacity analysis are attached to this letter for reference.

Summary

Using the analysis inputs established by DKS Associates, the intersection of Sunnyside Road and Valley View Terrace will operate at level of service E during the evening peak hour in 2025 with the proposed zone change and resulting development in place. As such, the applicable performance standard is satisfied and no mitigation is required.

If you would like to discuss this issue further, please don't hesitate to call.

Yours truly,


Todd E. Mobley, PE, PTOE
Principal



EXPIRES: 12/31/2008

08001 - 114th Court Zone Change
Background plus Site Trips Conditions

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Valley View Terrace/Sunnyside Road

Cycle (sec): 120 Critical Vol./Cap. (X): 1.172
Loss Time (sec): 12 (Y+R=4.0 sec) Average Delay (sec/veh): 79.7
Optimal Cycle: 120 Level Of Service: E

Table with columns for Street Name, Approach, Movement, Control, Rights, Min. Green, and Lanes. Rows include SE Valley View Terrace and SE Sunnyside Road with North, South, East, and West bound movements.

Volume Module: PM Peak Hour

Table showing traffic volume metrics: Base Vol, Growth Adj, Initial Bse, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume.

Saturation Flow Module:

Table showing saturation flow metrics: Sat/Lane, Adjustment, Lanes, Final Sat.

Capacity Analysis Module:

Table showing capacity analysis metrics: Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, LOS by Move, HCM2kAvgQ.

Note: Queue reported is the number of cars per lane.

DKS Associates
TRANSPORTATION SOLUTIONS

May 20, 2008

Justin Popilek
City of Happy Valley
12915 SE King Road
Portland, OR 97236-6298

**Subject: Transportation Review of 114th Court Zone Change
CPA-04-08/LDO-02-08**

Dear Justin:

We have reviewed the response to comments from Lancaster Engineering (memorandum dated 5-15-08). Lancaster Engineering performed new traffic counts at the intersection of Valley View Terrace/Sunnyside Road in January 2008 which showed lower truck percentages on the same approaches. The analysis with the revised, lower truck percentage at the intersection of Valley View Terrace/Sunnyside Road indicates that the intersection operates at LOS E conditions with the rezone of the proposed project and does not require mitigation previously identified in the memorandum from DKS Associates (dated 5-14-08).

Please contact me if you have any questions.

Sincerely,

DKS Associates
A Corporation

Peter L. Coffey, P.E.
Principal
Thank you,

Exhibit # 8

Mayor
HON. ROB WHEELER

City Councilors
LORI DEREMER
MARKLEY DRAKE
TOM ADRUSKO
KRISTEN MITCHELL



City of Happy Valley

12915 SE KING ROAD, HAPPY VALLEY, OREGON 97236-6298
Telephone (503) 760-3325 ~ Fax (503) 760-9397
Web Site: www.ci.happy-valley.or.us

April 28, 2008

**City Engineering Department
Review Comments and Conditions of Approval**

Request: Comp Plan Map Amendment / Zone Change
Site Address: 11411 & 11451 SE Sunnyside Road
File No: CPA-04-08 / LDO-04-08

Review Comments

The proposed site is located on the northeast corner of the intersection of SE 114th Court and SE Sunnyside Road. SE Sunnyside Road is designated a major arterial and SE 114th Court is designated as a residential road in the City's TSP. Both roads are under Clackamas County DTD jurisdiction for any frontage improvement requirements and limitations.

Based on the City's TSP designation for major arterials, the minimum spacing for access driveways (including limited access) is 500 feet. The plan indicates a right-in/right-out access driveway on SE Sunnyside Road located approximately 275 feet east of the intersection of SE 114th Court and SE Sunnyside Road. The location and configuration of this access drive does not minimum standards required for approval. Essentially, no site access drive will be permitted off the SE Sunnyside Road frontage.

The access driveway off SE 114th Court is located at the only point where site access may be allowed by the City's TSP. There appears to be enough room internally to the site parking lot to allow vehicular circulation with one dual directional access drive off SE 114th Court. The parking lot layout plan will need to be reconfigured to accommodate this requirement.

Conditions of Approval

1. No site access will be permitted off the SE Sunnyside Road frontage. Site access shall be provided only off SE 114th Court.

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

EXHIBIT #

9

CITY OF HAPPY VALLEY

ORDINANCE NO. 381

AN ORDINANCE AMENDING OFFICIAL MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND DEVELOPMENT ORDINANCE NO. 97, AS AMENDED – COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE FROM CLACKAMAS COUNTY URBAN LOW DENSITY RESIDENTIAL (R-10) TO CITY COMMUNITY COMMERCIAL (CC) FOR SPECIFIC PROPERTIES

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application CPA-04-08/LDO-04-08 was requested by Doyle/Chapman, LLC to amend the Development District Map (Official Map Exhibit 11 of Ordinance 97) by applying City CC zoning to the properties described as Clackamas County Assessor Map Number 1S 2E 34D Tax Lots 1500, 1601 and 1602; and,

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on June 10, 2008; and,

WHEREAS, the Planning Commission unanimously recommended that the Development District Map be amended as recommended in the staff report dated June 10, 2008; and,

WHEREAS, the City has timely forwarded a copy of the proposed comprehensive plan map amendment/zone change to the Department of Land Conservation and Development of the State of Oregon; and,

WHEREAS, the City Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to change Official Development District Map, Exhibit 11, and upholds the Planning Commission's recommendation pursuant to the findings contained in the staff report to the Planning Commission dated June 10, 2008.

NOW, THEREFORE, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The City of Happy Valley declares that the City's CC district be applied to the three properties described in Exhibit "A".
- Section 2. The City of Happy Valley declares that the Findings of Fact included within the Staff Report to the Planning Commission dated June 10, 2008 are hereby adopted in conjunction with this Ordinance.
- Section 3. The City of Happy Valley declares that this Ordinance shall become effective thirty (30) days after approval by the City Council.

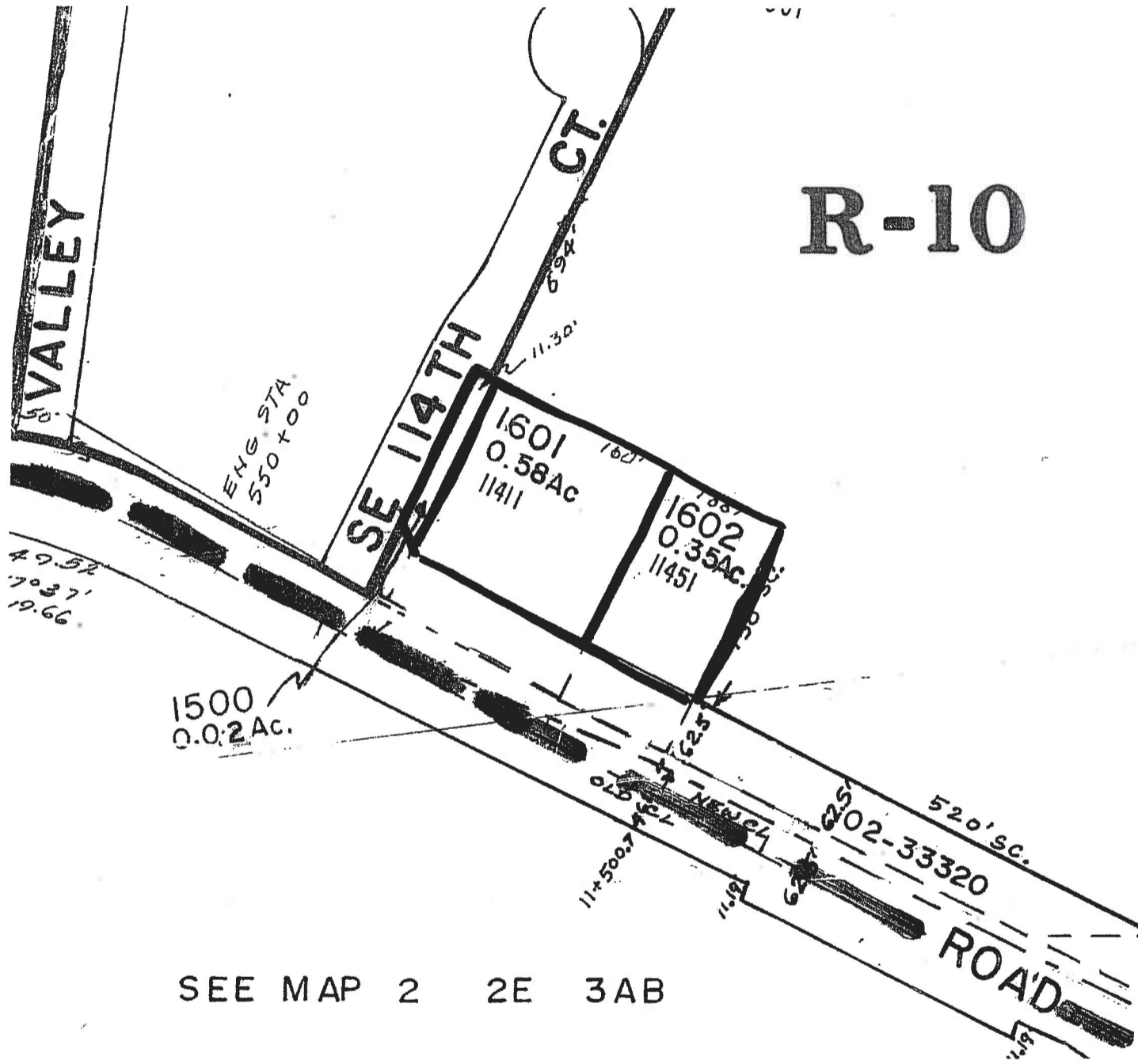
READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on July 1, 2008 and read for the second time on July 1, 2008, and adopted by a unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.

CITY OF HAPPY VALLEY

ATTEST:

Mayor Rob Wheeler

Marylee Walden, City Recorder



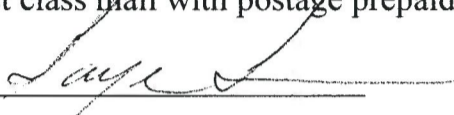
R-10

SEE MAP 2 2E 3AB

EXHIBIT # "A"

CERTIFICATE OF MAILING

I, Gaye Turner, hereby certify that on July 2, 2008, I served a true and correct copy of the attached Notice of Decision , City of Happy Valley File No. CPA-04-08/LDO-04-08, to all persons listed on the following [*or attached*] notification list, by mailing via first class mail with postage prepaid.

Signed: 

Date: 7-2-08

Doyle/Chapman, LLC David Doyle 10121 SE Sunnyside Road, Suite 320 Clackamas, OR 97086	
Monty Hurley AKS Engineering & Forestry Via email to: Monty Hurley [monty@aks-eng.com]	
Chris Goodall AKS Engineering & Forestry Via email to: Chris Goodell [chrisg@aks-eng.com]	

CITY OF HAPPY VALLEY
12915 S.E. KING RD.
HAPPY VALLEY, OREGON 97086-6204



**Attn: Plan Amendment Specialist
Dept. of Land Conservation &
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540**