



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/17/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Wednesday, July 02, 2014

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Justin Popilek, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Happy Valley

Local file no.: CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14

Date of adoption: 6-3-14

Date sent: 6/11/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 4-7-14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

NO

Local contact (name and title): Justin Popilek

Phone: 503 783-3810

E-mail: justinp@happyvalley.or.gov

Street address: 16000 SE Misty Drive

City: Happy Valley

Zip: 97086-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from MUR-M1	to MUR-S	5.6 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 13E31D: Tax Lots 1501, 1700, 1800 and 1801

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from MUR-M1 to MUR-S Acres: 5.6
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Clackamas County and Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Plan Designation/Zone Change Exhibit, signed final order, signed Notice of Decision and Staff Report including findings.

Mayor
Honorable Lori DeRemer

City Manager
Jason A. Tuck



June 11, 2014

File No. CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14
("Rock Creek Meadows")

NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley City Council at a public hearing held on June 3, 2014, with regard to an application by Troge Property, LLC for a 127-lot Planned Unit Development, Master Plan, Comprehensive Plan Map/Zoning Map Amendment and Environmental Review Permit (File No. CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14) on a four legal lots of record. The subject properties are located approximately 200 feet southeast of the intersection of 172nd Avenue and Troge Road and can be further described as Clackamas County Assessor Map Nos. 13E31D: Tax Lots 1501, 1700, 1800 and 1801.

At the public hearing, the City Council voted to approve "Rock Creek Meadows" based upon submitted information, public testimony, and deliberations of the Council. Copies of the original Staff Report for File No. CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14 are available upon request.

Persons with standing may appeal this decision to the Oregon Land Use Board of Appeals ("LUBA") not later than 21 days after the city mails this Notice of Decision. The date appearing on the envelope of this notice establishes the date of mailing. All appeals must comply with ORS 197.830 and LUBA's rules at OAR Chapter 660, division 10. An appeal filed later than 21 days within the mailing of this Notice of Decision is subject to dismissal.

A handwritten signature in black ink, appearing to read 'Justin Popilek', is written over a horizontal line.

Justin Popilek
Senior Planner

cc: Monty Hurley, AKS Engineering
Chris Goodell, AKS Engineering
Participants of Record

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

Final Conditions of Approval for Rock Creek Meadows

File Number: CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14

Amended language indicated by **bold** and ~~strikethrough~~ text.

Administration

1. The City shall amend the Comprehensive Plan Map/Zoning Map and the East Happy Valley Comprehensive Plan for a portion of the subject site to reflect MUR-S designation/zoning in a manner that “aligns” with the applicant’s proposed zoning configuration (Exhibit 2, Sheet 20). The City shall also amend its Comprehensive Plan Map/Zoning Map to indicate that the development site is subject to an approved Planned Development Overlay.
2. The property owner shall file a final plat pursuant to ORS 92.050 and shall conform to all provisions contained therein. The recorded plat shall be in substantial conformance with the approved preliminary plat and bear the signature of the City’s Economic and Community Development Director. Two recorded copies of the Plat shall be submitted to the City as verification of recordation prior to the issuance of any building permit (with the exception of a building permit for a model home).
3. This approval will expire two years from the issuance of the Notice of Decision. The applicant may apply for a maximum of three, one year time extensions, pursuant to Section 16.63.040.D of the most current revision of the City’s LDC.
4. Prior to final plat approval, area computations in square feet for all building lots must be prepared and submitted by an engineer or surveyor registered in the State of Oregon.
5. The applicant shall be allowed to phase the proposed development (as illustrated within Exhibit 8) in accordance with Section 16.63.130.I.2.f of the LDC.

Happy Valley Engineering Division

General Items

6. All submitted project construction plans shall conform to the City's "Engineering Design and Standard Details Manual" (Manual) for design and drafting requirements.
7. The project is subject to the City's latest "Public Improvement Guarantee" form which requires a financial security based upon the engineer's estimate and a 25 percent two (2) year maintenance bond upon completion and acceptance of the improvements.
8. Construction plans shall show all adjacent subdivision names, lot lines and tax lot lines with the tax map and tax lot number noted on each.
9. Construction plan review is subject to these conditions of approval.

10. Prior to the scheduling of the Pre-Construction meeting, issuance of a Notice to Proceed, or beginning any site work, the applicant shall submit all applicable bonds, have paid all applicable fees, and have service provider letters for both Stormwater and Sanitary Sewer services from Water Environment Services (Clackamas County) and the Sunrise Water Authority.
11. Full time inspection by the developer's engineer is required for all street and storm drainage construction.
12. A sign shall be posted conspicuously at the job site entrance prior to site construction, and shall be maintained throughout construction. Use 2-inch high black letters on an orange background. The sign shall read as follows:

“SITE CONSTRUCTION SHALL BE LIMITED TO 7:00 AM TO 6:00 PM ON WEEKDAYS, AND 8:00 AM TO 5:00 PM ON SATURDAYS AND SUNDAYS.

HOWEVER, SITE CLEARING, EARTH MOVING, INSTALLATION OR CONSTRUCTION OF UNDERGROUND UTILITIES, PAVING OF STREETS AND SIDEWALKS, FOUNDATION FRAMING AND POURING, AND FRAMING SHALL BE ENTIRELY PROHIBITED ON SUNDAYS.

TO REPORT VIOLATIONS CALL 503-783-3800.”

The City Manager shall have the authority to waive these requirements in the event of emergency or in the City Manager’s opinion, justifiable cause.

Grading and Erosion Sediment Control

13. The developer's engineer is required to provide a site specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control (ESC) measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control collection, routing, and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and ESC measures are not installed per plan and functioning properly.
14. The developer's engineer shall provide plans and documentation; including specific design and construction recommendations from the geotechnical engineer, for the review and approval of the City Engineer demonstrating compliance with the Geotechnical Report dated December 11, 2013 from GeoPacific, Inc.
15. The total disturbed area for this project exceeds one-acre, therefore an NPDES 1200-C permit from DEQ will be required. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.

16. Vegetative cover shall be maintained on slopes or established through new plantings for stability and erosion control purposes. Vegetation shall not be stripped from any steeply sloped area except for construction of utilities, streets, pedestrian facilities, and retaining walls.
17. The Erosion Sediment Control Plan shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the dates of October 1st and April 30th.
18. All grading activity shall be per the current City of Happy Valley Municipal Code. The developer shall submit a completed Site Development Permit to the City prior to beginning any grading work on site.
19. Due to a number of wetlands being scattered throughout the site, the soils are likely to be moisture sensitive according to the Geotechnical Report from GeoPacific Engineering, Inc. dated December 11, 2013. Geotechnical inspection will be required throughout the construction of the public improvements. The construction plans shall be reviewed and approved by the geotechnical engineer prior to construction plan approval.
20. The grading limits around protected trees shall be fenced using the standard four-foot orange plastic construction fencing in addition to the required erosion sediment control fences. All fencing, ESC measures and construction gravel entrances shall be installed and maintained by the developer and inspected by the City of Happy Valley prior to beginning work on the site.
21. For retaining walls great than 4 feet in height, a professional engineer or geotechnical engineer registered in the State of Oregon shall provide stamped design calculations and detail drawings required for the retaining wall construction. The retaining wall detail drawings shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements.
22. All construction trucks shall perform transfer of trailers on-site. Surrounding public streets shall not be used as a staging area for dump trucks with transfer trailers.

Street/Pedestrian System

23. Street design plans shall conform to the requirements delineated in the City's "Engineering Design and Standard Details Manual" (Design Manual), current revision, and the City's TSP, current revision. The referenced documents are available on the City's website.
24. All required public improvements shall be constructed, inspected, and accepted prior to final plat approval.

25. No building permits shall be submitted to the City for review until the plat has been recorded, the City, County, and Water District have accepted all improvements, individual 8 ½ x 11 “as-built” record drawings for each lot showing storm and sanitary lateral locations with two distance ties to their ends for future locations are received and approved by all applicable agencies, and the performance/maintenance bonds for each jurisdiction is in place, the City has accepted the project as complete and a Building Permit Release Letter has been issued.
26. All current ADA requirements for streets and intersections shall be met.
27. The internal public streets shall be classified as a local streets. Parking will be limited to one side of the street along the 28-foot paved section, and the street shall be signed and marked accordingly.
28. 172nd Avenue is a County Road. Frontage improvements and right-of-way dedication shall be in accordance with the 172nd Avenue Corridor Plan and Clackamas County standards.
29. Troge Road is a County Road. Right-of-way dedication shall be in accordance with Clackamas County standards. Frontage improvements or a fee “in-lieu-of” construction will need to occur prior to final plat approval.
30. 177th Avenue is a collector street in the City’s TSP. A 34-foot wide right-of-way shall be dedicated. A fee “in-lieu-of” construction shall be paid prior to final plat approval. The fee-in-lieu of amount will be 125 percent of the project design and construction value.
31. A turn around for emergency vehicles that meets Fire District standards shall be provided at the end of Pinnacles Street.
32. Access to Troge Road from Olympic Street shall be restricted to emergency vehicle access only. An approved access gate shall be installed on Olympic Street.
33. Olympic Street between Acadia Street and Troge Road will have a street design variation to reduce impacts to the wetland in Tract “A”. A 39-foot wide right-of-way shall be provided, with a 28-foot paved section. A five foot curb tight sidewalk shall be constructed on the east side of the street, and no sidewalk on the west side, adjacent to the wetland.
34. Minimum AASHTO sight distance requirements shall be met at all street intersections and driveways. AASHTO requires sight distance to be measured at a point 14.4 feet from the edge of the traveled way with a driver’s eye height of 3.5 feet and an object height of 3.5 feet. The proposed emergency access on Troge Road (at Olympic Street) and the proposed intersection on 172nd Avenue (at Blackburn Street) shall be approved by Clackamas County DTD prior to final site plan approval.
35. A Type “III” barricade and sign shall be placed at the end of any stubbed street as shown in City Standard Drawing Number 310.
36. Provide a signing and striping plan as part of the construction plan set, prepared by a registered engineer. The applicant shall be responsible for the installation of all signing and striping as indicated on the plans.

37. The applicant shall meet the requirements of Section 16.50.030.B.9 of the LDC by constructing two additional pedestrian pathways/connections. One located between Lots 59 and 60 and a second located between Lots 75 and 76.

Miscellaneous

38. Demolition permits from the City's Building Division will be required for the removal of any structures.
39. Plumbing permits from the City's Building Division will be required for private utilities installed in private access easements.
40. The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.
41. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
42. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working on the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
43. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through the use of proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
44. Submittal to the City of all required performance bonds, insurance certificates, engineer's agreements, set-aside account letters and/or sureties shall occur prior to establishing a pre-construction meeting date. Review and acceptance by the City Recorder of these instruments shall be required prior to establishing a pre-construction meeting date.
45. A construction plan deposit shall be paid with the first submittal of the construction plans for each phase of the project. The deposit amount is based upon the number of lots and the Engineering Division Fee Schedule can be found on the City website. All remaining engineering plan review and inspection fees, right-of-way permit fees (if any) and tree cutting permit fees (if any), shall be paid at the time of the pre-construction meeting.

Clackamas County Department of Transportation and Development

46. All frontage improvements in, or adjacent to Clackamas County right-of-way, shall be in compliance with *Clackamas County Roadway Standards*.
47. The applicant shall dedicate approximately 22.5 feet of additional right-of-way along the entire site frontage of 172nd Avenue as necessary to accommodate the public improvements and shall verify by survey that there is a 52.5-foot wide one-half right-of-way width, **or as otherwise approved by the Clackamas County Department of Transportation and Development.**

48. The applicant shall dedicate a minimum of approximately 10 feet (14 feet proposed) of right-of-way on the entire site frontage of Troge Road and shall verify by survey that a minimum 30-foot wide, one-half right-of-way width exists along the entire site frontage, or shall dedicate additional right-of-way as necessary to provide it.
49. The applicant shall grant an eight-foot wide public utility easement adjacent to the public right-of-way along the entire site frontage of 172nd Avenue and Troge Road.
50. The applicant shall design and construct improvements along the entire site frontage of 172nd Avenue in accordance with *Clackamas County Roadway Standards*.

These improvements shall consist of:

- a. Up to a 36.5-foot wide half-street improvement for a major arterial roadway. Structural section for 172nd Avenue improvements shall consist of 7.5 inches of asphalt concrete per Clackamas County Roadway Standards Standard Drawing C100.
- b. Standard curb, or curb and gutter if curblin slope is less than one percent, and pavement with the face of the new curb located approximately 36.5 feet from right-of-way centerline.
- c. An 8-foot wide bike lane/cycle track, **or as otherwise approved by the Clackamas County Department of Transportation and Development.**
- d. A left turn lane shall be constructed on 172nd Avenue for the new public road (Blackburn Street). The left turn storage queue shall be provided as recommended in the Traffic Impact Study prepared by Lancaster Engineering, dated December 20, 2013. The left turn lane design shall be consistent with Section 250.8.8 of the Clackamas County Roadway Standards. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.
- e. A striping plan shall be provided for an interim three-lane section with 11-12-foot wide travel lanes and 12-14-foot wide turn lane.
- f. The lane transition on the west side of 172nd Avenue shall include a minimum four-foot wide shoulder **or as otherwise approved by the Clackamas County Department of Transportation and Development.** Where curb is proposed, the shoulder shall be paved between the curb and travel lane.
- g. A minimum seven-foot wide unobstructed setback sidewalk, with an eight-foot landscape strip shall be constructed along the entire site frontage. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc., when they are located within the limits of the sidewalk or construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Additional easement, as necessary, shall be granted to provide for any sidewalk eyebrows.
- h. If the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk shall require the construction of a temporary asphalt ramp, adjacent to the end of the sidewalk, providing a transition from the new sidewalk to the edge of the pavement. The ramp shall meet ADA guidelines and shall be a minimum of two inches in thickness.

- i. Drainage facilities in conformance Water Environment Services regulations and Clackamas County Roadway Standards, Chapter 4.
51. The applicant shall design and construct improvements along the entire site frontage of Troge Road in accordance with *Clackamas County Roadway Standards*. An option to pay a fee “in-lieu-of” for the Troge frontage improvements may be considered with an agreement between the City and County. A fee “in-lieu-of” will be based on 125 percent of the estimated construction costs of the required improvements.
- These improvements shall consist of:
- a. Up to a half-street improvement for a collector roadway. Structural section for Troge Road improvements shall consist of six inches of asphalt concrete per Clackamas County Roadway Standards Standard Drawing C100.
 - b. Standard curb, or curb and gutter if curblin slope is less than one percent, and pavement with the face of the new curb located a minimum of 18 feet from the centerline of the right-of-way.
 - c. A minimum five-foot wide unobstructed setback sidewalk, with a five-foot landscape strip shall be constructed along the entire site frontage. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc., when they are located within the limits of the sidewalk or construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Additional easement, as necessary, shall be granted to provide for any sidewalk eyebrows.
 - d. If the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk shall require the construction of a temporary asphalt ramp, adjacent to the end of the sidewalk, providing a transition from the new sidewalk to the edge of the pavement. The ramp shall meet ADA guidelines and shall be a minimum of two inches in thickness.
 - e. Access on Troge Road shall be limited to emergency vehicles only. The access road shall be constructed with a gate, as approved by the Fire District. At the time a left turn lane is constructed on 172nd Avenue for Troge Road, and the bridge on Troge Road is widened, access from the project site can be opened onto Troge Road. Adequate sight distance shall be provided prior to opening access onto Troge Road.
 - f. Appropriate pavement tapers shall be provided, per Clackamas County Roadway Standards Section 250.6.4.
 - g. Drainage facilities in conformance Water Environment Services regulations and Clackamas Roadway Standards, Chapter 4.
52. Adequate intersection sight distance, per Section 240 of the Clackamas County Roadway Standards shall be provided at the new public road intersection with 172nd Avenue and at the temporary emergency vehicle access to Troge Road. Sight distance design speed shall be based on the posted speed plus 5 mph or on the 85th percentile speed.
53. Any surface water runoff from the site to the 172nd Avenue or Troge Road right-of-way shall be detained outside of the right-of-way, **or as otherwise approved by the Clackamas County Department of Transportation and Development**, in conformance with *Clackamas Roadway Standards*.

54. The applicant shall submit an Engineer's cost estimate to be approved by Clackamas County Engineering for the asphalt concrete, aggregates, and any other required public improvement in the 172nd Avenue and Troge Road right-of-way.
55. Prior to commencement of site work and recording of the plat the applicant shall obtain a Development Permit from this office for design and construction of required improvements to 172nd Avenue and Troge Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon, provide a Performance Guarantee, and pay an Inspection Fee. The Performance Guarantee is 125percent of the approved Engineer's cost estimate for the required improvements.
56. Prior to commencement of utility work within the right-of-way a Utility Placement Permit shall be obtained from DTD.
57. Prior to commencement of any work, including grading, and prior to issuance of the Development and Utility Placement permits, the contractor shall:

Provide a traffic control plan for review and approval from Clackamas County's Engineering Office. Provide a certificate of liability insurance, naming the County as additionally insured. Obtain separate "Street Opening Permits" for utility installations within the County right-of-way. The applicant shall obtain these permits from the Engineering office prior to the issuance of the Development Permit.

Clackamas County Service District #1/Water Environment Services

Sanitary Sewer

58. This development has not annexed to CCSD #1 and is required to annex to the District prior to connection to the sanitary sewer system. Annexation forms can be found at <http://www.clackamas.us/wes/annexation.html>.
59. This site is subject to the CCSD #1 **Sanitary Sewer and Stormwater Standards revised July, 2013.**
60. **Plan review fees are due with the first submittal for plan review.** This development is subject to a plan review fee for sanitary sewer based upon the cost of construction. All connection and/or plan review fees are required to be paid prior to issuing plat approval.
61. A collection sewer charge applies and is required to be paid prior to issuing plat approval.
62. The construction of a 12-inch (oversize) sanitary pipe within Troge Road to tax lot 13E31D 01400 is required for this development. The payment for upsizing the sanitary pipe is required to be agreed upon prior to the approval of construction plans.
63. The developer must provide minimum 15-foot wide sanitary sewer easements where necessary as determined by CCSD #1. Easements for storm and sanitary in a combined area are a minimum of 20-foot wide.
64. The applicant/developer shall submit complete civil-engineered plans for sanitary sewer design, stamped by a licensed Civil Engineer, to CCSD #1 for review and approval.

65. Building permits shall not be approved by Water Environment Services until the sanitary sewer system is complete in all respects and accepted by the District.

Storm drainage

66. Surface Water **plan review fees are due with the first submittal for plan review.** This development is subject to a plan review fee for storm drainage facilities based upon the cost of construction
67. Onsite detention facilities shall be designed to reduce the 2-year storm to ½ of the 2-year storm (see Appendix E of the DISTRICT Standard Specifications).
68. Water quality treatment and infiltration facilities are required.
69. The applicant shall obtain approval from the US Army Corps of Engineers (Corps) and Oregon Division of State Lands (DSL) for a removal/fill permit for the proposed wetland impacts. Approval from the Corps and DSL shall be obtained prior to the commencement of any construction activities that impact the onsite natural resources.
70. The approval of the land use application does not include any conclusions by WES regarding acceptability by the DSL or the Corps of the wetland delineation. This decision should not be construed to or represented to authorize any activity that will conflict with or violate the DSL or Corps requirements. It is the applicant's responsibility to coordinate with the DSL or Corps and (if necessary) other responsible agencies to ensure that the development activities are designed, constructed, operated and maintained in a manner that complies with the DSL or Corps approval.
71. A Buffer Variance will be required, the applicant shall file a written request for review and approval of the variance and buffer mitigation plan to the City of Happy Valley. The City will forward the appropriate information to Linda Preisz of Clackamas County Planning so that she can perform the stream/wetland buffer review.
72. The applicant shall encumber the natural resource areas that are proposed to remain in place after site development with a Conservation Easement and shall permanently delineate the boundary of said natural resources with white split-rail fencing or an approved alternative.
73. As part of the construction documents for the proposed development, the applicant shall provide a Construction Management Plan that includes provisions for the installation of orange "construction fencing" to delineate the natural resource areas and vegetation on the subject site that are to remain undisturbed.
74. A site specific civil plan shall be submitted to CCSD#1 that incorporates the requirements of the land use conditions of approval. The plans must be stamped by an Oregon State licensed civil engineer. The civil engineering plans shall be designed according to the DISTRICT Surface Water Management Rules and Regulations and Standard Specifications and as directed by the DISTRICT during the plan review process. Deviation from the approved construction plans must have prior approval of the District.
75. (SWM section 5.1.13) The development is required to enter into a stormwater maintenance agreement with CCSD #1 for the maintenance of the stormwater facilities. The following statement must be added to the Restrictions on the subdivision plat.

“Clackamas County Service District #1 (CCSD#1), its Successors or Assigns is hereby granted the right to lay down, construct, reconstruct, replace, operate, inspect and perpetually maintain sewers, wastewater, storm drainage or surface water pipelines, and all related facilities. No permanent structure shall be erected upon said easement without the written consent of the CCSD#1. Grantors agree to undertake no activity that would harm or impair the proper functioning of the sanitary and storm sewer system.”

76. (SWM section 5.1.13) The following plat restriction must be shown on all subdivision plats that are within CCSD #1:

“SUBJECT TO CCSD #1 RULES AND REGULATIONS AND EXISTING STORM WATER FACILITY MAINTENANCE AGREEMENT UNDER FEE NO. 2006-078154, CLACKAMAS COUNTY DEED RECORDS”.

77. Before the proposed development can be connected to the storm sewer system or sanitary sewer line, permits shall be obtained and applicable fees paid to Clackamas County Service District No. 1.
78. Final as-builts showing the storm and sanitary shall be submitted prior to acceptance of the storm and sanitary construction.
79. **Prior to final plat approval**, the DISTRICT shall review and approve the plans and final plat for the sanitary and storm sewer systems.
80. Building permits shall not be approved by Water Environment Services until the storm sewer system is complete in all respects and accepted by the District.

Sunrise Water Authority

81. All water system construction must be in accordance with the rules, regulations, policies, guidelines and standards of SWA. Cost of the improvements and construction shall be borne entirely by the developer, unless other arrangements are made between the developer and SWA.
82. SWA has adequate potable water supplies available in sufficient quantities to provide normal domestic and fire protection needs for this proposal, as required by the Oregon Health Division. Commonly held irrigated spaces must be designed to Irrigation Association Best Management Practices Standards and utilize evapo-transpiration controllers. Exact improvements to the water system will be determined during design review by the Water Authority.

Clackamas Fire District #1

83. Address numbering that is clearly visible from the public street shall be provided on each new home within the proposed development.
84. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants) and an unobstructed vertical clearance of not less than 13 feet 6 inches.

85. The applicant shall provide approved turnarounds for dead end access roads exceeding 150 feet in length. Fire Department turnarounds shall meet the dimensional standards found in the fire code applications guide.
86. Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.
87. Access roads between 12 percent and 15 percent grade will only be approved if fire sprinklers are installed in all new structures served by that road. Access roads in excess of 15 percent grade are generally not approved.
88. If a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), additional fire hydrants and mains shall be provided.
89. All new buildings shall have a firefighting water supply that meets the fire flow requirements of the Fire Code. Maximum spacing between hydrants on street frontage shall not exceed 500 feet. Additional private on-site fire hydrants may be required for larger buildings. Fire sprinklers may reduce the water supply requirements.
90. Dwellings, their garages, and any accessory structures larger than 3,600 square feet in area must be reviewed for compliance with the water supply requirements of the Fire Code. Residential fire sprinklers may substitute for a water supply.
91. Prior to the start of combustible construction required fire hydrants shall be operational and accessible.
92. For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply:
 - Less than 3,600 square feet (including attached garage)
 - a) 1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction, (OFC Section B105.2)
 - Greater than 3,600 square feet (including attached garage)
 - a) Shall meet fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1)
 - b) Shall meet hydrant coverage as specified in Appendix C of the current Oregon Fire Code, (OFC, Table C105.1)

Note: In lieu of the above fire flow requirements, residential fire sprinklers may be considered as an alternate when approved by the Fire Marshal.
93. The applicant must obtain a stamp of approval from CFD #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.

Clackamas County Service District #5 (Street Lighting)

94. Street lighting does not exist on the 172nd Avenue or Troge Road frontage therefore street lighting will be required on newly installed fiberglass poles with Cobra style lights. Street lighting also does not exist on the new lots frontage therefore street lighting will also be required on fiberglass poles with cobra style fixtures. The applicant will have to work with CCSD #5 on an acceptable plan.
95. The property owner shall submit a request in writing for the formation of an assessment area, which will include any new tax lots created by this PUD, to help pay for the operation and maintenance of lighting. The current rate of assessment for street lighting in this area is \$63.98 per tax lot per year. The applicant shall also provide a copy of this request to the City.

Utilities

96. The applicant shall provide utility easements where required and shall be responsible for coordinating construction with all utility and service providers and facilitating cooperation among all providers and agencies.
97. All utilities, including electrical power, telephone, cable TV, gas and others shall be underground. Pre-wiring of the project site for street lighting must be approved by CCSD #5.

Design

98. This development shall utilize the following development standards:

Lot width (minimum)	Attached SFR – 20 feet Detached SFR – 40 feet
Lot depth (minimum)	70 feet
Street frontage (minimum) Lots fronting on cul-de-sac	13 feet
All other lots	Attached SFR – 20 feet Detached SFR – 40 feet
Lot coverage (maximum)	Attached SFR – 75 percent Detached SFR – 60 percent
Building setbacks (minimum): Front	See Exhibit 7
Rear	See Exhibit 7
Interior side	See Exhibit 7
Street side (corner lot)	See Exhibit 7
Garage & carport entrances - Entrances not facing an alley	20 feet
Building height (maximum)	45 feet front 49 feet side/rear

However, in no case shall a garage be located less than 20 feet from a public right-of-way. Prior to final plat approval, area computations in square feet for all building lots must be prepared and submitted by an engineer or surveyor registered in the State of Oregon. Setbacks are measured from the foundation to the property line.

The Planning Official or designee is authorized by the Planning Commission to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than six inches in diameter measured at breast height (4.5 feet). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject lot that illustrates the relationship between the proposed structure and significant tree retention.

99. A final landscape plan shall be submitted to the Community Development Director or designee for approval prior to construction plan approval. The final landscape plan shall be in substantial conformance with the preliminary landscape plan and shall detail the method of irrigation for all landscaped areas. A street tree planting plan shall also be included as part of the final landscape plan.
100. The applicant or Homeowner's Association is responsible for the continual maintenance of all hardscaped, landscaped and natural areas located on the site.
101. The applicant shall provide a minimum of two off street parking spaces per residence and shall also provide driveways in accordance with Sections 16.41.030.B and 16.44.010.A.3 of the LDC.
102. The applicant shall provide perimeter fencing along 172nd Avenue and Troge Road per the requirements of Section 16.42.060.A of the LDC. As an alternative, if the applicant pays a fee "in-lieu-of" for the frontage improvements to Troge Road, said perimeter fencing may be included in the "in-lieu-of" fee.



**PRELIMINARY ADJACENT
PROPERTY ZONE MAP**

**ROCK CREEK MEADOWS
HAPPY VALLEY**
TAX LOTS 1501, 1700, 1800, & 1801

OREGON
CLATSOP COUNTY TAX MAP 1 3E 31D

AKS
AKS ENGINEERING AND FORESTRY, LLC
13910 SW CALBREATH DR
SUITE 100
SHERWOOD, OR 97140
PHONE: 503.925.8999
FAX: 503.925.8988
www.aks-eng.com

ENGINEERING · SURVEYING
PLANNING · LANDSCAPE ARCHITECTURE
FORESTRY · LANDSCAPE ARCHITECTURE

DESIGNED BY: JMM
DRAWN BY: JRN
CHECKED BY: MRH
DRAWING NO.: PT-20 ZONING
SCALE: AS NOTED

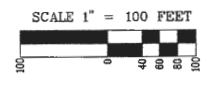
PREPARED FOR:
TROGE PROPERTY, LLC
2601 NE 163RD CT
VANCOUVER, WA 98684

DATE: 01/10/2014

REGISTERED PROFESSIONAL ENGINEER
5854228
PRELIMINARY
08/20/2008
MONTGOMERY B. HURLEY
RENEWAL DATE: 6/30/15

JOB NUMBER
3403

SHEET
20 OF 23



LEGEND:

- MUR-M2 = MIXED USE RESIDENTIAL - MULTIFAMILY-2
 - MUR-S = MIXED USE RESIDENTIAL - SINGLE FAMILY
 - RRFF5 = RURAL RESIDENTIAL FARM FOREST (5 ACRES)
 - R-5 = RESIDENTIAL - FIVE THOUSAND SQUARE FEET
 - R-10 = RESIDENTIAL - TEN THOUSAND SQUARE FEET
 - SFA = SINGLE-FAMILY ATTACHED RESIDENTIAL
-
- — — — — = BOUNDARY BETWEEN HAPPY VALLEY AND DAMASCUS
 - — — — — = EXISTING ZONE BOUNDARY
 - - - - - = PROPOSED ZONE BOUNDARY
 - ▨ = SUBJECT PROPERTY

UNINCORPORATED CLACKAMAS COUNTY

RRFF5

TAX LOT 6201
TAX MAP 1 3E 31C

TAX LOT 6200
TAX MAP 1 3E 31C

RRFF5

TAX LOT 100
TAX MAP 2 3E 06BA

TAX LOT 190
TAX MAP 2 3E 06BA

TAX LOT 700
TAX MAP 1 3E 31C

TAX LOT 600
TAX MAP 1 3E 31C

TAX LOT 500
TAX MAP 1 3E 31C

TAX LOT 400
TAX MAP 1 3E 31C

TAX LOT 300
TAX MAP 1 3E 31C

TAX LOT 101
TAX MAP 1 3E 31C

TAX LOT 100
TAX MAP 1 3E 31C

TAX LOT 1200
TAX MAP 1 3E 31D

R-5

R-10

TAX LOT 1300
TAX MAP 1 3E 31D

TAX L
TAX MA

SE TROGE ROAD

TAX LOT 1600
TAX MAP 1 3E 31D

EXISTING ZONE: MUR-M2
PROPOSED ZONE: MUR-M2

TAX LOT 1501
TAX MAP 1 3E 31D

EXISTING ZONE: MUR-M2
PROPOSED ZONE: MUR-S

TAX LOT 1700
TAX MAP 1 3E 31D

EXISTING ZONE: MUR-M2
PROPOSED ZONE: MUR-S

TAX LOT 1800
TAX MAP 1 3E 31D

TAX LO
TAX MA

SE 172ND AVENUE

TAX LOT 1900
TAX MAP 1 3E 31D

MUR-M2

TAX LOT 2000
TAX MAP 1 3E 31D

TAX LOT 900
TAX MAP 2 3E 06AB

SFA

TAX LOT 800
TAX MAP 2 3E 06AB

TAX LOT 20
TAX MAP 2 3E 06

TAX LOT 202
TAX MAP 2 3E 06A

**BEFORE THE CITY COUNCIL
FOR THE CITY OF HAPPY VALLEY, OREGON**

“Rock Creek Meadows”)	CITY COUNCIL
Master Plan (MP);)	
Planned Unit Development (PUD);)	Approval of Multiple Land Use Applications
Comprehensive Plan/Zoning Map)	
Amendment;)	
Environmental Review Permit)	
(ERP))	
)	
Submittal)	
)	
Applicant:)	
Troge Property LLC)	CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14

Pursuant to the City’s Land Development Code (“LDC”) §16.61.040, the City provided notice of a public hearing before the City Council. An affidavit of the notice of hearing is a part of the record. The staff report was prepared and available to the public seven days prior to the first evidentiary public hearing as required by state law.

After providing notice and a staff report, the City Council conducted an evidentiary hearing providing an opportunity to submit oral testimony and written evidence on June 3, 2014. The approval criteria for these applications are provided in applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; applicable sections of the Metro Urban Growth Management Functional Plan; applicable City of Happy Valley Comprehensive Plan Policies; and applicable sections of the City of Happy Valley Municipal Code; Title 16-Land Development Code, including Chapters 16.22 (Residential Land Use Districts); 16.34 (Natural Resources Overlay Zone); 16.41 (Access and Circulation); 16.42 (Landscaping, Street Trees, Fences, and Walls); 16.43 (Parking and Loading); 16.50 (Public Facilities); 16.61 (Types of

Review Procedures); 16.63 (Land Divisions and Property Line Adjustments); 16.65 (Master Planned Developments) and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments). After discussion and deliberation, the City Council voted to approve the proposed applications, per the included conditions of approval.

I. DESCRIPTION OF THE APPLICATION

On May 13, 2014 the City of Happy Valley Planning Commission recommended that the City Council approve “Rock Creek Meadows”, a 127-lot Master Plan/PUD, which consists of 113 single-family residential detached lots and 14 single-family residential attached lots and includes usable open space and recreational amenities; includes a Comprehensive Plan/Zoning Map Amendment (in effect, “down-zoning” a section of the subject properties); and, includes an Environmental Review Permit addressing local wetlands. Local File No. CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14.

II. ADOPTION OF FINDINGS

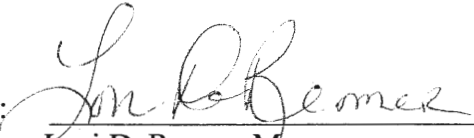
The City Council specifically adopts the Findings within the May 13, 2014 Staff Report to the Planning Commission in support of this Order approving CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14.

III. ORDER

The City Council hereby approves the application by Troge Property LLC for the combined CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14 applications based on the findings provided herein and specifically adopted under Section II. This Order requires compliance with the conditions set out in the conditions of approval within the Staff Report to the Planning Commission dated May 13, 2014, including any amended language.

ORDER OF THE CITY COUNCIL dated this 3rd day of June, 2014.

CITY COUNCIL, CITY OF HAPPY VALLEY

By: 

Lori DeRemer, Mayor

Mayor
Honorable Lori DeRemer

City Manager
Jason A. Tuck



CITY OF HAPPY VALLEY

STAFF REPORT TO THE PLANNING COMMISSION

May 13, 2014

“ROCK CREEK MEADOWS”

**COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT (CPA-01-14/LDC-02-14);
MASTER PLAN (MP-01-14); 127-LOT PLANNED UNIT DEVELOPMENT (PUD-01-14);
AND ENVIRONMENTAL REVIEW PERMIT (ERP-01-14)**

I. GENERAL INFORMATION

PROPOSAL:

The applicant, Troge Property, LLC, is proposing to amend the City’s Comprehensive Plan Map/Zoning Map (“one-map” system) and East Happy Valley Comprehensive Plan (EHVCP) to change the current plan designation/zoning district for a portion of the subject site from “Mixed Use Residential – Multi-Family Medium Density” (MUR-M2) to “Mixed Use Residential – Single-Family” (MUR-S). The applicant also concurrently proposes a Master Plan; 127-lot Planned Unit Development (PUD); and, Environmental Review Permit (ERP). The subject properties are located approximately 200 feet southeast of the intersection of 172nd Avenue and Troge Road. Staff has determined that the applicant’s proposal complies with the applicable requirements of the Statewide Planning Goals, Oregon Administrative Rules (OAR), Metro Urban Growth Management Functional Plan, and the City’s Comprehensive Plan and Land Development Code (LDC). **Therefore, staff recommends the Planning Commission forward a recommendation to APPROVE the proposed applications subject to the findings and conclusions in this report.**

APPLICANT:

Troge Property, LLC
P.O. Box 87970
Vancouver, WA 98687

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

APPLICANT'S REPRESENTATIVE:

AKS Engineering and Forestry, LLC
Chris Goodell and Monty Hurley
13910 SW Galbreath Drive, Suite 100
Sherwood, OR 97140

EXHIBITS:

The applicant has submitted the following exhibits as part of the application package:

Exhibit 1 (dated January 2014)

Applicant's Narrative

Exhibit 2 (dated January 10, 2014)

Plan Set

Exhibit 3 (dated December 20, 2013)

Traffic Impact Analysis

Exhibit 4 (dated December 11, 2013)

Geotechnical Report

Exhibit 5 (January 15, 2014)

Natural Resource Assessment

Exhibit 6 (dated December, 2013)

Wetland Delineation

Exhibit 7 (no date)

Requested Minimum Setback Standards

Exhibit 8 (January 15, 2014)

Phasing Plan

Staff has submitted the following exhibits as part of the Staff Report:

Staff Exhibit A Service Provider Comments and Conditions

1. City of Happy Valley Engineering Division
2. Clackamas County Water Environment Services (WES)/Service District #1 (CCSD#1)
3. Clackamas Fire District #1 (CFD#1)
4. Sunrise Water Authority (SWA)
5. DKS Associates
6. Clackamas County Service District #5 (CCSD#5)
7. Clackamas County Department of Transportation and Development (DTD)

Staff Exhibit B

1. City of Happy Valley Steep Slopes and Natural Resource Overlay Zone Map – Sheet D7
2. City of Happy Valley Transportation System Plan – Figure 8-13
3. Letters from Adjacent Property Owners

APPLICABLE CRITERIA:

- Applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; applicable sections of the Metro Urban Growth Management Functional Plan; applicable City of Happy Valley Comprehensive Plan Policies; and applicable sections of the City of Happy Valley Municipal Code; Title 16-Land Development Code, including Chapters 16.22 (Residential Land Use Districts); 16.34 (Natural Resources Overlay Zone); 16.41 (Access and Circulation); 16.42 (Landscaping, Street Trees, Fences, and Walls); 16.43 (Parking and Loading); 16.50 (Public Facilities); 16.61 (Types of Review Procedures); 16.63 (Land Divisions and Property Line Adjustments); 16.65 (Master Planned Developments) and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments).

SITE DESCRIPTION/ADJACENT LAND USE:

- The subject site consists of four Lots of Record that total 23.2 acres in size. Three of these lots contain single-family detached residences and several associated outbuildings. The site primarily consists of flat-to-moderately sloped lands, with little-to-no trees being present. As delineated by the applicant, the subject site contains several wetlands. The largest of these wetlands is located within the northern portion of the subject site and totals approximately 2.5 acres in size. It should be noted that the greater subject site has street frontage with 172nd Avenue (Major Arterial) and Troge Road (Collector).
- The subject site is bordered to the east by four Lots of Record, each containing one single-family detached residence and multiple associated outbuildings. Two of these Lots of Record (Tax Lots 1400 and 1500) are located within the City and are currently zoned City MUR-S. The remaining two Lots of Record are located within the City of Damascus and are zoned Clackamas County “Rural Residential Farm Forest – 5-Acre Minimum” (RRFF-5). To the north of the subject site, across Troge Road, are three Lots of Record, two of which are under common ownership and are the location of a single-family detached residence and multiple associated outbuildings. These properties are located within the City of Damascus and are zoned Clackamas County RRFF-5. The remaining property located to the north of the subject site is the location of a nursery, which is within the City Limits of Happy Valley and has a plan designation/zone of “Low Density Residential” (R-10). West of the subject site, across 172nd Avenue, is the location of an undeveloped property that is within the City Limits of Happy Valley and has a plan designation/zone of RRFF-5. South of the subject site are two Lots of Record, each of which contain one single-family detached residence. Both of these properties have split plan designations/zoning districts of MUR-S and MUR-M2.

BACKGROUND:

- All of the properties that comprise the subject site were annexed into the City between the years of 2007 and 2009 and had an existing Clackamas County plan designation/zone of RRFF-5 at the time of their annexation. The subject site is located within the EHVCP area. As part of the adoption of the EHVCP in 2009 the subject properties were legislatively re-designated and re-zoned to a combination of MUR-S and MUR-M2.

COMPREHENSIVE PLAN/ZONING MAP AMENDMENT:

- The applicant's proposal includes amending the City's Comprehensive Plan Map/Zoning Map, as well as the EHVCP, to change the existing plan designation/zoning district on a portion (approximately 5.6 acres) of the subject site from MUR-M2 to MUR-S. The applicant's projected configuration of the proposed designations/zones is depicted within Exhibit 2, Sheet 20. The proposed Comprehensive Plan Map/Zoning Map Amendment has been requested for the purpose of allowing the applicant to construct single-family detached residences in a portion of the subject site that is currently zone MUR-M2. Single-family detached residences are not permitted in the MUR-M2 zone. Due to the densities allowed under the existing and proposed zones, the applicant's proposal to re-designate and re-zone a portion of the subject site is in fact a "down-zone". The MUR-M2 zone allows for densities ranging from 25-34 dwelling units per net acre, where the MUR-S zone allows for six-to-nine dwelling units per net acre.

MASTER PLAN:

- The applicant has applied for Master Plan approval as part of this submittal due to "Rock Creek Meadows" being a residential development that encompasses more than 20 acres of land (per the requirements of Section 16.65.020 of the LDC). In compliance with the procedural requirements of the underlying zones (MUR-M2 and MUR-S), the applicant has proposed specific development standards as part of the Master Plan. The applicant has proposed custom standards for minimum lot width and depth; lot coverage; and front, rear and side yard setback standards (see Exhibit 7 and Page 65 of this report). The applicant has indicated that they will dedicate a minimum of 20 percent of the overall development site as usable open space. The applicant has also proposed that the development occur in two phases (Exhibit 8). It should be noted that if the applicant's proposed Master Plan is approved, the City will amend its combined Comprehensive Plan Map/Land Use District Map to reflect that the subject site has a Planned Development Overlay, per 16.65.070 of the LDC (Condition of Approval Number 1).

127-LOT PLANNED UNIT DEVELOPMENT/OPEN SPACE AND RECREATION PLAN:

- The applicant has proposed a 127-lot PUD, which consists of 113 single-family residential detached lots and 14 single-family residential attached lots. The applicant has illustrated within the plan set that was submitted as part of this application that “Rock Creek Meadows” is proposed to be accessed from 172nd Avenue, with the applicant constructing an internal local residential street system that will terminate at the subject site’s southern and eastern boundaries (ultimately providing access to the underdeveloped lands to the south and east, should they develop). This local residential street network consists of several north-south oriented streets (Zion Street, Yosemite Street, Yellowstone Street, and Olympic Street) and three east-west oriented streets (Elias Court, Blackburn Street and Pinnacles Street) all designed with a 48-foot wide right-of-way and parking restricted to one-side of the roadway. The applicant has also proposed a “gated” secondary access that would be utilized only for emergency ingress/egress. This secondary emergency access is located in the northeast portion of the subject site, accessing Troge Road. It should be noted that this secondary emergency access (the northern approximately 300 feet of Olympic Street) is designed with a “reduced” cross-section, providing for a 28-foot wide paved section with a curb-tight sidewalk along the eastern side of the road. The design is the result of this portion of Olympic Street traversing through environmentally sensitive areas and the “reduced” cross-section limits the amount of impacts to the affected wetland and buffer. The applicant has also proposed to construct improvements to 172nd Avenue that conform to both the City’s and Clackamas County’s Transportation System Plans. The applicant is proposing to construct the full paved width for a half-street improvement along 172nd Avenue and will provide striping and appropriate lane transitions for a three-lane section along the site frontage that will serve as an interim improvement until the full 172nd cross section is constructed. The applicant has proposed one private street, identified in the plan set as Biscayne Street. Biscayne Street is proposed to be designed in accordance with the City’s Transportation System Plan (TSP) and would serve no more than five dwelling units.
- The applicant has proposed lots within “Rock Creek Meadows” that range in size from approximately 2,300 to 7,600 square feet. The applicant has submitted density calculations (Exhibit 1) that were prepared in accordance with the LDC and support the 127-lot site plan. Utilities such as public sanitary sewer, stormwater management, water, and electricity will all be provided to the proposed PUD through the applicant extending these services from the existing locations to the west and southwest of the subject site.
- The LDC requires applicants who propose a development as a PUD to dedicate 20 percent of the total site area as usable open space. For the subject proposal, the total gross site area is 23.24 acres, which means the applicant is required to dedicate a minimum of 4.65 acres as usable open space. The applicant has exceeded the 20 percent threshold by dedicating 4.8 acres of the development as useable open space (Tract “A” – not including the stormwater detention facility). The applicant has submitted as part of their proposal a landscape plan that illustrates some of the proposed amenities within the open space/recreational area (Exhibit 2, Sheet 22). These amenities include: walking paths; picnic areas, fitness stations, seating/viewing areas, half-sized basketball court and a children’s play structure. Staff notes that the applicant’s open space plan provides for sufficient active and passive recreational opportunities for a development the size of “Rock Creek Meadows”.

- The applicant requests an exception to the City’s standard for perimeter fencing required along arterial and collector roadways, as detailed within Section 16.42.060 of the LDC. The applicant has indicated within their narrative (Exhibit 1, Pages 42 and 43) that the requested exception is to not install the required fencing along the street frontages with proposed Tract “A”. The applicant cites the resultant impacts from the construction of the required fencing to the existing wetland area within Tract “A” as the reason for the exception request. City staff is recommending that the Planning Commission deny the requested exception, due to the visual impact along the 172nd Avenue and Troge Road corridors that would result from such a large “gap” in the perimeter fencing along these facilities. Although at the option of the developer, due to Clackamas County’s acceptance of a fee “in-lieu-of” for the frontage improvements to Troge Road, staff recommends that as an alternative to installing the required fencing, that the cost of installing the perimeter fencing along Troge Road be included in the “in-lieu-of” fee (Condition of Approval Number 102).

TRAFFIC IMPACT ANALYSIS (TIA)/TRANSPORTATION PLANNING RULE COMPLIANCE:

- The applicant submitted a TIA as part of their application that provides an evaluation of items such as trip generation and distribution, intersection/roadway safety, and an operational analysis. The applicant’s Traffic Engineer provided a trip generation summary (Exhibit 3, Page 9) quantifying the traffic impacts that “Rock Creek Meadows” would have on the transportation infrastructure in the vicinity of the development. This summary states that the proposed development would produce an additional 100 AM peak hour trips (24 entering and 76 exiting the site) and 129 PM peak hour trips (82 entering and 47 exiting the site). The findings of the TIA demonstrate that the build-out of “Rock Creek Meadows” will not “trigger” the need for the applicant to financially contribute to any improvements at the study intersections. However, the report did identify the need for the installation of a southbound left-turn lane off 172nd Avenue at the entrance/exit to “Rock Creek Meadows”. The applicant has illustrated the design of the development’s access point from 172nd Avenue that includes this left-hand turn lane (Exhibit 2, Sheets 8 and 9). The applicant’s TIA did not identify any other immediate safety concerns or roadway capacity issues that would result from the approval of the proposed applications.
- It is required that a TIA submitted as part of an application for a Comprehensive Plan Map/Zoning Map Amendment provide an analysis that addresses Oregon Administrative Rule (OAR) 660-012-0060, commonly referred to as the “Transportation Planning Rule” (TPR). Within this analysis, an applicant is required to determine if a proposed Comprehensive Plan Map/Zoning Map Amendment would “significantly” impact an existing transportation facility, and if so, propose mitigating measures. As indicated in the TIA, the applicant’s proposed amendments comply with the TPR, meaning no significant impacts to adjacent roadways would result from the proposed Comprehensive Plan Map/Zoning Map Amendment. The proposed Comprehensive Plan Map/Zoning Map Amendment will result in a net decrease in trips resulting from the proposed applications and will not change the level of service on any of the neighboring transportation facilities. Therefore, no mitigating measures are proposed or required. The City’s Traffic Engineer (DKS Associates) has reviewed and concurred with the applicant’s findings within the TIA.

ENVIRONMENTAL REVIEW PERMIT:

- The applicant was required to apply for an ERP due to the City's Local Wetland Inventory (LWI) indicating the presence of Water Quality Resources on the subject site. As part of the applicant's submittal, a wetland delineation (Exhibit 6) was provided that identifies several onsite wetland areas. The applicant has illustrated within the plan set that was submitted as part of this application that the extent of the onsite natural resources are significantly greater than what is indicated on the City's Steep Slopes and Natural Resource Overlay Zone Map (Exhibit B-1). The City's inventory indicates there is only one approximately 1.4-acre wetland located on the subject site, located near Troge Road. However, the applicant's wetland delineation shows that this wetland area (Wetland "A") is nearly twice the size of what the City's inventory indicates and that there is a second wetland located just to the west of Wetland "A". The applicant's wetland delineation also discovered that there are several "degraded" wetland areas that are located in the southern portion of the subject site. The applicant has proposed to fill these "degraded" wetlands for the purpose of constructing infrastructure and buildable lots. As part of this application, staff is recommending Condition of Approval Number 69, which requires the applicant to obtain the necessary federal and state permit approvals to facilitate the proposed wetland and buffer removal. The applicant has illustrated within their plan set (Exhibit 1) that the two "quality" wetlands (Wetlands "A" and "B") located on the subject site will be preserved within proposed Tract "A".
- Due to the proven size and good quality of Wetlands "A" and "B", staff has identified the need to amend the City's TSP, which identifies the future alignment of Troge Road as bisecting Wetlands "A" and "B" (Exhibit B-2). As a result, in an effort to comply with Statewide Planning Goal 5 (and the City's Comprehensive Plan policies related to natural resource protection), staff plans to initiate a Comprehensive Plan amendment that would propose an adjustment to the future Troge Road alignment, effectively relocating the future alignment of this collector facility to the north, maintaining the roadway along its current course – eliminating the need for significant impacts to Wetlands "A" and "B".

PUBLIC COMMENTS:

- The City's Planning Division received two letters pertaining to the proposed applications from neighboring property owners or other interested parties during the public comment period. These letters have been included within this report as Staff Exhibit B-3.

II. FINDINGS OF FACT

1. The following Statewide Planning Goals are applicable to the subject request:

“Goal 1 (Citizen Involvement)

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Staff Response:

The public notice and outreach requirements for a Type “III” quasi-judicial land use application, such as that proposed by the applicant, have provided multiple opportunities for public involvement, including published notice for the land use hearings before the Planning Commission and City Council. Therefore, this criterion is satisfied by the request and the public process followed by the City of Happy Valley.

Goal 2 (Land Use Planning)

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 ensure an adequate factual base for such decisions and actions.

Staff Response:

Statewide Planning Goal 2, Land Use Planning, requires that local jurisdictions 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. The applicant’s proposal was evaluated using criteria found within the City’s LDC and policies found within the City’s Comprehensive Plan. This evaluation is augmented by the inclusion of comments and concerns submitted by neighboring residents. Furthermore, the proposed amendments are subject to public hearings before the Planning Commission and City Council. Therefore, a well-established planning process and policy framework exists within the City. Therefore, this criterion is satisfied.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces)

To provide natural resources and conserve scenic and historic areas and open spaces.

Staff Response:

The subject properties are located within the City of Happy Valley and as such, natural resources within the subject property (no historic resources exist) are protected by Chapter 16.34 (Natural Resources Overlay Zone) of the city's LDC. The applicant has illustrated within the plan set that was submitted as part of this application that the extent of the onsite natural resources are significantly greater than what is indicated on the City's Steep Slopes and Natural Resource Overlay Zone Map (Exhibit B-1). The City's inventory indicates there is only one approximately 1.4-acre wetland area located on the subject site, located near Troge Road. However, the applicant's wetland delineation (Exhibit 6) shows that this wetland area is nearly twice the size of what the City's inventory indicates and there is a second wetland located just to the west of Wetland "A". Due to the proven size and good quality of these wetland areas, staff has identified the need to amend the City's TSP, which identifies the future alignment of Troge Road as bisecting Wetlands "A" and "B" (Exhibit B-2). As a result, in an effort to comply with Statewide Planning Goal 5 (and the City's Comprehensive Plan policies related to natural resource protection), staff plans to initiate a Comprehensive Plan amendment that would propose an adjustment to the future Troge Road alignment, effectively relocating the future alignment of this collector facility to the north, maintaining the roadway along its current course – eliminating the need for significant impacts to Wetlands "A" and "B".

As part of the applicant's wetland delineation it was discovered that there are several "degraded" wetland areas that are located in the southern portion of the subject site. The applicant has proposed to fill these "degraded" wetland areas for the purpose of constructing infrastructure and buildable lots. As part of this application, staff is recommending Condition of Approval Number 69, which requires the applicant to obtain the necessary federal and state permit approvals to facilitate the proposed wetland and buffer removal. Per Condition of Approval Number 69, this criterion has been satisfied.

Goal 10 (Housing)

To provide for the housing needs of the citizens of the State.

Staff Response:

In conjunction with the proposed amendment, the applicant is requesting that the City process a Master Plan and a 127-lot PUD. If approved, the proposed use will provide additional housing within the City. Therefore, this criterion has been satisfied.

Goal 11 (Public Facilities and Services)

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Staff Response:

As the City of Happy Valley is not a "full-service" municipality, providing all water, sewer, streets, etc., public facilities and services plans exist in the form of Master Plans; rules and regulations; implementing ordinances; and, Intergovernmental Agreements (IGA's) between the City and its service providers. Therefore, this criterion has been satisfied.

Goal 12 (Transportation)

To provide and encourage a safe, convenient and economic transportation system."

Staff Response:

The intent of Goal 12 is “to provide and encourage a safe, convenient, and economic transportation system.” Findings addressing the “Transportation Planning Rule” (TPR) are located within the Staff Responses to the City’s own LDC section that addresses the TPR, below (see Section 5). Per those findings, this criterion has been satisfied.

2. The following Oregon Administrative Rules (OAR) are applicable to the subject request:

“OAR Chapter 660, Division 12 (Transportation Planning)

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

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

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

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

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

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip

Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).”

Staff Response:

Section 16.67.060 (Transportation planning rule compliance) of the City's LDC addresses the requirements of this administrative rule. Findings addressing the TPR are located within the Staff Responses to the City's own LDC section that addresses the TPR, below (see Section 5). Per those findings, this criterion has been satisfied.

3. The following sections of the Metro Urban Growth Management Functional Plan are applicable to your request:

“3.07.120 Housing Capacity

A. A city or county may reduce the minimum zoned capacity of the Central City or a Regional Center, Town Center, Corridor, Station Community or Main Street under subsection D or E. A city or county may reduce its minimum zoned capacity in other locations under subsections C, D or E.

B. Each city and county shall adopt a minimum dwelling unit density for each zone in which dwelling units are authorized except for zones that authorize mixed-use as defined in section 3.07.1010(hh). If a city or county has not adopted a minimum density for such a zone prior to March 16, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density.

Staff Response:

“Rock Creek Meadows” is located along the 172nd Avenue Corridor. The application involves a plan map amendment and zone change for a small portion of the property from City MUR-M2 to MUR-S. These districts differ in terms of minimum required densities with the MUR-M2 District having a higher minimum required density than the MUR-S District. As described below, this is permitted in accordance with subsections C, D, and E. Although only one of these criteria need be satisfied, the application satisfies each of them.

C. A city or county may reduce its minimum zoned capacity by one of the following actions if it increases minimum zoned capacity by an equal or greater amount in other places where the increase is reasonably likely to be realized within the 20-year planning period of Metro’s last capacity analysis under ORS 197.299:

- 1. Reduce the minimum dwelling unit density, described in subsection B, for one or more zones;*
- 2. Revise the development criteria or standards for one or more zones; or*
- 3. Change its zoning map such that the city’s or county’s minimum zoned capacity would be reduced.*

Action to reduce minimum zoned capacity may be taken any time within two years after action to increase capacity

Staff Response:

The MUR-M2 District requires a minimum density of 24 dwelling units per net developable acre, while the MUR-S District requires a minimum density of 6 units per net developable acre. Density calculations for the project (including the rezone) were performed in accordance with Section 16.63.020.F of the Happy Valley Land Development Code and are included in the application materials. These calculations show that the minimum density for the project is 125 dwelling units, while the actual project includes 127 units. This includes a wetland fill. The minimum density for the site without the rezone (and not including a wetland fill) is +/- 169 units. The minimum density for the site with an equivalent area of wetland fill is +/- 205 units. Therefore, the difference is between +/- 42 dwelling units and +/- 78 units.

In the case of the City of Happy Valley, a number of recent cases can be cited where densities have increased in other areas, thereby offsetting any density decrease associated with this application:

1. Fox Haven Estates – This recently approved subdivision (located near SE 132nd Avenue and SE Ridgecrest Road) includes slightly over five acres of R-20 designated land that was re-designated and re-zoned to R-7. Although these zones do not have prescribed minimum densities, density calculations require 80 percent of the district’s maximum density be achieved. Therefore, expected minimum densities for these zones would be anticipated to be +/- 2 units per acre and 6 units per acre respectively. As a result of the approval of this application, this project is providing 19 dwelling units whereas only 8 or 9 units were permitted under R-20 zoning. This is an increase in 10-11 dwelling units.
2. SE 132nd Avenue and SE King Road Zone Change – This application recently amended the City’s zoning map for approximately four acres of land in the City from R-20 to R-7. Similar to the Fox Haven Estates Application, this application likely doubled the site’s permitted density from +/- 8 or 9 dwelling units to 19, an increase of approximately 10 units.
3. SE King Road and SE Mount Scott Boulevard Zone Change – Although this application has not been submitted to the City at this time, it is anticipated to include a zone change from R-20 to R-7 for approximately 5.5 acres of land. Similar to the previously described applications, this will result in an increase in permitted density from +/- 10 dwelling units to approximately 20 dwelling units, an increase in 10 units.
4. Happy Valley Town Center Plan – The adoption of this plan (centered around SE Sunnyside Road and SE 162nd Avenue) resulted in the re-designation of a large land area (220 acres) from RRFF-5 and R-10 to MUR-A. (These areas are included in the Rock Creek Comprehensive Plan and shown as Mixed Use Commercial or Mixed Use Residential, but zones are not defined.) The densities of the RRFF-5 District and the R-10 District can best be characterized as one dwelling unit per 5 acres and one dwelling unit per 10,000 square feet, respectively. The MUR- A District requires a minimum density of 10 units per net acre. This a substantial increase that far exceeds 40 or 76 dwelling units.

Although this is not an exhaustive look at the entire City, it clearly shows that the reduced minimum density resulting from the Rock Creek Meadows application are off-set by recent (and expected) changes in the zoning map for other areas within the City. Therefore, this criterion is met.

D. A city or county may reduce the minimum zoned capacity of a zone without increasing minimum zoned capacity in another zone for one or more of the following purposes:

1. *To re-zone the area to allow industrial use under Title 4 of this chapter or an educational or medical facility similar in scale to those listed in section 3.07.1340D(5)(b)(i) of Title 13 of this chapter; or*
2. *To protect natural resources pursuant to Titles 3 or 13 of this chapter.*

Staff Response:

“Rock Creek Meadows” includes several areas with “Title 3” designations (water quality resource areas– wetlands) on site. Some of the highest quality resource areas on the property are located in the northwestern portion of the site, which is designated MUR-M2. The subject application with the rezone to MUR-S avoids impacts to that area, thus preserving the highest quality resource area on the site. If entire area was left as MUR-M2 and not changed to MUR-S (as is proposed), it is likely that this area would need to be filled to create a viable multi-family project in this area. Therefore, this criterion has been satisfied.

E. A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city’s or county’s overall minimum zoned residential capacity.”
[...]

Staff Response:

The area to be re-designated from MUR-M2 to MUR-S is small in terms of the overall area of the City. The area involved in the rezone is approximately 5.6 acres and the City is approximately 8.32 square miles in size, a large part of which is residential land. Due to size/scale alone, the effect on the City’s overall minimum zoned residential capacity due to the zone change is negligible. Therefore, this criterion is also met.

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

Comprehensive Plan Policies

[...]

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.

[...]

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. The subject site is located in an “urbanized” area that can be adequately served by public facilities, such as sanitary sewer, water, roadways, etc. Furthermore, the applicant has illustrated within their plans (Exhibit 2) that the “significant” environmentally sensitive lands located on the subject site will be primarily preserved within proposed Tract “A”. These criteria have been satisfied.

Policy 10: Limit development in identified natural drainage-ways, floodplains, wetlands, steep slopes and landslide hazard areas. Housing development, and any other development intended for human occupancy, shall occur, to the greatest extent possible, on lands designated for development that are free from flood hazard, slope limitations, or other hazards.

[...]

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 Comprehensive Plan, and development approvals, in a manner which considers surrounding uses and provides a continuity of open space character and natural features, throughout the City.

[...]

Policy 30: Land development applications, grading permits and building permits that affect natural resource and steep slopes areas are subject to separate environmental review procedures assessing the impact of the proposed land use action or development permit, subject to the City's Development Code.

[...]

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.

[...]

Staff Response:

The subject property is located within the City of Happy Valley and as such, natural resources within the subject property are protected by Chapter 16.34 (Natural Resources Overlay Zone) of the city's LDC. The applicant has illustrated within the plan set that was submitted as part of this proposal (Exhibit 2) that the environmentally sensitive lands located on the subject site will be impacted by the proposed development. As a result, the City has required the applicant to submit for an Environmental Review Permit. Through the review of this permit, in conjunction with any necessary federal and state permit review, the applicant will be required to mitigate for any impacts to the onsite environmentally sensitive areas. It should be noted that the wetland/buffer impacts that the applicant has proposed are primarily to the "degraded" wetlands located on the subject site. The higher quality or better functioning wetlands (Wetlands "A" and "B") will remain primarily undisturbed.

As part of the applicant's environmental site analysis, it was discovered that the extent of the onsite natural resource areas are significantly greater than what is indicated on the City's Steep Slopes and Natural Resource Overlay Zone Map (Exhibit B-1). The City's inventory indicates there is only one approximately 1.4-acre wetland area located on the subject site, near the site's frontage with Troge Road. However, the applicant's wetland delineation (Exhibit 6) shows that this wetland area is nearly twice the size of the wetland that is illustrated within Exhibit B-1. Due to the actual size and good quality of this wetland area, staff has identified the need to amend the City's TSP, which identifies the future alignment of Troge Road as bisecting this wetland area (Exhibit B-2). As a result, in an effort to comply with Statewide Planning Goal 5 and the City's Comprehensive Plan policies related to natural resource preservation, staff plans to initiate a Comprehensive Plan amendment that will adjust the future Troge Road alignment, effectively relocating the future alignment of this collector facility to the north, maintaining the roadway along its current course – eliminating the need for significant impacts to the onsite wetland area. These criteria have been satisfied.

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

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

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

[...]

Policy 46: The City shall provide a range of housing that includes land use districts that allow senior housing, assisted living and a range of multi-family housing products. This range improves housing choice for the elderly, young professionals, single households, families with children, and other household types.

[...]

Staff Response:

The applicant is requesting that the City process a 127-lot PUD as part of their proposal. If approved, "Rock Creek Meadows" will provide additional, and varying, housing opportunities within the City. Therefore, this criterion has been satisfied.

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.

[...]

Staff Response:

The subject site is located in an area that has been comprehensively planned for through the adoption of the EHVCP. Currently, very few Level 1 services are available to the development site and the applicant's proposed utility plan (Exhibit 2, Page 10), if approved, would work to extend all Level 1 services to the boundaries of "Rock Creek Meadows". As properties in the area of the subject site develop as the EHVCP envisions, the applicant's proposal will be critical in facilitating said development by providing utility connections and establishing an urban development pattern. The applicant has proposed uses that are allowed in the underlying and proposed zones and will "achieve compatibility" with the surrounding properties as they develop per the EHVCP. Therefore, this criterion has been satisfied.

Policy 51C: Medium Density Single Family Residential Districts (R-5, MUR-S). These districts provide for smaller lot and attached housing choices in Happy Valley. The smaller lots, duplexes and triplexes permitted are intended to help broaden the variety of housing choices in the City, promote compact form in appropriate areas, and assist in meeting Metro requirements. The MUR-S district permits mixed use in limited situations in order to provide goods, services, and jobs close to residential areas. These districts may be located in transitional areas between High Density Residential Attached and lower density single family districts. They may also be part of master planned developments, where greater flexibility in their location may be considered.

Policy 51D: High Density Residential Attached (SFA, MUR-A, VTH, MUR-M and X). These districts provide for a variety of attached housing and neighborhood commercial uses. They are intended to make efficient use of land and public services, accommodate a range of housing needs, provide for compatible design at neighborhood scale, reduce reliance on the automobile for neighborhood travel, provide for walking, bicycling and transit use, and provide direct and convenient access to schools, parks and neighborhood services. These districts may be applied near (generally within ¼ mile) of mixed use centers and districts, along collector and arterial streets, and within a block of streets planned for transit. They may also be part of master planned developments, where greater flexibility in their location may be considered.

[...]

Staff Response:

The applicant has proposed lot sizes within "Rock Creek Meadows" that are appropriate for facilitating the construction of smaller single-family detached and attached residences. The development pattern and housing types being proposed by the applicant will help broaden the variety of housing choices in the City and will work to promote compact/efficient development patterns in an area of the City that was envisioned by the EHVCP to be utilized as such. These criteria have been satisfied.

Policy 56C: Overall Policy Framework for the East Happy Valley Comprehensive Plan. The following policies were derived from the goals and principles (originally dated July 13, 2004) of the Damascus/Boring Concept Plan. They are adopted as the overall policies guiding growth and livability in the East Happy Valley Comprehensive Plan area (East Happy Valley). Each policy is made up of its introductory goal-oriented statement, followed by the principles to be used during implementation.

Policy 56C.1: East Happy Valley Community

East Happy Valley will be a well-designed community with core mixed-use areas, livable neighborhoods and a range of job opportunities all integrated with the transportation system, natural environment, open space network and public facilities. Community elements will include:

- a) Neighborhoods as the basic “building blocks” of the community.*
- b) Mixed-use centers that encourage a sense of community.*
- c) A diverse range of job opportunities.*
- d) A mix of uses and transit supportive densities along transit streets.*
- e) A well-connected network of transportation, land uses and natural resource systems to support public transit, walking and bicycling.*
- f) An integrated system of open space, parks and natural areas throughout the community, using them as an organizing principle for land uses.*
- g) Pedestrian-friendly public spaces that accommodate outdoor activity and socialization within both residential and commercial districts.*

[...]

Staff Response:

The applicant’s proposed PUD will be the first “urban” style residential development in the East Happy Valley area and will work to establish the “building blocks” of this community. “Rock Creek Meadows” will have a mix of housing types and has been designed to provide open space and recreational opportunities. Being that “Rock Creek Meadows” is the first residential PUD in the area, the infrastructure envisioned in the EHVCP does not yet exist. However, the applicant will be installing all Level 1 services necessary to facilitate the development and will be “stubbing” utility and roadway connections to the perimeter of “Rock Creek Meadows”. Also, the applicant will be constructing/paying a fee “in-lieu-of” for frontage improvements to 172nd Avenue and Troge Road that will work to establish the pedestrian and transportation systems in the area. This criterion has been satisfied.

Policy 56C.3: East Happy Valley Housing

East Happy Valley will provide housing choices for people of all income levels and life stages. Housing will include:

- a) A full range of integrated housing types, affordability, and tenancy preferences across the neighborhoods that will fulfill state and regional housing requirements and allow people of all ages and incomes to live in East Happy.*

b) A range of housing types that allows community members to continue to live locally throughout all of life's stages (i.e. entry level worker, student, young professional, retired, elderly).

Staff Response:

In accordance with the above policy, the applicant has proposed a mix of housing types (single-family detached and single-family attached) that will be constructed on smaller lots (2,500 square feet for attached and 4,000 square feet for detached). The equation of a compact lot layout with a variety of housing types will work to provide people of varying ages and incomes the opportunity to purchase homes in this area, by keeping prices at an affordable level. This criterion has been satisfied.

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

[...]

Staff Response:

The subject site is located near the intersection of 172nd Avenue, a Major Arterial, and Troge Road, a Collector, which (once improved per the City's TSP) will provide vehicular and bicycle routes from the subject site to major activity centers such as "Happy Valley Town Center". The applicant has been required as part of this application to construct frontage improvements along 172nd Avenue that will include sidewalks and pavement width that will serve as a "cycle track" once the roadway is fully improved. These improvements will contribute to establishing a pedestrian and bicycle transportation system that will work to provide area residents an alternative to vehicular travel. The applicant has also shown on their development plan (Exhibit 2) that an internal street system providing for both interconnectivity and neighborhood livability would be provided. This criterion has been satisfied.

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.

[...]

Staff Response:

The applicant has submitted a utility plan as part of their proposal (Exhibit 2, Sheet 10) that indicates the proposed 127-lot PUD will be adequately served by all Level 1 public facilities. The applicant has also provided the foresight to include utility “stubs” to the edge of the proposed development to facilitate the development of adjacent properties. Therefore, these criteria have been satisfied.

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.

[...]

Staff Response:

All lots proposed as part of the subject PUD application will be required to pay System Development Charges, due at the time of building permit issuance, and on an ongoing basis pay property taxes. Therefore, the proposed development would contribute to the provision of Level 2 services. Thus, this criterion has been satisfied.

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.

Staff Response:

Level 1 facilities and services are not entirely available to the site, but will be extended to the proposed PUD by the developer. The improvements are required to be designed by a licensed engineer, constructed by a licensed contractor, and paid for by the developer. Also, the improvements are required to be in substantial conformance with the attached preliminary development plans and applicable conditions of approval. This criterion has been satisfied.

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 Fire District No. 1 (CFD#1)*
- *Clackamas County, Department of Transportation and Development (DTD)*
- *North Clackamas School District No. 12 (NCSD#12)*
- *North Clackamas Parks & Recreation District (NCPRD)*
- *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.

Staff Response:

Applicable service providers have been contacted and coordinated with by the City of Happy Valley, and the requirements of these service providers are incorporated within the record. This criterion has been satisfied.

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

Staff Response:

It is not anticipated that the proposed development will interfere or prevent the extension of any Level 1 facilities or services. In fact, the applicant's proposal will work to extend public facilities through the subject site to facilitate the development of neighboring properties. This criterion has been satisfied.

5. The following sections from Title 16 of the City’s Municipal Code (Land Development Code) are applicable to this request:

“CHAPTER 16.22-RESIDENTIAL LAND USE DISTRICTS

16.22.040 Medium Density Single-Family Residential Zones.

A. Purpose.

1. *Residential—Five Thousand (5,000) Square Feet (R-5).* This development district will allow single-family (attached and detached) as well as duplexes, triplexes within the City. Sanitary sewer and water are the most essential of urban services, but all Level I services and facilities are necessary and required for development at full density. In this district, there is an average lot size of five thousand (5,000) square feet.

2. *Mixed Use Residential—Single-Family (MUR-S).* Mixed use residential will promote compact form, and residential and commercial or residential and office mixed vertically, in addition to across the district. Minimum densities are provided to comply with the Urban Growth Management Functional Plan, Title 1 requirements. MUR-S has a minimum density of six units per net acre and a minimum lot size of four thousand (4,000) square feet.

B. Permitted Uses Table 16.22.040-1 identifies the land uses that are allowed in the R-5 and MUR-S Districts.

Table 16.22.040-1 Medium Density Single-Family Residential (R-5 and MUR-S) Permitted Uses

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	R-5	MUR-S
Residential		
<i>One single-family frame dwelling or modular dwelling unit per lot</i>	<i>P</i>	<i>P</i>
<i>Two-family attached dwelling units (duplexes), and multiple-family dwellings up to a triplex. Single-family attached dwelling units, duplexes, multiple-family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130. Density calculation as defined in Section 16.12.030 may be used where applicable.¹</i>	<i>P</i>	<i>P</i>

[...]

C. Development Standards. The development standards in Table 16.22.040-2 apply to all uses, structures, buildings, and development in the R-5, MUR-S Districts.

Table 16.22.040-2 Development Standards for R-5 and MUR-S

Standard	R-5	MUR-S
<i>Residential density (maximum)¹</i>		
<i>Single family dwelling (attached or detached)</i>	<i>1 unit/5,000 sf</i>	<i>1 unit/4,000 sf</i>
<i>Duplex²</i>	<i>1 duplex /7,000 sf</i>	<i>1 duplex/6,000 sf</i>
<i>Triplex²</i>	<i>1 triplex/10,000 sf</i>	<i>1 triplex/9,000 sf</i>
<i>Residential density (minimum)¹</i>	<i>None</i>	<i>6 du/net acre</i>
<i>Lot width (minimum)</i>	<i>40 feet</i>	<i>Variable⁴</i>
<i>Lot depth (minimum)</i>	<i>60 feet</i>	<i>Variable⁴</i>
<i>Street frontage (minimum)</i>		
<i>Single-family (attached or detached)</i>		
<i>Lots fronting on cul-de-sac</i>	<i>35 feet</i>	<i>Variable⁴</i>
<i>All other lots</i>	<i>40 feet</i>	<i>Variable⁴</i>
<i>Duplex</i>		

Standard	R-5	MUR-S
<i>Lots fronting on cul-de-sac</i>	80 feet	Variable ⁴
<i>All other lots</i>	80 feet	Variable ⁴
Triplex		
<i>Lots fronting on cul-de-sac</i>	100 feet	Variable ⁴
<i>All other lots</i>	100 feet	Variable ⁴
Lot coverage (maximum)		
<i>Single-family (attached or detached)</i>	50%	Variable ^{4, 5}
<i>Duplex or triplex</i>	60%	Variable ^{4, 5}
Building setbacks (minimum):		
<i>Front</i>	10 feet	Variable ⁴
<i>Rear</i>	15 feet	Variable ⁴
<i>Interior side</i>	5/0 feet ³	Variable ⁴
<i>Street side (corner lot)</i>	8 feet	Variable ⁴
Garage and carport entrances		
<i>Entrances not facing an alley</i>	20 feet	Variable ⁴
<i>Entrances facing an alley</i>	6 feet	Variable ⁴
Building height (maximum)	45 feet ⁶	65 feet
NOTES:		
¹ Density calculations shall be made pursuant to Section 16.63.020(F).		
² Location: Duplexes and triplexes must be located on a corner lot or adjacent to the intersection of two streets.		
³ Side yard setbacks for attached single-family residential may be reduced to zero in compliance with applicable sections of the adopted Uniform Building Code.		
⁴ Standards are flexible and shall be determined through the master plan process or a design review.		
⁵ Pursuant to Section 16.42.030, twenty (20) percent of the net developable area must be usable open space.		
⁶ The single-family residential building height maximum is forty-five (45) feet at the front elevation; side and rear elevations may not exceed forty-nine (49) feet.		

[...]

16.22.060 Mixed use residential—Multifamily (MUR-M and MUR-X).

A. Purpose.

1. Mixed use residential will promote compact form, and residential and commercial or residential and office mixed vertically, in addition to across the district. The multifamily sub-area provides for a range of densities, each of which should be shown on the master plan map. The multifamily sub-areas allow for retail uses that are meant to provide services to local residents, not attract outside traffic. The density requirements and minimum/maximum lot sizes are meant as a guide, and will vary based on the amount of unbuildable lands removed from gross acres. The density is calculated by averaging density for the residential district area identified in the master plan. Therefore, some lots may be smaller than the lot sizes given below. Minimum densities are provided to comply with the Urban Growth Management Functional Plan, Title 1 requirements.

2. MUR-X Mixed Use Buildings with Residential Emphasis. Residential and retail combinations with the primary use of the building being residential. Permitted commercial uses shown on Table 16.22.060-1.

B. Permitted Uses. Table 16.22.060-1 identifies the land uses that are allowed in the MUR-M and MUR-X Districts.

Table 16.22.060-1 Mixed Use Residential—Multifamily (MUR-M and MUR-X) Permitted Uses

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	MUR-M Multifamily	MUR-X Mixed Buildings
Residential		
<i>Single-family detached dwellings</i>	X	X
<i>Attached dwellings, (townhouses, attached duplex, rowhouses)</i>	P	P
<i>Multifamily dwellings</i>		

<i>Land Use</i>	<i>MUR-M Multifamily</i>	<i>MUR-X Mixed Buildings</i>
<i>Low</i>	<i>P</i>	<i>P</i>
<i>Medium</i>	<i>P</i>	<i>P</i>
<i>High</i>	<i>P</i>	<i>P</i>
<i>Senior housing</i>	<i>P</i>	<i>P</i>
<i>Skilled nursing facility</i>	<i>C</i>	<i>C</i>
<i>Congregate housing</i>	<i>C</i>	<i>C</i>
<i>Rooming houses</i>	<i>X</i>	<i>X</i>
<i>Accessory dwelling units (per Section 16.44.050)</i>	<i>X</i>	<i>X</i>
<i>Home occupation (per Section 16.69.020)</i>	<i>P</i>	<i>P</i>

[...]

C. *Development Standards. The development standards in Table 16.22.060-2 apply to all uses, structures, buildings, and development in the MUR-M and MUR-X Districts.*

Table 16.22.060-2 Development Standards for MUR-M1, MUR-M2 and MUR-M3 Districts

<i>Standard</i>	<i>MUR-M1</i>	<i>MUR-M2</i>	<i>MUR-M3</i>
<i>Residential density (maximum)¹</i>	<i>24 du/net acre</i>	<i>34 du/net acre</i>	<i>50 du/net acre</i>
<i>Residential density (minimum)¹</i>	<i>15 du/net acre</i>	<i>25 du/net acre</i>	<i>35 du/net acre</i>
<i>Lot size (minimum)</i>	<i>Variable²</i>	<i>Variable²</i>	<i>Variable²</i>
<i>Lot width (minimum)</i>	<i>Variable²</i>	<i>Variable²</i>	<i>Variable²</i>
<i>Lot depth (minimum)</i>	<i>Variable²</i>	<i>Variable²</i>	<i>Variable²</i>
<i>Lot coverage (maximum)</i>	<i>Variable^{2, 3}</i>	<i>Variable^{2, 3}</i>	<i>Variable^{2, 3}</i>
<i>Landscaping (minimum)</i>	<i>Variable³</i>	<i>Variable³</i>	<i>Variable³</i>
<i>Building setbacks (minimum)</i>	<i>Variable²</i>	<i>Variable²</i>	<i>Variable²</i>
<i>Building height (maximum)</i>	<i>65 feet⁴</i>	<i>65 feet⁴</i>	<i>65 feet⁴</i>
<i>NOTES:</i>			
<i>¹ Density calculations shall be made pursuant to Section 16.63.020(F).</i>			
<i>² Standards are flexible and shall be determined through the master plan process or design review application.</i>			
<i>³ Pursuant to Section 16.42.030, twenty (20) percent of the net developable area must be usable open space.</i>			
<i>⁴ Building height is measured pursuant to Chapter 16.12 Definitions. Maximum building height for single-family (attached) is forty-five (45) feet at the front elevation; the building height may not exceed forty-nine (49) feet at the side and rear elevations.</i>			

Staff Response:

The applicant has proposal to amend the City’s Comprehensive Plan Map/Zoning Map, as well as the EHVCP, to change the existing plan designation/zoning district on a portion (approximately 5.6 acres) of the subject site from City MUR-M2 to City MUR-S. The applicant’s projected configuration of the proposed designations/zones is depicted within Exhibit 2, Sheet 20. The proposed Comprehensive Plan Map/Zoning Map Amendment has been requested for the purpose of allowing the applicant to construct single-family detached residences in a portion of the subject site that is currently zone MUR-M2. Single-family detached residences are not permitted in the MUR-M2 zone. In accordance with the above sections, the applicant has requested specific development standards as part of their Master Plan submittal and has demonstrated that 20 percent of the development will be dedicated as usable open space. Exhibit 7 details the applicant’s proposed minimum setback requirements for each lot. These criteria have been satisfied.

CHAPTER 16.34 NATURAL RESOURCES OVERLAY ZONE

16.34.020 Applicability and Administration.

A. *The regulations of this Natural Resources Overlay Zone shall apply to any parcel which is within two hundred (200) feet of a Protected Water Feature (creeks, rivers, streams, wetlands, natural lakes, and springs) or which contains land identified and protected under Metro's UGMFP Title 13 Habitat Conservation Areas, as currently configured, or other significant wetlands, riparian corridors, wildlife habitat, that is inventoried and mapped on the Happy Valley Steep Slopes and Natural Resources Overlay Zone Map.*

B. *Unless otherwise exempted by these regulations, any development on parcels subject to this chapter must comply with the regulation contained herein. Activities subject to the review process shall include all development on properties, including:*

1. *Partitioning and subdividing of land;*
2. *New structural development;*
3. *Fills, excavations and modifications of drainage patterns;*
4. *Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas;*
5. *Site modifications including excavation or fill, installation of new above or below ground utilities;*
6. *Removal of trees or the cutting or clearing of any native vegetation;*
7. *Resource enhancement activities.*

Staff Response:

The City's Steep Slopes and Natural Resource Overlay Zone Map illustrates the presence of protected water feature on the subject site (Exhibit B-1). The applicant has proposed to fill several of the wetland areas that were identified by the applicant's environmental consultant and mitigate for said impacts. Therefore, the applicant's proposal is subject to Chapter 16.34 and has been reviewed according to the procedures specified therein. These criteria have been satisfied.

16.34.060 Map verification to establish natural resource boundaries.

A. *The preparation of the City of Happy Valley Steep Slopes and Natural Resources Overlay Zone Map did not include specific field observations of every individual property. The map is designed to be specific enough to determine whether further environmental review of a development proposal is necessary. If any portion of the development or alteration of the land (except those exempted by this Chapter) is located within the Natural Resources Overlay Zone boundary, then map verification is required before any development permit can be issued.*

1. *The map verification requirements described in this section shall be met at the time an applicant proposes a nonexempt use or activity or requests a building permit, grading permit, tree removal permit, land division approval, or some other land use decision. Where it can be clearly determined by the Planning Official that development is at least one hundred (100) feet from the NROZ and there is no impact to the Significant Resource, development may be permitted without map verification.*

2. *A property owner, or another person with the property owner's consent, may request to verify the location of Water Quality Resources and/or HCAs on a real property lot or parcel pursuant to this section, but said request for information shall be at the Planning Official or designee's sole discretion, based on staff availability, funding resources, and policy priorities and shall require the submittal of a public information request and resultant fee. If a person receives a verification separate from a simultaneous request for a building permit, grading permit, tree removal permit, land division approval, or some other land use decision, then the person may use the verification to satisfy the requirements of this section at any time up until five years after the date the verification was issued.*

3. *Map verification shall not be used to dispute whether identified resources provide the ecological functions that they are assumed to provide based on the ecological criteria used to identify them.*

4. *Notwithstanding any other provisions of Section 16.34.060, for utility projects undertaken by public utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within three hundred (300) feet of the location of the proposed disturbance area of the utility's project.*

5. *Review Procedures.*

a. *The Planning Official or designees making a map verification decision pursuant to Section 16.34.060(B) or 16.34.060(C) shall use the Type I administrative procedure described in Section 16.61.020.*

b. *The Planning Official's decision shall be based on consideration of the information submitted by the applicant, any information collected during a site visit to the lot or parcel, any information generated by prior map verifications that have occurred on adjacent properties, and any other objective factual information that has been provided to the Planning Official or designee.*

c. *The Planning Official or designees making a map verification decision pursuant to Section 16.34.060(D) shall use the Type II administrative procedure described in Section 16.61.030. Upon receipt of a completed application, the Planning Official or designee shall provide notice of the map verification application to Metro; to the owners of record of property on the most recent property tax assessment roll where such property is located within three hundred (300) feet of the subject property; to any neighborhood or community planning organization recognized by the City and whose boundaries include the property; and to any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property. The Planning Official or designee shall apply the verification criteria in Section 16.34.060(D)(2) to confirm the location of any HCAs based on the HCA map, the information submitted by the applicant, any information received during the public comment period, and any additional information readily available, including information collected during a site visit to the lot or parcel. The applicant and all persons that submitted written comments shall be provided with a written explanation of the Planning Official or designee's decision.*

d. *Verification of the location of Water Quality Resources and HCAs as described in this section shall not be considered a Comprehensive Plan amendment.*

Staff Response:

The applicant has provided the required information for map verification as described in Section 16.34.060(B). Per the provisions found within Section 16.61.060.D.2 of the LDC, the applicant's proposed ERP has been consolidated into the greater set of applications related to "Rock Creek Meadows" and will be decided on by the Happy Valley City Council, per the City's Type "III" review procedure. As part of this application, the applicant has included a natural resource assessment and wetland delineation (Exhibits 5 and 6), prepared by SWCA, addressing the above criteria. These criteria have been satisfied.

B. Water Quality Resources—Map Verification. Water Quality Resources include the Protected Water Features and the Vegetated Corridors as specified in Table 16.34.060-1, and include all land identified and protected under Metro’s UGMFP Title 3 Water Quality Resource Areas.

1. Protected Water Features include creeks, rivers, streams, wetlands, natural lakes, and springs. The general location of identified Protected Water Features is indicated on the Happy Valley Steep Slopes and Natural Resources Overlay Zone Map; however, the text provisions of this section shall be used to determine the exact location of the Protected Water Feature.

2. The Vegetated Corridor (buffer) is a facility required to prevent damage to the Protected Water Feature caused by development impacts. The width of the Vegetated Corridor area varies depending on the type of Protected Water Feature; upstream drainage area served; and slope adjacent to the Protected Water Feature, as specified in Table 16.34.060-1. The Vegetated Corridor (buffer) is based on the horizontal distance measured perpendicular to the Protected Water Feature boundary, not the slope distance from it. To establish the size of Vegetated Corridor, the starting point for measurements from the Water Feature is the edge of bankful flow or two-year storm level or the delineated edge of a wetland. At least three slope measurements along the water feature, at no more than one hundred (100) foot increments, shall be made for each property for which development is proposed. Depending on the width of the property, the width of the vegetated corridor will vary. The Vegetated Corridor (buffer) width is determined based on the slope of the land adjacent to the Protected Water Feature in twenty-five (25) or fifty (50) foot increments. Where the slope of the land varies within the measurement area, an Area Weighted Average slope shall be calculated. The calculation for the Area Weighted Average slope is shown in Figure 16.34.060-1; note that A, B, and C indicate different slope areas, measured horizontally.

Table 16.34.060-1 Water Quality Resources

Protected Water Feature	Upstream Drainage Area	Slope Adjacent to Sensitive Area	Width of Vegetated Corridor (Buffer)
<i>Intermittent creeks, rivers, streams</i>	<i>Less than 50 acres</i>	<i>Any slope</i>	<i>25 feet</i>
	<i>50 to 100 acres</i>	<i><25%</i>	<i>25 feet</i>
	<i>50 to 100 acres</i>	<i>≥25%</i>	<i>50 feet</i>
	<i>Greater than 100 acres</i>	<i><25%</i>	<i>50 feet</i>
	<i>Greater than 100 acres</i>	<i>≥25%</i>	<i>100 to 200 feet depending on adjacent slope—see Figure 16.34.060-2</i>
<i>Perennial creeks, rivers, streams</i>	<i>Any upstream area</i>	<i><25%</i>	<i>50 feet</i>
	<i>Any upstream area</i>	<i>≥25%</i>	<i>100 to 200 feet depending on adjacent slope—see Figure 16.34.060-2</i>
<i>Wetlands, lakes (natural), and springs.</i>	<i>Any drainage</i>	<i><25%</i>	<i>50 feet</i>
	<i>Any drainage</i>	<i>≥25%</i>	<i>100 to 200 feet depending on adjacent slope—see Figure 16.34.060-3</i>

Figure 16.34.060-1 Calculating Area Weighted Average Slope

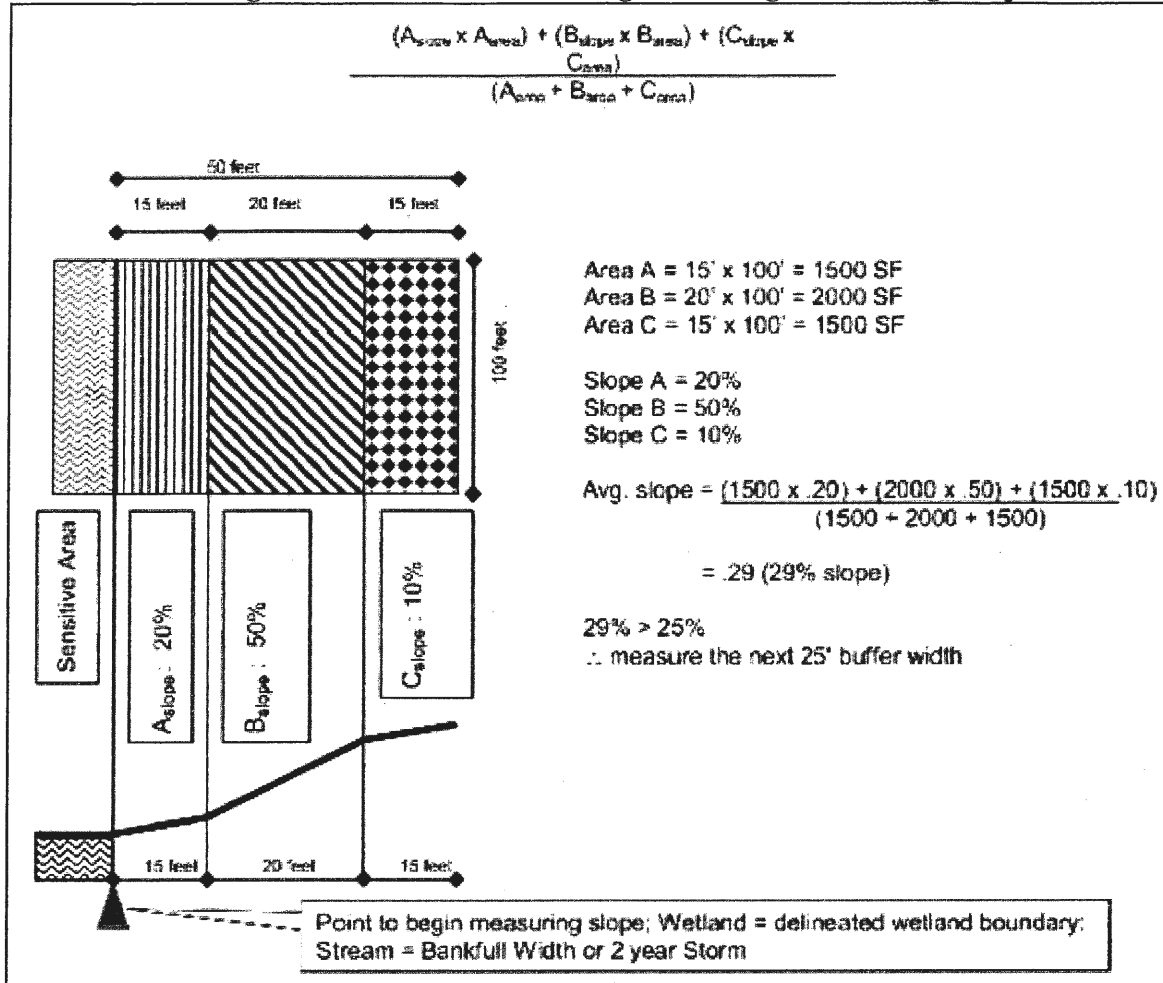
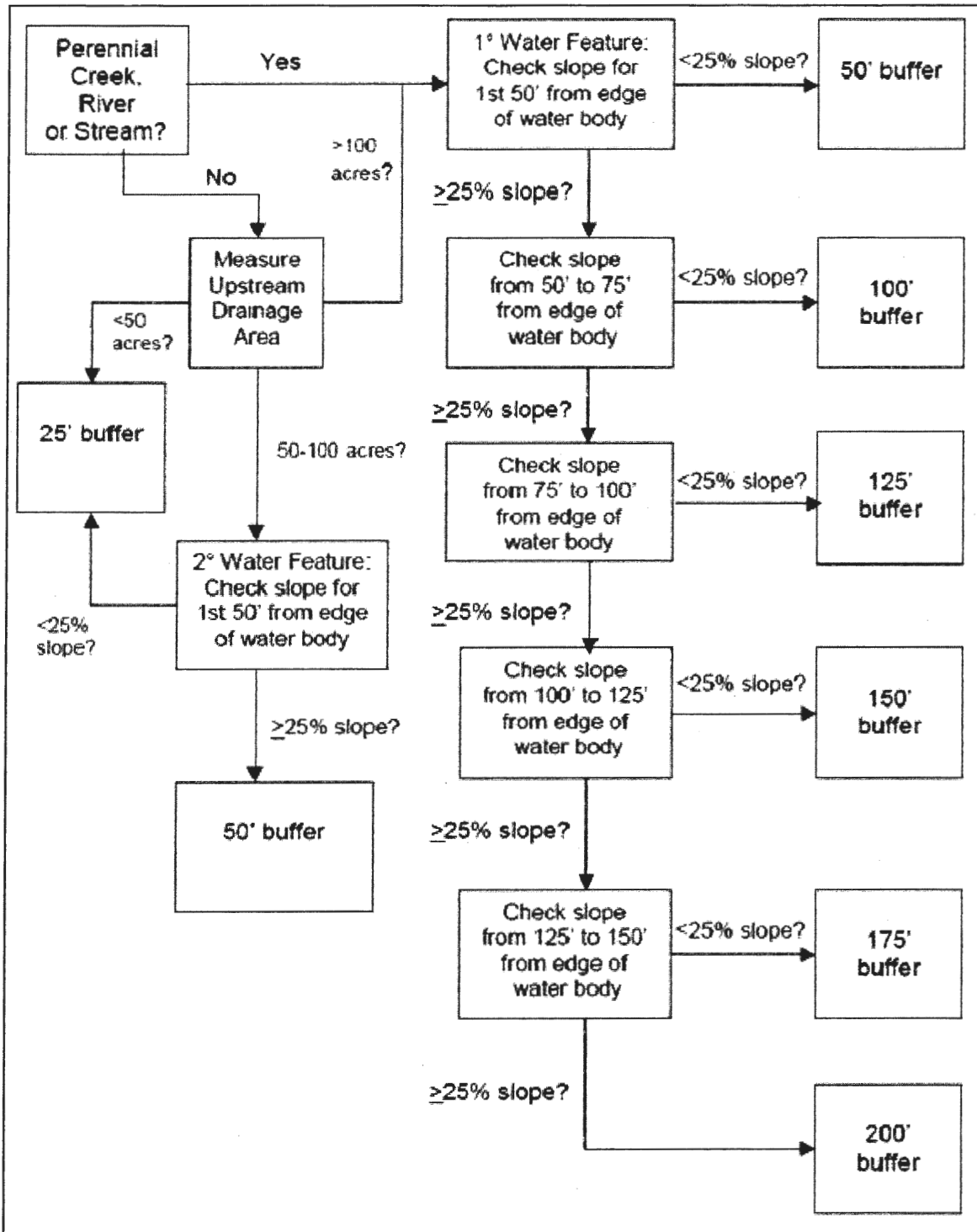
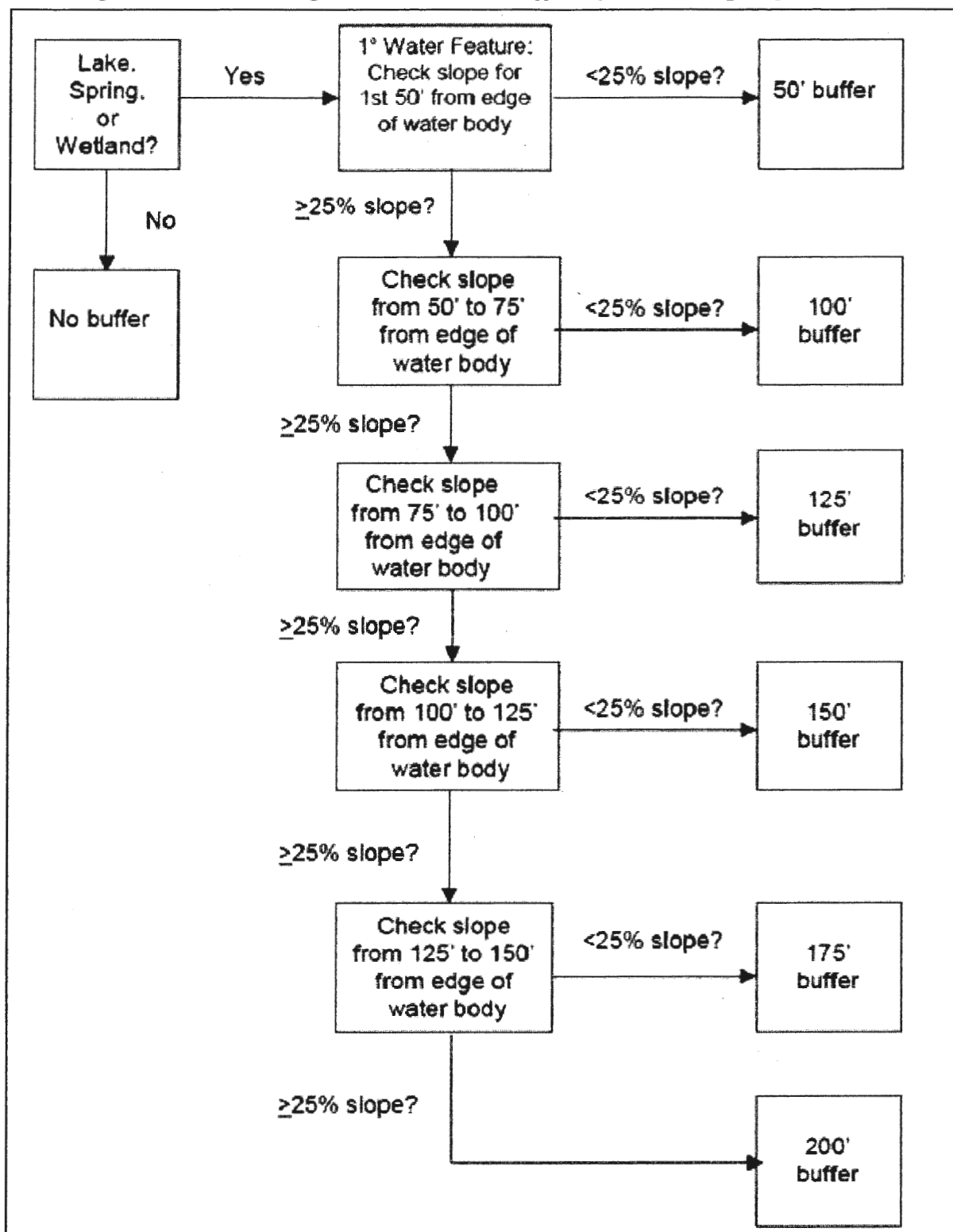


Figure 16.34.060-2 Vegetated Corridors (Buffers) for Intermittent and Perennial Creeks, Rivers, Streams*



* Streams are considered perennial until proven intermittent with adequate field documentation (photos, field data), or determination by Oregon Division of State Lands.

Figure 16.34.060-3 Vegetated Corridors (Buffers) for Lakes, Springs or Wetlands



3. *Delineation of Water Quality Resources. Applicants shall delineate the boundaries of the protected water feature as follows:*

a. *Lakes, Springs, and Wetlands.*

i. *Delineate boundaries using the methods described in the 1987 US Army Corps of Engineers Wetland Delineation Manual.*

<i>Development Standards</i>	<i>Water Quality Resources</i>	<i>HCA's</i>
<i>Nondiscretionary (16.34.070(B))</i>	<i>No</i>	<i>Yes</i>
<i>Special use (16.34.070(D))</i>	<i>Yes</i>	<i>Yes</i>
<i>Discretionary (16.34.075)</i>	<i>Yes</i>	<i>Yes</i>

Staff Response:

The applicant is proposing nonexempt uses and activities within verified natural resources. Because nonexempt uses and activities are proposed within a Water Quality Resource only, the applicant has addressed the discretionary review standards in Section 16.34.075. This criterion is satisfied.

A. Permit Requirements. Individuals proposing nonexempt development within Natural Resources (Water Quality Resources or HCAs) must provide a development plan and accompanying narrative explanation that includes the following information. All of the application requirements must be met prior to permit approval.

- 1. Applicants must verify the boundaries of any Water Quality Resource or HCA on their property as described in Section 16.34.060.*
- 2. For the entire subject property (including non-resource areas), applicants must submit a scale map of the property that includes:*
 - a. Location of any wetlands or water bodies on the property, including a delineation of the Water Quality Resource Area;*
 - b. Location of all high, moderate, and low HCAs on the property;*
 - c. Outline of any existing disturbance area, including the location of existing adjacent streets and paved areas, utilities, culverts, stormwater management facilities, or bridges;*
 - d. Location of 100-year floodplain and floodway boundary as defined by the Federal Emergency Management Agency (FEMA) and the area of the 1996 flood inundation; and*
 - e. Topography shown by two-foot vertical contours in areas of slopes less than fifteen (15) percent, and at five-foot vertical contours of slopes fifteen (15) percent or greater. On properties that are two acres or larger, such a contour map is required only for the portion of the property to be developed.*
- 3. Detailed site plan of proposed development outlining total disturbance area, including proposed building footprints, site property improvements, utilities and landscaping. The types, sizes and intensities of lights must be placed so that they do not shine directly into the NROZ.*
- 4. The following additional information shall be provided about the HCA:*
 - a. For properties containing less than one acre of HCA, the location of all trees within the HCA that are greater than six inches diameter at breast height (DBH), shall be identified by size and species. For properties containing one acre or more of HCA, the applicant may approximate the number of trees and the diameter range, and provide a listing of the dominant species;*

b. For proposed disturbance areas containing less than one acre of HCA, all trees with a diameter of six inches or greater that will be removed shall be specifically identified as to diameter at breast height (DBH) and species. For proposed disturbance areas containing one acre or more of HCA an approximate of the number of trees, their diameters and the dominant species.

5. If grading will occur within a Water Quality Resource or HCA, a grading plan showing the proposed alteration of the ground at two-foot vertical contours in areas of slopes less than fifteen (15) percent, and at five-foot vertical contours of slopes fifteen (15) percent or greater.

6. When a property containing any Water Quality Resource is subdivided, this Code requires that new subdivision plats delineate and show the Water Quality Resource as a separate unbuildable tract. The division of properties containing HCAs are subject to Section 16.34.070(C)(5).

Staff Response:

The applicant has satisfied the above permit requirements for nonexempt development within Natural Resources.

B. Construction Management Plans.

1. In order to ensure that trees and vegetation within the NROZ are not damaged during construction, all applicants shall provide a construction management plan that includes the following information:

- a. Location of site access and egress that construction equipment will use;
- b. Equipment and material staging and stockpile areas;
- c. Erosion and sediment control measures; and
- d. Measures to protect trees and other vegetation located within Water Quality Resources and HCAs, but outside of the disturbance area approved under the provisions of Section 16.34.070 or 16.34.075.

2. Applicants who are partitioning or subdividing, but are not simultaneously developing their property, do not need to provide a Construction Management Plan.

Staff Response:

The applicant has not specifically provided a construction management plan. However, the applicant's tree protection plan (Exhibit 2, Sheet 4) and grading and erosion control plan (Exhibit 2, Sheet 6) illustrate the proposed measures that will be implemented prior to the commencement of site construction to protect the onsite vegetation and natural areas that are not proposed to be disturbed. The applicant proposes to protect these onsite natural areas and vegetation with sediment fencing. To ensure that these areas are sufficiently protected during home and site construction, staff is recommending that the applicant utilize orange construction fencing rather than the sediment fencing. Per Condition of Approval Number 73, this criterion is satisfied.

16.34.075 Discretionary development standards.

There are four discretionary review processes provided in this section: subsection A of this section provides discretionary review for an applicant seeking only to partition a property; subsection B of this section provides discretionary review for an applicant who will comply with the development standards in Section 16.34.070, except that the applicant seeks to meet the mitigation requirements of that section on a different property from the property on which a HCA will be disturbed; subsection C of this section provides discretionary review for an applicant who will comply with the development standards in Section 16.34.070, except that the applicant seeks to meet the mitigation requirements of that section by proportionally varying the number and size of plants required to be planted; and subsection D of this section (Natural Resource Review) provides general discretionary review standards applicable to an applicant seeking some other type of discretionary approval of development that will disturb a Water Quality Resource or HCA.

Within HCAs that are not otherwise Water Quality Resources, applicants may choose to use the alternative discretionary development standards provided in this section rather than the development standards provided in Section 16.34.070. However, a Natural Resource Review is required for development within Water Quality Resources. All four types of discretionary reviews will be processed in accordance with the Type II procedures in Section 16.61.030.

[...]

D. Natural Resource Review (NRR). An applicant seeking discretionary approval to undertake any development activity within a Water Quality Resource or HCA that does not comply with Section 16.34.070 and is not described in subsections A, B or C shall apply for a Natural Resource Review pursuant to subsection D. Natural Resource Review (NRR) is the discretionary process by which the City analyzes the impacts of development on natural resources, as well as measures to prevent negative impacts, and also provides mitigation and enhancement requirements. The Planning Director may consult with a professional with appropriate expertise to evaluate an applicant's NRR application prepared under this section or may rely on appropriate staff expertise, in order to properly evaluate the report's conclusions.

1. Agency Coordination. Other state and regional agencies, including Clackamas County Service District No. 1, regulate some of the natural resources that are protected by the standards of this chapter. In order to avoid unnecessary duplication, an applicant may substitute application materials prepared for Clackamas County Service District No. 1, or another regulating agency, for the materials required by this section where these materials will provide sufficient information for the City to address the approval criteria in subsection (D)(3).

2. Application Requirements. The applicant shall provide all items described in Section 16.34.070(A), except that, for utility projects undertaken by public utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within three hundred (300) feet of the location of the proposed disturbance area of the utility's project, and the applicant shall also provide all of the following:

a. A topographic map of the site with two-foot vertical contours in areas of slopes less than fifteen (15) percent, and at five-foot vertical contours of slopes fifteen (15) percent or greater showing a delineation of the Water Quality Resource, which includes areas shown on the Happy Valley Steep Slopes and Natural Resources Overlay Zone Map, and that meets the definition of water quality resource areas in Table 16.34.030-1;

b. *Location of Title 3 Wetlands. Where Title 3 wetlands are identified, the applicant shall follow the Division of State Lands recommended wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist;*

c. *An inventory, location and plan for removal of any existing debris and noxious materials;*

Staff Response:

The applicant has addressed the above submittal requirements within their narrative and plan set that was supplied as part of the proposed application package. The applicant also provided a wetland delineation that validates the location of the onsite Water Quality Resources that are shown within their plan set. The applicant has also identified the natural resource areas that will be impacted by the proposed development and the methods of “mitigating” for said impacts. These criteria are satisfied.

d. *An assessment of the existing condition of any Water Quality Resources, including an inventory and map of the existing plant communities including the number and area covered by each plant community present. A plant community is defined as a grouping of plants that often occur together growing in a uniform habitat. For each sample point, document the area covered by all species providing greater than five percent cover within the plot boundary. A ten (10) foot radius plot for herbs (non-woody vegetation) and a thirty (30) foot radius plot for woody vegetation are required; however, plot boundaries may be adjusted to ensure that only one plant community is represented in a plot. The inventory and map shall specify cover by native species, invasive species, and noxious species.*

Staff Response:

The application includes a natural resource assessment and wetland delineation, both of which are included as exhibits to this report (Exhibits 5 and 6). A vegetated corridor assessment report was prepared including documentation of the plant communities per the criteria above. This criterion is satisfied.

e. *Impact Evaluation and Alternatives Analysis. An impact evaluation and alternatives analysis is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular property. The alternatives must be evaluated on the basis of their impact on Water Quality Resources and HCAs, the ecological functions provided by the resource on the property, and off-site impacts within the subwatershed (6th Field Hydrologic Unit Code) where the property is located. The impact evaluation shall include the following:*

i. *Identification of the ecological functions of riparian habitat found on the property as described in Table 16.34.075-1.*

Staff Response:

The applicant identifies the proposed impacts to the onsite natural resource areas within the subject site and addresses any possibly alternative designs within Exhibit 6, Pages 5 and 6. The applicant has provided identification of the ecological functions of the onsite natural resource areas as described in Table 16.34.075-1. This information can be found within Exhibit 6, on Pages 3-5. This criterion is satisfied.

iii. *Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the HCAs and the ecological functions provided on the property. At a minimum, the following approaches must be considered:*

- (A) *The techniques described in Section 16.34.050;*
 - (B) *Multi-story construction;*
 - (C) *Minimizing building and development footprint;*
 - (D) *Maximizing the use of native landscaping materials;*
- and*
- (E) *Minimal excavation foundation systems (e.g., pier, post or piling foundation).*

Staff Response:

The applicant has evaluated the onsite resources and performed a design “alternatives” analysis (Exhibit 5, Page 5). Staff concurs with the applicant’s assessment and finds that the proposed development plan for “Rock Creek Meadows” was designed taking the above criteria into consideration. This criterion has been satisfied.

iv. *Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable. Where Water Quality Resources are proposed to be impacted, the applicant shall also demonstrate that no practicable alternatives to the requested development exist that will not disturb the Water Quality Resource; that development in the Water Quality Resource has been limited to the area necessary to allow for the proposed use; and that the Water Quality Resource can be restored to an equal or better condition.*

Table 16.34.075-1 Ecological Functional Values of Riparian Corridors

Ecological Function	Landscape Features Providing Functional Values
<i>Microclimate and shade</i>	<i>Forest canopy or woody vegetation within 100 feet of a stream; a wetland¹; or a flood area².</i>
<i>Streamflow moderation and water storage</i>	<i>A wetland or other water body³ with a hydrologic connection to a stream; or a flood area².</i>

<i>Ecological Function</i>	<i>Landscape Features Providing Functional Values</i>
<i>Bank stabilization, sediment and pollution control</i>	<i>All sites within 50 feet of a surface stream;</i>
	<i>Forest canopy, woody vegetation, or low structure vegetation/open soils within 100 feet of a stream or a wetland; or forest canopy, woody vegetation, or low structure vegetation/open soils within a flood area; and</i>
	<i>Forest canopy, woody vegetation, or low structure vegetation/open soils within 100–200 feet of a stream if the slope is greater than 25 percent.</i>
<i>Large wood and channel dynamics</i>	<i>Forest canopy within 150 feet of a stream or wetland; or within a flood area; and</i>
	<i>The channel migration zone is defined by the floodplain, but where there is no mapped floodplain a default of 50 feet is established to allow for the channel migration zone.</i>
<i>Organic material sources</i>	<i>Forest canopy or woody vegetation within 100 feet of a stream or wetland; or within a flood area.</i>
<p><i>NOTES:</i></p> <p>¹ <i>Refers to “hydrologically-connected wetlands,” which are located partially or wholly within one-quarter mile of a surface stream or flood area.</i></p> <p>² <i>Developed floodplains are not identified as HCAs because they do not provide primary ecological functional value.</i></p> <p>³ <i>“Other water body” could include lakes, ponds, reservoirs, or manmade water feature that is not a water quality facility or farm pond.</i></p>	

Staff Response:

The applicant contends that given the current location of the existing wetland areas, preservation of all the onsite wetlands and their associated buffers would result in the “loss” of approximately 54 lots (Exhibit 5, Page 5) and would create a difficult development scenario from a roadway circulation standpoint. As a result, staff concurs with the applicant’s assessment and finds that there are few practicable alternatives to permit development at the minimum residential density of the underlying/proposed zoning designation. These criteria have been satisfied.

f. Mitigation Plan. The purpose of a mitigation plan is to compensate for unavoidable significant detrimental impacts to ecological functions that result from the chosen development alternative as identified in the impact evaluation.

i. An applicant may choose to develop a mitigation plan consistent with the requirements of Section 16.34.070(C)(4). If an applicant so chooses, then the applicant shall submit a mitigation plan demonstrating such compliance.

[...]

iii. In addition, where a Water Quality Resource is proposed to be impacted, the mitigation plan shall contain the following additional information:

(A) A description of adverse water quality impacts that will be caused as a result of development;

(B) *An explanation of how development in the Water Quality Resource has been limited to the area necessary to allow for the proposed use and how the Water Quality Resource area will be restored to an equal or better condition; and*

(C) *A map showing where the specific mitigation activities will occur.*

Staff Response:

The applicant has indicated that the impacts to the onsite wetlands will be mitigated for by the applicant purchasing credits from the Foster Creek Wetland Mitigation Bank. The proposed impacts to the vegetated corridors will be mitigated for onsite. The applicant has submitted a preliminary mitigation plan that meets the requirements of Section 16.34.070(C)(4). All mitigation plantings will be of native stock and are listed on the City of Happy Valley native plant list. The applicant has proposed to utilize the requirements of Mitigation Option 1. Because a Water Quality Resource is proposed to be impacted, the applicant has provided the above information within Exhibit 5, Pages 6-7 and Figure 5. Staff concurs with the applicant's conclusions. This criterion has been satisfied.

c. The Impact Evaluation and Alternatives Analysis required by subsection (D)(1)(e) and the Mitigation Plan required by subsection (D)(1)(f) shall be prepared and signed by either (i) a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist, or (ii) a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, stormwater facilities, or other similar facilities. The application shall include a description of the qualifications and experience of all persons that contributed to the Impact Evaluation and Alternatives Analysis and to the Mitigation Plan, and for each person that contributed, a description of the elements of such reports to which the person contributed.

Staff Response:

The Impacts and Evaluations Alternatives Analysis and Mitigation Plan were prepared by Monty Hurley, Civil Engineer at AKS Engineering and Forestry and by Stacy Reed, Wetland Biologist of SWCA. Staff finds that the Impacts and Evaluations Alternatives Analysis and Mitigation Plan were prepared by knowledgeable and qualified natural resource professionals. This criterion has been satisfied.

3. *Approval Criteria.*

a. *All application requirements in subsection (D)(1) shall be met.*

Staff Response:

The applicant has met all application requirements in subsection (D)(1). This criterion is met.

b. *Avoid. An applicant shall first avoid the intrusion of development into Water Quality Resources and HCAs to the extent practicable. The development that is proposed must have less detrimental impact to Water Quality Resources and HCAs than other practicable alternatives, including significantly different practicable alternatives that propose less development within Water Quality Resources and HCAs. If there are both Water Quality Resource Areas and HCAs on a property and/or there is more than one type of HCA on a property, then the applicant shall first avoid the intrusion of development into the Water Quality Resource, then into the higher-valued HCA, to the extent practicable, and the development that is proposed must have less detrimental impact to the Water Quality Resource and higher-valued HCAs than other practicable alternatives. To avoid development in Water Quality Resources and HCAs, and to the extent practicable, applicants shall use the approaches described in subsection (D)(1)(e)(iii).*

Staff Response:

The applicant has proposed a residential development on the subject site with a lot yield that is within two dwelling units of the minimum residential density required and has contended that the preservation of all the onsite wetland areas would result in the “loss” of more than 50 dwelling units. Further, the applicant’s development plan demonstrates that the proposed natural resource impacts are the minimum necessary to achieve a feasible development project. Finally, the applicant has, via their proposed mitigation plan, provided a scenario under which the impacted vegetated corridors would be mitigated for through the enhancement of the undisturbed vegetated corridors located on the subject site. Staff concurs with this assessment/proposal. This criterion has been satisfied.

c. *Minimize. If the applicant demonstrates that there is no practicable alternative that will not avoid disturbance of Water Quality Resources and HCAs, then the development proposed by the applicant within the Water Quality Resources and HCAs shall minimize detrimental impacts to the extent practicable. If there are both Water Quality Resource Areas and HCAs on a property and/or there is more than one type of HCAs on a property, then the development within Water Quality Resources and higher-valued HCAs shall be considered more detrimental than development within lower-valued HCAs.*

i. *Development must minimize detrimental impacts to ecological functions and loss of habitat consistent with uses allowed by right under the base zone, to the extent practicable.*

ii. *To the extent practicable within Water Quality Resources and HCAs, the proposed development shall be designed, located, and constructed to:*

(A) *Minimize grading, removal of native vegetation, and disturbance and removal of native soils by using the approaches described in Section 16.34.070(C)(2), reducing building footprints, and using minimal excavation foundation systems (e.g., pier, post or piling foundation);*

(B) Minimize adverse hydrological impacts on water resources such as by using the techniques described in Part (a) of Table 16.34.075-2, unless their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Federal Clean Water Act, 33 U.S.C. Sections 1251 et seq., or the Federal Safe Drinking Water Act, 42 U.S.C. Sections 300f et seq., and including conditions or plans required by such permit;

(C) Minimize impacts on wildlife corridors and fish passage such as by using the techniques described in Part (b) of Table 16.34.075-2; and

(D) Consider using the techniques described in Part (c) of Table 16.34.075-2 to further minimize the impacts of development in the Water Quality Resources and HCAs.

Table 16.34.075-2 Habitat-Friendly Development Practices*

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts	
1.	<i>Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.</i>
2.	<i>Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.</i>
3.	<i>Incorporate stormwater management in road rights-of-way.</i>
4.	<i>Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.</i>
5.	<i>Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.</i>
6.	<i>Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.</i>
7.	<i>Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.</i>
8.	<i>Use multifunctional open drainage systems in lieu of more conventional curb-and-gutter systems.</i>
9.	<i>Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.</i>
10.	<i>Apply a treatment train approach to provide multiple opportunities for stormwater treatment and reduce the possibility of system failure.</i>
11.	<i>Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.</i>
12.	<i>Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.</i>
13.	<i>Use shared driveways.</i>
14.	<i>Reduce width of residential streets, depending on traffic and parking needs.</i>
15.	<i>Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.</i>
16.	<i>Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.</i>
17.	<i>Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).</i>
18.	<i>Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.</i>
19.	<i>Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.</i>
20.	<i>Allow narrow street rights-of-way through stream corridors whenever possible to reduce adverse impacts of transportation corridors.</i>

Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices

1. Use native plants throughout the development (not just in HCA).
2. Locate landscaping (required by other sections of the code) adjacent to HCA.
3. Reduce light spill-off into HCAs from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

* These development practices represent the state of scientific knowledge at the time of this Code's enactment; if more effective habitat-friendly practices become available, they should be used.

Staff Response:

As discussed within the previous finding, the applicant has proposed the minimum amount of disturbance to the onsite Water Quality Resources as possible, within the framework of providing a feasible development that meets the required minimum residential densities of the underlying/proposed zones. Furthermore, the applicant has proposed mitigation which would essentially enhance the existing Water Quality Resources within the subject site, and in the long term would provide an ecological function that is roughly equivalent to or greater than that provided at present. Staff finds that the proposed development meets the above minimization requirements. This criterion has been satisfied.

d. Mitigate. If the applicant demonstrates that there is no practicable alternative that will not avoid disturbance of a Water Quality Resource or HCA, then development must mitigate for adverse impacts to the Water Quality Resource and HCA. All proposed mitigation plans must meet the following standards.

i. The mitigation plan shall demonstrate that it compensates for detrimental impacts to ecological functions provided by HCAs, after taking into consideration the applicant's efforts to minimize such detrimental impacts through the use of the techniques described in Table 16.34.075-2 and through any additional or innovative techniques. A mitigation plan that requires the amount of planting that would be required under Section 16.34.070(C)(4) based on the amount of proposed disturbance area within the HCA, and that otherwise complies with all of the mitigation requirements in Section 16.34.070(C)(4), shall be considered to have satisfied the requirements of subsection (D)(2)(d).

ii. *Mitigation shall occur on the site of the disturbance, to the extent practicable. Off-site mitigation shall be approved if the applicant has demonstrated that it is not practicable to complete the mitigation on-site and that the applicant has documented that it can carry out and ensure the success of the off-site mitigation, as described in subsection (B)(1)(b)(iv). In addition, if the off-site mitigation area is not within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed HCA, the applicant shall demonstrate that it is not practicable to complete the mitigation within the same subwatershed and that, considering the purpose of the mitigation, the mitigation will provide more ecological functional value if implemented outside of the subwatershed. Mitigation shall not be allowed outside of the Metro jurisdictional boundary.*

iii. *All re-vegetation plantings shall be with native plants listed on the Happy Valley Plant List (Appendix A).*

iv. *All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream work-timing schedule.*

v. *A mitigation maintenance plan shall be included and shall be sufficient to ensure the success of the planting, and compliance with the plan shall be a condition of development approval.*

e. *Natural resource boundaries shall be located and staked by a qualified professional prior to any construction, demolition, grading or site clearing. Construction barrier fencing should be erected around the vegetated corridor prior to construction.*

f. *Protective measures and erosion control measures shall comply with the City's Erosion Control Ordinance No. 141. These measures shall remain in place throughout the development of the site.*

g. *No stockpiling of fill materials, parking, or storage of construction equipment shall be allowed within a significant natural resource or its buffer.*

h. *The types, sizes and intensities of lights must be placed so that they do not shine directly into the significant natural resource or its buffer.*

i. *The removal of native vegetation shall not be permitted from a resource area unless:*

i. *A permit has been issued by the City in accordance with the land development code; or*

ii. *Species to be removed are on the Happy Valley Plant List's Nuisance Plant List or Prohibited Plant List (Appendix A).*

j. *Plantings within the natural resource shall only be with species on the Happy Valley Plant List's native groundcovers, shrub or tree lists (Appendix A)."*

Staff Response:

The applicant has indicated that the impacts to the onsite wetlands will be mitigated for through the applicant purchasing credits from the Foster Creek Wetland Mitigation Bank. The proposed impacts to the vegetated corridors will be mitigated for onsite. The applicant has addressed the above on-site mitigation requirements pertaining to the impacts to the onsite vegetated corridor within Exhibit 5. In addition, per Condition Number 72, the applicant will be required to place a conservation easement over the wetlands and associated vegetative corridors (including the areas that will be enhanced as “mitigation”) to remain onsite. These criteria have been satisfied.

CHAPTER 16.41-ACCESS AND CIRCULATION

16.41.030 Vehicular access and circulation.

A. Access to Arterial and Collector Streets.

1. *Location and design of all accesses to and/or from arterials and collectors (as designated in the transportation system plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street shall be required.*

2. *Accesses to arterials or collectors shall be located a minimum of one hundred fifty (150) feet from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.*

3. *No development site that abuts an arterial or collector street shall be allowed more than one access point to that street (as designated in the transportation system plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.*

4. *When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in subsections (B)(1) and (B)(2) of this section. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.*

5. *When a partition, subdivision or a planned unit development abuts or contains an existing or proposed arterial street as defined within the Comprehensive Plan, the City Engineer or Planning Commission shall require reverse frontage lots, thereby precluding access to the parkway streets.*

Staff Response:

The subject site will have direct access to a Major Arterial (172nd Avenue). The applicant’s proposal for site access has been reviewed by the City and determined to be in compliance with the above standards. There are no other access points to 172nd avenue within 150 feet of the applicant’s proposed entrance/exit to “Rock Creek Meadows”. Also, the applicant has proposed reverse frontage lots along the adjacent arterial and collector streets. These criteria have been satisfied.

B. Driveways.

1. *A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of twenty (20) feet for a two-way drive or twelve (12) feet for a one-way drive but in either case not less than the full width of the standard approach for the first twenty (20) feet of the driveway.*
2. *Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.*
3. *A driveway for a single-family dwelling or an accessory structure serving as a garage or home occupation shall have a minimum width of twelve (12) feet. Driveway approaches and vehicular maneuvering areas must be constructed in accordance with applicable City standards and the entire drive must be paved with asphalt or concrete or an approved permeable or semi-permeable surface.*
4. *A driveway for a two-family dwelling shall have a minimum width of twenty (20) feet. A driveway approach must be constructed in accordance with applicable City standards and the entire driveway must be paved with asphalt or concrete or an approved permeable or semi-permeable surface.*
5. *Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.*
6. *No driveway shall traverse a slope fifteen (15) percent or greater at any point along the driveway length.*
7. *The location and design of the driveway within the lot frontage shall provide for unobstructed sight pursuant to the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the public works director considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.*
8. *The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City Engineer may require joint access and/or shared driveways.*

Staff Response:

The proposed driveways are required to meet the provisions of this section via proposed Condition of Approval Number 101. Therefore per Condition of Approval Number 101, these criteria have been satisfied.

16.41.040 Pedestrian access and circulation.

To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system as shown in the City's TSP, Happy Valley Parks Master Plan, or North Clackamas Parks District Master Plan. (Pathways only provide for pedestrian circulation; multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections A through E of this section.

A. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathways(s) to adjacent streets and private property.

B. Safe, Direct and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets. For purposes of this Code section, the “primary entrance” of commercial, industrial, mixed use, public and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance. For residential buildings, the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling. A determination of whether or not a bicycle or pedestrian route is safe, direct, and convenient will be based on the following criteria:

1. Planned bicycle and pedestrian routes do not deviate unnecessarily from a straight line and will not involve a significant amount of out-of-direction travel for likely users.

2. Bicycle and pedestrian routes are reasonably free from hazards and provide safe access to destinations.

[...]

Staff Response:

The proposed pedestrian circulation system within the subject site significantly provides for safe, direct, convenient, and continuous pedestrian routes to areas within the subject site and to the adjacent street system. However, staff has noted the need for two additional pedestrian connections (see below finding for Section 16.50.030.B.9), one located between Lots 59 and 60 and one between Lots 75 and 76. Per Condition of Approval Number 37, these criteria have been satisfied.

CHAPTER 16.42-LANDSCAPING, STREET TREES, FENCES, AND WALLS

16.42.040 Street trees and planter strips.

A. Applicability. All partitions, subdivisions, planned unit developments (PUDs), and any individual uses within any district, whether permitted by right or conditional approval, shall be required to provide street trees and, where applicable, planter strips on all public or private roadways or access drives within the project area, in accordance with the standards in subsection B below.

B. Standards.

1. All street trees and planter strips shall be installed or financially secured by the developer pursuant to the definition of a “planter strip” found within Section 16.12.030 (Definitions). Private streets or development areas that do not utilize curbside planter strips shall install street trees beyond the public sidewalk, within a public utility and street tree easement.

2. Street Tree Installation Methodology. The developer and/or builder shall submit a planter strip and street tree plan as part of the construction plan set, detailing to the greatest extent practicable the placement of street trees in conformance with all spacing requirements in regard to street intersections, street lights, driveways, fire hydrants, etc. Based on this street tree plan, the developer shall submit a street tree installation fee or liquid financial guarantee based on the methodology set forth in Section 16.50.080.

[...]

Staff Response:

The applicant has shown on their landscape plan for “Rock Creek Meadows” (Exhibit 2, Sheet 21) that street trees will be provided along all public street frontages within the development. Per Condition of Approval Number 99, these criteria have been satisfied.

16.42.060 Fencing, walls and screening.

A. While fencing, walls or screening is not uniformly mandatory for all residential development, perimeter street fences, walls and earthen berms along arterial or collector streets in residential districts have significant visual impacts, particularly with respect to traffic safety, site visibility and design aesthetics affecting major transportation corridors. Therefore, perimeter street fences, walls, berms and required landscaping (between a new fence required by Table 16.42.060-1 and the public right-of-way) shall be installed by the developer prior to the issuance of structural building permits according to the standards listed in Table 16.42.060-1:

Table 16.42.060-1 Arterial and Collector Street Frontage Screening

Project Character	Development Standard
<i>Arterial or collector frontage—double front loaded (garage and front door facing interior street)</i>	<i>Option 1: Masonry or brick walls treated with anti-graffiti sealant</i>
	<i>Option 2: Solid wood fence with masonry or brick columns (maximum spacing of 24 feet between columns) with cap board and treated with anti-graffiti sealant</i>
	<i>Option 3: Solid earthen berms no greater than 25 percent in slope, with stabilizing landscaping on all areas of the slopes, and subject to the landscape plan design and construction standards of this title</i>
	<i>All fences, walls or berms shall be six feet high, however, fences taller than two and one-half feet shall not be allowed in clear vision areas. If a fence or wall is located in a utility easement, a minimum five-foot wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title. Landscaping within these areas shall be installed prior to the issuance of structural building permits.</i>
Project Character <i>Arterial or collector frontage—rear loaded (front door facing arterial or collector, garage facing interior street)</i>	Development Standard
	<i>Option 1: Masonry or brick walls</i>
	<i>Option 2: Decorative metal fence with masonry or brick columns</i>
	<i>Option 3: Solid wood fence with cap board</i>
	<i>All fences shall be at least four feet high, however, fences taller than two and one-half feet shall not be allowed in clear vision areas. If the fence or wall is located in a utility easement, a minimum five-foot wide landscape strip shall exist (as measured back toward the structure from the property line adjacent to the street), subject to the landscape plan design and construction standards of this title. Landscaping within these areas shall be installed prior to the issuance of structural building permits.</i>

B. Criteria. When reviewing all proposals for partitions, subdivision of land or planned unit development, or multifamily projects, the approval authority shall determine the need and desirability of fencing or screening within the development site area. The review body, may at its discretion, condition the fencing/screening along collector or arterial street frontage per one of the three design options listed in Table 16.42.060-1. In its consideration, the approval authority shall use the following criteria:

- 1. The intended use for the area;*
- 2. Surrounding uses and existing fence, wall or berm sections, their design, materials and appearance;*
- 3. The impact of the intended use upon surrounding uses and vice versa;*
- 4. The need for fencing or screening to reduce the amount of use conflicts, noise, wind, dust, vision and other forms of pollution and conflicts;*
- 5. The need and desirability for the replacement of trees removed from the site as a result of the proposed development.*

Staff Response:

The applicant requests an exception to the City's standards for perimeter fencing required along arterial and collector roadways, as detailed within the above section. The applicant has indicated within their narrative (Exhibit 1, Pages 42 and 43) that the requested exception is to not install the required fencing along the arterial and collector street frontages within proposed Tract "A". The applicant cites the resultant impacts from the construction of the required fencing to the existing wetland area within Tract "A" as the reason for the exception request. City staff is recommending that the hearings bodies deny the requested exception, due to the visual impact along the 172nd Avenue and Troge Road corridors that would be result from such a large "gap" in the perimeter fencing along these facilities. Although at the option of the developer, due to Clackamas County's acceptance of a fee "in-lieu-of" for the frontage improvements to Troge Road, staff recommends that as an alternative to installing the required fencing, that the cost of installing the perimeter fencing along Troge Road be included in the "in-lieu-of" fee (Condition of Approval Number 102). Per Condition of Approval Number 102, these criteria have been satisfied.

16.42.070 Lighting.

A. Purpose.

- 1. This section has been formulated to allow for the provision of street lighting for reasons of safety, health, peace and general welfare of all users and the citizens of and visitors to Happy Valley. It is the intent of this section that such lighting shall be provided by and through annexation of the City to Clackamas County Service District No. 5 or its successor.*
- 2. The rules and regulations set forth in this section are jointly established by the City, Clackamas County Service District No. 5, or its successor, and Portland General Electric Co. (PGE) for all street lighting installation and service within the City.*

B. Street Light Design Requirements.

- 1. Street lighting installations to be provided with light from dusk to dawn daily, activated by photo-electrical control.*
- 2. Whenever any installation of street lighting is made, the City, in cooperation with the District and PGE, or its successor, shall approve the design for such lighting. Street lighting design shall conform to the following requirements:*

- a. *Street lighting shall be provided only on public rights-of-way;*
- b. *Illumination levels shall be guided by the recommendations of the most current edition of the “American National Standard—Standard Practice for Roadway Lighting”;*
- c. *The luminaire spacing may be modified to meet existing conditions such as utility poles, property lines, roadway geometry, trees, signs, buildings or any other obstacle within the right-of-way, at the discretion of the City.*

[...]

Staff Response:

The applicant’s proposal was reviewed by CCSD #5 to determine the need for street lighting within the proposed development. CCSD #5 provided written comments (Exhibit A-6) that were incorporated into this report. CCSD #5 determined that the applicant will be required as part of this application to install street lighting along all public rights-of-way within “Rock Creek Meadows”. The applicant will also be required to form an assessment district to pay for the operation and maintenance of the lighting. Per Condition of Approval Numbers 94-95, these criteria have been satisfied.

CHAPTER 16.43-PARKING AND LOADING

16.43.030 Automobile Parking Standards.

[...]

B. Minimum Off-Street Parking Space Requirements and Calculations.

1. *Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter may be determined by the Planning Official based upon the requirements for similar specified uses.*

2. *Tandem parking (where two spaces are directly behind one another) may be counted as two parking spaces.*

3. *On-street parking within three hundred (300) feet of a use along its property frontage may be counted as part of the minimum spaces required.*

4. *Structured parking, fleet parking, spaces that are user paid (at a market rate approved by the City), on-street parking spaces and market rate surface parking lots are exempt from the maximum parking ratios.*

5. *If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.*

6. *Mixed Uses. In the case of mixed uses, shared parking between uses is encouraged. Where shared parking is not an option, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.*

7. *Transit. Existing development shall be allowed to redevelop a portion of their existing parking area for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, and similar facilities, where appropriate. The redevelopment shall not result in greater than ten (10) percent reduction in the number of required on-site vehicle parking spaces.*

8. *Where uses are mixed in a single building, parking shall be a blend of the ratio required less ten (10) percent for the minimum number of spaces. The maximum number of spaces shall be ten (10) percent less than the total permitted maximum for each use.*

9. *Fractions. When the sum of the required vehicle or bicycle parking spaces is a fraction of a space the fraction shall be rounded down to the nearest whole number.*

10. *Maximum Parking Allowed. A maximum number of vehicular parking spaces allowed exists if provided for in Table 16.43.030-1.*

11. *Parking Table. The following parking table shall be interpreted with the following notation: All square footage measurements are gross square feet of total floor area. Eighteen (18) lineal inches of bench shall be considered one seat.*

Table 16.43.030-1

<i>Proposed Use</i>	<i>Minimum Parking Spaces (MC in red)</i>	<i>Maximum Parking Spaces (if nothing is noted, there is no maximum)¹</i>		<i>Bicycle Spaces</i>
		<i>Zone A</i>	<i>Zone B</i>	
<i>Residential</i>				
<i>Single-family detached</i>	<i>2 per dwelling</i>			<i>None required</i>
<i>Single-family attached</i>	<i>2 per dwelling³</i>			<i>None required</i>

[...]

Staff Response:

A minimum of two off-street parking spaces have been provided per dwelling. Per this provision, and Condition of Approval Number 101, these criteria have been satisfied.

CHAPTER 16.44-SPECIAL STANDARDS FOR CERTAIN USES

16.44.010 Design standards for multifamily housing, single-family attached housing, duplexes and triplexes.

A. Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards set forth below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

[...]

2. Alley Access Developments. Townhome, duplex and triplex subdivisions are required to receive vehicle access only from a rear alley or other grouped accessway approved by the Planning Official (see Figure 16.44.010-1). As used here, grouped access is not intended to result in consolidated access to front-loaded garages that would not otherwise be allowed by this code. Alleys and grouped access shall be created at the time of subdivision approval, in accordance with Chapter 16.63, Land Divisions and Property Line Adjustments, and any other applicable transportation standards. Alleys and grouped access are not required when existing development patterns, topography, lot depth, or similar physical limitations makes construction of an alley impracticable (See the City's adopted transportation system plan for alley design standards). As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the access and circulation standards of Chapter 16.41 and the TSP.

3. Street Access Developments. If an alley or grouped accessway is not required under Section 16.44.010(A)(2), and the townhomes, duplexes and triplexes will receive access directly from a public or private street (see Figure 16.44.010-2), the following standards apply in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four feet.

b. *The maximum allowable driveway width facing the street is twelve (12) feet per dwelling unit. The maximum combined garage width per unit is fifty percent (50) of the total building width. For example, a twenty-four (24) foot wide unit may have one twelve (12) foot wide recessed garaged facing the street.*

Exception. An eighteen (18) foot drive is allowed for a two-car garage, provided that one on-street parking space is provided for every two lots.

c. *Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than twenty (20) feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.*

d. *Maximum Shared Driveway Width. Twenty-four (24) feet.*

[...]

Staff Response:

The applicant has proposed to construct 14 single-family attached dwellings that would be accessed from the public street system and not from a private alley. City staff has recommended approval of this proposal based on the fact that “front-loaded” townhomes would be consisted with what is being proposed in the remainder of “Rock Creek Meadows”. As a result, subsection 3 applies to this application. City staff has recommended Condition of Approval Number 101 that requires the future townhome units on Lots 78-91 comply with the building and driveway design standards. Per Condition of Approval Number 101, these criteria have been satisfied.

CHAPTER 16.50-PUBLIC FACILITIES

16.50.030 Transportation standards.

A. *Purpose. The purpose of this chapter is to establish design standards and performance requirements for all streets and roads and other transportation facilities constructed or reconstructed within the City, as well as to establish a process for variation from the streets standards.*

1. *All streets which are to be constructed must be designed by a professional engineer registered in the State of Oregon, and must conform to the Engineering Design and Standard Details Manual developed by the City of Happy Valley.*

2. *The public residential streets standards shall be considered as minimum design requirements under ideal circumstances. All public residential streets in the City shall be designed to one of the typical cross-sections found within the City’s Transportation System Plan (TSP), except as provided in subsection B. The typical street cross-section shall be approved by the City Engineer (based on consultation with the City’s Traffic Engineer) as part of the review process as provided in this title and shall be based on the following considerations:*

- a. *Street function needed within the existing proposed and future neighborhood and the City circulation networks;*
- b. *Anticipated daily traffic volumes;*
- c. *Individual property access requirements;*
- d. *Topographic variations and the amount of cut and fill required for the proposed street;*
- e. *Soil and other field conditions.*

B. *Street and Road Standards.*

1. *Horizontal and vertical street alignment shall be designed in accordance with the City’s Engineering Design and Standard Details Manual.*

2. *Street Design Variations. Alternate design variations from the standards found within the Engineering Design and Standard Details Manual and Transportation System Plan (TSP) or this chapter may be considered for approval by the City Engineer if one of the following conditions are found to be present:*

a. *Existing local conditions create unusual circumstances where standards must be exceeded such as excessive or unstable slopes, mixed land uses to utilize the same street, or a pedestrian or bikeway link is needed;*

b. *Existing local conditions create unusual circumstances, including, but not limited to, where standards must be reduced such as reducing sidewalks to one side of the street only, reducing street widths, reconstruction of a street in an existing neighborhood for reduction of excessive cuts and fills, or where steep cross slopes exist making reduced widths advisable and parking turnouts recommended;*

c. *Variation is necessary to the overall design objectives of a particular proposed development such as parking turnouts and landscaped islands and circles for traffic control.*

[...]

Staff Response:

The applicant has primarily proposed street cross-sections that conform to the City's TSP. Zion Street, Yosemite Street, Yellowstone Street, Elias Court, Blackburn Street, Pinnacles Street and Olympic Street are all designed with a 48-foot wide right-of-way and parking restricted to one-side of the roadway. It should be noted that the northern approximately 300 feet of Olympic Street is designed with a "reduced" cross-section, providing for a 28-foot wide paved section with a curb-tight sidewalk along the eastern side of the road. This design is the result of this portion of Olympic Street traversing through environmentally sensitive areas and the "reduced" cross-section limits the amount of impacts to the affected wetland and buffer. The applicant has also proposed to construct improvements to 172nd Avenue that conform to the TSP. With the exception of the cycle track, which will not be required to be constructed as part of this project. Per Condition of Approval Numbers 23-37 and 46-57, these criteria have been satisfied.

7. *Private Streets. Private streets shall conform to the typical cross-sections found within the Engineering Design and Standard Details Manual, and the City's Transportation System Plan. Private streets within single-family residential developments shall be designed to provide access to no more than five dwelling units. Private streets serving attached housing and multifamily housing developments shall provide commercial drives in conformance with the City's Transportation System Plan and Engineering Design and Standard Details Manual.*

[...]

Staff Response:

The applicant has proposed one private street, identified in the plan set as Biscayne Street. Biscayne Street is proposed to be designed in accordance with the TSP and would serve no more than five dwelling units. This criterion has been satisfied.

9. *Connectivity and Block Length. The following shall govern the design and layout for blocks within all subdivisions or planned unit developments:*

a. *Length. The blocks shall be consistent with the requirements of topography and the needs for convenient access, circulation, control and safety of street traffic and the type of land use proposed. Block lengths shall not exceed five hundred thirty (530) feet or be less than two hundred (200) feet in length.*

b. *Width. Except for reverse frontage lots, the width of blocks shall be sufficient to allow for two tiers of lots of depth consistent with the type of land use proposed.*

[...]

d. *Pedestrian Paths and/or Multi-Use Paths.*

i. *Spacing between pedestrian connections shall be no more than two hundred sixty-five (265) feet.*

ii. *Pedestrian paths shall be provided when full street connections are not possible because of topography, barriers such as freeways or railroads, or environmental constraints.*

iii. *Pedestrian access to schools, playgrounds and other community facilities shall be provided from the public right-of-way.*

iv. *Path design and construction shall be in accordance with the Engineering Design and Standard Details Manual and the City's Transportation System Plan.*

v. *Pedestrian paths shall be encompassed in a public access easement.*

vi. *Pedestrian and multi-use paths shall have an all-weather surface to City standards and will include removable bollards to prevent use by unauthorized motorized vehicles.*

vii. *In developments incorporating pedestrian paths within steep slopes, paths twenty (20) percent or greater in grade are required to incorporate stairs.*

viii. *In natural resource areas, surfaces may include gravel or bark chip; in all other scenarios, pedestrian and multi-use paths shall be constructed of improved, all weather surface.*

ix. *Pedestrian and multi-use paths are required to be maintained by a homeowner's association or equivalent maintenance organization.*

x. *Multi-use paths shall be constructed in conformance with the definition of a multi-use path within Section 16.12.030 of this title.*

[...]

Staff Response:

In accordance with the above requirements, the applicant has provided for block lengths that are greater than 200 feet, but less than 530 feet in length and block widths that allow for two-tiers of lots. However, the applicant has not proposed to provide pedestrian connections at intervals of less than 265 feet. As a result, a condition of approval (Number 37) has been incorporated into this report that requires the applicant to provide pedestrian connections in a greater number of locations throughout the proposed development, at intervals of less than 265 feet. Staff has identified two locations that would be ideal for the applicant to install pedestrian connections: 1) between Lots 59 and 60; and 2) between Lots 75 and 76. The proposed design of the off-street pedestrian facilities meet the above requirements. Per Condition of Approval Number 37, these criteria have been satisfied.

17. *Sight distance at intersections shall meet the minimum requirements set by AASHTO A Policy of Geometric Design of Highways and Streets, latest edition, based upon the design speed. When a sight distance easement is needed at an intersection, an open space tract shall be dedicated to obtain the correct sight visibility. Plantings or structures in the open space tract/sight distance easement shall conform to the Engineering Design and Standard Details Manual.*

[...]

Staff Response:

The applicant's proposed access plan and street layout have been reviewed by the City Engineer, DTD and the City's Traffic Engineer. A condition of approval (Number 34) has been incorporated into this report that requires the applicant to provide the necessary minimum sight distances at all street intersections associated with "Rock Creek Meadows". Per Condition of Approval Number 34, this criterion has been satisfied.

C. Street and Road Access Control.

- 1. Cul-de-sac and Residential Streets—Residential and Commercial Uses. A permit is required for access, subject to general considerations of safety, function, etc.*
- 2. When a partition, subdivision or a planned unit development abuts or contains an existing or proposed arterial street as defined within the City's Transportation System Plan, the review authority shall require reverse frontage lots, thereby precluding access to the parkway streets.*

Staff Response:

The subject site abuts a Major Arterial (172nd Avenue) and a Collector (Troge Road). The applicant has not proposed residential lots that will take direct access from 172nd Avenue or Troge Road. Furthermore, the applicant will be required to obtain a right-of-way permit from Clackamas County to allow for the construction of the proposed access points and frontage improvements associated with "Rock Creek Meadows". These criteria have been satisfied.

- 3. Access and Traffic Signal Spacing Standards. Access and traffic signal spacing standards are defined within the City's Transportation System Plan. New development and roadway projects located on City street facilities shall meet the access and traffic signal spacing standards within the Transportation System Plan. Access points include public streets, private streets, and private commercial or residential driveways. A variation to the access and traffic signal spacing standards may be granted by the City Engineer in consultation with the City's Traffic Engineer, in areas with limited property frontage and/or environmental constraints. Any variation to these spacing standards will require an access management plan to be approved by the City Engineer. Any approved variation shall be detailed within the conditions of approval of an applicable land use application, and said variations are distinctly different from, and unrelated to, variances per the provisions of Chapter 16.71 of this title.*

[...]

Staff Response:

As previously mentioned, the subject site abuts 172nd Avenue (Major Arterial) and Troge Road (Collector), both roadways are under the jurisdiction of Clackamas County. As a result, the applicant is required to meet intersection spacing standards as defined by the County. DTD has reviewed the applicant's access plan and determined it to be acceptable. DTD notes in their review comments, that were provided to the City, that the proposed location of the access for "Rock Creek Meadows" (Blackburn Street) does not meet the intersection spacing standards that the County has for a "full-access" intersection, as it is only 600 feet from the 172nd Avenue and Troge Road intersection (the minimum requirement is 1000 feet). However, when 172nd Avenue is improved to its full standard, a median will be constructed that will create a limited access (right-in-right-out). The County's intersection spacing standard for limited access intersections on a Major Arterial is 600 feet. Per Condition of Approval Number 52e, this criterion has been satisfied.

16.50.050 Sanitary sewer and water service improvements.

A. Sanitary Sewerage Disposal and Storm Drainage Requirements.

1. The sanitary sewerage disposal requirements for any development within the City shall be in accordance with standards established by the State of Oregon, Department of Environmental Quality (DEQ) as administered by Clackamas County. Any variances or waivers to these standards shall be granted only in accordance with established standards, criteria and procedures of DEQ.

2. All sanitary sewers shall be designed and constructed in accordance with the requirements of the Clackamas County Service District No.1 or its successor.

3. Storm drainage for any development within the City shall be in accordance with the City's Drainage Ordinance (Section 16.50.060).

Staff Response:

The applicant has provided a preliminary utility plan (Exhibit 2, Sheet 10) that has been review by CCSD #1 for compliance with applicable sanitary sewer and storm drainage requirements. Conditions of approval were provided by CCSD #1 and incorporated into this report. Per Condition of Approval Numbers 58-80, these criteria have been satisfied.

B. Domestic Water and Fire Protection Service Requirements.

1. All subdivisions or planned unit developments shall be served by a community or public water supply as defined and governed by state regulations. All design and construction shall be in accordance with the requirements of Mt. Scott Water District or its successor.

2. All subdivisions or planned unit developments shall have an adequate water supply for fire protection purposes as required by the fire district, and shall have fire hydrants located as required by the fire district.

3. Any proposed public or private road shall be reviewed by the appropriate fire district for compliance with all applicable and appropriate standards, and a statement of compliance shall accompany the application for any subdivision or PUD (See Section 16.50.030 and any other applicable sections).

[...]

Staff Response:

SWA has evaluated the applicant's proposal for the provision of domestic water to the proposed development. SWA has deemed the proposal acceptable and provided the City with conditions of approval that have been incorporated into this report. CFD #1 has reviewed the applicant's proposal for site access and fire hydrant spacing. CFD #1 has provided the City with conditions of approval that have been incorporated within this report. Per Condition of Approval Numbers 81-93, these criteria have been satisfied.

16.50.070 Utilities.

A. Purpose. The approval of any partition, subdivision of land or planned unit development within the City by the Planning Commission or appropriate and designated body or agent and the City Council shall be upon the express condition that all utility lines, including but not limited to those required for electric, communication, street lighting and cable television services and related facilities, shall be placed underground. Whether or not such underground facilities have supporting containers or are buried in the earth shall be determined by the utility involved in compliance with all applicable safety regulations.

[...]

Staff Response:

The applicant has been conditioned to place all utilities within the development underground and to locate said utilities within a public utility easement. Per Condition of Approval Number 96-97, this criterion has been satisfied.

CHAPTER 16.61-TYPES OF REVIEW PROCEDURES

16.61.040 Type III procedure (quasi-judicial).

A. Type III decisions apply to all quasi-judicial decisions and include, but are not limited to: non-expedited annexations; property owner or developer initiated Comprehensive Plan map/land use district map amendments or text amendments; Design Review II; home occupation permits; Class C variances; major modifications; master plans; planned unit developments; expedited and non-expedited subdivisions; and conditional use permits. With the exception of expedited annexations and master plans over twenty (20) acres in size combined with Comprehensive Plan map/land use district map amendments, the public hearing and land use decision for these applications occur before the Planning Commission. Expedited annexations are processed as an ordinance pursuant to 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 expedited annexation requests. Master plans that are paired with Comprehensive Plan map/land use district map amendments over twenty (20) acres in size receive a recommendation from the Planning Commission to the City Council. The City Council shall be the final review authority.

[...]

D. Notice of Hearing.

1. Mailed Notice. The City shall mail the notice of the Type III action. The records of the Clackamas County Assessor's Office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the Planning Official or designee in the following manner:

a. *At least twenty-one (21) days before the hearing date, notice shall be mailed to:*

i. *The applicant and all owners or contract purchasers of record of the property that is the subject of the application;*

ii. *All property owners of record within three hundred (300) feet of the site;*

iii. *Clackamas County, Clackamas Fire District No. 1 or its successor in interest, Sunrise Water Authority or its successor in interest, school districts, public or private utility districts or agencies and any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application;*

iv. *Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;*

v. *Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;*

vi. *Any person who submits a written request to receive notice;*

vii. *For appeals, the appellant and all persons who provided testimony in the original decision;*

viii. *For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175; and*

ix. *For expedited annexations, all interested and necessary parties, as defined by Metro Code Section 3.09.020, shall be notified by mail.*

b. *The Planning Official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.*

c. *At least fourteen (14) business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.*

2. *Posted Notice. In addition to any other notice, the applicant shall post the property subject to the application with at least one sign for every three hundred (300) feet of frontage. The sign shall be purchased from the City. Such sign shall remain continuously posted from at least fourteen (14) days prior to the end of the public written comment period or public hearing date. A notarized statement of posting shall be submitted to the City Recorder prior to the public hearing. Failure to post the sign may result in invalidating the final decision.*

3. *Content of Notice. Notice of appeal of a Type II administrative decision or notice of a Type III hearing to be mailed and published pursuant to subsection (D)(1) above shall contain the following information:*

[...]

Staff Response:

The process and notices described within this section have been followed/provided by the City. The application was deemed complete on April 4, 2014. 35-Day Notice was sent to the Department of Land Conservation and Development on April 7, 2014, public notice was mailed out to area residents on April 7, 2014, and newspaper notice was published on April 23, 2014. Since the applicant's proposal involves a Master Plan paired with a Comprehensive Plan Map Amendment totaling an area greater than 20 acres, public hearings were scheduled before the Planning Commission on May 13, 2014 and City Council on June 3, 2014. Therefore, these criteria have been satisfied.

F. The Decision Process.

1. Basis for Decision. Approval or denial of an appeal of a Type II administrative decision or of a Type III application shall be based on standards and criteria in this Development Code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the Comprehensive Plan for the area in which the development would occur and to the development regulations and Comprehensive Plan for the City as a whole;

2. Findings and Conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

[...]

Staff Response:

All applications associated with the applicant's proposal are being processed through the City's Type "III" quasi-judicial review procedure (see below finding for Section 16.61.060.D.2). The standards and criteria that have been used to evaluate the proposed application are found within the Statewide Planning Goals, OAR, Metro Functional Plan, Happy Valley Comprehensive Plan, and LDC. The findings of the City's evaluation of the applicant's proposal are provided within this report. These criteria have been satisfied.

16.61.060 General provisions—120-day rule; time computation; pre-application conferences; acceptance and review; planning official's duties, amended applications; re-submittal; reconsiderations.

[...]

D. Acceptance and Review of Applications.

[...]

2. Consolidation of Proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings may be consolidated for review and decision at the discretion of the City.

a. For Type I, II, and III applications, if more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order: the Council, the Planning Commission, or the Planning Official or designee. When proceedings are consolidated:

i. The notice shall identify each application to be decided;

ii. Applications dependent on approval of a higher ranking application decision shall precede other decisions on a proposed development. For example, a Comprehensive Plan map amendment/zone change must proceed a subdivision or PUD approval; and

iii. Combined findings and decisions may be made on each application.

b. Type II-DR appeals and Type III-DR applications shall be heard by the Design Review Board; however, when an applicant applies for more than one type of land use or development permit (e.g., Type III and III-DR) for the same one or more parcels of land, the proceedings for review and decision shall be processed consecutively, with the non-design review applications occurring first. For example, a Type III conditional use permit before the Planning Commission shall precede a Type III-DR development application.

Staff Response:

Per Subsection “2” above, the City has opted to consolidate the review proceedings for all the applications associated with the applicant’s proposal. Per the City’s Type “III” quasi-judicial review procedure, the Planning Commission will make a recommendation to the City Council, who will render a final decision, to approve, approve with conditions or deny the proposed applications. These criteria have been satisfied.

CHAPTER 16.63-LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

16.63.020 General requirements.

[...]

F. *Density Calculations.* Density calculation is the means by which density for any parcel may be determined and ultimately developed within that parcel in a more efficient and land conscious manner. This portion of the Land Development Code provides the method for calculating the overall density for any given parcel of land which may contain both constrained land, partially constrained land and unconstrained land. The minimum and maximum number of dwelling units permitted on a parcel of land is limited by both the number of units allowed by the applicable zoning district(s) and the amount of buildable land. The need to provide infrastructure and the presence of easements for major utilities corridor also impacts the number of units permitted on a parcel of land.

As outlined in Table 16.63.020-1, Density Calculations, Steps 1 through 4 establish the maximum number of potential dwelling units generated by a parcel of land given the zoning districts and/or overlay districts on a parcel. However, if site constraints are present there may not be enough buildable land (capacity) for all of the potential dwelling units to be constructed on the parcel. Steps 5 through 8 establish capacity in terms of the number of dwelling units that can physically be built on a parcel of land given site constraints and available buildable land. If, as a result of constrained land or partially constrained land, the total number of dwelling units generated is more than the capacity of the site, the parcel may qualify for density transfer pursuant to Section 16.63.020(F)(2).

1. For the purposes of calculating density, land shall be categorized as follows:
 - a. Constrained land, which includes any land designated as:
 - i. Conservation slope areas (slopes twenty-five (25) percent and greater) as defined in Chapter 16.32.
 - ii. Potentially hazardous analysis areas (lands within twenty-five (25) feet of the top or toe of slopes of conservation slope areas) as defined in Chapter 16.32.
 - iii. DOGAMI potentially rapidly moving landslide hazard areas, as defined in Chapter 16.32.

- iv. Water quality resource areas, as defined in Section 16.34.060.
- b. Partially constrained land, which includes any land designated as follows:
 - i. High and moderate value habitat conservation areas, as defined in 16.34.020(D)(2).
 - ii. Transition slope area as defined in Chapter 16.32.
- c. Unconstrained Land, which includes any land not designated as constrained land or partially constrained land.

Table 16.63.020-1 Maximum Potential Number of Dwelling Units based on Zoning

Step 1: Calculate land area by category.	
For the total gross area of the parcel identify the square footage of land in each of the following categories:	1a = gross area of the parcel
	1b = unconstrained land within each zoning district ($1a - (1c + 1d)$)
	1c = constrained land
	1d = partially constrained land ($1e + 1f + 1g$)
	1e = transition slope area (TSA)
	1f = high value habitat conservation area (high HCA)
	1g = moderate value habitat conservation area (moderate HCA)
Step 2: Establish number of potential residential units from constrained and partially constrained land (if any).	
Density for constrained land and partially constrained land is calculated at 2 dwelling units per acre.	2a = $((1c + 1d) / 43,560) \times 2$
Step 3: Establish number of potential residential units from unconstrained land.	
a. For each zoning district identify land needed for infrastructure:	3a = the square footage of land needed for infrastructure
20% of the acreage for public-rights-of-way, or remove right-of-way square footage from actual layout; * plus	
Any land required for stormwater treatment and detention facilities that will be placed in a separate tract.	
*NOTE: In the case of a partition, where the City is requiring the dedication of right-of-way along an existing roadway, the dedicated right-of-way shall not be included in the calculation.	
b. Subtract land needed for infrastructure from unconstrained land to establish net acres.	3b = $1b - 3a$
c. Density within the land use districts may be expressed as either a minimum lot size or as a maximum number of units per net acre. Therefore, the potential number of dwelling units can be calculated in one of two ways depending on the structure of the base zone. For each zoning district, calculate the appropriate number of units.	$3c = (3b / 43,560) / \text{base zone density}$ or $3b / \text{base zone minimum lot size}$
Step 4: Establish number of potential residential units.	

<p>The total potential dwelling units that can be generated by a parcel includes the number of units produced by the constrained and partially constrained land (2a) and the unconstrained land (3c). Any existing dwelling units within the parcel shall be subtracted from the total to determine the number of additional allowable units.</p>		$4a = 2 + 3c$
<p>NOTE: Unit percentages above the midway mark between two numbers (for example, 6.6 units) are rounded up to the next unit number (i.e., seven units). Unit percentages below the midway mark (i.e., 6.4 units) are rounded down to the next unit number (i.e., six units).</p>		
<p>Step 5: Identify the capacity of unconstrained land.</p>		
<p>For each zoning district:</p>		
<p>a. Identify any land that is within the easement of a major utility corridor, but which is otherwise unconstrained or partially unconstrained</p>		$5a =$ the square footage of land within major utility corridors
<p>b. Subtract land within major utility corridors from net acres (3b).</p>		$5b = 3b - 5a$
<p>c. Density within the land use districts may be expressed as either a minimum lot size or as a maximum number of units per acre.</p> <p>Therefore, the potential number of dwelling units can be calculated in one of two ways depending on the structure of the base zone. For each zoning district, calculate the appropriate number of units.</p>		$5c = (5b / 43,560) \times \text{base zone density}$ or $5b / \text{base zone minimum lot size}$
<p>d. With the use of density transfers pursuant to Section 16.63.020(F)(2), the maximum capacity of the buildable portion of unconstrained land is 175% of the density permitted by the underlying zoning district.</p>		$5d = 5c \times 175\%$
<p>Step 6: Identify the capacity of transition slope area (TSA).</p>		
<p>For all land designated as TSA, use the methodology below to determine how much is buildable and how many dwelling units could be accommodated within the buildable area.</p>		
<p>a. Determine the percentage of constrained and partially constrained land on the site.</p>		$6a\% = (1c + 1d) / 1a \times 100$
<p>b. Determine the percentage of TSA that is buildable based on the sliding scale below.</p>		$6b\% =$ % of TSA that is buildable based on the sliding scale
<p>% of the parcel that is constrained or partially constrained (5a)</p>	<p>% of TSA that is buildable</p>	
<p>0 to 19.99%,</p>	<p>30%</p>	
<p>20 to 49.99%</p>	<p>40%</p>	
<p>≥ 50%</p>	<p>50%</p>	
<p>c. Determine the square footage of TSA (1e) that is buildable.</p>		$6c = 1e \times 6b$
<p>d. The capacity of the buildable portion of TSAs is 2.0 dwelling units per acre.</p>		$6d = (6c / 43,560) \times 2.0$

<p>e. With the use of density transfers pursuant to Section 16.63.020.F.2, the maximum capacity of the buildable portion of TSAs can be increased to 3.5 dwelling units per acre.</p> <p>NOTE: 3.5 du/ac equals 175% of the base density of 2 du/ac.</p>	$6e = (6c/43,560) \times 3.5$
<p>Step 7: Identify the capacity of habitat conservation areas (HCA).</p>	
<p>For all land designated as high or moderate HCA, use the methodology below to determine how much is buildable and how many dwelling units could be accommodated within the buildable area.</p> <p>Determine the square footage of high HCA (1f) and moderate HCA (1g) that is buildable:</p> <p>a. High HCA = 10% buildable;</p> <p>b. Moderate HCA = 15% buildable.</p> <p>c. The capacity of the buildable portion of HCAs is 2.0 dwelling units per acre.</p>	$7a = 1f \times 10\%$
	$7b = 1g \times 15\%$
	$7c = ((7a + 7b)/43,560) \times 2.0$
<p>d. With the use of density transfers pursuant to Section 16.63.020(F)(2), the maximum capacity of the buildable portion of high and moderate HCAs can be increased to 3.5 dwelling units per acre.</p> <p>NOTE: 3.5 du/ac equals 175% of the base density of 2 du/ac.</p>	$7d = ((7a + 7b)/43,560) \times 3.5$
<p>Step 8: Identify total capacity and potential for density transfer.</p>	
<p>Total number of dwelling units generated by the zoning on the site</p>	$4a$
<p>The capacity of the parcel without consideration of any potential density transfer is the sum of the capacity in dwelling units from the buildable portions of unconstrained (5c), TSA (6d) and HCA (7c) lands</p>	$8a = 5c + 6d + 7c$
<p>The capacity of the parcel including all potential density transfers is the sum of the capacity in dwelling units from the buildable portions of unconstrained (5d), TSA (6e) and HCA (7d) lands. This represents the total number of units that can be built on the site if density transfers are available pursuant to Section 16.63.020(F)(2)</p>	$8b = 5d + 6e + 7d$
<p>Minimum density represents the minimum number of dwelling units required to be built on a parcel of land. It is based on 80% of the capacity of the buildable unconstrained land (5c). There is no minimum density requirement for constrained or partially constrained lands</p>	$8c = 5c \times 80\%$
<p>Number of dwelling units that can be transferred TO the site (if qualified)</p>	$8d = 8b - 8a$
<p>Number of dwelling units that can be transferred FROM the site (if qualified)</p>	$8e = 4a - 8c$
<p>Number of dwelling units that can be transferred FROM the site after full use of density transfer within the site</p>	$8f = 4a - 8b$
<p>Step 9: Calculate the net developable area, for purposes of FAR and open space calculations.</p>	$9a = 3b - 1c$

[...]

Staff Response:

The applicant has submitted density calculations that were prepared in accordance with the process outlined in the above section and support the 127-lot site plan. Therefore, these criteria have been satisfied.

16.63.060 Approval criteria—Preliminary plat.

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article, and the applicable chapters and sections of Article 16.2 (Land Use Districts), Article 16.3 (Specific Area Plan Districts and Overlay Zones), and Article 16.4 (Community Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 16.7;

Staff Response:

As demonstrated in this report, the applicant has met the requirements of all applicable sections of the LDC. This criterion has been satisfied.

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Staff Response:

The applicant will be required to submit a final plat to the Clackamas County Surveyor's Office, which will determine if the name on the plat is appropriate. Per Condition of Approval Number 2, this criterion has been satisfied.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

Staff Response:

The applicant's proposal was determined to provide congruity with all adjoining developments, by all the means listed above, and all proposed public improvements and dedications are identified on the preliminary plat (Exhibit 2, Sheet 5). Therefore, this criterion has been satisfied.

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and

Staff Response:

The applicant has identified all new private common areas on the preliminary plat as individual tracts of land. This criterion has been satisfied.

5. *Evidence that any required State and Federal permits have been obtained, or shall be obtained before approval of the final plat;*

Staff Response:

The applicant has provided, or has been conditioned to provide, all necessary State and Federal permits to facilitate the proposed development. Per Condition of Approval Number 69, this criterion has been satisfied.

6. *Evidence that improvements or conditions required by the City, road authority, Clackamas County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

Staff Response:

The City has reviewed the applicant's proposal and provided a list of conditions of approval that appear to be reasonable for the applicant to meet. This criterion has been satisfied.

7. *If any part of the site is located within a specific area plan district, overlay zone, or previously approved master planned development, it shall conform to the applicable regulations and/or conditions.*

Staff Response:

A portion of the subject site is subject to the City's requirements for lands within the Natural Resource Overlay Zone. The applicant has proposed impacts to these areas and has submitted an ERP addressing the requirements of the City's Natural Resource Overlay Zone (Chapter 16.34). Staff Responses to these requirements were incorporated into this report. Per previous findings, this criterion has been satisfied.

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article 16.2) and Section 16.50.030, Transportation standards, with the exception of lots created specifically for the purposes of fee acquisition in conjunction with either public or private utility projects, which may be any size.*

2. *Setbacks shall be as required by the applicable land use district (Article 16.2).*

3. *Each lot shall conform to the standards of Chapter 16.41, Access and Circulation.*

4. *Landscape or other screening may be required to maintain privacy for abutting uses. See Article 16.2, Land Use Districts, and Chapter 16.42, Landscaping.*

5. *In conformance with the Uniform Fire Code, a twenty (20) foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than one hundred fifty (150) feet from a public right-of-way or approved access drive. See Chapter 16.41, Access and Circulation.*

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

7. *All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

8. *All cuts and fills shall comply with the standards and provisions in Section 16.50.100. [...]*

Staff Response:

The applicant's proposal has been reviewed for compliance with the above standards. Compliance with most of these standards is demonstrated within previous "Staff Responses" to the listed sections of the LDC. Per the provisions of a PUD, the applicant has proposed to utilize flexible lot standards. As detailed within Condition of Approval Number 98, these criteria have been satisfied.

D. Minimum Improvement Standards. All new public street improvements shall conform with the adopted minimum installation, material and construction standards for all public street improvements pursuant to Chapter 16.50, the Happy Valley Transportation System Plan, and the City's Engineering Design Standards Details Manual.

1. All new streets within proposed subdivisions and PUDs shall be developed as City streets regardless of the size of the total development or the average lot size within the development; such developments may have private roads developed within them as approved by the City and pursuant to the criteria of Section 16.50.030; and

a. It shall clearly state on the final plat all the reservations and restrictions relating to such private roads;

b. A private road shall provide access to no more than five dwelling units. Private roads may not constitute the total length of roads within a planned unit development;

c. The improvement standards to which such private roads are to be developed shall be determined by the City's Engineering Design and Standard Details Manual;

d. To insure maintenance of such private roads there shall be established within the organization of any land division a legal and permanent procedure to insure said maintenance. Such procedure shall be prepared by the developer and/or property owner and approved by the City.

2. All City streets within all proposed partitions, subdivisions and planned unit developments shall be a continuation of a County road or City street. A private street may serve a partition if the extension of a public street is not possible, but may provide access for no more than five total dwelling units and must meet the private street standards as described in subsection (D)(1)(c) of this section. All new City streets shall be compatible with and in accordance with the City's existing street development pattern and the adopted transportation plan.

Staff Response:

The applicant has primarily proposed public streets throughout “Rock Creek Meadows”. Zion Street, Yosemite Street, Yellowstone Street, Elias Court, Blackburn Street, Pinnacles Street and Olympic Street are all designed to the City’s public street standard for a Local Residential Street, with a 48-foot wide right-of-way and parking restricted to one-side of the roadway. It should be noted that the northern approximately 300 feet of Olympic Street is designed with at “reduced” cross-section, providing for a 28-foot wide paved section with a curb-tight sidewalk along the eastern side of the road. This design is the result of this portion of Olympic Street traversing through environmentally sensitive areas and the “reduced” cross-section limits the amount of impacts to the affected wetland and buffer. The applicant has also proposed to construct improvements to 172nd Avenue that conform to the TSP. With the exception of a cycle track, which will not be required to be constructed as part of this project. The applicant has proposed one private street, identified in the plan set as Biscayne Street. Biscayne Street is proposed to be designed in accordance with the TSP and would serve no more than five dwelling units. Per Condition of Approval Numbers 23-37 and 46-57, these criteria have been satisfied.

E. County Surveyor’s Requirements. The Clackamas County Surveyor shall require that all surveying and monumentation be pursuant to the appropriate State statutes.

Staff Response:

The applicant will be required to submit a final plat for the proposed partition to the Clackamas County Surveyor’s Office to ensure compliance with all state statutes pertaining to surveying and monumentation. Per Condition of Approval Number 2, this criterion has been satisfied.

F. Conditions of Approval.

1. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 16.50 (Public Facilities).

2. As a condition of any approval, a waiver of remonstrance against the formation of a local improvement district for the construction, improvement or extension of Level I and Level II services which benefit the property owner shall be required by the City.

3. In situations where this Code requires the dedication of real property to the City, the City shall either: (a) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (b) delete the dedication as a condition of approval.

Staff Response

Staff has applied conditions of approval deemed necessary and appropriate based on internal review and the review of each service provider. These criteria have been satisfied.

16.63.130 Planned unit development.

[...]

D. *Area of Applicability.* PUDs may be established in residential, commercial or industrial districts on parcels of land, which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this section.

E. All residential developments shall be developed as PUDs pursuant to the provisions in Section 16.63.130 whenever one or more of the following criteria apply:

1. Any site larger than two acres where a minimum of ten (10) percent of the site contains environmentally constrained areas subject to Chapters 16.35 and/or Sections 16.34.010 through 16.34.080;

2. All properties, either individual tax lots or contiguous lots under common ownership, consisting of fifty (50) or more acres on which are proposed to be developed more than one hundred (100) units;

3. Any development in a residential district proposing more than four manufactured homes or twenty (20) percent attached or common-wall units;

4. Any development utilizing density transfer pursuant to the provisions of Chapter 16.63.

Staff Response:

A PUD is required per Subsection 1, above. By the very nature of the current submittal, these criteria have been satisfied.

F. *Necessity for Application.* For the purpose of considering any planned unit development, the developer shall apply to the City at any time after the preapplication conference and review, using such forms as may be provided for the processing of a preliminary planned unit development. If the planned unit development includes a subdivision, one form for both purposes will be satisfactory.

G. *Filing Requirements.*

1. These requirements shall be the same as found in Section 16.63.050.

2. At the time of formal application, the developer shall submit the following plan elements in detailed graphic form:

a. Proposed land use and densities (see Section 16.63.020(F) for density and calculations);

b. Building types and densities;

c. Circulation pattern;

d. Parks, playgrounds, open space, land dedication and easements;

e. Existing natural features;

f. Related land maps (topography, etc.);

g. Location, arrangement, etc. of auto parking;

h. Preliminary renderings of typical buildings;

i. Preliminary tree planting schedule;

j. Preliminary landscape plan in accordance with the requirements of Chapter

16.42.

3. At the time of formal application, the developer shall submit the following program elements in detailed written form:

a. Proposed ownership pattern;

b. Operation and maintenance proposal;

c. Waste disposal facilities;

d. Lighting;

- e. *Water supply;*
- f. *Tables illustrating acres for dwellings, off-street parking, streets, parks, playgrounds, dedicated lands, open space, schools and percentages of the gross and net development areas for each;*
- g. *Tables illustrating overall density, density by dwelling types and details of any density bonus or calculations;*
- h. *Preliminary documents providing for maintenance of open space and dedication of public spaces, development rights, easements, drainageways and land dedications or fees in lieu thereof;*
- i. *General time table of development;*
- j. *Qualifications of Proposed Design Team. All master plans for residential and neighborhood planned unit developments shall be prepared by professionals qualified in at least two of the four following: (1) a licensed architect, (2) a registered professional engineer, (3) a registered landscape architect, or (4) a member of the American Planning Association;*
- k. *Proof of authorization for the agent to act on the landowner's behalf, if appropriate, on a form supplied by the City, with all signatures notarized;*
- l. *Stages of development and construction.*

[...]

Staff Response:

The applicant has provided a complete application package that includes all of the above submittal requirements. These criteria have been satisfied.

I. Preliminary Approval.

- 1. *As found in Section 16.63.060;*
- 2. *In considering the preliminary planned unit development proposal, the Planning Commission shall apply the following additional criteria when making a determination:*
 - a. *Density.*
 - i. *The number of dwelling units permitted in a development is based on the net development area which is determined by subtracting twenty (20) percent of the gross development area and dividing by the minimum lot area per dwelling unit as required by the development district,*
 - ii. *Where any site contains more than one development district within its project boundaries, any density calculations shall be applied in the same proportion as that of the development district which are represented in the project area,*
 - iii. *In any planned unit development, the total siting of density as calculated through Section 16.63.020(F) in any steep slopes and natural resource overlay area shall not exceed the net density of the applicable district.*

Staff Response:

The applicant has submitted density calculations that were prepared in accordance with the process outlined in section 16.63.020.F and support the 127-lot site plan. Therefore, these criteria have been satisfied.

b. *Open Space.*

i. *All planned unit developments shall have a minimum of twenty (20) percent of the development's gross land area dedicated to public or commonly held open space and/or recreational area. The extent to which any type of open space satisfies the total open space requirement shall be in the sole discretion of the City. This twenty (20) percent requirement does not affect the density calculation.*

(A) *Publicly dedicated open space must be adequate to carry out the City's parks and recreation master plan, at the determination of the City. In all other instances, lands which are least suitable for development and/or which offer the greatest natural habitat potential should be given the highest priority for dedication as open space. Dedicated open space shall be suitable for linkage through a network of trails, bike paths, and greenways.*

(B) *Considering the existing and planned public parks within the City, publicly dedicated open spaces within any PUD should focus on activities not otherwise available or planned for in existing and planned public parks.*

ii. *Land area to be used for scenic, landscaping or open recreational purposes within the development shall not include streets, rights-of-way, driveways or parking spaces.*

iii. *All open space areas shall be improved, preserved and maintained as a natural area and/or recreation area. All proposed open space areas that are identified as significant natural resources by the City's significant wetlands and riparian corridors map, the urban forestry plan tree inventory, or any other ordinance of the City, shall be enhanced, preserved and maintained as natural areas. Prior to preliminary plat approval, the applicant shall submit a landscape plan showing the required elements detailed below in the corresponding subsections c, Natural area and d, Recreational area, for approval by the Planning Commission. Landscape plans shall incorporate existing natural features wherever possible.*

iv. *All trees, except hazard trees and trees in utility or access easements, over six inches in diameter at breast height (DBH) shall be retained on the site regardless of proposed use and incorporated into the required landscape plan. Open space areas shall provide assurance to the City for one hundred twenty-five (125) percent of the estimated cost of the project through a bond, escrow account or certified letter of credit. Open space areas shall be completed as shown in the approved plans and inspected and approved by the City prior to final approval ("walk-through") of the infrastructure improvements, or shall be provided for by financial guarantee. Assurances for the open space improvements will be held for two years after improvements are made to assure plant survival. Plants that do not survive shall be replaced by the applicant during the first two years after the open space is improved. The applicant may obtain park system development charge credits for open space areas that are improved according to this section and then dedicated to the City. The City reserves the right to refuse offers of dedication.*

v. *For all natural features on the site, including streams, intermittent streams, ponds and/or wetlands, the applicant shall obtain verification from the appropriate State and Federal agencies of jurisdiction over the feature. If a State and/or Federal agency claims jurisdiction over a natural feature on the site, and where the requirements of this chapter conflict with the requirements of the regulatory agency(s), the most stringent requirements shall apply.*

[...]

d. *Recreational Area. Proposed recreational uses may be passive or active recreational activities. The recreational use shall be approved by the Planning Commission and shall conform with the City's park master plan and transportation system plan. Passive recreational facilities proposed in a natural area are subject to the requirements of the Natural Area (subsection (1)(b)(5)(A) of this section). Active recreational facilities in a recreational area*

are subject to the criteria of this subsection and shall not abut arterial roadways. Recreational facilities located near an arterial roadway shall be separated by a minimum distance of twenty (20) feet, to include landscaping per subsection (I)(2)(d)(i) and a minimum six-foot tall solid wood fence. The required landscape plan for a recreational area shall be prepared by a certified professional landscape architect or other qualified professional and shall include:

i. Planting plans to include a mix of at least three species each of groundcover, shrubs, and trees. Plantings shall not include any plants on the City's nuisance plant list (see Happy Valley Plant List, Appendix A). Plantings shall provide for at least fifty (50) percent groundcover of the site and shall provide for at least twenty (20) percent of the site being planted with a mix of trees and shrubs. Use of native plant species is encouraged;

ii. A plan for removal of harmful or invasive species, as identified by in the nuisance or prohibited plants sections of the Happy Valley Plant List (Appendix A), on the site detailing specific treatments, timing, and long-term maintenance to rid the site of invasive species. All harmful or invasive species on the site shall be removed prior to dedication of the site to the homeowner's association or the City. The use of herbicides for controlling harmful and invasive species should be minimized. The following best management practices are required where herbicide application is deemed necessary by the professional preparing the landscape plans:

(A) If herbicides, pesticides and/or fertilizers are proposed, an evaluation of application methods, effects on target and nontarget species, and the potential impacts to aquatic and terrestrial systems shall be included in the plan. Consider persistence, soil/water mobility, toxicity and plant uptake when selecting appropriate chemicals,

(B) Treatments for the control or removal of invasive plants in riparian/wetland areas shall be limited to hand or wick applications by qualified personnel,

(C) Apply chemicals during calm, dry weather to avoid transport from target areas by wind and/or water. Avoid applications where irrigation water may wash chemicals from target areas,

(D) Maintain unsprayed buffer areas near aquatic habitats and other sensitive areas. A minimum two hundred (200) foot radius, no-spray buffers shall be maintained around all known populations of sensitive, threatened and endangered plant and animal species,

(E) Application shall not occur in the vicinity of wetlands or ponds from January through June to minimize the potential for adverse impacts to amphibians during the breeding and egg development periods;

iii. A description of the recreational use provided and a plan for installing the associated capital improvements to provide the recreational use. Plans shall include facilities for pedestrian access to the use and around the site. All pedestrian connections shall conform to the City's transportation system plan;

iv. Plans for an irrigation and drainage system to serve the site. Timed irrigation systems and drainage systems shall be installed prior to landscaping the site;

v. A ten (10) year maintenance plan for the open space with cost projections to be provided to the future owners of the property (the homeowner's association or Happy Valley). If the open space is dedicated to the homeowner's association, the codes, covenants, and restrictions of the PUD shall include a provision requiring the homeowner's association to abide by the approved ten (10) year maintenance plan or submit an alternative plan to the Planning Official or designee for approval. If the open space is dedicated to the City, the City Public Works Department agrees to abide by the ten (10) year maintenance plan or provide an alternative plan to be approved by the Planning Official or designee.

[...]

Staff Response:

Per the above section, the applicant has proposed to dedicate just above 20 percent of the total site area as usable open space. For the subject proposal, the total gross site area is 23.24 acres, which means the applicant is required to dedicate a minimum of 4.65 acres as usable open space. The applicant has exceeded the 20 percent threshold by dedicating 4.8 acres as open space (Tract “A” – not including the stormwater detention facility) that is proposed to be utilized as a private recreation and natural area. The applicant has submitted as part of their proposal a landscape plan that illustrates some of the proposed amenities within the recreational area (Exhibit 2, Sheet 22). These amenities include: walking paths; picnic areas, fitness stations, seating/viewing areas, half-sized basketball court and a children’s play structure. Staff notes that the applicant’s open space plan provides for sufficient active and passive recreational opportunities for a development the size of “Rock Creek Meadows”. Therefore, these criteria have been satisfied.

e. Lot Size. Minimum area, width, depth, frontage and setback requirements may be less than development district minimums if in accordance with the general development plan, except that the garage of any structure shall not be located less than twenty (20) feet from a public right-of-way. Lots which are located on the perimeter of a proposed development in all residential zones except PMU, which are adjacent to lots in an R-10, R-15, R-20, or R-40 zone upon which are constructed single-family dwellings, may not be less than seventy-five (75) percent of the average lot area per unit of the immediately abutting lots, or the development district minimum lot size of the subject parcel, whichever is less. If adjacent lands are undeveloped or minimum densities on the subject parcel cannot be met due to natural resource protection requirements, this provision does not apply. All PUD development involving clustered development or attached housing shall be subject to a perimeter setback equal to the minimum rear yard setback of the adjacent residential district.
[...]

Staff Response:

The applicant has “built-in” to the proposed Master Plan and PUD applications customized development standards for “Rock Creek Meadows”. As the development standards for the underlying land use districts are flexible, requirements for lot width; street frontage; and front, rear, and side yard setbacks have been requested to be approved as part of this PUD proposal. The table below and Exhibit 7 detail the development standards for “Rock Creek Meadows”. Staff has reviewed the applicant’s requested development standards and has made a recommendation for approval. Per Condition of Approval Number 98, this criterion has been satisfied.

<i>Standard</i>	<i>MUR-S</i>	<i>MUR-M2</i>	<i>PUD</i>
<i>Lot width (minimum)</i>	<i>Variable</i>	<i>Variable</i>	20 feet Attached SFR 40 feet Detached SFR
<i>Lot depth (minimum)</i>	<i>Variable</i>	<i>Variable</i>	70 feet
<i>Street frontage (minimum)</i>			
<i>Lots fronting on cul-de-sac</i>	<i>Variable</i>	<i>Variable</i>	13 feet
<i>All other lots</i>	<i>Variable</i>	<i>Variable</i>	20 feet Attached SFR 40 feet Detached SFR
<i>Lot coverage (maximum)</i>	<i>Variable</i>	<i>Variable</i>	75% Attached SFR 60% Detached SFR
<i>Building setbacks (minimum):</i>			
<i>Front</i>	<i>Variable</i>	<i>Variable</i>	See Exhibit 7

Standard	MUR-S	MUR-M2	PUD
Rear	Variable	Variable	See Exhibit 7
Interior side	Variable	Variable	See Exhibit 7
Street side (corner lot)	Variable	Variable	See Exhibit 7
Garage & carport entrances - Entrances not facing an alley	Variable	Variable	20 feet
Building heights (maximum)	45 feet front 49 feet side/rear	45 feet front 49 feet side/rear	45 feet front 49 feet side/rear

CHAPTER 16.65 MASTER PLANNED DEVELOPMENTS

[...]

16.65.020 Applicability.

The master planned development designation is an overlay zone that may be applied over any of the City’s land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this chapter. In addition, the City requires that the following types of development be processed using the provisions of this chapter:

- A. Subdivisions/PUDs of large residential sites (twenty (20) acres and larger), in accordance with the master planned development standards of Chapter 16.65.*
- B. District designation for large residential sites undergoing annexation, in accordance with Chapter 16.65.*
- C. Master plans for Planned Mixed Use Areas—Purpose. The use of master plans allows large scale developments of a mixture of uses (complying with the planned mixed use zoning district in Article 16.2) providing an overall blueprint of development for the citizens of Happy Valley and property owners. The master planning process provides for coordination of service issues, identifies major public facilities for large scale developments, and provides a streamlined development process, to encourage mixed use developments which will provide commercial retail and office employment opportunities, and compact residential neighborhoods close to the commercial services within the City as it expands beyond the urban growth management areas (as constituted on the effective date of adoption (1-30-92) and into the urban reserve areas. The master plan process may be combined with other procedures outlined in this title, including partitions, subdivisions and PUDs.*

The following list provides a list of objectives of the master plan portion of this title and shall be utilized as general guidelines when evaluating master plans for planned mixed use areas.

- a. To provide for a desirable urban living and working environment with a compact urban form, and a mixture of uses;*
- b. To provide for the protection of natural resources, while meeting the employment and population targets set by the Metro Urban Growth Management Functional Plan for the City of Happy Valley;*
- c. To encourage developers to use a more creative and flexible approach in the development of commercial and residential areas within the City. To provide a process that allows creativity and flexibility;*
- d. To encourage variety in the physical development pattern of the community by providing a variety and mixture of building types and siting as well as the design of access and circulation.*

[...]

Staff Response:

The applicant has proposed a PUD on properties that total more than 20 acres. Therefore, the applicant has also submitted a Master Plan for “Rock Creek Meadows”, to be processed concurrently with the PUD. These criteria have been satisfied.

16.65.040 Modification of district standards (Article 16.2) and community design standards (Article 16.4).

The district standards in Article 16.2 and design standards of Article 16.4 may be modified through the master plan approval without the need for variances, except that the following standards within Articles 16.2 and 16.4 shall not be modified:

- A. Public improvement standards and engineering design criteria shall not be modified without variance to such standards approved by the City Engineer. The City may grant such variances concurrently with other planned development approvals;*
- B. Residential densities, as allowed under the Comprehensive Plan; and*
- C. Industrial and commercial uses, if not otherwise allowed in a residential district, shall not be allowed in a residential district master plan.*

Staff Response:

In compliance with the procedural requirements of the underlying zones (MUR-M2 and MUR-S), the applicant has proposed development standards as part of the Master Plan. The applicant has proposed custom standards for minimum lot width and depth; lot coverage; and front, rear and side yard setback standards (see previous “staff response”). The applicant has indicated that they will dedicate a minimum of 20 percent of the overall development site as open space. This criterion has been satisfied.

16.65.060 Overlay zone and concept plan approval criteria.

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that not all of the criteria are not satisfied when denying an application:

- A. Comprehensive Plan. All relevant provisions of the Comprehensive Plan are met;*
- B. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 16.63);*
- C. Article 16.2, 16.3 and 16.4 Standards. All of the land use, development, and design standards contained in Articles 16.2, 16.3 and 16.4 are met, except as may be modified in Section 16.65.040;*
- D. Open Space. Master plans shall contain a minimum of twenty (20) percent useable open space. This requirement may be satisfied by Section 16.63.130, if part of a planned unit development. Public open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:*
 - 1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and*
 - 2. The open space shall be conveyed in accordance with one of the following methods:*

a. *By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Planning Official with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;*

b. *By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.*

Staff Response:

As demonstrated within previous “staff responses”, the applicant’s Master Plan meets or is conditioned to meet all applicable requirements found within the City’s Comprehensive Plan and LDC, including applicable sections of Articles 16.2, 16.3 and 16.4, in addition to Chapter 16.63. The applicant has proposed to dedicate more than 20 percent of the subject site as usable open space and has illustrated within Exhibit 1 (Sheet 22) the amenities that would be included within proposed Tract “A”. The proposed open space will be conveyed to the homeowner’s association for “Rock Creek Meadows” that will own and maintain the improvements and natural areas. Per Condition of Approval Number 100, these criteria have been satisfied.

16.65.070 Administrative procedures.

A. *Comprehensive Plan Map/Land Use District Map Designation. After a planned development overlay zone has been approved, the Comprehensive Plan map/land use district map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.*

B. *Time Limit on Filing of Detailed Development Plan. Within three years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan, in conformance with Section 16.65.080.*

C. *Extension. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:*

1. *No changes have been made on the original conceptual development plan as approved;*

2. *The applicant can show intent of applying for detailed development plan review within the one-year extension period;*

3. *There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and*

4. *The extension request is made before expiration of the original approval period.*

Staff Response:

If the applicant’s proposed Master Plan is approved, the City will amend its combined Comprehensive Plan Map/Land Use District Map (“one-map” system) to reflect that the subject

site has a Planned Development Overlay (Condition of Approval Number 1). The applicant has simultaneously submitted their conceptual and final development plans, so the time limit for filing a detailed development plan will be met. Per Condition of approval Number 1, these criteria have been satisfied.

16.65.090 Detailed development plan approval criteria.

The City shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, those applications shall additionally be subject to the applicable approval criteria in Chapter 16.65. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in subsections A through G below. Changes exceeding those in subsections A through G below, must be reviewed as major modifications under Section 16.66.030.

- A. Increased residential densities (overall or reallocated between development phases) by no more than twenty (20) percent, provided such increase conforms to the Comprehensive Plan and underlying district;*
- B. Increase in lot coverage or impervious surface (overall or reallocated between development phases) by no more than fifteen (15) percent over that which is approved;*
- C. Reduction in open space or landscaping by no more than ten (10) percent (assuming greater than the twenty (20) percent minimum has been provided);*
- D. Increase in overall automobile parking spaces by no more than ten (10) percent;*
- E. Land Use. No change in land use shall be permitted without a major modification to the concept plan;*
- F. Proposals to add or increase lot coverage within natural resource areas or areas subject to a potential hazard shall require a major modification to the concept plan;*
- G. Major changes in the location of buildings, proposed streets, parking lot configuration, utility easements, and landscaping or other site improvements shall require a major modification pursuant to Chapter 16.66. "Major" in this subsection means by more than one hundred (100) feet, or fifteen (15) percent, relative to setbacks; and*
- H. Other substantial modifications not listed in subsections A through G above, shall require approval of a major modification, in conformance with Chapter 16.66.*

[...]

Staff Response:

As discussed in the previous two findings, the applicant has proposed to process their Master Plan as both the conceptual and detailed development plan. As a result, there are no modifications being proposed, as described in the above section. These criteria have been satisfied.

CHAPTER 16.67- COMPREHENSIVE PLAN MAP, SPECIFIC AREA PLANS, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

[...]

16.67.030 Quasi-judicial amendments.

A. *Applicability of Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial Comprehensive Plan map/district map amendments shall follow the Type III procedure, as governed by Section 16.61.040, using standards of approval in Section 16.67.030(C). The approval authority shall be as follows:*

1. *The Planning Commission shall be the review authority for Comprehensive Plan map/land use district map amendments paired with master plans under twenty (20) acres in size.*

2. *The Planning Commission shall make a recommendation to the City Council on an application for all other Comprehensive Plan map/land use district plan map amendments. The City Council shall decide such applications.*

3. *The City Council shall be the review authority for annexations that involve the legislative conversion of existing Clackamas County Comprehensive Plan designations/zoning districts to City Comprehensive Plan designation/zoning districts, per the provisions of Section 16.67.070.*

Staff Response:

The applicant's proposal includes a Comprehensive Plan Map/Zoning Map Amendment and Master Plan that pertains to four properties total 23.2 acres in size. As a result, the proposed amendments are being processed utilizing the City's Type "III" quasi-judicial procedure per the applicable requirements of Section 16.61.050 (see finding, above), which involves two hearings, one before the Planning Commission and one before the City Council. This criterion has been satisfied.

B. *Filing requirements.*

1. *In order to have a complete application for any proposed text amendment, the applicant shall submit the necessary application forms, and a narrative addressing applicable Comprehensive Plan objectives and policies, as well as the review criteria within Section 16.40.041.*

2. *In order to have a complete application for a proposed Comprehensive Plan map/zoning map or specific area map amendment, the applicant shall submit:*

a. *The necessary application forms, and a narrative addressing applicable Comprehensive Plan goals and policies, as well as the review criteria within Section 16.61.040;*

b. *A conceptual development plan illustrating a proposed street system, lot pattern, neighborhood circulation plan within a five hundred (500) foot radius of the subject site, and any natural resource or steep slopes areas;*

c. *A traffic study prepared by a professional, Oregon-licensed traffic engineer. If a master plan that requires a full traffic impact analysis is required for a Comprehensive Plan map amendment/land use district map, a subsequent master plan may satisfy this provision, as determined by the Planning Official.*

Staff Response:

The Comprehensive Plan/Zoning Map Amendment application that was submitted by the applicant was reviewed and determined to contain the above items. City staff sent a notice to the

applicant that their application was complete on April 4, 2014. These criteria have been satisfied.

C. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

- 1. Approval of the request is consistent with the Statewide Planning Goals;*
- 2. Approval of the request is consistent with the applicable goals and policies of the City's Comprehensive Plan;*
- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*

Staff Response:

As demonstrated within the findings of this report, the proposed amendments are consistent with the Statewide Planning Goals, Metro Functional Plan and the City's Comprehensive Plan. Also, the subject site is located in an area that is adequately served by all Level 1 services and is adjacent to a transportation network that has adequate capacity to support the uses allowed in the applicable zones. These criteria have been satisfied.

- 4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the Comprehensive Plan or land use district map regarding the property which is the subject of the application; and*

Staff Response:

The proposed Comprehensive Plan Map/Zoning Map Amendment was requested by the applicant to facilitate a 127-lot residential development. If approved, the applicant's proposal will work to provide additional housing opportunities in an underdeveloped area. The provision of additional housing opportunities can be considered to be in the public's interest. This criterion has been satisfied.

- 5. When an application includes a proposed Comprehensive Plan map amendment/land use district map amendment, the proposal shall be reviewed to determine whether it conforms to Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR). If a master plan that requires a full traffic impact analysis is required for a Comprehensive Plan map amendment/land use district map, a subsequent master plan may satisfy this provision, as determined by the Planning Official.*

Staff Response:

Section 16.67.060 of the City's LDC requires compliance with the TPR, which is addressed within the findings of this report (see below finding). Therefore, this criterion has been satisfied.

16.67.040 Conditions of approval for quasi-judicial amendments.

A quasi-judicial decision may be for denial, approval, or approval with conditions; conditions shall be based on applicable regulations and factual evidence in the record. Legislative amendments may only be approved or denied.

[...]

Staff Response:

City staff has included within this report what it has deemed an appropriate list of conditions of approval for the subject applications. This criterion has been satisfied.

16.67.060 Transportation planning rule compliance.

A. Review of Applications for Effect on Transportation Facilities. 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 (the Transportation Planning Rule – TPR) and the traffic impact study provisions of Section 16.61.090. “Significant” means the proposal would:

- 1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan (“TSP”); or*
- 2. Change the standards implementing a functional classification system; or*
- 3. As measured at the end of the planning period identified in the TSP, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*
- 4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or*
- 5. 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.*

Staff Response:

The applicant’s proposal to amend the City’s Comprehensive Plan Map/Zoning Map, as well as the EHVCP, to change the existing plan designation/zoning district on a portion (approximately 5.6 acres) of the subject site from City MUR-M2 to City MUR-S. The proposed Comprehensive Plan Map/Zoning Map Amendment has been requested for the purpose of allowing the applicant to construct single-family detached residences in a portion of the subject site that is currently zone MUR-M2. Single-family detached residences are not permitted in the MUR-M2 zone. Due to the densities allowed under the existing and proposed zones, the applicant’s proposal to re-designate and re-zone a portion of the subject site is in fact a “down-zone”. The MUR-M2 zone allows for densities ranging from 25-34 dwelling units per net acre, where the MUR-S allows for six-to-nine dwelling units per net acre.

Per the above requirements, it is required that a TIA submitted as part of an application for a Comprehensive Plan Map/Zoning Map Amendment provide an analysis that addresses Oregon Administrative Rule (OAR) 660-012-0060, commonly referred to as the “Transportation Planning Rule”. Within this analysis, an applicant is required to determine if a proposed

Comprehensive Plan Map/Zoning Map Amendment would “significantly” impact an existing transportation facility, and if so, propose mitigating measures. As indicated in the TIA, the applicant’s proposed amendments do comply with the TPR, meaning no significant impacts to adjacent roadways would result from the proposed Comprehensive Plan Map/Zoning Map Amendment. As previously discussed, the proposed Comprehensive Plan Map/Zoning Map Amendment is effectively a “down-zone” for a portion of the subject site, resulting in a net decrease in trips being produced from the proposed applications. The applicant’s proposal will not change the level of service on any of the neighboring transportation facilities. Therefore, the proposed Comprehensive Plan Map/Zoning Map Amendment requires no mitigating measures. The City’s Traffic Engineer (DKS Associates) has reviewed and concurred with the applicant’s findings within the TIA. These criteria have been satisfied.

B. Amendments That Affect Transportation Facilities. Except as provided in subsection C, amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility (identified in the TSP). This shall be accomplished by one of the following:

- 1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or*
- 2. Amending the TSP to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or*
- 3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or*
- 4. Amending the planned function, capacity or performance standards of the transportation facility; or*
- 5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.*

C. Exceptions. Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the TSP, may be approved when all of the following criteria are met:

- 1. The amendment does not include property located in an interchange area, as defined under applicable law;*
- 2. The currently planned facilities, improvements or services are not adequate to achieve the standard;*
- 3. Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and*
- 4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.”*

Staff Response:

As discussed in the previous finding, the proposed Comprehensive Plan Map/Zoning Map Amendment is not anticipated to have any effect on the surrounding transportation facilities. Therefore, these criteria have been satisfied.

III. RECOMMENDATION:

Staff has determined that the above findings demonstrate that the proposed Comprehensive Plan Map/Zoning Map Amendment, Master Plan, Environmental Review Permit and 127-lot PUD satisfy the requirements of the Statewide Planning Goals, OAR, Metro Urban Growth Management Functional Plan and City of Happy Valley Comprehensive Plan and LDC. Staff, therefore, recommends the Planning Commission forward a recommendation to **approve** application CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14 to the City Council, subject to the proposed conditions of approval.

Conditions of Approval for CPA-01-14/LDC-02-14/MP-01-14/PUD-01-14/ERP-01-14

Administration

1. The City shall amend the Comprehensive Plan Map/Zoning Map and the East Happy Valley Comprehensive Plan for a portion of the subject site to reflect MUR-S designation/zoning in a manner that “aligns” with the applicant’s proposed zoning configuration (Exhibit 2, Sheet 20). The City shall also amend its Comprehensive Plan Map/Zoning Map to indicate that the development site is subject to an approved Planned Development Overlay.
2. The property owner shall file a final plat pursuant to ORS 92.050 and shall conform to all provisions contained therein. The recorded plat shall be in substantial conformance with the approved preliminary plat and bear the signature of the City’s Economic and Community Development Director. Two recorded copies of the Plat shall be submitted to the City as verification of recordation prior to the issuance of any building permit (with the exception of a building permit for a model home).
3. This approval will expire two years from the issuance of the Notice of Decision. The applicant may apply for a maximum of three, one year time extensions, pursuant to Section 16.63.040.D of the most current revision of the City’s LDC.
4. Prior to final plat approval, area computations in square feet for all building lots must be prepared and submitted by an engineer or surveyor registered in the State of Oregon.
5. The applicant shall be allowed to phase the proposed development (as illustrated within Exhibit 8) in accordance with Section 16.63.130.I.2.f of the LDC.

Happy Valley Engineering Division

General Items

6. All submitted project construction plans shall conform to the City's "Engineering Design and Standard Details Manual" (Manual) for design and drafting requirements.
7. The project is subject to the City's latest "Public Improvement Guarantee" form which requires a financial security based upon the engineer's estimate and a 25 percent two (2) year maintenance bond upon completion and acceptance of the improvements.

8. Construction plans shall show all adjacent subdivision names, lot lines and tax lot lines with the tax map and tax lot number noted on each.
9. Construction plan review is subject to these conditions of approval.
10. Prior to the scheduling of the Pre-Construction meeting, issuance of a Notice to Proceed, or beginning any site work, the applicant shall submit all applicable bonds, have paid all applicable fees, and have service provider letters for both Stormwater and Sanitary Sewer services from Water Environment Services (Clackamas County) and the Sunrise Water Authority.
11. Full time inspection by the developer's engineer is required for all street and storm drainage construction.
12. A sign shall be posted conspicuously at the job site entrance prior to site construction, and shall be maintained throughout construction. Use 2-inch high black letters on an orange background. The sign shall read as follows:

“SITE CONSTRUCTION SHALL BE LIMITED TO 7:00 AM TO 6:00 PM ON WEEKDAYS, AND 8:00 AM TO 5:00 PM ON SATURDAYS AND SUNDAYS.

HOWEVER, SITE CLEARING, EARTH MOVING, INSTALLATION OR CONSTRUCTION OF UNDERGROUND UTILITIES, PAVING OF STREETS AND SIDEWALKS, FOUNDATION FRAMING AND POURING, AND FRAMING SHALL BE ENTIRELY PROHIBITED ON SUNDAYS.

TO REPORT VIOLATIONS CALL 503-783-3800.”

The City Manager shall have the authority to waive these requirements in the event of emergency or in the City Manager’s opinion, justifiable cause.

Grading and Erosion Sediment Control

13. The developer's engineer is required to provide a site specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control (ESC) measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control collection, routing, and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and ESC measures are not installed per plan and functioning properly.
14. The developer's engineer shall provide plans and documentation, including specific design and construction recommendations from the geotechnical engineer, for the review and approval of the City Engineer demonstrating compliance with the Geotechnical Report dated December 11, 2013 from GeoPacific, Inc.

15. The total disturbed area for this project exceeds one-acre, therefore an NPDES 1200-C permit from DEQ will be required. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
16. Vegetative cover shall be maintained on slopes or established through new plantings for stability and erosion control purposes. Vegetation shall not be stripped from any steeply sloped area except for construction of utilities, streets, pedestrian facilities, and retaining walls.
17. The Erosion Sediment Control Plan shall include a plan to implement and maintain wet weather measures within 14 days of the final grading and between the dates of October 1st and April 30th.
18. All grading activity shall be per the current City of Happy Valley Municipal Code. The developer shall submit a completed Site Development Permit to the City prior to beginning any grading work on site.
19. Due to a number of wetlands being scattered throughout the site, the soils are likely to be moisture sensitive according to the Geotechnical Report from GeoPacific Engineering, Inc. dated December 11, 2013. Geotechnical inspection will be required throughout the construction of the public improvements. The construction plans shall be reviewed and approved by the geotechnical engineer prior to construction plan approval.
20. The grading limits around protected trees shall be fenced using the standard four-foot orange plastic construction fencing in addition to the required erosion sediment control fences. All fencing, ESC measures and construction gravel entrances shall be installed and maintained by the developer and inspected by the City of Happy Valley prior to beginning work on the site.
21. For retaining walls great than 4 feet in height, a professional engineer or geotechnical engineer registered in the State of Oregon shall provide stamped design calculations and detail drawings required for the retaining wall construction. The retaining wall detail drawings shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements.
22. All construction trucks shall perform transfer of trailers on-site. Surrounding public streets shall not be used as a staging area for dump trucks with transfer trailers.

Street/Pedestrian System

23. Street design plans shall conform to the requirements delineated in the City's "Engineering Design and Standard Details Manual" (Design Manual), current revision, and the City's TSP, current revision. The referenced documents are available on the City's website.

24. All required public improvements shall be constructed, inspected, and accepted prior to final plat approval.
25. No building permits shall be submitted to the City for review until the plat has been recorded, the City, County, and Water District have accepted all improvements, individual 8 ½ x 11 “as-built” record drawings for each lot showing storm and sanitary lateral locations with two distance ties to their ends for future locations are received and approved by all applicable agencies, and the performance/maintenance bonds for each jurisdiction is in place, the City has accepted the project as complete and a Building Permit Release Letter has been issued.
26. All current ADA requirements for streets and intersections shall be met.
27. The internal public streets shall be classified as a local streets. Parking will be limited to one side of the street along the 28-foot paved section, and the street shall be signed and marked accordingly.
28. 172nd Avenue is a County Road. Frontage improvements and right-of-way dedication shall be in accordance with the 172nd Avenue Corridor Plan and Clackamas County standards.
29. Troge Road is a County Road. Right-of-way dedication shall be in accordance with Clackamas County standards. Frontage improvements or a fee “in-lieu-of” construction will need to occur prior to final plat approval.
30. 177th Avenue is a collector street in the City’s TSP. A 34-foot wide right-of-way shall be dedicated. A fee “in-lieu-of” construction shall be paid prior to final plat approval. The fee-in-lieu of amount will be 125 percent of the project design and construction value.
31. A turn around for emergency vehicles that meets Fire District standards shall be provided at the end of Pinnacles Street.
32. Access to Troge Road from Olympic Street shall be restricted to emergency vehicle access only. An approved access gate shall be installed on Olympic Street.
33. Olympic Street between Acadia Street and Troge Road will have a street design variation to reduce impacts to the wetland in Tract “A”. A 39-foot wide right-of-way shall be provided, with a 28-foot paved section. A five foot curb tight sidewalk shall be constructed on the east side of the street, and no sidewalk on the west side, adjacent to the wetland.
34. Minimum AASHTO sight distance requirements shall be met at all street intersections and driveways. AASHTO requires sight distance to be measured at a point 14.4 feet from the edge of the traveled way with a driver’s eye height of 3.5 feet and an object height of 3.5 feet. The proposed emergency access on Troge Road (at Olympic Street) and the proposed intersection on 172nd Avenue (at Blackburn Street) shall be approved by Clackamas County DTD prior to final site plan approval.
35. A Type “III” barricade and sign shall be placed at the end of any stubbed street as shown in City Standard Drawing Number 310.

36. Provide a signing and striping plan as part of the construction plan set, prepared by a registered engineer. The applicant shall be responsible for the installation of all signing and striping as indicated on the plans.
37. The applicant shall meet the requirements of Section 16.50.030.B.9 of the LDC by constructing two additional pedestrian pathways/connections. One located between Lots 59 and 60 and a second located between Lots 75 and 76.

Miscellaneous

38. Demolition permits from the City's Building Division will be required for the removal of any structures.
39. Plumbing permits from the City's Building Division will be required for private utilities installed in private access easements.
40. The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.
41. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
42. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working on the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
43. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through the use of proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
44. Submittal to the City of all required performance bonds, insurance certificates, engineer's agreements, set-aside account letters and/or sureties shall occur prior to establishing a pre-construction meeting date. Review and acceptance by the City Recorder of these instruments shall be required prior to establishing a pre-construction meeting date.
45. A construction plan deposit shall be paid with the first submittal of the construction plans for each phase of the project. The deposit amount is based upon the number of lots and the Engineering Division Fee Schedule can be found on the City website. All remaining engineering plan review and inspection fees, right-of-way permit fees (if any) and tree cutting permit fees (if any), shall be paid at the time of the pre-construction meeting.

Clackamas County Department of Transportation and Development

46. All frontage improvements in, or adjacent to Clackamas County right-of-way, shall be in compliance with *Clackamas County Roadway Standards*.

47. The applicant shall dedicate approximately 22.5 feet of additional right-of-way along the entire site frontage of 172nd Avenue as necessary to accommodate the public improvements and shall verify by survey that there is a 52.5-foot wide one-half right-of-way width.
48. The applicant shall dedicate a minimum of approximately 10 feet (14 feet proposed) of right-of-way on the entire site frontage of Troge Road and shall verify by survey that a minimum 30-foot wide, one-half right-of-way width exists along the entire site frontage, or shall dedicate additional right-of-way as necessary to provide it.
49. The applicant shall grant an eight-foot wide public utility easement adjacent to the public right-of-way along the entire site frontage of 172nd Avenue and Troge Road.
50. The applicant shall design and construct improvements along the entire site frontage of 172nd Avenue in accordance with *Clackamas County Roadway Standards*.

These improvements shall consist of:

- a. Up to a 36.5-foot wide half-street improvement for a major arterial roadway. Structural section for 172nd Avenue improvements shall consist of 7.5 inches of asphalt concrete per Clackamas County Roadway Standards Standard Drawing C100.
- b. Standard curb, or curb and gutter if curblin slope is less than one percent, and pavement with the face of the new curb located approximately 36.5 feet from right-of-way centerline.
- c. An 8-foot wide bike lane/cycle track.
- d. A left turn lane shall be constructed on 172nd Avenue for the new public road (Blackburn Street). The left turn storage queue shall be provided as recommended in the Traffic Impact Study prepared by Lancaster Engineering, dated December 20, 2013. The left turn lane design shall be consistent with Section 250.8.8 of the Clackamas County Roadway Standards. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.
- e. A striping plan shall be provided for an interim three-lane section with 11-12-foot wide travel lanes and 12-14-foot wide turn lane.
- f. The lane transition on the west side of 172nd Avenue shall include a minimum four-foot wide shoulder. Where curb is proposed, the shoulder shall be paved between the curb and travel lane.
- g. A minimum seven-foot wide unobstructed setback sidewalk, with an eight-foot landscape strip shall be constructed along the entire site frontage. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc., when they are located within the limits of the sidewalk or construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Additional easement, as necessary, shall be granted to provide for any sidewalk eyebrows.

- h. If the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk shall require the construction of a temporary asphalt ramp, adjacent to the end of the sidewalk, providing a transition from the new sidewalk to the edge of the pavement. The ramp shall meet ADA guidelines and shall be a minimum of two inches in thickness.
 - i. Drainage facilities in conformance Water Environment Services regulations and Clackamas County Roadway Standards, Chapter 4.
51. The applicant shall design and construct improvements along the entire site frontage of Troge Road in accordance with *Clackamas County Roadway Standards*. An option to pay a fee “in-lieu-of” for the Troge frontage improvements may be considered with an agreement between the City and County. A fee “in-lieu-of” will be based on 125 percent of the estimated construction costs of the required improvements.

These improvements shall consist of:

- a. Up to a half-street improvement for a collector roadway. Structural section for Troge Road improvements shall consist of six inches of asphalt concrete per Clackamas County Roadway Standards Standard Drawing C100.
 - b. Standard curb, or curb and gutter if curblin slope is less than one percent, and pavement with the face of the new curb located a minimum of 18 feet from the centerline of the right-of-way.
 - c. A minimum five-foot wide unobstructed setback sidewalk, with a five-foot landscape strip shall be constructed along the entire site frontage. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc., when they are located within the limits of the sidewalk or construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Additional easement, as necessary, shall be granted to provide for any sidewalk eyebrows.
 - d. If the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk shall require the construction of a temporary asphalt ramp, adjacent to the end of the sidewalk, providing a transition from the new sidewalk to the edge of the pavement. The ramp shall meet ADA guidelines and shall be a minimum of two inches in thickness.
 - e. Access on Troge Road shall be limited to emergency vehicles only. The access road shall be constructed with a gate, as approved by the Fire District. At the time a left turn lane is constructed on 172nd Avenue for Troge Road, and the bridge on Troge Road is widened, access from the project site can be opened onto Troge Road. Adequate sight distance shall be provided prior to opening access onto Troge Road.
 - f. Appropriate pavement tapers shall be provided, per Clackamas County Roadway Standards Section 250.6.4.
 - g. Drainage facilities in conformance Water Environment Services regulations and Clackamas Roadway Standards, Chapter 4.
52. Adequate intersection sight distance, per Section 240 of the Clackamas County Roadway Standards shall be provided at the new public road intersection with 172nd Avenue and at the temporary emergency vehicle access to Troge Road. Sight distance design speed shall be based on the posted speed plus 5 mph or on the 85th percentile speed.

53. Any surface water runoff from the site to the 172nd Avenue or Troge Road right-of-way shall be detained outside of the right-of-way in conformance with *Clackamas Roadway Standards*.
54. The applicant shall submit an Engineer's cost estimate to be approved by Clackamas County Engineering for the asphalt concrete, aggregates, and any other required public improvement in the 172nd Avenue and Troge Road right-of-way.
55. Prior to commencement of site work and recording of the plat the applicant shall obtain a Development Permit from this office for design and construction of required improvements to 172nd Avenue and Troge Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon, provide a Performance Guarantee, and pay an Inspection Fee. The Performance Guarantee is 125percent of the approved Engineer's cost estimate for the required improvements.
56. Prior to commencement of utility work within the right-of-way a Utility Placement Permit shall be obtained from DTD.
57. Prior to commencement of any work, including grading, and prior to issuance of the Development and Utility Placement permits, the contractor shall:

Provide a traffic control plan for review and approval from Clackamas County's Engineering Office. Provide a certificate of liability insurance, naming the County as additionally insured. Obtain separate "Street Opening Permits" for utility installations within the County right-of-way. The applicant shall obtain these permits from the Engineering office prior to the issuance of the Development Permit.

Clackamas County Service District #1/Water Environment Services

Sanitary Sewer

58. This development has not annexed to CCSD #1 and is required to annex to the District prior to connection to the sanitary sewer system. Annexation forms can be found at <http://www.clackamas.us/wes/annexation.html>.
59. This site is subject to the CCSD #1 **Sanitary Sewer and Stormwater Standards** revised July, 2013.
60. **Plan review fees are due with the first submittal for plan review.** This development is subject to a plan review fee for sanitary sewer based upon the cost of construction. All connection and/or plan review fees are required to be paid prior to issuing plat approval.
61. A collection sewer charge applies and is required to be paid prior to issuing plat approval.
62. The construction of a 12-inch (oversize) sanitary pipe within Troge Road to tax lot 13E31D 01400 is required for this development. The payment for upsizing the sanitary pipe is required to be agreed upon prior to the approval of construction plans.

63. The developer must provide minimum 15-foot wide sanitary sewer easements where necessary as determined by CCSD #1. Easements for storm and sanitary in a combined area are a minimum of 20-foot wide.
64. The applicant/developer shall submit complete civil-engineered plans for sanitary sewer design, stamped by a licensed Civil Engineer, to CCSD #1 for review and approval.
65. Building permits shall not be approved by Water Environment Services until the sanitary sewer system is complete in all respects and accepted by the District.

Storm drainage

66. Surface Water **plan review fees are due with the first submittal for plan review.** This development is subject to a plan review fee for storm drainage facilities based upon the cost of construction
67. Onsite detention facilities shall be designed to reduce the 2-year storm to ½ of the 2-year storm (see Appendix E of the DISTRICT Standard Specifications).
68. Water quality treatment and infiltration facilities are required.
69. The applicant shall obtain approval from the US Army Corps of Engineers (Corps) and Oregon Division of State Lands (DSL) for a removal/fill permit for the proposed wetland impacts. Approval from the Corps and DSL shall be obtained prior to the commencement of any construction activities that impact the onsite natural resources.
70. The approval of the land use application does not include any conclusions by WES regarding acceptability by the DSL or the Corps of the wetland delineation. This decision should not be construed to or represented to authorize any activity that will conflict with or violate the DSL or Corps requirements. It is the applicant's responsibility to coordinate with the DSL or Corps and (if necessary) other responsible agencies to ensure that the development activities are designed, constructed, operated and maintained in a manner that complies with the DSL or Corps approval.
71. A Buffer Variance will be required, the applicant shall file a written request for review and approval of the variance and buffer mitigation plan to the City of Happy Valley. The City will forward the appropriate information to Linda Preisz of Clackamas County Planning so that she can perform the stream/wetland buffer review.
72. The applicant shall encumber the natural resource areas that are proposed to remain in place after site development with a Conservation Easement and shall permanently delineate the boundary of said natural resources with white split-rail fencing or an approved alternative.
73. As part of the construction documents for the proposed development, the applicant shall provide a Construction Management Plan that includes provisions for the installation of orange "construction fencing" to delineate the natural resource areas and vegetation on the subject site that are to remain undisturbed.

74. A site specific civil plan shall be submitted to CCSD#1 that incorporates the requirements of the land use conditions of approval. The plans must be stamped by an Oregon State licensed civil engineer. The civil engineering plans shall be designed according to the DISTRICT Surface Water Management Rules and Regulations and Standard Specifications and as directed by the DISTRICT during the plan review process. Deviation from the approved construction plans must have prior approval of the District.

75. (SWM section 5.1.13) The development is required to enter into a stormwater maintenance agreement with CCSD #1 for the maintenance of the stormwater facilities. The following statement must be added to the Restrictions on the subdivision plat.

“Clackamas County Service District #1 (CCSD#1), its Successors or Assigns is hereby granted the right to lay down, construct, reconstruct, replace, operate, inspect and perpetually maintain sewers, wastewater, storm drainage or surface water pipelines, and all related facilities. No permanent structure shall be erected upon said easement without the written consent of the CCSD#1. Grantors agree to undertake no activity that would harm or impair the proper functioning of the sanitary and storm sewer system.”

76. (SWM section 5.1.13) The following plat restriction must be shown on all subdivision plats that are within CCSD #1:

“SUBJECT TO CCSD #1 RULES AND REGULATIONS AND EXISTING STORM WATER FACILITY MAINTENANCE AGREEMENT UNDER FEE NO. 2006-078154, CLACKAMAS COUNTY DEED RECORDS”.

77. Before the proposed development can be connected to the storm sewer system or sanitary sewer line, permits shall be obtained and applicable fees paid to Clackamas County Service District No. 1.

78. Final as-builts showing the storm and sanitary shall be submitted prior to acceptance of the storm and sanitary construction.

79. **Prior to final plat approval**, the DISTRICT shall review and approve the plans and final plat for the sanitary and storm sewer systems.

80. Building permits shall not be approved by Water Environment Services until the storm sewer system is complete in all respects and accepted by the District.

Sunrise Water Authority

81. All water system construction must be in accordance with the rules, regulations, policies, guidelines and standards of SWA. Cost of the improvements and construction shall be borne entirely by the developer, unless other arrangements are made between the developer and SWA.

82. SWA has adequate potable water supplies available in sufficient quantities to provide normal domestic and fire protection needs for this proposal, as required by the Oregon Health Division. Commonly held irrigated spaces must be designed to Irrigation Association Best Management Practices Standards and utilize evapo-transpiration controllers. Exact improvements to the water system will be determined during design review by the Water Authority.

Clackamas Fire District #1

83. Address numbering that is clearly visible from the public street shall be provided on each new home within the proposed development.

84. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants) and an unobstructed vertical clearance of not less than 13 feet 6 inches.

85. The applicant shall provide approved turnarounds for dead end access roads exceeding 150 feet in length. Fire Department turnarounds shall meet the dimensional standards found in the fire code applications guide.

86. Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.

87. Access roads between 12 percent and 15 percent grade will only be approved if fire sprinklers are installed in all new structures served by that road. Access roads in excess of 15 percent grade are generally not approved.

88. If a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), additional fire hydrants and mains shall be provided.

89. All new buildings shall have a firefighting water supply that meets the fire flow requirements of the Fire Code. Maximum spacing between hydrants on street frontage shall not exceed 500 feet. Additional private on-site fire hydrants may be required for larger buildings. Fire sprinklers may reduce the water supply requirements.

90. Dwellings, their garages, and any accessory structures larger than 3,600 square feet in area must be reviewed for compliance with the water supply requirements of the Fire Code. Residential fire sprinklers may substitute for a water supply.

91. Prior to the start of combustible construction required fire hydrants shall be operational and accessible.

92. For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply:

- Less than 3,600 square feet (including attached garage)
 - a) 1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction, (OFC Section B105.2)

- Greater than 3,600 square feet (including attached garage)
 - a) Shall meet fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1)
 - b) Shall meet hydrant coverage as specified in Appendix C of the current Oregon Fire Code, (OFC, Table C105.1)

Note: In lieu of the above fire flow requirements, residential fire sprinklers may be considered as an alternate when approved by the Fire Marshal.

93. The applicant must obtain a stamp of approval from CFD #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.

Clackamas County Service District #5 (Street Lighting)

94. Street lighting does not exist on the 172nd Avenue or Troge Road frontage therefore street lighting will be required on newly installed fiberglass poles with Cobra style lights. Street lighting also does not exist on the new lots frontage therefore street lighting will also be required on fiberglass poles with cobra style fixtures. The applicant will have to work with CCSD #5 on an acceptable plan.

95. The property owner shall submit a request in writing for the formation of an assessment area, which will include any new tax lots created by this PUD, to help pay for the operation and maintenance of lighting. The current rate of assessment for street lighting in this area is \$63.98 per tax lot per year. The applicant shall also provide a copy of this request to the City.

Utilities

96. The applicant shall provide utility easements where required and shall be responsible for coordinating construction with all utility and service providers and facilitating cooperation among all providers and agencies.

97. All utilities, including electrical power, telephone, cable TV, gas and others shall be underground. Pre-wiring of the project site for street lighting must be approved by CCSD #5.

Design

98. This development shall utilize the following development standards:

Lot width (minimum)	Attached SFR – 20 feet Detached SFR – 40 feet
Lot depth (minimum)	70 feet
Street frontage (minimum) Lots fronting on cul-de-sac	13 feet
All other lots	Attached SFR – 20 feet Detached SFR – 40 feet
Lot coverage (maximum)	Attached SFR – 75 percent Detached SFR – 60 percent
Building setbacks (minimum): Front	See Exhibit 7
Rear	See Exhibit 7
Interior side	See Exhibit 7
Street side (corner lot)	See Exhibit 7
Garage & carport entrances - Entrances not facing an alley	20 feet
Building height (maximum)	45 feet front 49 feet side/rear

However, in no case shall a garage be located less than 20 feet from a public right-of-way. Prior to final plat approval, area computations in square feet for all building lots must be prepared and submitted by an engineer or surveyor registered in the State of Oregon. Setbacks are measured from the foundation to the property line.

The Planning Official or designee is authorized by the Planning Commission to permit reductions or increases to these standards as may be necessary to provide for the retention of trees greater than six inches in diameter measured at breast height (4.5 feet). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject lot that illustrates the relationship between the proposed structure and significant tree retention.

99. A final landscape plan shall be submitted to the Community Development Director or designee for approval prior to construction plan approval. The final landscape plan shall be in substantial conformance with the preliminary landscape plan and shall detail the method of irrigation for all landscaped areas. A street tree planting plan shall also be included as part of the final landscape plan.
100. The applicant or Homeowner's Association is responsible for the continual maintenance of all hardscaped, landscaped and natural areas located on the site.
101. The applicant shall provide a minimum of two off street parking spaces per residence and shall also provide driveways in accordance with Sections 16.41.030.B and 16.44.010.A.3 of the LDC.
102. The applicant shall provide perimeter fencing along 172nd Avenue and Troge Road per the requirements of Section 16.42.060.A of the LDC. As an alternative, if the applicant pays a fee "in-lieu-of" for the frontage improvements to Troge Road, said perimeter fencing may be included in the "in-lieu-of" fee.

CITY OF HAPPY VALLEY
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DEPT OF

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LAND CONSERVATION
AND DEVELOPMENT