



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: 09/08/2014
Jurisdiction: City of Happy Valley
Local file no.: CPA-10-14
DLCD file no.: 008-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/08/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 42 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

 In person electronic mailed
DATE
STAMP

DEPT OF

SEP 08 2014

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Happy Valley**Local file number: **CPA-10-14**Date of Adoption: **9/2/2014**Date Mailed: **9/4/2014**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment Land Use Regulation Amendment Zoning Map Amendment New Land Use Regulation Other:

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

Minor Amendments to three Figures in the City's Transportation System Plan (TSP), correcting a "scrivener's error" and changing two sections of Local Residential Streets to Neighborhood Streets

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**Acres Involved: **0**Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

 Yes No

If no, do the statewide planning goals apply?

 Yes No

If no, did Emergency Circumstances require immediate adoption?

 Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Happy Valley

Local Contact: **Michael D. Walter, AICP**

Phone: (503) 783-3839 Extension:

Address: **16000 SE Misty Drive**

Fax Number: - -

City: **Happy Valley**

Zip: **97086-**

E-mail Address: **michaelw@happyvalleyor.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 6, 2012

**ORDINANCE NO. 455
CITY OF HAPPY VALLEY**

**AN ORDINANCE AMENDING FIGURES 3.5, 8.3 AND 8.9 WITHIN THE CITY'S
TRANSPORTATION SYSTEM PLAN, THEREBY CORRECTING A "SCRIVENER'S
ERROR AND, DECLARING AN EMERGENCY.**

WHEREAS, the City of Happy Valley has ascertained that a scrivener's error has occurred within the subject Figures of the City's Transportation System Plan (TSP) in that said figures were not updated to be classified as "Neighborhood Streets" versus "Local Residential Streets"; and

WHEREAS, these segments of roadways were constructed as required of Neighborhood Streets at the time of construction in conjunction with the development of the Jackson Hills PUD; and

WHEREAS, the City wishes to maintain an accurate and up to date TSP.

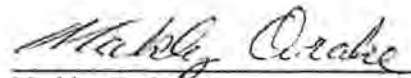
Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. That staff is directed to update the City's TSP as illustrated by the revised Figures 3.5, 8.3 and 8.9 as illustrated within the attached Exhibits.

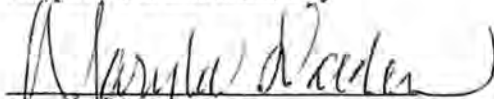
Section 2. An emergency is declared to exist and as provided by Section 17 of the Happy Valley City Charter this ordinance takes effect on September 2, 2014.

**COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING:
[SEPTEMBER 2, 2014]**



**Markley Drake
Council President**

Adoption and date attested by:



**Marylee Walden
City Recorder**

Mayor
Honorable Lori DeRemer

City Manager
Jason A. Tuck



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

AUGUST 12, 2014

**TRANSPORTATION SYSTEM PLAN (TSP) AMENDMENT:
FILE NO. CPA-10-14**

I. GENERAL INFORMATION:

APPLICABLE CRITERIA:

Applicable Statewide Planning Goals; applicable Oregon Administrative Rule (OAR) sections; and, applicable Sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code.

EXHIBITS:

1. Staff Report and Findings of Fact
2. "Jackson Hills" As-Builts
3. Existing TSP Figures 3.5, 8.3, 8.9
4. Proposed TSP Figures 3.5, 8.3, 8.9

BACKGROUND:

The proposed TSP Amendments accomplish one major objective: to revise Figures 3.5, 8.3, and 8.9 of the TSP to correct a "scrivener's error" that takes the form of the lack of updating of two roadways currently classified as Local Residential Streets (Denali Drive and Nicholas Drive – see Exhibit 4), portions of which have been constructed as Neighborhood Streets, but not classified as such in the TSP (see Exhibit 3). In the Planning Commission's conditions of approval for the "Jackson Hills" Planned Unit Development (Local File No. PUD-03-03), portions of Denali Drive and Nicholas Drive were approved as Neighborhood Streets (see

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

Exhibit 2). Further, portions of these roadways were illustrated as Neighborhood Streets on construction plan drawings subsequent to approval of the PUD (Exhibit 3). Subsequently, the illustrated portions of the roadways were constructed as Neighborhood Streets. In sum, the TSP currently lists Denali Drive and Nicholas Drive as Local Streets, whereas portions of both roadways were approved, planned and constructed as Neighborhood Streets. Accordingly, staff has proposed amendment of the TSP to correct this apparent “scrivener’s error” and correctly classify the applicable portions of these roadways as Neighborhood Streets.

OBSERVATIONS:

APPROVAL OF THE “JACKSON HILLS” PUD

On February 10, 2004 the City of Happy Valley Planning Commission approved the “Jackson Hills” PUD as a 210-lot east of 145th Avenue, adjacent to the previously developed “Monterra” subdivision. As part of the approval of “Jackson Hills” and the creation of the 210 lots, construction by the developer of a new internal public street system was required by condition, in order to serve the proposed lots as well as future development on abutting properties. The final conditions of approval adopted by the Planning Commission called for portions of Denali Drive and Nicholas Drive to be Neighborhood Streets.

PLANNING AND CONSTRUCTION OF NICHOLAS DRIVE

Following land use approval of the 210-lot “Jackson Hills” PUD, the developer proceeded to go through plat review and finalize the development in order to create buildable lots. As part of the finalization, the developer submitted construction plans for infrastructure to be reviewed by the City to ensure consistency with the prior land use approval. As shown on Exhibit 2, the developer proposed to construct portions Denali Drive and Nicholas Drive as Neighborhood Streets. Consistent with the construction plans, Denali Drive and Nicholas Drive were ultimately constructed with a 52-foot ROW, which was the neighborhood street standard in the City’s TSP at the time of its construction. In particular, the portion of Nicholas Drive, approved as a Neighborhood Street, was constructed to the southeast edge of the “Jackson Hills” PUD, in order to provide a connection for future development envisioned in the City’s policies regarding connectivity and the land use approval of the PUD.

“PIONEER HIGHLANDS” PUD AND CONNECTION TO NICHOLAS DRIVE

As the Planning Commission may recall, on June 10, 2014, a public hearing was held for a proposed a 66-lot PUD known as “Pioneer Highlands.” Due to the location of the proposed PUD, vehicular access was proposed via an extension of the portion of Nicholas Drive that terminated within the “Jackson Hills” PUD. At issue at the public hearing, particularly among current residents of the now-developed “Jackson Hills” PUD, was whether or not the portion of Nicholas Drive adjacent to the proposed development was adequate for the anticipated traffic volumes created by a 66-lot PUD. While this issue was ultimately resolved, it uncovered the fact that due to an apparent “scrivener’s error,” portions of both Denali Drive and Nicholas Drive – approved, planned and constructed as Neighborhood streets – had instead been classified as Local Streets in the most current version of the City’s TSP. Consequently, City staff initiated this proposed amendment to “fix” Figures 3.5, 8.6, and 8.9 of the TSP to reflect the fact that portions of both Denali Drive and Nicholas Drive are, in fact, Neighborhood Streets.

AGENCY AND INTERESTED PERSONS COMMENTS

Notification and materials were delivered to the Oregon Department of Land Conservation and Development (DLCD), the required 35 days prior to this initial evidentiary hearing. As of the date this report was written, no comment has been received.

II. RECOMMENDATION

The proposed TSP Amendments will provide necessary corrections to key Figures illustrating the Functional Classification of roadways within the geographic area encompassed by the TSP. Therefore, staff recommends that the Planning Commission forward a recommendation of approval of CPA-10-14 (TSP Amendments) to the City Council.

III. 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:

Statewide Planning Goal 1 requires governing bodies charged with preparing and adopting a comprehensive plan to adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved. The City of Happy Valley has noticed the TSP Amendments hearings via published notice. Therefore, this criterion has been satisfied by the citizen involvement process centered on the proposed TSP Amendments.
[...]

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.” The very purpose of the proposed TSP Amendments is to provide and encourage a safer, more convenient and economic transportation system for the public. Therefore, this criterion has been satisfied by the proposed amendments.

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

[...]

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (c) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

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

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures 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.

(e). Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.

Staff Response:

The proposed TSP Amendments do not include any Comprehensive Plan/Zoning Map amendments – existing Comprehensive Plan designations/zoning districts within the geographic area affected by the proposed amendments are consistent with the identified function, capacity, and performance standards of the facilities identified within the TSP Amendments. Further, the proposed TSP Amendments include changes aimed at fulfilling the City’s transportation policies and the requirements of the Transportation Planning Rule (TPR). Therefore, these criteria have been satisfied by the proposed amendments.

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

“Chapter 16.67 COMPREHENSIVE PLAN MAP, SPECIFIC AREA PLANS, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

[...]

16.67.015 Initiation of a plan amendment.

A. Any change in the text, map or implementing ordinances of adopted Happy Valley land use regulations may be initiated by the City [...]

16.67.020 Legislative amendments.

Legislative amendments are policy decisions made by City Council. Except in the case of expedited annexation, they are reviewed using the Type IV procedure in Section 16.61.050 and shall conform to the Transportation Planning Rule provisions in Section 16.67.060, as applicable.”

Staff Response:

The proposed TSP Amendments are initiated by the City and have been processed as legislative amendments through a Type IV process. As discussed previously, the proposed TSP Amendments have been found to conform to the Transportation Planning Rule. Therefore, these criteria have been satisfied by the proposed amendments.



JACKSON HILLS PHASES NO. 2 & 3 HAPPY VALLEY FILE NO. PUD-03-03

APPROVED FOR THE CITY OF HAPPY VALLEY BY RESOLUTION NO. 12787 ON 02/14/06

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GENERAL NOTES

1. THE CITY OF HAPPY VALLEY HAS REVIEWED THE PLANS AND SPECIFICATIONS FOR THE PROPOSED DEVELOPMENT AND HAS APPROVED THEM FOR THE CITY OF HAPPY VALLEY.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAPPY VALLEY AND THE STATE OF OREGON.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAPPY VALLEY AND THE STATE OF OREGON.
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CONSTRUCTION SPECIFICATIONS

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HAPPY VALLEY ORDINANCES AND THE STATE OF OREGON REGULATIONS.
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LEGEND

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STREET INDEX

- 1. Street Index
- 2. Street Index
- 3. Street Index
- 4. Street Index
- 5. Street Index
- 6. Street Index
- 7. Street Index
- 8. Street Index
- 9. Street Index
- 10. Street Index

AS-BUILT

DATE: February, 2006

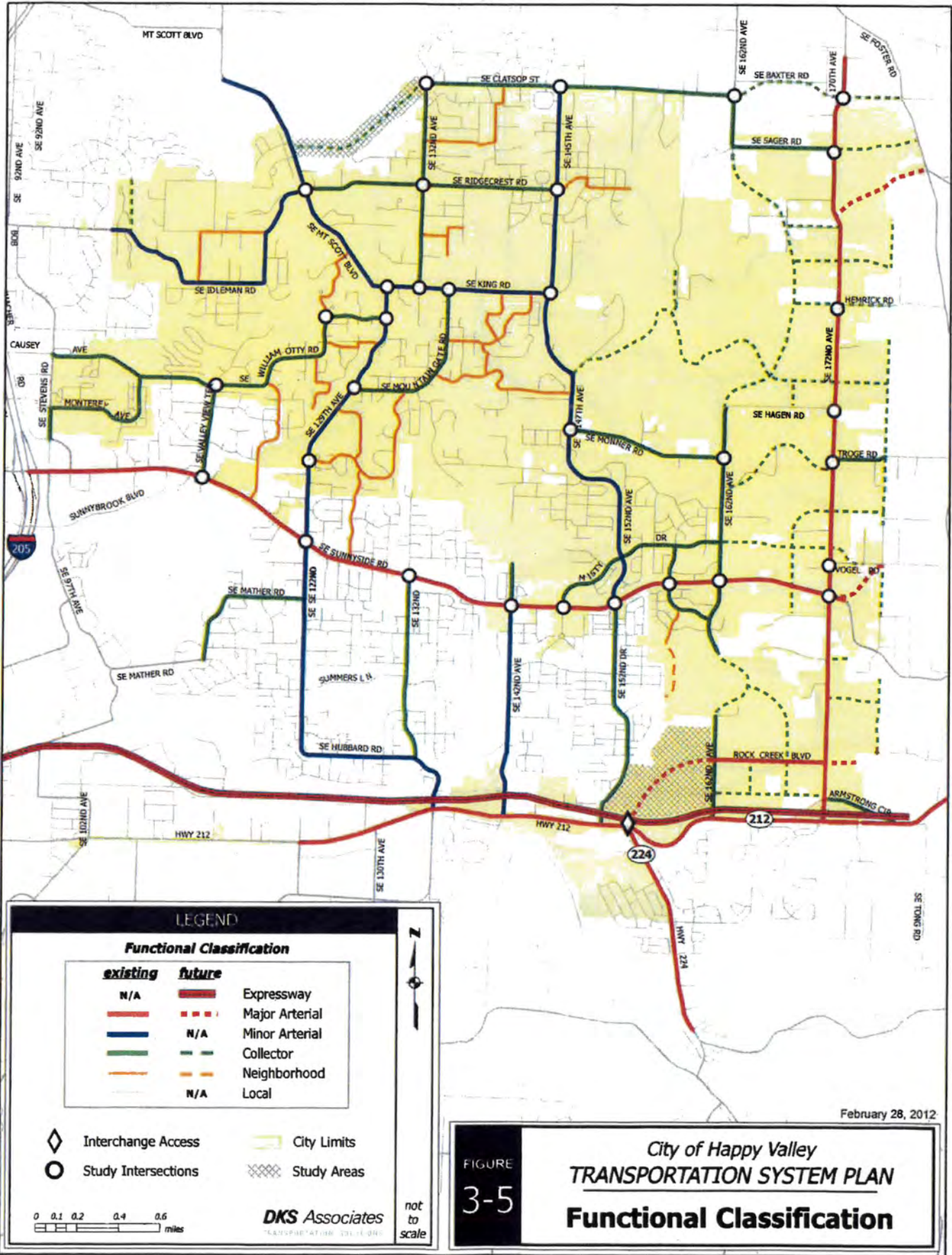
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ENGINEERING • SURVEYING • PLANNING

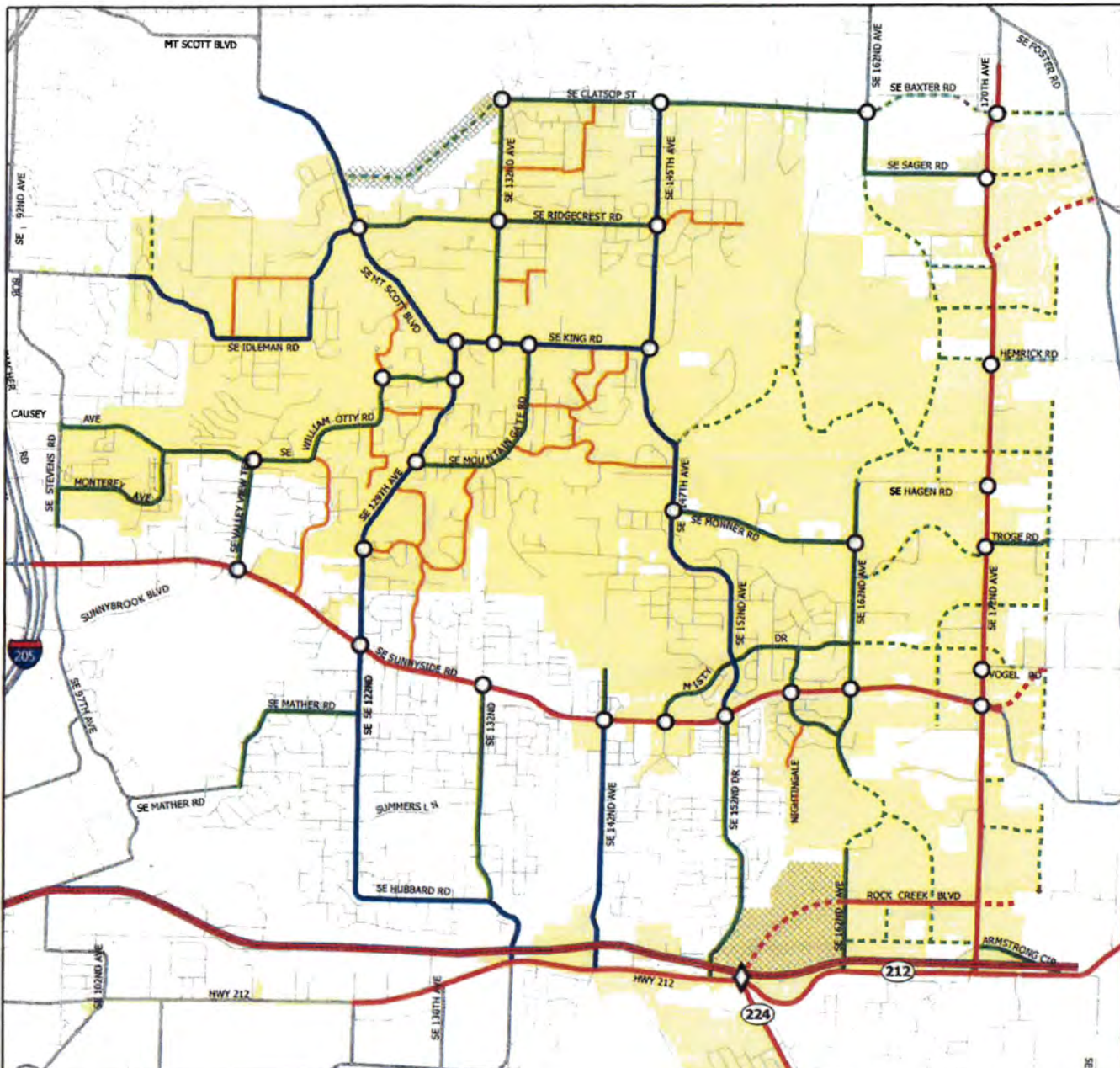
NO.	DATE	BY	REVISION
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2	02/14/06	JLS	ISSUED FOR PERMIT
3	02/14/06	JLS	ISSUED FOR PERMIT
4	02/14/06	JLS	ISSUED FOR PERMIT
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8	02/14/06	JLS	ISSUED FOR PERMIT
9	02/14/06	JLS	ISSUED FOR PERMIT
10	02/14/06	JLS	ISSUED FOR PERMIT

JACKSON HILLS - Phases No. 2 & 3
FILE NO. PUD-03-03
Happy Valley, Oregon

Parker Development Northwest
2020 NW 8th Avenue, PMB 166
West Linn, Oregon 97008

COVER
1
26





LEGEND

Functional Classification

existing	future	
N/A		Expressway
		Major Arterial
	N/A	Minor Arterial
		Collector
N/A		Neighborhood
	N/A	Local

	Interchange Access		City Limits
	Study Intersections		Study Areas

0 0.1 0.2 0.4 0.6 miles

DKS Associates
TRANSPORTATION SOLUTIONS

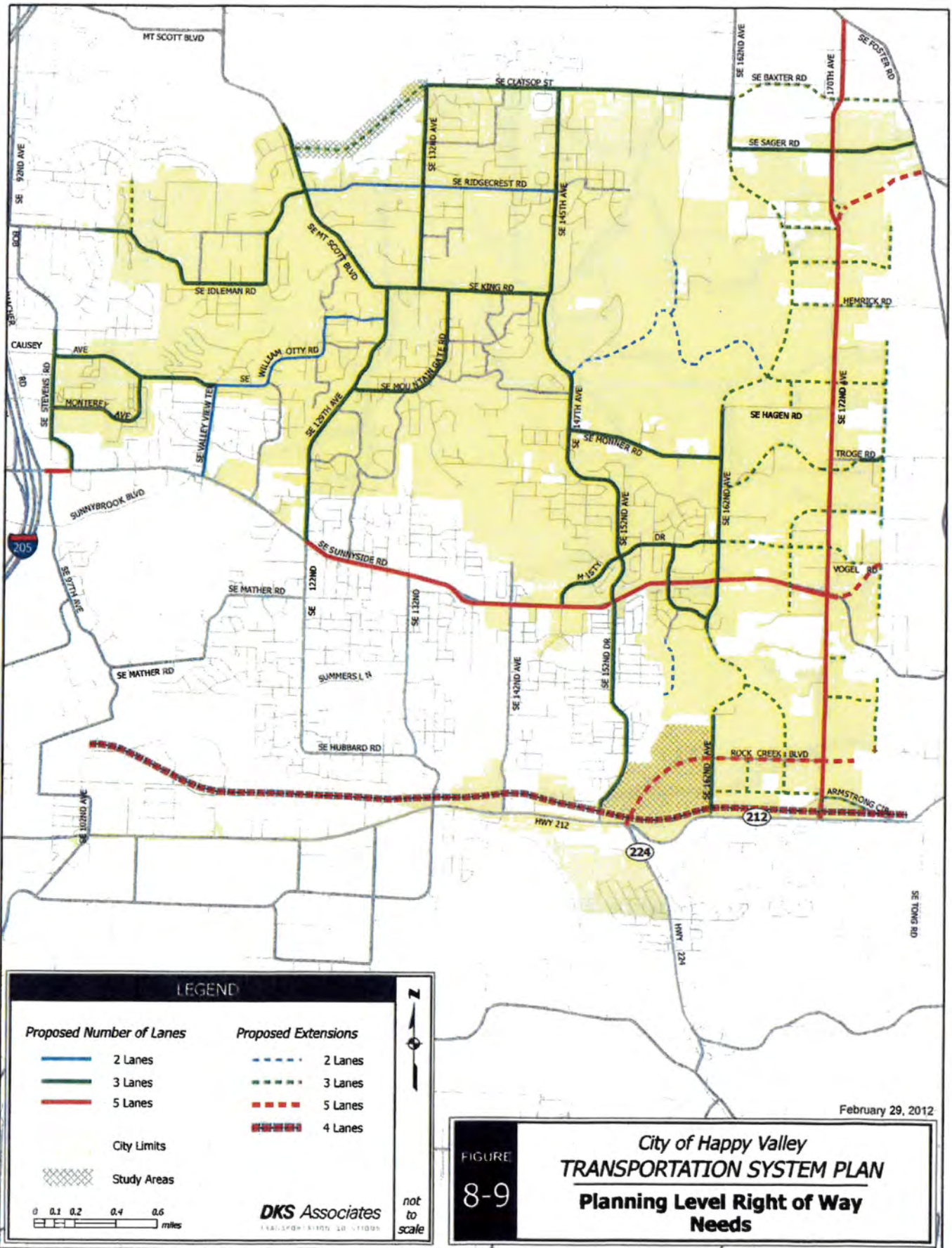
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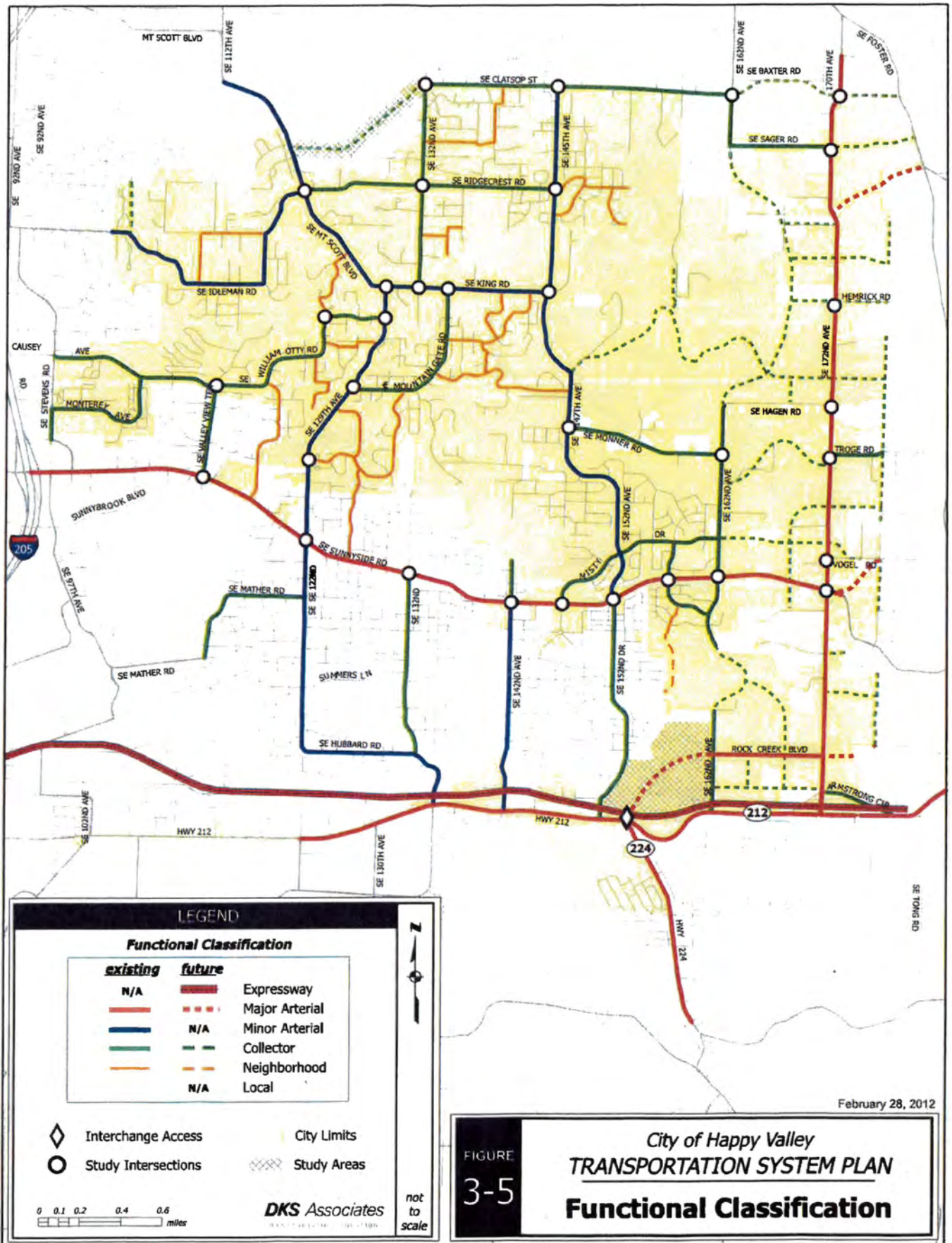
February 29, 2012

FIGURE 8-3

City of Happy Valley
TRANSPORTATION SYSTEM PLAN

Functional Classification





LEGEND

Functional Classification

existing	future	
N/A		Expressway
		Major Arterial
		Minor Arterial
		Collector
		Neighborhood
		Local

- Interchange Access
- Study Intersections
- City Limits
- Study Areas

0 0.1 0.2 0.4 0.6
miles

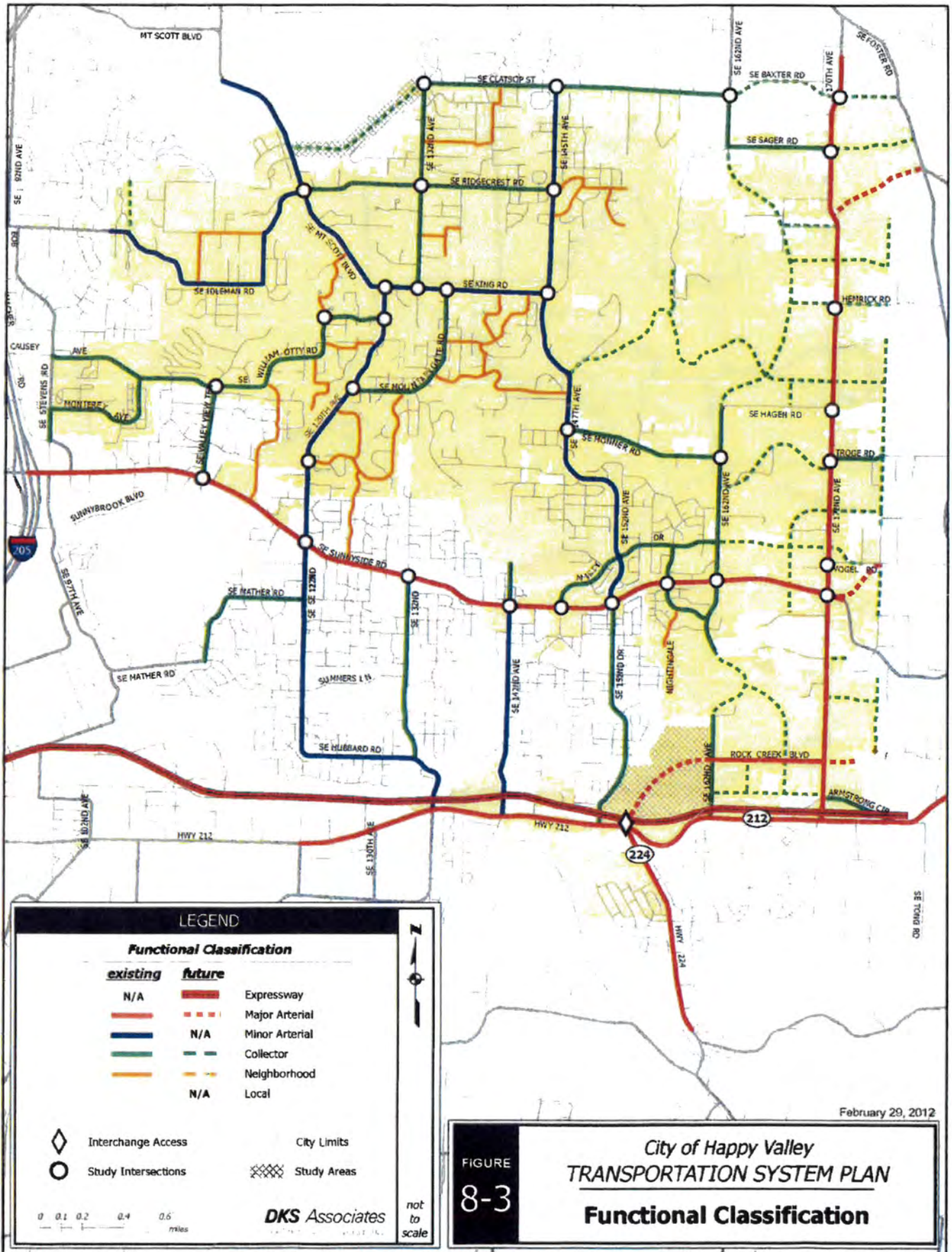
DKS Associates

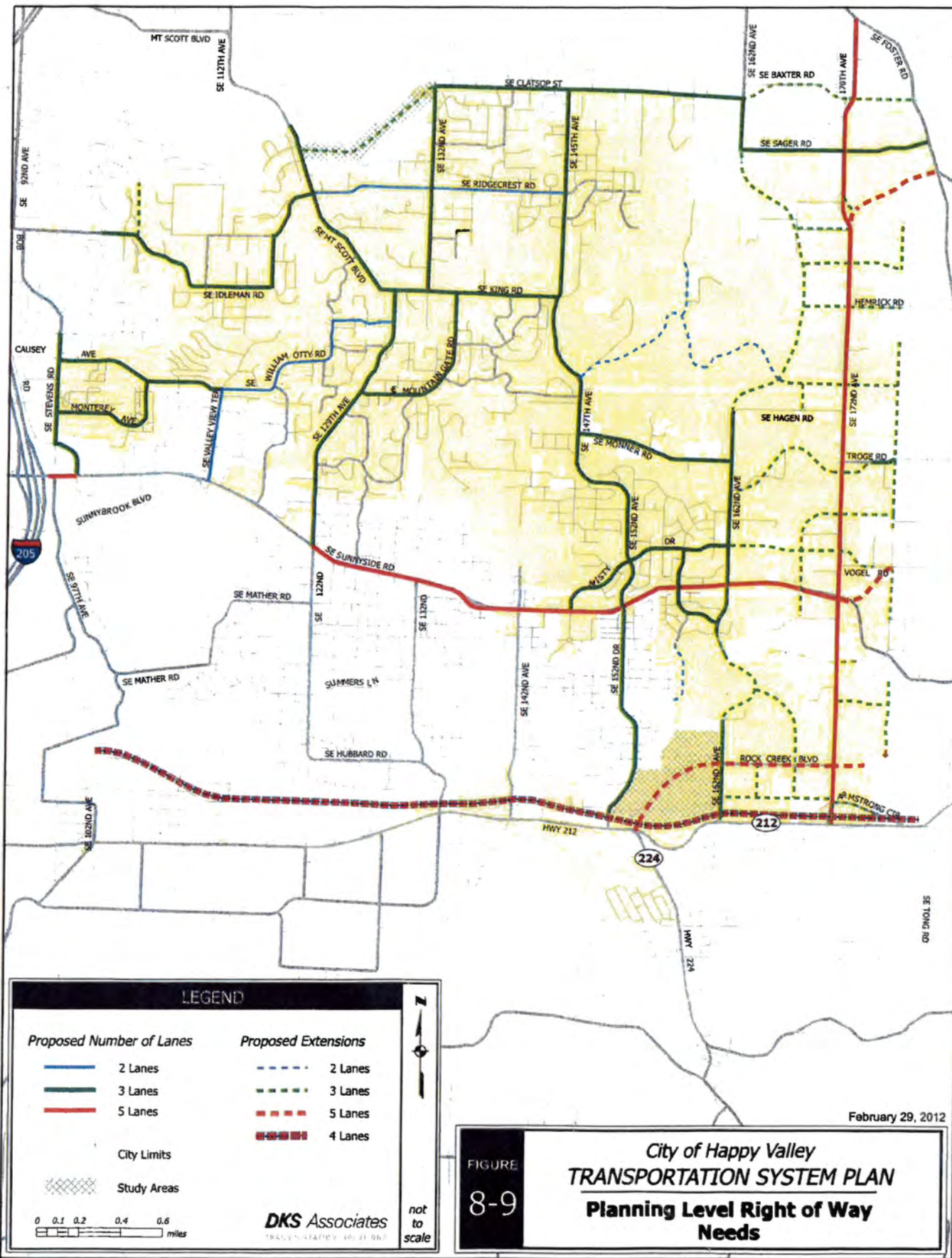
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February 28, 2012

FIGURE
3-5

City of Happy Valley
TRANSPORTATION SYSTEM PLAN
Functional Classification





February 29, 2012

FIGURE
8-9

City of Happy Valley
TRANSPORTATION SYSTEM PLAN
Planning Level Right of Way
Needs

DKS Associates
TRAFFIC SAFETY SOLUTIONS

not
to
scale

LEGEND

Proposed Number of Lanes	Proposed Extensions
2 Lanes	2 Lanes
3 Lanes	3 Lanes
5 Lanes	5 Lanes
4 Lanes	
City Limits	
Study Areas	

0 0.1 0.2 0.4 0.6 miles



UNITED STATES POSTAL SERVICE
PITNEY BOWES
02 1P \$ 000.90
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MAILED FROM ZIP CODE 970

DEPT OF
SEP 08 2014
LAND CONSERVATION
AND DEVELOPMENT

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AND DEVELOPMENT

Attn: Plan Amendment Specialist
Department of Land
Conservation & Development
635 Capitol St NE, STE 150
Salem, OR 97301-2540