



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/25/2014

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 018-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 07, 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: Steve Koper, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



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

FOR DLCD USE
File No.: 018-13 (20146)
[17768]
Received: 2/18/2014

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-17-13/LDC-19-13

Date of adoption: 2/11/2014 Date sent: 2/14/2014

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): 12/19/13
 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:

DEPT OF
FEB 18 2014
LAND CONSERVATION
AND DEVELOPMENT

Local contact (name and title): Steve Koper, Associate Planner

Phone: 503-783-3845 E-mail: stevek@happyvalleyor.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 Very Low Density Res. (R-20) to Low Density Res. (R-7). 5.76 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): T1S R2E, Section 26DB Tax Lots 500 and 600.

- 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 Very Low Density Res. (R-20) to Low Density Res. (R-7). Acres: 5.76

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): T1S R2E, Section 26DB Tax Lots 500 and 600

List affected state or federal agencies, local governments and special districts: 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.

Mayor
Honorable Lori DeRemer



City Manager
Jason Tuck

February 14, 2014

File No. CPA-17-13/LDC-19-13
("132nd and Ridgecrest" Zone Change)

NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley Planning Commission at a public hearing on February 11, 2014, with regard to an application by Mel Fox and Larry Kirk and Donna May Kirk for a Comprehensive Plan Map/Zoning Map Amendment (File No. CPA-17-13/LDC-19) to change the plan designation/zone from City "Very Low Density Residential" (R-20) to City "Low Density Residential (R-7) on two individual legal lots located south and east of the intersection of SE 132nd Avenue and SE Ridgecrest Road. The subject property is described as Clackamas County Assessor Map No. 12E26DB: Tax Lots 500 and 600.

At the public hearing, the Planning Commission voted to approve File No. CPA-17-13/LDC-19-13 based upon submitted information, public testimony, and deliberations of the Planning Commission. Copies of the original Staff Report for File No. CPA-17-13/LDC-19-13 are available upon request.

This action of the Planning Commission is subject to an appeal to the City Council per the provisions of Section 16.61.040 of Title 16 (Land Development Code) of the City of Happy Valley Municipal Code. An appeal of this decision must be filed within 14 days of the mailing of this Notice of Decision. Staff from the City's Planning Division (503-783-3800) can provide information regarding forms, fees, and the appeal process. Issues which may provide the basis for an appeal to the City Council shall be submitted in writing, accompanied by a filing fee of \$1,000 plus attorney's fees (\$2,500 deposit required), prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the Community Development Director or designee to respond to the issue. If no appeal is filed by **Friday, February 28, 2014, at 5:00 p.m.**, this decision shall be deemed final.

Steve Koper
Associate Planner

cc: Mel Fox
Larry Kirk and Donna May Kirk
AKS Engineering
Participants of Record

16000 SE Misty Drive
Happy Valley, Oregon 97086
Telephone: (503) 783-3800 Fax: (503) 658-5174
Website: www.ci.happy-valley.or.us

**Final Conditions of Approval for
File No. CPA-17-13/LDC-19-13:**

Administration

1. The City shall amend the Comprehensive Plan/Zoning Map for the subject properties to reflect the R-7 zoning district.

Happy Valley Engineering Division

General Items

2. Future construction plans shall conform to the City's "Engineering Design and Standard Details Manual" (Manual) for design and drafting requirements.

Clackamas County Service District #1/Water Environment Services

Sanitary Sewer

3. Future development on the properties is subject to the Rules & Regulations and Standard Specifications of CCSD #1 for sanitary sewer and surface water management.

Sunrise Water Authority

4. Future 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.

Clackamas Fire District #1

5. Future fire hydrants must be located within 600 feet of all portions of new residential construction.

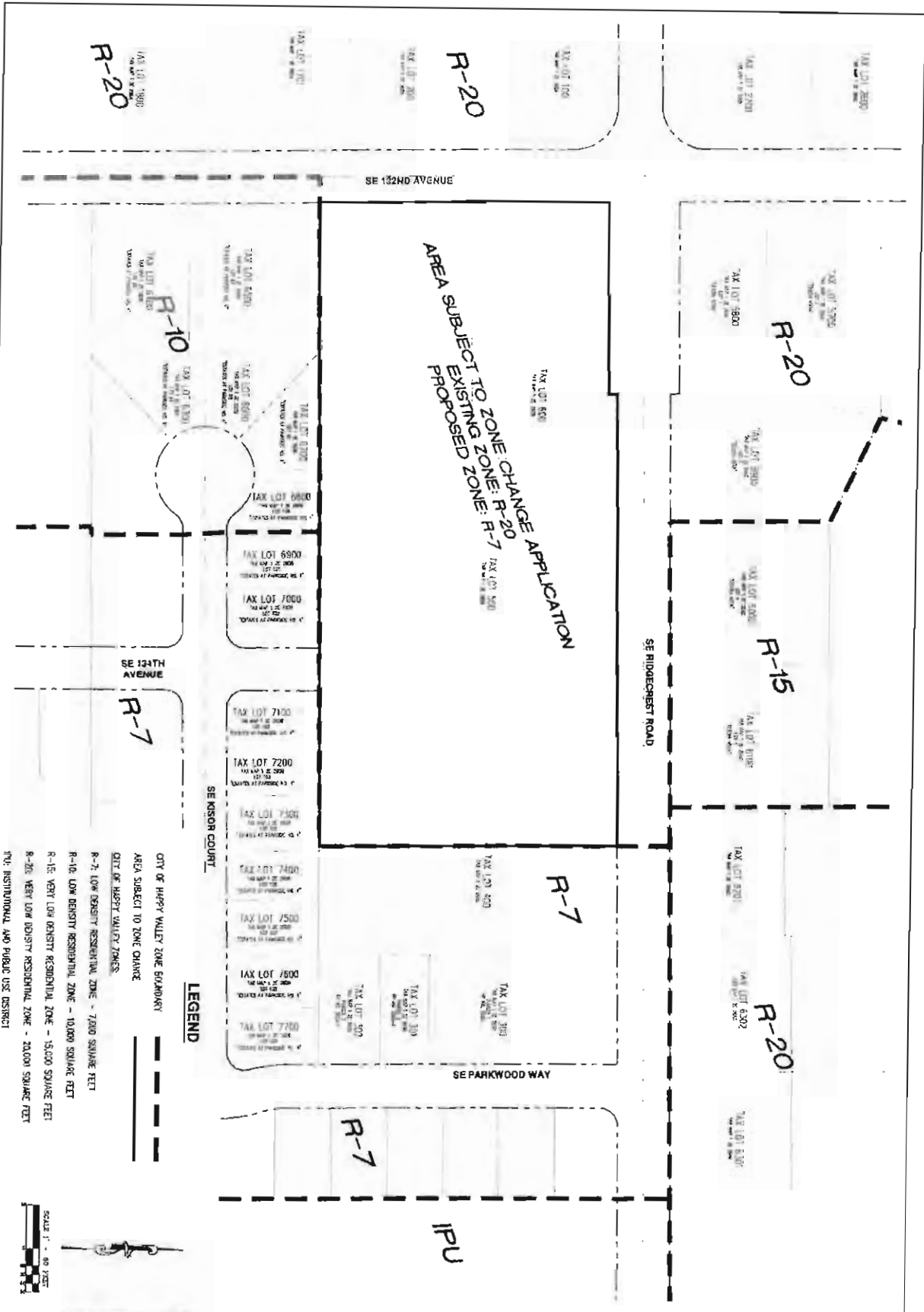
Clackamas County Service District #5 (Street Lighting)

6. In conjunction with future development, 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 future development, to help pay for the operation and maintenance of lighting. The current rate of assessment for street lighting in this area is \$85.00 per tax lot per year. The applicant shall also provide a copy of this request to the City.

Utilities

7. In conjunction with future development, 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.

8. In conjunction with future development, all new utilities, including electrical power, telephone, cable TV, gas and others shall be underground. Existing utilities may be permitted above ground, subject to approval of the City Engineer and utility provider. Pre-wiring of the project site for street lighting must be approved by CCSD #5.
9. In conjunction with future development, any offsite utility or slope easements shall be obtained prior to approval of the construction plans. Copies of the signed and recorded easements shall be provided to the City.



AREA SUBJECT TO ZONE CHANGE APPLICATION
 EXISTING ZONE: R-20
 PROPOSED ZONE: R-7

LEGEND

- CITY OF HAPPY VALLEY ZONE BOUNDARY
- AREA SUBJECT TO ZONE CHANGE
- CITY OF HAPPY VALLEY ZONES
- R-7: LOW DENSITY RESIDENTIAL ZONE - 7,000 SQUARE FEET
- R-10: LOW DENSITY RESIDENTIAL ZONE - 10,000 SQUARE FEET
- R-15: VERY LOW DENSITY RESIDENTIAL ZONE - 15,000 SQUARE FEET
- R-20: VERY LOW DENSITY RESIDENTIAL ZONE - 20,000 SQUARE FEET
- 770: INSTITUTIONAL AND PUBLIC USE DISTRICT



ZONE MAP

**SE 132ND AVE &
SE RIDGECREST RD**

HAPPY VALLEY OREGON
 CLATSOP COUNTY TAX MAP 1 OF 2

AKS
 ARCHITECTS AND PLANNERS, LLC
 1000 N. W. 10TH AVE. SUITE 100
 PORTLAND, OREGON 97228
 PHONE: 503.255.1515
 FAX: 503.255.1516
 WWW.AKSARCHITECTS.COM
 LANDSCAPE ARCHITECTURE
 PLANNING
 GUYWERING FORESTRY

DATE	10/11/2023
DRAWN BY	AM
CHECKED BY	AM
APPROVED BY	AM
CITY OF HAPPY VALLEY	
PROJECT NUMBER	3319
SHEET	03

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF HAPPY VALLEY, OREGON**

“132nd and Ridgecrest” Zone Change) Planning Commission
) Approval of a Comprehensive Plan Map/ Zoning Map Amendment
)
Applicants:)
Mel Fox)
Ival and Donna Kirk) CPA-17-13/LDC-19-13

Pursuant to Happy Valley Land Development Code §16.61.040 the City provided notice of a public hearing before the Planning Commission. An affidavit of the notice of hearing is a part of the record. The staff report was prepared and available to the public seven (7) days prior to the public hearing as required by state law.

After providing notice and a staff report, the Planning Commission conducted an evidentiary hearing providing an opportunity to submit oral testimony and written evidence. The approval criteria for the applications for a Comprehensive Plan Map/Zoning Map Amendment are provided in the applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; 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); 16.61 (Types of Review Procedures); and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments). After discussion and deliberation, the Planning Commission voted to approve the “132nd and Ridgecrest” Zone Change (Comprehensive Plan Map/Zoning Map Amendment).

I. DESCRIPTION OF THE APPLICATION

Mel Fox and Ival and Donna Kirk submitted an application requesting a Comprehensive Plan Map/Zoning Map Amendment, effectively changing the City's Comprehensive Plan designation and land use zone on the subject site from City "Very Low Density Residential" (R-20) to City "Low Density Residential" (R-7).

The subject site consists of two individual legal lots of record totaling approximately 5.76 acres in size. The subject properties are located southeast of the intersection of SE 132nd Avenue and SE Ridgecrest Road, and are further described as Clackamas County Assessor Map Nos. 12E26DB: Tax Lots 500 and 600.

The City provided notice of the proposed application to all affected governmental entities, and has crafted specific conditions of approval detailing the requirements and conformance with regulations provided by said entities.

II. ADOPTION OF FINDINGS

The Planning Commission specifically adopts the findings within the February 11, 2014 staff report in support of this order approving the "132nd and Ridgecrest" Zone Change (Comprehensive Plan Map/Zoning Map Amendment – File No. CPA-17-13/LDC-19-13).

III. ORDER

The Planning Commission hereby approves the “132nd and Ridgecrest” Zone Change (Comprehensive Plan Map/Zoning Map Amendment) – File No. CPA-17-13/LDC-19-13) 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 from the Staff Report to the Planning Commission dated February 11, 2014, including any amended language.

ORDER OF THE PLANNING COMMISSION dated this 11th day of February 2014.

PLANNING COMMISSION, CITY OF HAPPY VALLEY

By:



, Planning Commission Chair

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY

STAFF REPORT TO THE PLANNING COMMISSION

February 11, 2014

“132nd Avenue/Ridgecrest Road Zone Change”

COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT (CPA-17-13/LDC-19-13)

I. GENERAL INFORMATION

PROPOSAL:

The primary applicant, Mel Fox., is proposing to amend the City’s Comprehensive Plan Map/Zoning Map (“one-map” system) to change the current plan designation/zoning district for the subject site from City “Urban Low Density Residential” (R-20) to City “Low Density Residential” (R-7). The applicant has also proposed to process a 19-lot subdivision and related Environmental Review Permit (ERP) simultaneous to, but separate from, the proposed amendments (see Local File No. SUB-02-13/ERP-05-13). The subject properties are two existing legal Lots of Record, totaling approximately 5.76 acres in size. The subject properties are located on the south side of SE Ridgecrest Road and east of SE 132nd Avenue. The property consists of two tax lots (12E26DB Tax Lots: 500 and 600). Staff has determined that the applicant’s proposal complies with the applicable requirements of the Statewide Planning Goals, Oregon Administrative Rules (OAR), and the City’s Comprehensive Plan and Land Development Code (LDC). **Therefore, staff recommends the Planning Commission APPROVE the proposed applications subject to the findings and conclusions in this report.**

APPLICANT AND PROPERTY OWNER:

Mel Fox Trustee (Applicant and Owner of Tax Lot 500)
9700 SE 132nd Avenue
Happy Valley, OR 97086

Larry Kirk and Donna May Kirk (Owner of Tax Lot 600)
13288 SE Ridgecrest Road
Happy Valley, OR 97086

APPLICANT'S REPRESENTATIVE:

AKS Engineering and Forestry (Monty Hurley)
13910 SW Galbreath Drive
Sherwood, OR 97140

EXHIBITS:

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

Exhibit 1 (dated November 2013)
Applicant's Narrative

Exhibit 2 (dated November 20, 2013)
Zone Change Plan Set

Exhibit 3 (dated November 20, 2013)
Traffic Impact Analysis

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. DKS
3. Clackamas County Water Environment Services (WES)/Service District #1 (CCSD#1)
4. Sunrise Water Authority (SWA)
5. Clackamas County Service District #5 (CCSD#5)
6. Landscape Architect

APPLICABLE CRITERIA:

- Applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; 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); 16.61 (Types of Review Procedures); and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments).

SITE DESCRIPTION:

- The subject site consists of two Lots of Record, each of which is developed with a detached single-family dwelling. The subject properties are located on the south side of Ridgecrest Road and east of 132nd Avenue. Combined, the subject properties total approximately 5.76 acres. Water, sewer and franchise utilities are located adjacent to the site, in and along

Ridgecrest Road, 132nd Avenue and 134th Avenue. The site slopes less than ten percent downward to the southeast.

ADJACENT LAND USE/ZONING:

- The subject site is bordered to the north by Ridgecrest Road and beyond that, by single-family residences zoned R-20 and R-15. The site is bordered to the south by existing subdivisions that are zoned R-10 and R-7. The site is bordered to the east by a single residential lot with an existing single-family residence that is zoned R-7. The site is bordered to the west by 132nd Avenue and beyond that, by single-family residences that are zoned R-20.

COMPREHENSIVE PLAN/ZONING MAP AMENDMENT:

- The applicant's proposal to amend the City's Comprehensive Plan Map/Zoning Map is to change the subject site's existing plan designation/zoning district from City "Urban Low Density Residential" (R-20) to City "Low Density Residential" (R-7). The proposed "upzone" of the properties is congruent with higher densities to the south and east and is buffered from lower density single-family residential zoning to the west and north by the public right-of-way of 132nd Avenue and Ridgecrest Road. In addition, the City's Transportation System Plan (TSP) classifies both of these roadways as higher classification "Collector Roadways". Staff would argue that the intersection of two Collector's is a prime candidate for higher single-family residential densities, and if approved, in conjunction with the proposed 19-lot subdivision, would provide major public improvements along under-developed sections of right-of-way that currently do not have curbs, bike lanes, planter strips or sidewalks. The addition of these improvements along portions of 132nd Avenue and Ridgecrest Road would provide major infrastructure development at a critical corner of the "superblock" (Ridgecrest to the north, 145th Avenue to the east, King Road to the south and, 132nd Avenue to the west).
- The application does not include any physical development. However, subject to the approval of the proposed Comprehensive Plan/Zoning Map amendments, the primary applicant is proposing a concurrent, but separate, 19-lot subdivision to be developed on Tax Lot 500. The applicant has utilized this proposal as a conceptual development plan or "neighborhood circulation plan" to illustrate how future development would occur on Tax Lot 500 and could occur on adjacent lands. Adjacent lands include the secondary applicant's land (Tax Lot 600) – which has been included within this application due to communications between city staff, Mr. Fox and Mr. and Mrs. Kirk. Staff notes that inclusion of Tax Lot 600 in the proposed Comprehensive Plan/Zoning Map Amendment is important in order to not create an "island" of R-20 zoning that would be difficult to address in the future. Although no physical development is concurrently planned for this property, the primary applicant's representative illustrates how future access could occur to developable portions of Tax Lot 600 – should the subject application be approved.

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

- The applicant submitted a TIA as part of their application. This analysis indicates that the proposed zone change from R-20 to R-7 would produce 12 (3 in/9 out) AM peak hour trips and 16 (10 in/6 out) additional PM peak hour vehicle trips. The applicant's TIA did not identify any immediate safety concerns or roadway capacity issues.
- 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 development complies with the TPR, meaning no significant impacts to adjacent roadways would result from the proposed Comprehensive Plan/Zoning Map amendment. The net increase in trips resulting from the proposed applications 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.

PUBLIC COMMENTS:

- The City's Planning Division received no correspondence pertaining to the proposed applications from neighboring property owners or other interested parties during the public comment period.

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 hearing before the Planning Commission. 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 proposed Comprehensive Plan Map/Zoning Map amendment 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 (if any). Therefore, a well-established planning process and policy framework exists within the City and thus, 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 property has been and continues to be, 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 will be required to demonstrate that development on the site is consistent with Chapter 16.34. This criterion has been satisfied.

Goal 6 (Air, Water and Land Resources Quality)

To maintain and improve the quality of the air, water and land resources of the state.

Staff Response:

As stated above, the subject property is governed by the City's LDC and all applicable service district, state, and federal regulations. Therefore, this criterion is satisfied by the proposed amendment.

Goal #10 (Housing)

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

Staff Response:

An increase to the maximum allowed density facilitated by approval of this application would help to provide for housing needs. In addition, if the applicant's separate but concurrent proposal to develop a 19-lot residential subdivision were approved, it would 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 44). 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 4). Per those findings, this criterion has been satisfied.

3. 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 is adequately served by public facilities, such as sanitary sewer, water, roadways, etc. These criteria have been satisfied.

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. In conjunction with development on the subject property, the applicant will be required to demonstrate compliance with Chapter 16.34. 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 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 Report:

The proposal to increase the permitted maximum density of the subject properties would help increase the potential housing supply in Happy Valley. In addition, if the applicant's separate but concurrent application proposing a 19-lot residential subdivision were approved, it would provide additional housing 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 R-7 zone, if applied to the project site, will take advantage of existing systems (such as the transportation system) provided by 132nd Avenue and Ridgecrest Road. Many of the surrounding properties are already provided with Level 1 services, including water and sewer, and the proposed development will "tie into" and extend Level 1 services to the boundary of the subject site to facilitate the future development of neighboring undeveloped properties. Further, regulations in the proposed zoning districts including maximum building footprints and residential densities, building height limits, minimum setbacks, and landscaping and screening requirements will limit impacts of the project site on surrounding sites. Therefore, 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 adjacent to both 132nd Avenue and Ridgecrest Road, which are classified in the City's TSP as Collectors, which will provide vehicular routes from the subject site to major activity centers such as "Happy Valley Town Center". The site will also have pedestrian access to limited destinations such as the nearby Happy Valley City Park, which is approximately 400 feet east of the subject site. In addition, the extension of 134th from the south of the site to Ridgecrest Road would provide for both interconnectivity and neighborhood

livability for future development on the subject site as well as for the existing subdivisions to the south of the site. 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 an existing conditions plan as part of their proposal (Exhibit 2, Sheet 2) that indicates the site will be adequately served by all Level 1 public facilities. 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:

As a result of future development, newly created lots on the subject properties 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, 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 available to the site and will be provided 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. 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 future 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.

4. 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

16.22.030 Low Density Residential Zones.

A. Purpose.

1. Residential—Ten Thousand (10,000) Square Feet (R-10). This urban residential district is a means by which the densities are increased to make efficient use of available facilities and services in an environment of single-family dwellings. Variations in dwelling types and lot sizes should provide for a necessary flexibility in the City which will prevent typical appearances created by the traditional subdivision of land. Standards in this district are strictly

urban oriented and are designed to develop and perpetuate urban trends and patterns. The numerical designation R-10 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per ten thousand (10,000) square feet of lot area.

2. Residential—Eight Thousand Five Hundred (8,500) Square Feet (R-8.5). This urban residential district responds to the continuing urbanization of the City. Single-family detached dwellings are encouraged, but multifamily development is allowed in this district, as part of a PUD, which seeks to maximize the development potential in hillside areas. This district serves as a buffer between the R-10 and R-7 development districts. The numerical designation of R-8.5 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per eight thousand five hundred (8,500) square feet.

3. Residential—Seven Thousand (7,000) Square Feet (R-7). This development district will allow more urban residential density within the City through the use of small lots and a variation in dwelling types. Trends which were originated in lower density districts are continued and strengthened in this district and the patterns of the Comprehensive Plan are reinforced. 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. The numerical designation R-7 shall be interpreted to mean that the maximum density shall be one primary dwelling unit per seven thousand (7,000) square feet of lot area.

B. Permitted Uses. Table 16.22.030-1 identifies the land uses that are allowed in the R-10, R-8.5 and R-7 Districts.

Table 16.22.030-1 Low Density Residential (R-10, R-8.5 R-7) Permitted Uses

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

Land Use	R-10	R-8.5	R-7
Residential			
One single-family frame dwelling, modular dwelling unit or manufactured home per lot	P	P	P
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	P	P	P

[...]

C. Development Standards. The development standards in Table 16.22.030-2 apply to all uses, structures, buildings, and development in the R-10, R-8.5 and R-7 Districts.

Table 16.22.030-2 Development Standards for R-10, R-8.5 and R-7

Standard	R-10	R-8.5	R-7
Residential density (maximum) ¹	1 unit/10,000 sq. ft.	1 unit/8,500 sq. ft.	1 unit/7,000 sq. ft.
Lot width (minimum)	60 feet	50 feet	50 feet
Lot depth (minimum)	80 feet	70 feet	70 feet
Street frontage (minimum)			
Lots fronting on cul-de-sac	35 feet	35 feet	35 feet
All other lots	50 feet	50 feet	50 feet
Lot coverage (maximum)	40%	45%	50%
Building setbacks (minimum):			
Front	22 feet	22 feet	22 feet

<i>Standard</i>	<i>R-10</i>	<i>R-8.5</i>	<i>R-7</i>
<i>Rear</i>	<i>22 feet</i>	<i>22 feet</i>	<i>22 feet</i>
<i>Interior side</i>	<i>7 feet</i>	<i>5 feet</i>	<i>5 feet</i>
<i>Street side (corner lot)</i>	<i>15 feet</i>	<i>15 feet</i>	<i>15 feet</i>
<i>Building height (maximum)</i>	<i>45 feet²</i>		

NOTES:

¹ Density calculations shall be made pursuant to Section 16.63.020(F).

² 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.

[...]

Staff Response:

The applicant has proposed a Comprehensive Plan/Zoning Map amendment that, if approved, would apply R-7 to the two properties. Detached, single-family dwellings are permitted uses within this zone. In this case, the primary applicant, through a separate but concurrent application has proposed a subdivision. Therefore, these criteria will be satisfied through separate approval of a request to subdivide the subject property.

CHAPTER 16.61-TYPES OF REVIEW PROCEDURES

16.61.040 Type III procedure (quasi-judicial).

[...]

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:*

[...]

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 by the City, including the provision of a Measure 56 notice. The application was deemed complete on December 19, 2013. 35-Day Notice was sent to the Department of Land Conservation and Development on December 19, 2013, public notice was sent January 8, 2014, and newspaper notice was published on January 15, 2014. A public hearing was scheduled before the Planning Commission on February 11, 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:

The entire application is being processed through the City's Type "III" quasi-judicial review procedure. The standards and criteria that have been used to evaluate the proposed application are found within the Statewide Planning Goals, OAR, 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.

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 proposed Comprehensive Plan/Zoning Map amendment pertains to two properties that have a proposed net developable area (subtracting areas to be dedicated as right-of-way) that is less than 20 acres. 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 a hearing before the Planning Commission. 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 applicants that the application was complete on December 19, 2013. 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 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 proposed 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:

If approved, the proposed amendments would allow for the same type of development to occur as that of the adjacent subdivisions to the south. This intensification of land uses is proposed near an existing developed area that is well served by public utility infrastructure as well as the existing and proposed street system and therefore serves City objectives regarding efficient use of land and public facilities, while limiting the extent of the intensification so it can be compatible with surrounding detached single-family residential uses. 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:

Per the TPR, it was required that a TIA be submitted as part of this application to determine if the proposed Comprehensive Plan Map/Zoning Map amendment would “significantly” impact any existing transportation facility. As indicated in the TIA, the applicant’s proposed amendment complies with the TPR, meaning no significant (as defined above) impacts to adjacent roadways would result from the proposed Comprehensive Plan/Zoning Map amendment. The net increase in trips resulting from the proposed amendments 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 update. 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/Zoning Map amendment is not anticipated to have any significant affect on any transportation facility. Therefore, these criteria have been satisfied.

III. RECOMMENDATION:

Staff has determined that the above findings demonstrate that the proposed Comprehensive Plan/Zoning Map amendments satisfy the requirements of the Statewide Planning Goals, OAR, City of Happy Valley Comprehensive Plan and LDC. Staff, therefore, recommends the Planning Commission **approve** application CPA-17-13/LDC-19-13, subject to the proposed conditions of approval.

Conditions of Approval for CPA-17-13/LDC-19-13

Administration

1. The City shall amend the Comprehensive Plan/Zoning Map for the subject properties to reflect the R-7 zoning district.

Happy Valley Engineering Division

General Items

2. Future construction plans shall conform to the City's "Engineering Design and Standard Details Manual" (Manual) for design and drafting requirements.

Clackamas County Service District #1/Water Environment Services

Sanitary Sewer

3. Future development on the properties is subject to the Rules & Regulations and Standard Specifications of CCSD #1 for sanitary sewer and surface water management.

Sunrise Water Authority

4. Future 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.

Clackamas Fire District #1

5. Future fire hydrants must be located within 600 feet of all portions of new residential construction.

Clackamas County Service District #5 (Street Lighting)

6. In conjunction with future development, 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 future development, to help pay for the operation and maintenance of lighting. The current rate of

assessment for street lighting in this area is \$85.00 per tax lot per year. The applicant shall also provide a copy of this request to the City.

Utilities

7. In conjunction with future development, 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.
8. In conjunction with future development, all new utilities, including electrical power, telephone, cable TV, gas and others shall be underground. Existing utilities may be permitted above ground, subject to approval of the City Engineer and utility provider. Pre-wiring of the project site for street lighting must be approved by CCSD #5.
9. In conjunction with future development, any offsite utility or slope easements shall be obtained prior to approval of the construction plans. Copies of the signed and recorded easements shall be provided to the City.

CITY OF HAPPY VALLEY
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