



Oregon

Kate Brown, 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: September 25, 2015
Jurisdiction: City of Happy Valley
Local file no.: ANN-04-15/CPA~09-15/
DLCD file no.: 011-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/24/2015. 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 less than 35 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.

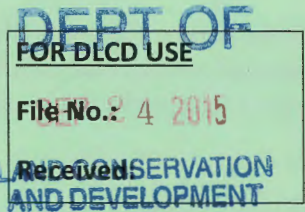
DLCD Contact

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

DLCD FORM 2



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



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

Jurisdiction: City of Happy Valley

Local file no.: ANN-04-15/CPA-09-15/LDC-10-15

Date of adoption: 9-15-15

Date sent: 9/17/2015

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): 7-10-15

No

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

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

NO

Local contact (name and title): Michael D. Walter, Economic & Community Development

Phone: 503 783-3839

E-mail: michaelw@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 County, R-15	to City, MUC	7 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): 12E28AD10200

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 County, R-15 to City, MUC Acres: 7
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): 12E28AD10200

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

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 A. Tuck

September 17, 2015

NOTICE OF FINAL DECISION

Local File No. ANN-04-15/CPA-09-15/LDC-10-15 (Prestige Care, Inc.)

This is official notice of final action taken by the City of Happy Valley City Council at a public hearing held on September 15, 2015, with regard to an application by Prestige Care, Inc. for a concurrent Annexation and Comprehensive Plan/Zone Map Amendment. The subject property is located at the northwest corner of the intersection of Johnson Creek Blvd. and Bristol Park Drive and is further described as Clackamas County Assessor Map Number 12E-28AD-10200.

The City Council approved the application, as conditioned, based on the applicable criteria; the evidence in the record; public testimony; and, recommendation from the Planning Commission. A copy of Ordinance No. 480 approving the application is attached to this notice. Copies of the Staff Reports to the Planning Commission and City Council are available upon request and are posted on the City's website at www.happyvalleyor.gov.

The decision may be appealed to the Oregon Land Use Board of Appeals ("LUBA") not later than 21 days after the city mails this Notice of Decision or by **Thursday, October 8, 2015**. An appeal must comply with ORS 197.830 and OAR Chapter 660, Division 10. An appeal filed more than 21 days after the mailing of this Notice of Decision may be subject to dismissal.

A handwritten signature in black ink, appearing to read 'Michael D. Walter', is written over a horizontal line.

Michael D. Walter, AICP
Economic & Community Development Director

cc: April Wojcik, Prestige Care, Inc. (via e-mail)
Kelly Hossaini, Miller Nash Graham & Dunn, LLP (via e-mail)
Rick Givens, Planning Consultant (via e-mail)
Alec Laidlaw, Bowerman David Laidlaw & Laidlaw, LLC (via e-mail)
Chris Crean, City Attorney (via e-mail)
Participants of Record

{00485070; 1 }16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

Preserving and enhancing the safety, livability and character of our community

ORDINANCE NO. 480
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,
OREGON, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, AND AMENDING
OFFICIAL MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND
DEVELOPMENT ORDINANCE NO. 97.

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100 percent of the owners of 100 percent of the properties with 100 percent of the assessed value of territory requesting annexation (ANN-04-15/CPA-09-15/LDC-10-15); and

WHEREAS, the proposed annexation territory consists of one tax lot including two Tracts (Tract "I" and Tract "K") totaling approximately 7.04 acres of land adjacent to existing city boundaries (via public right-of-way); and

WHEREAS, the specific properties to be annexed are:

Clackamas County Assessor Map No. 12E28AD: Tax Lot 10200, which is comprised of two tracts, Tract "I" (5.40 acres) and Tract "K" (1.64 acres);

WHEREAS, the City provided notice that the City Council would consider the annexation petition and Comprehensive Plan/Zoning Map amendments, consistent with the applicable notice requirements of (1) Section 16.60.050 of the City's Land Development Code, (2) applicable provisions of Metro Code Chapter 3.09, and (3) applicable state law requirements; and

WHEREAS, pursuant to Section 16.67.070 of the Happy Valley Municipal Code, the properties proposed for annexation will be re-designated and re-zoned from the existing Clackamas County Comprehensive Plan designation/land use zoning district (R-15) to City Mixed-Use Commercial (MUC), as limited; and

WHEREAS, the Planning Commission considered the proposed Annexation/Comprehensive Plan/Zoning Map Amendments on August 25, 2015 and forwarded a recommendation to the City Council for approval, and the City Council considered the proposed land use actions at its regularly scheduled City Council meeting on September 5, 2015; and

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The City Council declares the territory described in Exhibit A, and depicted in Exhibit B is annexed to Happy Valley effective 30 days after approval of this Ordinance.

Section 2. The City of Happy Valley declares through the legislative process that the following City Comprehensive Plan designation and zoning district shall apply to the subject properties proposed for annexation, as pursuant to Section 16.67.070 of the Happy Valley Municipal Code:

12E-28AD-10200 (Tracts I and K) – MUC with a specific use limitation of senior housing/assisted living facility.

Section 3. The City Council adopts the subject annexation application (ANN-04-15/CPA-09-15/LDC-10-15) and the associated Staff Report to the City Council, including Findings of Fact dated September 15, 2015. The City Council adopts the Supplemental Findings from Kelly Hossaini (Miller Nash Graham & Dunn) dated September 3, 2015.

Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective 30 days after approval of this ordinance.

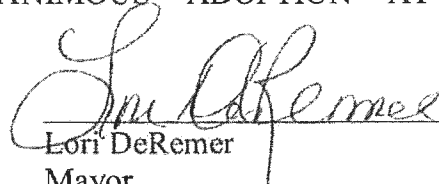
Section 5. As conditions of approval for the Annexation and Comprehensive Plan/Zoning Map Amendment of the property in the territory described in Exhibit A and depicted in Exhibit B, the following limitations apply:

- A) Property owners, on behalf of themselves, their heirs, successors and assigns, waive their right(s) of remonstrance against the creation of any Local Improvement District created consistent with ORS Chapter 223 and/or Happy Valley Municipal Code Chapter 3.12 for a period of 10 years from the effective date of the annexation;
- B) The only use permitted within the subject property is that of senior housing/assisted living facility as limited to the number of units presented in the Staff Report to the City Council dated September 15, 2015;
- C) A trip-cap of 34 p.m. peak-hour trips exists for the subject property;
- D) A building height (as defined by the City's Land Development Code) limitation of 50 feet exists from the front property line adjacent to Bristol Park Drive westward for a distance of 115 feet for the future construction of the senior care/assisted living facility.

Section 6. The City Recorder is directed to:

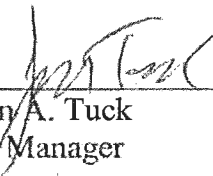
1. File a copy of this ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;
2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and
3. Mail a copy of this ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING: [September 15, 2015]



Lori DeRemer
Mayor

Adoption and date attested by:



Jason A. Tuck
City Manager

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086
PH. 503.783.3800
FAX 503.658.5174

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission and City Council will hold public hearings to consider an annexation and Comprehensive Plan Map/Zoning Map Amendment by Prestige Care, Inc. to annex and change the existing "North Clackamas School District No. 12" property from its existing Clackamas County zoning district of Urban Low Density Residential (R-15) to a City of Happy Valley plan/designation/zoning district of Mixed Use Commercial (MUC) with specific use limitations on the subject property. The use limitations will restrict the development of the property within the MUC zone to that of a Senior Housing/Assisted Living Facility. The public hearing before the Planning Commission will be held in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on **Tuesday, August 25, 2015, at 7:00 p.m.** The public hearing before the City Council will be held on **Tuesday, September 15, 2015, at 7:00 p.m.** and will also occur in the City Hall Council Chambers.

LOCAL FILE NO.

ANN-04-15/CPA-09-15/LDC-10-15

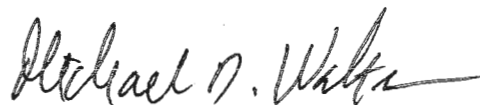
The subject property is located at the northwest corner of the intersection of Johnson Creek Blvd. and Bristol Park Drive and is further described as Clackamas County Assessor Map Number 12E-28AD-10200.

The Planning Commission is asked to make a recommendation to the City Council to approve, approve with conditions or deny the application for annexation and rezoning of the above property at the initial public hearing. The City Council will subsequently make a decision to approve, approve with conditions, or deny the subject application in accordance with the applicable policies and criteria of the Oregon Statewide Planning Goals; Oregon Revised Statutes; Metro Functional Plan; City of Happy Valley Comprehensive Plan and Title 16 of the City's Municipal Code (Land Development Code). The decision will be made in accordance with said policies and criteria, and may be appealed to the Land Use Board of Appeals.

Interested parties are invited to attend these hearings or to submit comments in writing prior to the hearing dates. All written comments must be received by the City of Happy Valley by 5:00 p.m. on **Wednesday, August 12, 2015** to be included in the Planning Commission packet – verbal or written testimony may also be entered into the record at the public hearings. Those wishing to present verbal testimony, as either proponents, opponents or to provide neutral testimony, will be asked to speak after presentation of the staff report and the applicant's proposal. Testimony should pertain to the applicable criteria.

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m., weekdays), please call for an appointment. For additional information, contact Michael D. Walter, Economic & Community Development Director at the above address and phone number.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 72 hours in advance by contacting Marylee Walden, City Recorder at the above phone number.



Michael D. Walter, AICP
Economic & Community Development Director

EXHIBIT # A

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY

STAFF REPORT TO THE CITY COUNCIL

September 15, 2015

**ANNEXATION and COMPREHENSIVE PLAN/ZONING MAP AMENDMENT
LOCAL FILE NO: ANN-04-15/CPA-09-15/LDC-10-15**

“PRESTIGE CARE, INC.”

I. GENERAL INFORMATION

PROPOSAL:

The applicant, Prestige Care, Inc. seeks annexation and a Comprehensive Plan/Zoning Map Amendment for Prestige Care, Inc. to change the “North Clackamas School District No. 12” property from its existing Clackamas County Comprehensive Plan designation/zoning district of Urban Low Density Residential (R-15) to a City of Happy Valley plan/designation/zoning district of Mixed Use Commercial (MUC) with specific use limitations on the subject property. The use limitations will restrict the development of the property within the MUC zone to that of a Senior Living/Assisted-Care Facility.

APPLICANT:

Prestige Care, Inc.
7700 NE Parkway Drive, Ste. 300
Vancouver, WA. 98662

PROPERTY OWNER:

North Clackamas School District No. 12

EXHIBITS:

Exhibit A – Annexation Legal Descriptions/Maps
Exhibit B – Site Plan Map
Exhibit C – Site Photo

Exhibit D – Annexation Petition
Exhibit E – Urban Growth Management Agreement (UGMA) Map
Exhibit F – Existing/Proposed Zoning Map
Exhibit G – Application & Applicant’s Narrative
Exhibit H – Conceptual Development Plan
Exhibit I – Traffic Impact Analysis dated June 3, 2015
Exhibit J – TPR Response Letter dated July 6, 2015
Exhibit K – Letter from the Oregon Department of Transportation (ODOT) dated August 5, 2015
Exhibit L – Memorandum from DKS Associates dated August 17, 2015
Exhibit M – Letters and Petition from Altamont Area Property Owners
Exhibit N – Public Notice

EXHIBITS FROM PLANNING COMMISSION HEARING (Entered Into Record on August 25, 2015):

Exhibit O – E-mail from L. Werner dated August 19, 2015
Exhibit P – Letter and Updated TIA/Conceptual Development Plan from Kelly S. Hossaini (Miller Nash Graham & Dunn) dated August 20, 2015
Exhibit Q – Letter, Photos and Graphic Illustrations from Kelly S. Hossaini (Miller Nash Graham & Dunn) dated August 25, 2015
Exhibit R – Revised Memorandum from DKS Associates dated August 24, 2015
Exhibit S – Revised Memorandum from ODOT dated August 25, 2015
Exhibit T – Letter from Sam S. Nelson (Bowerman David Laidlaw & Laidlaw) dated August 25, 2015
Exhibit U – E-mail, Photos and Additional Petition Signatures from Lynne St. Jean (undated)

EXHIBITS SUBMITTED FOR CITY COUNCIL HEARING:

Exhibit V – Letter from North Clackamas School District No. 12 (Ron Stewart) dated August 31, 2015
Exhibit W – Letter from Lynne St. Jean dated September 2, 2015
Exhibit X – Letter from Paul Shirey dated September 2, 2015
Exhibit Y – Letter from Luke & Eva Arant dated September 2, 2015
Exhibit Z – E-mail from Elise Holcombe dated September 3, 2015
Exhibit AA – E-mail from Delton Holcombe II dated September 3, 2015
Exhibit BB – Letter, proposed Supplement Findings and Preliminary Geotechnical Analysis from Kelly S. Hossaini (Miller Nash Graham & Dunn) dated September 3, 2015.
Exhibit CC – Letter, Proposed Height Limit & Illustration from Kelly S. Hossaini (Miller Nash Graham & Dunn) dated September 3, 2015
Exhibit DD – Letter from Betsy Robbins dated September 1, 2015
Exhibit EE – E-mail from Elizabeth Takahashi dated September 3, 2015
Exhibit FF – E-mail from Craig Davis dated September 3, 2015
Exhibit GG – E-mail from Matthew Woodhouse dated September 3, 2015
Exhibit HH – Letter from Phillip Robbins dated September 3, 2015
Exhibit II – Letter from Alec J. Laidlaw (Bowerman David Laidlaw & Laidlaw, LLC) dated Sept. 3, 2015

APPLICABLE CRITERIA:

Applicable Statewide Planning Goals; ORS 222.111 and 222.125; Metro Code 3.09.045; and applicable policies and sections of the City of Happy Valley Comprehensive Plan and Municipal Code Title 16 - Land Development Code, including Section 16.67.070 (Annexations).

OBSERVATIONS:

BACKGROUND AND ADJACENT LAND USES

- As detailed on Page 2 of the Applicant's Narrative (Exhibit G), the subject property was deeded to or acquired by the North Clackamas School District No. 12 (NCSD#12) and is located within the "Altamont" Planned Unit Development (PUD). In regard to annexation, the City of Happy Valley received a signed annexation petition from the property owner requesting annexation of the subject property (Exhibit D). The City has evaluated the annexation petition and has determined that the subject property is within the City's UGMA Area (Exhibit E) and reachable by public right-of-way. Therefore, the applicant is able to be annexed and the City proposes to process the annexation petition. Additional information in regard to NCSD#12's history with the subject site is provided in Exhibit V.
- The 7.04-acre subject site consists of a single vacant property, described as Clackamas County Assessor Map No. 12E28AD: Tax Lot 10200, which is comprised of two tracts, Tract "I" (5.40 acres) and Tract "K" (1.64 acres) created as part of the Altamont PUD that was approved and platted in Clackamas County in approximately 1997. The subject site is zoned Clackamas County Urban Low Density Residential (R-15) with a Clackamas County Comprehensive Plan designation of Low Density Residential.
- The subject site is bordered to the north by a 4.6-acre parcel (Tax Lot 4600) that is owned by the North Clackamas Parks and Recreation District (NCPRD) and is operated as a community park. To the south of the subject site (across Johnson Creek Boulevard) and to the east (across Bristol Park Drive) are several single-family detached residences, in the Altamont PUD, within unincorporated Clackamas County and zoned Clackamas County R-15. To the west of the subject site is an apartment complex, known as "Altamont Summit", also in the Altamont PUD, and zoned Clackamas County "Medium High Density Residential" (MR-2).

ANNEXATION

- The proposed annexation is initiated by a petition signed by parties that represent 100 percent of the property owners that represent 100 percent of the assessed value, and that represent at least 50 percent of the electors within the area being annexed. The proposal meets the requirements of Metro Ordinance Number 98-791, Metro Code Sections 3.09.045/.050, and ORS 222.125.

The properties proposed to be annexed are located in one general area that are not immediately adjacent to the existing city limits, but may be reached by public right-of-way,

as noted on Exhibit A. The legal descriptions for the areas proposed for annexation are also included as Exhibit A. The proposed annexation incorporates a single property consisting of 7.04 acres of land. The desire of the property owner to obtain city services and land use regulations for the subject properties have prompted the proposed annexation request and companion Comprehensive Plan/Zoning Map Amendment.

This proposed annexation complies with the present agreements the City has with various urban service providers. The subject properties are inside of the district boundaries of Clackamas County Service District #1 (CCSD#1), which provides sanitary sewer and stormwater management services to Happy Valley and other urbanized areas of Clackamas County. The subject properties are provided water service by Sunrise Water Authority (SWA), one of the City's service providers of potable water. SWA will continue to provide water services to these properties subsequent to the approval of this annexation. Also subsequent to the approval of this annexation, the subject properties will continue to be provided street lighting services by Clackamas County Service District #5 (CCSD#5). The subject properties are also currently within the North Clackamas Parks and Recreation District (NCPRD) and would continue to be with the approval of this annexation proposal. The subject properties will need to be removed from the Clackamas County Enhanced Law Enforcement District and will be provided law enforcement services by the Happy Valley Dedicated Law Enforcement Service Levy. Also, the subject properties are within Clackamas Fire District#1 (CFD#1). CFD#1 provides the subject properties with fire protection and will continue to provide this service following the approval of this annexation.

The Metro Regional Framework Plan contains standards and criteria guiding the management and expansion of the Urban Growth Boundary (UGB), but most are not directly applicable to this annexation application. The Framework Plan does address the issues of annexation of properties to cities as appropriate to ensure adequate government jurisdiction and public facilities review and approvals.

The Metro Urban Growth Management Functional Plan (UGMFP) contains population and household growth figures for each jurisdiction in the region, including the City of Happy Valley. These figures should be accommodated over the next 20 years. The approval of this annexation request will work to provide commercial uses/senior housing opportunities to current and future residents of the City as specified in the functional plan.

COMPREHENSIVE PLAN/ZONING MAP AMENDMENT

- As observed, the subject property that is proposed for annexation is currently vacant land that had, at one time, been considered for a future elementary school. NSCD#12 seeks to sell the property to the applicant, who in turn seeks MUC zoning, but also seeks to limit the commercial/residential use of the subject property to only that of the proposed use of an assisted living facility/senior housing development and has opted to annex into Happy Valley to process the necessary land use applications, engineering construction plans and building permits to facilitate this specifically envisioned use.

The subject properties currently have a Clackamas County Comprehensive Plan designation of Low Density Residential (LDR), with a County zoning district of R-15 (15,000 square-foot minimum lot size). As discussed, in order to facilitate the specifically limited use, the applicant has proposed a Comprehensive Plan/Zoning Map Amendment to apply City MUC to the subject properties (with the discussed use restriction).

As illustrated within the submitted Conceptual Development Plan (Exhibit H) and discussed within the Applicant's Narrative, the applicant envisions a multi-level building designed around a centralized courtyard providing housing, meals, recreation and health services for 99 independent living units; a 66-bed assisted living facility; and, a 33-bed memory care facility. In regard to trip generation, the applicant has provided a Traffic Impact Analysis (Exhibit I) and specific responses to the Oregon Transportation Planning Rule (TPR), which is included as Exhibit J.

Finally, any future development within the subject properties proposed for annexation is required to go through the City's Design Review land use approval process, where building architecture, access, parking, landscaping, lighting, signage, etc. will be reviewed in a public hearing before the City's Design Review Board.

CONCEPTUAL DEVELOPMENT PLAN:

- As previously noted, specific use limitations will restrict the development of property to that of a senior care facility. As part of this proposal, the updated conceptual development plan (updated from Exhibit H to Exhibit P) illustrates the subject site developing as a 217,500 square-foot senior care facility, consisting of 99 units of independent living, 66 beds of assisted living and 33 beds of memory care, for a total of 198 units/beds. Given the development standards of the MUC zone and the proposed use in conformance with the use limitations, the applicant estimates that the proposed 198-unit senior care facility would require a total of 124 parking spaces (some of which are anticipated to be below the structure). The applicant has conceptualized that vehicular access to the potential development would come from Bristol Park Drive via two access points, the first of which would be aligned opposite Emily Park Way and the second of which would be approximately 150 feet north of the first. In addition, Prestige proposes a building height limitation (the underlying MUC zone allows a maximum building height of 65 feet) of 50 feet from the front property line adjacent to Bristol Park Drive west for a distance of 115 feet (Exhibit CC). Staff also notes that the future building construction and site improvements on the subject site will require the submittal and approval of a subsequent Design Review Application, including access and improvement review by Clackamas County DTD, DKS Associates and the City's Engineering Manager.

TRAFFIC IMPACT ANALYSIS:

- As noted, the applicant submitted a Traffic Impact Analysis (TIA) as Exhibit I and an updated TIA as part of Exhibit P. In addition, the applicant submitted a Transportation Planning Rule (TPR) Response Letter (Exhibit J). Collectively, these analyses provides an evaluation of items such as trip generation and distribution, intersection operation and

capacity analysis – per the limitations of the proposed use. Within the TIA’s, the applicant’s Traffic Engineer provided a trip generation comparative analysis that studied the vehicular traffic generated by the subject site developing under the current zoning versus the proposed zoning (again, as limited). These analyses provide a comparison between the subject site developing as a single-family residential use versus developing as the (adjusted) proposed use (from a traffic impact perspective). The TIA update reports that the development of the subject property as the proposed use would result in a net increase of 14 p.m. peak hour trips (Exhibit P, Page 4 of the updated TIA) from the subject site developing as 20 single-family residences under the current zoning. Further, that the Johnson Creek Blvd./Bristol Park Drive intersection continues to function very far below capacity – Level of Service “A” (with A being the “best rank” between Level of Service A through F).

- 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 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.

When evaluating the applicant’s proposal, it was determined that the traffic impact from the proposed amendments would not be considered “significant”, when evaluated against the criteria outlined in Section 16.67.060.A.1 of the LDC. As a result, the applicant’s Traffic Engineer has not proposed any mitigating measures and states that the applicant’s proposal is in compliance with the TPR. The City’s Traffic Engineer (DKS Associates); Engineering Manager; Clackamas County DTD; and the Oregon Dept. of Transportation (ODOT) have reviewed the applicant’s TIA and TPR analysis and either provided no additional comments, or concurred with the findings, given a “trip cap” based on the proposed use restriction (Exhibits K and L, and updated to Exhibits R and S).

As discussed in the previous paragraph and within Exhibits I, J and P, the proposed Comprehensive Plan Map/Zoning Map Amendments do not cause any “significant affect” to a transportation facility.

PUBLIC COMMENTS:

- Prior to the Planning Commission public hearing, the City’s Planning Division received 18 comments in opposition to the proposal, including two separate petitions, one containing 33 signatures and one 60 signatures (some of which are duplicative); one neutral comment; and, two comments in support from neighboring property owners during the public comment period. The comments discuss a broad range of concerns from the annexation process; proposed use; size of structure; future access; traffic impacts, etc. These comments/petitions are all included as Exhibit (M). Subsequently, at the Planning Commission hearing, additional letters/comments/petition signatures were provided, and are included as Exhibits O, T and U. Further communications were received for inclusion within this Staff Report, and are included as Exhibits V-II.

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 insures the opportunity for citizens to be involved in all phases of the planning process.

Staff Response:

The City, through the City of Happy Valley Land Development Code, has created proper procedures to ensure citizens the opportunity to have input in any proposed map amendment. Opportunities for public input will be available in the hearings process prior to action on this proposal. Notification of this proposal and hearing was mailed to area property owners. The City has therefore met its obligation of providing for citizen involvement under Statewide Planning Goal 1, as defined through the City’s adopted procedures.

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 assure 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 has been evaluated using criteria found within the City’s LDC and policies found within the City’s Comprehensive Plan. This evaluation is augmented by the inclusion of comments and concerns submitted by neighboring residents. Furthermore, the proposed amendments are subject to a public hearing before the Planning Commission. Therefore, a well-established planning process and policy framework exists within the City. Thus, the proposal is consistent with Statewide Planning Goal 2.

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To conserve open space and protect natural and scenic resources.

Staff Response:

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660-023-0250. The proposed map amendments do not modify the acknowledged Goal 5 resource list, or that portion of the Happy Valley Development Code adopted to protect a significant Goal 5 resource, or a policy that addresses specific requirements of Goal 5. The proposed amendments do not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list. The proposal is therefore consistent with Statewide Planning Goal 5.

GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY:

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

Staff Response:

The proposal does not affect policies associated with Goal 6 established by the Happy Valley Comprehensive Plan. As reported in the previous findings for Goal 5, the proposed annexation and Comprehensive Plan/Zoning Map Amendment (as limited) will continue to preserve environmentally sensitive lands through required subsequent Environmental Review Permits. That is, approval of the proposed amendments will not eliminate the requirement for future development to meet the conditions of Chapter 16.34 (Natural Resources Overlay Zone) or, Chapter 16.51 (Surface Water Management) or any other section of the Happy Valley Land Development Code. The Oregon Department of Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits.

The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and CWA Section 404 water of the state and the country respectively. Clackamas County Water Environment Services (WES) coordinates storm water management, water quality and stream enhancement projects throughout the city. Future development will still need to comply with these state, national and regional regulations and protections for air, water and land resources quality. The proposal is therefore consistent with Statewide Planning Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect life and property from natural disasters and hazards.

[...]

Staff Response:

The proposed map amendments do not affect policies associated with Goal 7 established by the City of Happy Valley Comprehensive Plan. Approval of the proposed amendments will not eliminate the requirement for future development to meet the conditions of Chapter 16.32 (Steep Slopes Development Overlay Zone) or Chapter 16.35 (Flood Management Overlay Zone) or any other section of the Happy Valley Land Development Code. The proposed map amendments are therefore consistent with Statewide Planning Goal 7.

Goal 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities liable to the health, welfare, and prosperity of Oregon's citizens.

Staff Response:

If approved, the applicant's proposed amendments would apply a MUC plan designation/zoning district to the subject site, with the conditioned limitation to the proposed use of senior

housing/assisted living facility. Within the MUC zone, as demonstrated below, these uses are permitted. The application of this designation/zone to the subject site would allow for the possibility of additional commercial/senior housing to occur on the subject property. The provision of additional job opportunities to the residents of the area would work to promote the prosperity of the “state’s” citizens. Therefore, the proposed map amendments are consistent with Statewide Planning Goal 9.

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. Water service is provided to the subject site by Sunrise Water Authority (SWA). Clackamas County Water Environment Services (WES) coordinates stormwater management, water quality and stream enhancement projects, as well as manages and operates the sanitary sewer system within the City. Coordination with these agencies regarding public facilities and services for the future development of the subject site will be processed through the City’s land use permitting process with input, analysis and any necessary conditions from these same service providers. As addressed below under Goal 12, the proposed amendments are not expected to generate a “significant” increase in traffic (as defined by Section 16.67.060.A.1 of the LDC). No amendments to the public facilities plans are necessary in order to accommodate the proposed annexation and map amendments. The proposal is therefore consistent with Statewide Planning Goal 11.

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 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.

2. The following Oregon Revised Statutes (ORS) are applicable to the subject request:

Oregon Revised Statutes Chapter 222 – Annexation of Contiguous Territory

“ORS 222.111 – [...] (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

Staff Response:

This annexation was the result of a petition filed by the property owner who owns properties that are contiguous to the city limits of Happy Valley via public right-of-way. The criterion has been satisfied.

ORS 222.125 - Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."

Staff Response:

The application was initiated by a petition from the owner of 100 percent of the land in the territory to be annexed and 50 percent of the electors in the territory to be annexed. The criterion has been satisfied.

3. 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) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(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 (e) 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.

(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) 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;

(b) 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;

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

(d) *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 (c) 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-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; 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 sections (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 subsections (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 subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (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 OAR 660-012-0045(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 OAR 660-012-0045(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 subsection (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 subsections (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 OAR 660-012-0020(2)(b) and 660-012-0045(3):

(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 OAR 660-012-0020(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 section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

- (iv) *Restaurants; and*
- (v) *Public open space or private open space which is available for public use, such as a park or plaza.*
- (B) *Generally include civic or cultural uses;*
- (C) *A core commercial area where multi-story buildings are permitted;*
- (D) *Buildings and building entrances oriented to streets;*
- (E) *Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;*
- (F) *A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;*
- (G) *One or more transit stops (in urban areas with fixed route transit service); and*
- (H) *Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.*
- (9) *Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
 - (a) *The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
 - (b) *The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) *The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*
- (10) *Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.*
 - (a) *A proposed amendment qualifies for this section if it:*
 - (A) *is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and*
 - (B) *is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.*
 - (b) *For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:*
 - (A) *with a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;*
 - (B) *entirely within an urban growth boundary;*

(C) with adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) with land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) located in one or more of the categories below:

(i) at least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) *The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.*

(A) *Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.*

(B) *Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.*

(C) *For the purpose of this section:*

(i) *“industrial” means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.*

(ii) *“traded-sector” means industries in which member firms sell their goods or services into markets for which national or international competition exists.*

(D) *Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:*

(i) *The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.*

(ii) *The amendment would provide land for “Other Employment Use” or “Prime Industrial Land” as those terms are defined in OAR 660-009-0005.*

(iii) *The amendment is located outside of the Willamette Valley as defined in ORS 215.010.*

(E) *The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.*

(b) *A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.*

(c) *A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:*

(A) *Proposed amendment.*

(B) *Proposed mitigating actions from section (2) of this rule.*

(C) *Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.*

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities”

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 6). Per those findings, this criterion has been satisfied.

4. The following sections of Metro Code are applicable to the subject request:

CHAPTER 3.09 – LOCAL GOVERNMENT BOUNDARY CHANGES

“Metro Code 3.09.045 – Expedited Decisions

[...]

D. To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:

a. Any applicable urban service agreement adopted pursuant to ORS 195.065;

Staff Response:

Though not an expedited annexation (but yet required to address subsections D and E of Section 3.09.045 per the provisions of Section 3.09.050 – below), the proposed annexation is consistent with ORS 195.065 and complies with the present agreements the City has with various urban service providers through its UGMA and various IGA’s, as detailed, above. This criterion has been satisfied.

b. Any applicable annexation plan adopted pursuant to ORS 195.205;

Staff Response:

An applicable annexation plan adopted pursuant to ORS 195.205 does not exist. Therefore, this criterion does not apply.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Staff Response:

An applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) does not exist. Therefore, this criterion does not apply.

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

Staff Response:

The proposed annexation would not interfere with the provision, quality, or quantity of public facilities and services. The subject property is located in an area where most urban services have already been installed. It should be noted that all urban services will be required to be in place if development is to occur on the subject property if not currently fully served. The criterion has been satisfied.

e. Any applicable comprehensive plan; and

Staff Response:

The Happy Valley Comprehensive Plan and the City's LDC do not contain applicable standards or criteria for boundary changes. However, the proposed annexation does meet applicable Metro and statewide planning requirements as addressed in this report. The criterion has been satisfied.

f. Any applicable concept plan; and,

Staff Response:

An applicable concept plan does not exist. Therefore, this criterion does not apply.

2. *Consider whether the boundary change would:*
 - a. Promote the timely, orderly and economic provision of public facilities and services;*
 - b. Affect the quality and quantity of urban services; and*
 - c. Eliminate or avoid unnecessary duplication of facilities or services.*

Staff Response:

The proposed annexation would not interfere with the provision, quality, or quantity of public facilities and services. The subject properties are located in an area where most urban services have already been installed. This criterion has been satisfied.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.

Staff Response:

The subject property having petitioned for annexation is within the existing Metro UGB. The criterion has been satisfied.

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.*
- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:*
- 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;*
 - 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of necessary party; and*
 - 3. The proposed effective date of the boundary change.*
- C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.*
- D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.*

Staff Response:

Though a preliminary report was available 15 days prior to the first evidentiary hearing, no person or entity requested said report. The final staff report to the Planning Commission was available seven days prior to the first evidentiary hearing – and as the land use process associated with the subject application involves a secondary “de novo” public hearing before the City Council (which will receive a copy of the Planning Commission Staff Report and all Exhibits) – that report will be available 15 days prior to the City Council public hearing. The public has and will have ample opportunity to provide all necessary information prior to said hearings, and therefore, has not been damaged or given inadequate timelines to provide any testimony or information, as demonstrated by the written comments included in the staff report. In regard to the provision of urban services and Section D of 3.09.050 and subsections (D) and (E) of 3.09.045, all criteria have been addressed in the findings under Section 3.09.045, above. The proposed annexation will not result in the withdrawal of the territory from the legal boundary of a necessary party. The anticipated effective date of the boundary change is the City Council public hearing of September 15, 2015, though said date could be continued by the will of the City Council. Therefore, these criteria are satisfied by the subject request and the resultant actions of the City of Happy Valley.

5. The following Land Use Policies from the City's general Comprehensive Plan Policies 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 6: To assure that the development of properties is commensurate with the character and physical limitations of the land in the Happy Valley area as determined by the available base information and the Composite Development Suitability analysis.

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 the implementation of the City’s Comprehensive Plan Policies and Development Code regulations. The subject site is in a location where all Level 1 services are available and the applicant has provided a TIA that demonstrates the potential increase in vehicular trips that could result from the proposed amendments, would not cause the surrounding intersections to function at a level that the City deems unacceptable. Furthermore, staff has recommended a condition of approval (Condition of Approval No. 1) that would impose specific use limitations and a “trip-cap” on the subject site that would limit the future use of the site to that of a senior care facility with the limited trip generation, as envisioned in the applicant’s conceptual development plan and traffic impact analysis. These criteria have been satisfied.

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

Staff Response:

As noted, staff has recommended Condition of Approval No. 1 that would impose specific use limitations on the subject site that would limit the future use of the site to that of a senior care facility, as envisioned in the applicant’s conceptual development plan. If constructed, the proposed facility would add senior housing to the existing surrounding residential uses that are presently developed at a variety of densities between detached single-family and multi-family, in an area that is presently lacking senior housing. Per Condition of Approval No. 1, this criterion has been satisfied.

Policy 54: To encourage compatible residential, commercial and light industrial development in both the City of Happy Valley and nearby Clackamas County that will provide jobs. The City supports the development of commercial and employment uses in the Hwy. 212/224 Corridor, Sunnyside Road Corridor and the Rock Creek Employment Center and in other areas, subject to design standards.

[...]

Staff Response:

The applicant’s proposed amendments will work to satisfy the above policy by applying a zoning designation of MUC to the subject site that would, when combined with the specific use limitations of Condition of Approval No.1, limit the uses on the subject site to that of a senior

care facility, encourage a “quasi-commercial” development that will provide jobs, yet remain compatible with the adjacent residential zoning in nearby Clackamas County. Per Condition of Approval No. 1, 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:

Although the applicant’s proposal does not request new development, approving the proposal will provide the opportunity for the applicant to submit a land use application for development of the subject site under the regulations of the MUC zone, subject to the aforementioned specific use/trip-cap/building height limitations. A future Design Review application will have to demonstrate that the proposed development can be provided with adequate public facilities, including how storm drainage runoff and sewer service will comply with City regulations, including the requirements of CCSD#1.

Level 1 public facilities and services include water, sanitary sewer, storm drainage, fire protection, and streets. Water service will be provided by the Sunrise Water Authority; sanitary sewer and storm drainage service will be provided by CCSD#1; fire protection will be provided by CFD#1; and, the streets are public and owned and managed by Clackamas County DTD. Service providers will have the opportunity to submit specific observations or conditions regarding the provision of Level 1 services as part of a future Design Review application for the subject site. Per Condition of Approval No. 1, these criteria have been satisfied.

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

“CHAPTER 16.23 - COMMERCIAL AND EMPLOYMENT DISTRICTS

16.23.010 Mixed Use Commercial and Employment Districts.

A. Purpose.

1. **Mixed Use Commercial (MUC).** Mixed use commercial will provide for convenience commercial needs of residential neighborhoods and office workers in locations adjacent to and mixed in with residential and office areas. The location of services and offices near residential units and major transportation networks should promote use of alternative modes of transportation such as bus ridership, bicycle and pedestrian activity. Retail uses should be primarily located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street or accessway with clearly marked entrances. Blank frontage walls at street level are discouraged. Development boundaries and patterns are not defined by type of use (i.e., retail and office); instead the district allows a variety of permitted uses to occur throughout the commercial district. The commercial uses are meant to provide a concentration of commercial and office uses to create an active area.

2. **Mixed Use Employment (MUE).** The mixed use employment district will provide for development of office, employment and low density multifamily residential uses. The MUE neighborhood commercial subdistrict provides for neighborhood scale retail needs.

3. **Regional Center Mixed Use (RCMU).** The regional center mixed use district will provide for urban development within the boundaries of the Clackamas Regional Center. A wide range of uses is permitted within the district. The district is intended to create a quantifiable sustainable mixed use area with high employment and housing densities, structured parking, and significant amenities in an urban design that is accessible by a range of transportation modes. To ensure that the mix of uses and urban form are consistent with the objectives of the district, master plan approval is required prior to development. The RCMU District implements the planned mixed use policies of the Clackamas Regional Center Area Design Plan.

B. **Permitted Uses.** Table 16.23.010-1 identifies the land uses that are allowed in the MUC, MUE and RCMU Districts.

Table 16.23.010-1 Mixed Use Districts (MUC, MUE, RCMU) Permitted Uses

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

Use	MUC	MUE	RCMU ¹
Commercial—Retail Uses			
Art and craft supply stores, studios	P	P	P
Bakeries	P	P	P
Banks, savings and loan associations, loan companies, ATMs	P	P	P
Barber shops, beauty salons	P	P	P
Bed and breakfast inns	P	P	P
Bicycle sales, supplies, repair service	P	P	P
Book stores	P	P	P
Camera stores	P	P	P
Coffee shops, cafés, sandwich shops and delicatessens	P	P	P
Drug stores	P	P	P
Dry cleaners and tailors	P	P	P
Florists	P	P	P
Hardware and garden supplies	P	P	P
Home furnishing stores	P	P	P

Use	MUC	MUE	RCMU^J
<i>Gift stores</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Grocery, food, specialty foods, and produce stores</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Hotels</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Indoor health and recreation facilities, such as racquetball court, gymnasiums, health and exercise spas, swimming pools, and similar uses and associated facilities</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Exercise and tanning studios</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Interior decorating shops, sales and service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Laundromats</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Music shops, sales and service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Mobile food units</i>	<i>P⁵</i>	<i>P⁵</i>	<i>P⁵</i>
<i>Optometry and optical goods, sales and service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Photo finishing, photography studios</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Rental stores, without outdoor storage</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Restaurants full service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Restaurants—Drive-through</i>	<i>P</i>	<i>C</i>	<i>P</i>
<i>Apparel and secondhand stores</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Service stations</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Shoe sales and repair stores</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Sporting goods, sales and service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Stationery stores</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Taverns, bars and cocktail lounges (prohibited 1,500 feet from school uses)</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Theaters or assembly halls</i>	<i>C</i>	<i>C</i>	<i>P</i>
<i>Yogurt and ice cream stores</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Vehicular service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Veterinarian services and pet supplies</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Video rental stores</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination through the design review process</i>	<i>P</i>	<i>P</i>	<i>P</i>
Commercial—Offices			
<i>Professional and administrative offices</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Medical office buildings</i>	<i>P</i>	<i>P</i>	<i>P</i>
Residential			
<i>Low density</i>	<i>P^{2,3}</i>	<i>P</i>	<i>P</i>
<i>Medium density</i>	<i>P^{2,3}</i>	<i>X</i>	<i>P</i>
<i>Senior housing</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Skilled nursing facility</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Congregate housing</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Home occupation (Section 16.69.020)</i>	<i>P</i>	<i>P</i>	<i>P</i>
Industrial			

Use	MUC	MUE	RCMU¹
<i>Manufacturing and production</i>	<i>X</i>	<i>P</i>	<i>C</i>
<i>Industrial services</i>	<i>X</i>	<i>P</i>	<i>X</i>
<i>Flex-space</i>	<i>X</i>	<i>P</i>	<i>X</i>
<i>Wholesale sales</i>	<i>X</i>	<i>P</i>	<i>X</i>
<i>Institutional</i>			
<i>Churches, synagogues, temples or places of worship</i>	<i>C</i>	<i>C</i>	<i>P</i>
<i>Public park, usable open space</i>	<i>C</i>	<i>C</i>	<i>P</i>
<i>Public and private schools (includes day care)</i>	<i>C</i>	<i>C</i>	<i>P</i>
<i>Commercial day care centers (adult and child care facilities)</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Community service</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Hospitals, including helipads⁴</i>	<i>P</i>	<i>C</i>	<i>P</i>
<i>Civic Uses</i>			
<i>Libraries, post offices, community centers, etc.</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Other</i>			
<i>Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Wireless communication facilities</i>	<i>Per Section 16.44.020</i>	<i>Per Section 16.44.020</i>	<i>Per Section 16.44.020</i>
NOTES:			
¹ Uses in the RCMU district are subject to additional standards in Section 16.23.010(D).			
² Residential uses on upper floors of mixed use buildings are permitted. In such cases, Note 3 below does not apply.			
³ Freestanding residential uses at densities greater than the minimum SFA density of ten (10) du/acre and not to exceed the maximum MUR-M2 density of thirty-four (34) du/acre (ten (10) to thirty-four (34) du/acre) may be permitted in the MUC zone when nonresidential uses occupy the street side(s) of the parcel. The footprint of such freestanding residential uses (including associated parking and accessory uses) may not exceed twenty-five (25) percent of the MUC zoned area of the parcel or subject property.			
⁴ Subject to applicable FAA rules and regulations.			
⁵ Pursuant to Section 16.69.030.			

C. *Development Standards. The development standards in Table 16.23.010-2 apply to all uses, structures, buildings, and development in the MUC, MUE and RCMU Districts.*

Table 16.23.010-2 Development Standards for MUC, MUE and RCMU Districts

Standard	MUC	MUE	RCMU
Residential density: ¹			
Low density (maximum)	24 du/net acre	24 du/net acre	24 du/net acre
Low density (minimum)	15 du/net acre ²	15 du/net acre ²	15 du/net acre ²
Medium density (maximum)	34 du/net acre	NA	34 du/net acre
Medium density (minimum)	25 du/net acre ²	NA	25 du/net acre ²
High density (maximum)	50 du/net acre	NA	50 du/net acre
High density (minimum)	35 du/net acre ²	NA	35 du/net acre ²
Lot size (minimum)	Variable ³	Variable ³	Variable ³
Lot width (minimum)	Variable ³	Variable ³	Variable ³
Lot depth (minimum)	Variable ³	Variable ³	Variable ³
Floor area ratio			
Nonresidential FAR (minimum)	0.25:1 ⁴	0.25:1 ⁴	0.25:1 ⁴
Nonresidential FAR (maximum)	5:1	2:1	5:1
FAR for mixed use building with residential uses (minimum)	0.25:1	0.25:1	0.25:1
FAR for mixed use building with residential uses (maximum)	5:1	3:1	5:1
Landscaping (minimum)	Variable ⁵	Variable ⁵	Variable ⁵
Building setbacks (minimum)	Variable ³	Variable ³	Variable ³
Building height (maximum)	65 feet ³	65 feet ³	Variable ³

NOTES:

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

² Minimum density of eighty (80) percent of each sub-area is required.

³ Building height is measured pursuant to Chapter 16.12, Definitions. Standards are flexible and shall be determined through the master plan process or a design review.

⁴ Must include a shadow plan to establish future development.

⁵ Pursuant to Section 16.42.030, fifteen (15) percent of the net developable area must be usable open space.

[...]

Staff Response:

The applicant has proposed a Comprehensive Plan/Zoning Map Amendment that, if approved, would apply the MUC plan designation/zone to the subject site and the lot size, width and depth are “variable” per the LDC. The applicant’s conceptual development plan envisions the subject site developing a 217,500 square-foot senior living/assisted-care facility, consisting of 99 units of independent living, 66 beds of assisted living and 33 beds of memory care with a total of 124

parking spaces. Although the MUC zone allows outright the proposed uses – “senior housing”, “skilled nursing facility” and “congregate housing” as demonstrated in Table 16.23.010-1 above, it should be noted that construction of said development would require the Design Review Board’s subsequent approval of a Design Review application. Furthermore, to help ensure that the proposed amendment does not allow for a scenario where the future development of the subject site under the MUC zone is not compatible with the surrounding neighborhood (which consists mostly of residential uses at varying densities), staff has proposed Condition of Approval No. 1 that will impose specific use limitations; a “trip-cap” and partial building height limitations. Per Condition of Approval Number 1, these criteria have been satisfied.

CHAPTER 16.61-TYPES OF REVIEW PROCEDURES

16.61.040 Type III procedure (quasi-judicial).

A. Type III decisions apply to all quasi-judicial decisions and include, but are not limited to: non-expedited annexations; property owner or developer initiated Comprehensive Plan map/land use district map amendments or text amendments; Design Review II; home occupation permits; Class C variances; major modifications; master plans; planned unit developments; expedited and non-expedited subdivisions; and conditional use permits. With the exception of expedited annexations and master plans over twenty (20) acres in size combined with Comprehensive Plan map/land use district map amendments, the public hearing and land use decision for these applications occur before the Planning Commission. Expedited annexations are processed as an ordinance pursuant to Chapter Eight of the City’s Charter, effective January 1, 2001. The final decision shall occur before the City Council. The City Council shall be the only local review authority, and shall decide to approve, approve with conditions or deny expedited annexation requests. Master plans that are paired with Comprehensive Plan map/land use district map amendments over twenty (20) acres in size receive a recommendation from the Planning Commission to the City Council. The City Council shall be the final review authority. [...]

Staff Response:

The applicant’s proposal is for an Annexation and Comprehensive Plan/Zoning Map Amendment that involves the quasi-judicial conversion of an existing Clackamas County Comprehensive Plan designation/zoning district to a City Comprehensive Plan designation/zoning district. Therefore, per Section 16.67.030 of the LDC, the City has followed the procedures for a Type “III” quasi-judicial decision, which includes a public hearing before the Planning Commission with a recommendation to the City Council, which shall be the final review authority. This criterion has 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:

This 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, ORS, OAR, Metro Code, 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.

16.67.015 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, any resident of the City, property owners or authorized agent. A change in the text may be initiated by as few as one person desiring a revision in the wording, scope, direction or organization of the plan. A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five (75) percent of the property owners or authorized agents who own or represent at least seventy-five (75) percent of the land area involved in the petition of change. The City may, for the purposes of revising or updating plans to comply with statewide goals, legal guidelines or other necessary criteria, initiate a change in the map or text of any plan and this Land Development Code at any time.
[...]

Staff Response:

The applicant is initiating the proposed Comprehensive Plan Map/Zoning Map Amendments for the purpose of amending the existing plan designation/zone on the subject property from R-15 to MUC. The applicant represents 100 percent of the ownership of the property and area involved in the proposed amendments. Therefore, this criterion has been satisfied.

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 includes an Annexation that involves the quasi-judicial conversion of an existing Clackamas County Comprehensive Plan designation/zoning district to a City Comprehensive Plan designation/zoning district. As a result, the proposed amendment is being processed utilizing the City's Type "III" quasi-judicial procedure per the applicable requirements of Section 16.61.040 (see finding, above), which involves a hearing before the Planning Commission (August 25, 2015) with a recommendation to the City Council (September 15, 2015), which shall be the final review authority. 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 public utilities. The applicant has demonstrated that the proposed amendments will not "significantly" impact the adjacent transportation network and that it will have adequate capacity to support the uses allowed in the proposed zones (see below finding for Section 16.67.060.A). These criteria have been satisfied.

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

Staff Response:

The proposed Comprehensive Plan Map/Zoning Map Amendments serve the public interest from the perspective of providing local access to senior housing options, goods and services and facilitating the development of the subject site, ultimately providing additional employment opportunities in the City that would otherwise not be available. Furthermore, this intensification of land uses is proposed adjacent to a Minor Arterial Facility (Johnson Creek Boulevard) and a Local Facility (Bristol Park Drive), which serves City objectives regarding efficient use of land and public facilities. Staff has recommended Condition of Approval No. 1, which imposes specific use limitations; a trip-cap; and partial building height limitation on the property that would limit future development of the subject site to that of a senior housing/assisted living facility, helping to ensure that the future development of the subject site under the proposed zone would be compatible with the surrounding 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 application. 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 Transportation System Plan (TSP) period, allow types or levels of land use 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 standards 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 standards identified in the TSP.”*

Staff Response:

The applicant has provided a TIA that includes an analysis addressing Oregon Administrative Rule (OAR) 660-012-0060, commonly referred to as the “Transportation Planning Rule”. Within this analysis, the applicant’s Traffic Engineer analyzed the impacts of the proposed Comprehensive Plan Map/Zoning Map Amendments to determine if it would “significantly” impact the existing transportation facilities in the area, and if so, propose mitigating measures. As previously discussed within this report, if the subject site was to develop as a 170-unit senior care facility, under the proposed MUC zone, rather than the maximum 20 units of single-family residential housing allowed under the existing R-15 zone, the proposed Comprehensive Plan Map/Zoning Map Amendments could result in an estimated nine more p.m. peak hour trips than under the current zoning and the roadway system would continue to function at LOS “A”.

When evaluating the applicant’s proposal against the TPR, it was determined that the traffic impact from the proposed amendments would not be considered “significant”. As a result, the applicant’s Traffic Engineer has not proposed any mitigating measures and states that the applicant’s proposal is in compliance with the TPR. The City’s Traffic Engineer, ODOT and Clackamas County DTD have reviewed the applicant’s TIA and TPR analysis and provided no comment or concurred with the findings. Per Condition of Approval No. 1, these criteria have been satisfied.

16.67.070 Annexations.

A. Except as provided in subsection B of this section, when a property or area is annexed to the City from unincorporated Clackamas County with an accompanying Clackamas County Comprehensive Plan designation and zone, the action by the City Council to annex the property or area shall include an ordinance to amend the City’s Comprehensive Plan map/zoning map to reflect the conversion from the County designation/zone to a corresponding City designation/zone, as shown in Table 16.67.070-1 below.

[...]

B. When an unincorporated property within the East Happy Valley Comprehensive Plan area, Aldridge Road Comprehensive Plan area, or the Rock Creek Mixed Employment Comprehensive Plan area is annexed to the City, the property shall be rezoned to the applicable zoning designation in the Comprehensive Plan pursuant to the applicable requirements of the Land Development Code.

C. For any proposed annexation to the City, application shall be made directly to the City of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form, the City shall schedule a public hearing before the Planning Commission, which shall make a recommendation to the City Council. The City may utilize any lawful annexation process under state, regional or local law, including the expedited annexation process established in the Metro Code. An expedited annexation process shall be sent directly to the City Council for review. Expedited annexations shall be processed as an ordinance pursuant to the City of Happy Valley Charter. [...].”

Staff Response:

Pursuant to subsection “C” above, the proposed annexation was scheduled before the Planning Commission on August 25, 2015, and the Planning Commission made a recommendation to the City Council for approval on a 4-3 vote. As a result, if the proposed annexation is approved by the City Council, it will include an ordinance (Ordinance No. 480) to amend the City’s Comprehensive Plan Map/Zoning Map that reflects the Comprehensive Plan/Zoning Map amendment of subject properties from their current Clackamas County designation/zone to a City of Happy Valley designation/zone. These criteria have been satisfied.

III. CONCLUSION AND RECOMENDATION:

Staff has determined that the above findings demonstrate that the proposed amendments to the City’s Comprehensive Plan Map/Zoning Map satisfy the requirements of the applicable Statewide Planning Goals; Oregon Revised Statutes; Oregon Administrative Rules; Metro Code; City of Happy Valley Comprehensive Plan Policies; and, the City’s Land Development Code. Staff, therefore, recommends that the City Council approve Local File No. ANN-04-15/CPA-10-15/LDC-11-15, subject to the below conditions of approval.

Conditions of Approval for ANN-04-15/CPA-10-15/LDC-11-15

1. That the City shall amend the City’s overall Comprehensive Plan Map/Zoning Map to reflect the subject site (Clackamas County Assessor Map No. 12E28AD: Tax Lot 10200) as having a plan designation/zone district of MUC. The only uses permitted within this MUC zoned property will be that of senior housing/assisted living facility, as envisioned in the Conceptual Development Plan and detailed within this report. A trip-cap maximum of 34 p.m. peak hour trips, per the submitted (amended) Traffic Impact Analysis is applied to any future development of the subject site. The future structure shall have a maximum building height of 50 feet from the front property line adjacent to Bristol Park Drive westward for a total of 115 feet of distance.
2. Future land use applications (Design Review, Environmental Review Permits, etc.) regarding the development of the subject site shall be in conformance with all aspects of the City’s Land Development Code.



CITY OF HAPPY VALLEY
 16000 SE Misty Drive
 Happy Valley, OR 97086
 Phone: 503-783-3800 Fax: 503-658-5174
PETITION TO ANNEX

To the City Council of the
 City of Happy Valley, Oregon

I (we), the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition and give consent to, annexation of said property to the City of Happy Valley.

The consent for annexation is for the following described property:

Tracts "I" and "K", Altamont

Street Address of Property (if address has been assigned)
 Intersection of SE Johnson Creek Blvd. and SE Bristol Park Dr.

Legal Description (Subdivision Name, Lot number(s))

1S 2E 28AD TL 10200

Tax Map and Tax Lot Number

SIGNATURE(S) OF LEGAL OWNER(S) AND/OR REGISTERED VOTER(S)

<u>March Weisbach</u>	<u>MEU</u>	<u>MEU</u>	<u>5-19-2015</u>
Signature	Owner Initial	Voter Initial	Date
_____	_____	_____	_____
Signature	Owner Initial	Voter Initial	Date
_____	_____	_____	_____
Other Authorized Signature	Owner Initial	Voter Initial	Date
_____	_____	_____	_____

Street Address	Home Phone	Work Phone
<u>4444 SE Lake Rd.</u>		
Mailing Address		
<u>Milwaukie OR 97222</u>		
City, State and Zip Code		

A legal description and a copy of the assessor's map of the property must be submitted with this petition.

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than a year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective

_____ indefinitely, or until 7/30/2015

March Weisbach 5-19-2015

Signature Date Signature Date

The Population Research Center at Portland State University compiles population estimates which they report to the State of Oregon on an annual basis. The State of Oregon then uses these estimates to determine the City's Fair Share of state funds. Please help us with this effort by indicating below the number of housing units on the above indicated tax lots and the number of people residing in these housing units. **THANK YOU!**

Number of housing unit on above lot: 0 NA

Types of housing units: _____ Single family _____ Multi-family _____ Mobile home or trailer

Number of people occupying these units: 0 NA

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

The City of Happy Valley's Land Development Code requires that the following information must be disclosed on any application for comprehensive plan map amendments/zone changes, variances, conditional use permits, partitions, subdivisions, planned unit developments, master plans and for appeals.

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

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

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

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

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

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

YES NO

Meredith (Hartback)
Signature of Applicant

5-19-2015
Date

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

Steve Koper

From: Ann <ann503@gmail.com>
Sent: Wednesday, August 12, 2015 10:30 AM
To: Steve Koper
Subject: Against rezoning file # Ann-04-15/CPA-09-15/LDC-10-15

Hi Steve,

I live in the Altamont neighborhood, more specifically Bristol Park off of Johnson Creek Blvd.

Our family is against the proposed rezoning to MUC for the senior assisted living facility.

Zoning laws are designed to encourage compatible land uses to locate close to one another and away from incompatible land uses. Residential land uses are best located next to other residential uses and away from commercial uses. Rezoning to MUC proposal should qualify as spot zoning therefore should be denied.

The subject property has public economic value as currently zoned. There are other uses for the current zone which would greatly enhance the City of Happy Valley, such as expanding the Altamont Park. Happy Valley already has many senior assisted living facilities within the >5 mile radius, how many more do we need in our small city?

The request to rezone needs to be denied; there is no benefit to Happy Valley by rezoning the land for commercial purposes in a residential neighborhood.

Thanks for your time.

Ann Nguyen

Michael Walter, AICP

Subject: FW: Opposition to the proposed construction in Altamont

From: Jeffrey Albelo <albeloj@qcsgroup.com>

Date: August 4, 2015 at 7:24:43 PM PDT

To: <stevek@happyvalleyor.gov>

Cc: "royjay@gmail.com Tablet" <RoyJay@gmail.com>, Rod Cummings <rod@spiritwireless.com>

Subject: Opposition to the proposed construction in Altamont

Dear Mr. Koper, Sirs and Mesdames:

I am writing to convey my unequivocal disapproval of the proposed adult care facility within the Altamont neighborhood. To wit:

1. Altamont is not in Happy Valley and should not even be subject to "planning" by anyone affiliated with Happy Valley. This should be handled by Clackamas County. We will never assent to annexation, even by subterfuge.
2. HV's singular focus on expanding their tax base at our expense notwithstanding, there should be no construction on that property without at least including it within the HOA and having it be subject to our CC&Rs.
3. There is no reason to build this facility on this property. Find another place. Old people on a hill in winter? Are you/they mad? It's got broken hips and pneumonia written all over it come February and 6 weeks of frigid and steady East wind. How about if we build something similar across from your house? Sure they won't be out partying until late and making noise, they are seniors after all, but the increase in traffic is not a welcome thing. It lowers our property values. Some of us might make the case to sue Happy Valley for this damage. Stranger things have happened.
4. NO, no, no. You are imposing someone else's will on us without proper representation. How can we be subject to the whims of Happy Valley and yet have no representation in the Happy Valley organization? We did not vote for any of you, or the people who might have appointed/hired you. This public hearing forum is a sham. The Altamont HOA board should be able vote on this as the duly and legally appointed representatives of the denizens of Altamont. If they say no, it should be tantamount to a VETO. Requiring some kind of super majority is unfair and ultimately undemocratic. No eminent domain right exists in this case. I suspect the case law is in our favor on this, but I have not looked.
5. This injury is particularly difficult to swallow given that Prestige Care has indicated they do not believe they are subject to our regulations. Since this was originally plated as part of the development, this logic seems faulty. If homes were to be constructed on it, they would be subject to the HOA rules and this issue would not even be raised.
6. It is not out of the question for us to form a class and file an injunction.

Please consider carefully my points. Although some might be delivered tongue-in-cheek, I am deadly serious about my aversion to this plan.

My representatives and I will see you and yours at the hearing.

Very respectfully,

-Jeff

Jeffrey Albelo
CEO
Quantum-Group Consulting, Ltd.
World Trade Center
121 SW Salmon Street
Suite 1100
Portland, Oregon 97204, USA

p: + 1 503.471.1322
f: + 1 503.471.1312
c: + 1 503.804.0768
s: + 1 971.340.2887

albeloj@qcsgroup.com

Luke Arant
8940 SE Highgate Drive
Happy Valley, Or 97086
503-683-3477

RECEIVED BY
AUG 12 2015
CITY OF HAPPY VALLEY

August 9, 2015

To The City of Happy Valley,

I am writing this letter to vehemently oppose the island annexation of the existing "North Clackamas School District No. 12" lot located in the neighborhood of Altamont, the conversion to MUC zoning, and the building of any commercial project, especially a large senior care facility.

- 1) It is obvious that this is a tax grab by the City of Happy Valley. There is no other reason for this island annexation other than to generate tax revenue for the City of Happy Valley. If the annexation and re-zoning happens the residents of the Altamont neighborhood would suffer loss of enjoyment of their neighborhood and suffer economic loss in depressed property values.
 - a. For the city to place "The Bowl" off limits to commercial enterprise for the sole purpose of preserving the neighborhood effect, yet do an island annexation in someone else's neighborhood for the sole purpose of tax base expansion is tantamount to an invasion and will be fought by the residents of Altamont with all the resources we can summon. I propose that Happy Valley re-zone the area between SE King and SE 132, adjacent to existing police and fire facilities, to accommodate this need.
- 2) Rezoning from R-15 to MUC is completely irresponsible and not a suitable use for this property. In fact, the proposed use is physically hazardous to the current residents and to those who would be housed and cared for at the facility
 - a. The narrow streets provide little maneuverability for large delivery vehicles, buses, or emergency vehicles which would be making multiple daily trips, increasing the likelihood of accident.
 - b. The close proximity to the Altamont Park creates a ripe environment for small children to be hit by a vehicle.
 - c. Johnson Creek Blvd is closed multiple times per year at 92nd Ave due to snow and ice making it impossible for emergency vehicles to service the residents. In fact, during December, 2008 it was closed for 7 straight days and remained a hazard for two more weeks after it reopened. During this span there were not less than 18 vehicle accidents and numerous injuries.
 - d. Johnson Creek Blvd between 92nd and Bristol Park dr. has the highest accident rate for any street of this length in the Portland Metro area due to its grade and propensity to ice in the winter time. Adding hundreds of daily trips will only increase the likelihood of serious harm and fatal accidents.
 - e. Seniors are known to possess diminished driving skills due to decreased visual acuity, reaction time, and hearing. Diminished skilled drivers coupled with the documented safety issues on Johnson Creek would unnecessarily put current residents of Altamont in danger of injury or death.

- f. Imposing dozens of commercial trips and hundreds of additional residential trips per day on a quiet neighborhood violates the intent of residential zoning.
- 3) While I oppose any commercial activity, I explicitly oppose the assisted living facility proposed by Prestige. I am part owner in 14 facilities just as the one proposed and understand the business and its impact on the community in which they operate. I speak from a position of experience and expertise when I state the following:
- a. Successful facilities are those that partner with their community, not use back-office politics and island annexations to impose their will. Having disgruntled and angry neighbors will make for a difficult business environment.
 - b. Other than a handful of executive and management positions the vast majority of the 75 or so employees will make less than \$12 an hour. Successful communities are located within convenient walking distance from public transportation to allow these low income workers transportation options. This lot is located 1 mile from the nearest transit stop and includes a 500 foot vertical grade.
 - c. The lack of public parking will create congestion and cause animosity between Prestige and the Altamont HOA.
 - d. Lack of supporting commercial facilities in the neighborhood will require excessive round trips up and down the extremely hazardous Johnson Creek Blvd.
- 4) An assisted Living of this size will generate dozens of emergency calls a month that will require Fire to respond with lights and sirens at all hours of the day and night creating a persistent noise pollution issue.
- 5) There is ample commercial property available along the Sunnyside corridor to accommodate this project. That existing land should be utilized first before invading someone else's neighborhood.
- 6) There is ample land currently available within the existing City of Happy Valley that could be rezoned to accommodate this business.
- 7) Much of the aesthetic beauty in Altamont is maintained by HOA dues, not taxes. For Prestige to benefit from our Association without contributing to it is equivalent to stealing.

This attempted invasion of our neighborhood is wrong, heavy-handed, and does not pass the common sense test. Furthermore it puts our neighborhood children at risk when they play at the park and all residents at risk from injury or death due to the huge volume of expected increased traffic on the extremely hazardous Johnson Creek Blvd.

Thank you,



Luke Arant

August 4, 2015

To: Happy Valley City Council
Local File No.: ANN-04-15/CPA-09-15/LDC-10-15

To Whom It May Concern:

My name is Betty Robbins, and I live at 8964 SE Bristol Park Drive, just across from the subject property. My husband and I moved up here in July, 1998. We have enjoyed the openness and 180 degree view of Portland and surrounding areas all these seventeen years. We secretly were happy that the elementary school was never built. But we are facing reality that one day something would be built on this valuable property, and there goes the view!

We have attended the meetings where Prestige Care representatives were present, and came away very pleased with what we heard of their plans for an upscale facility on this site. I have also gone online and checked out Prestige Care, and came away with a very positive impression of this company.

One of the websites among others that I reviewed was OHSU.edu/xd/health/. It stated that Prestige Care is OHSU's preferred choice for continued care for their patients. OHSU is able to share their patients' electronic medical records with Prestige Care. So this enables the care providers at Prestige Care to consult easily with OHSU providers.

We have also met Prestige Care's Project Manager and one of their architects at a meeting, and they assured the Altamont homeowners present that they want to be a good and considerate neighbor to us. I feel they were sincere and will prove to do so.

A flyer has been distributed recently addressing some of the concerns of the Altamont homeowners. We obtained a copy of it which lists among others, the concern of increased traffic consisting of commercial and delivery trucks coming up Johnson Creek Blvd. and down Bristol Park. We don't feel that there would be that much of an increase in traffic up Bristol Park because of the planned entrance to the assisted living is just across from Emily Parkway. At the present time, we are not bothered by the traffic to and from the 96 Graystone condos. The condos do create more traffic in early morning with people going to work, and then in late afternoon or early evening with people returning home from work.

Prestige Care, or their architects, had done a traffic survey to compare the amount of traffic if a school had been built on the site with a facility such as they propose. The results showed their traffic to be only a quarter of the traffic a school would have created. As far as some homeowners' concern of more elderly drivers on Bristol Park (near the park and endangering small children) and on Johnson Creek Blvd., I personally think they should be more concerned for the "pot heads" they will be sharing the streets and freeways with shortly in Portland. Prestige Care will have their own transportation for many of their clients. Many people give up their car when they move into an assisted or independent living facility. And, the memory care clients certainly won't be behind the wheel!

Another concern of the homeowners is that our property values will decrease. I have checked a number of websites where an assisted living or memory care home became part of a neighborhood. Some of these were real estate websites, but none of them stated that property values would decline. In fact, just the opposite happens because the retirement facility becomes an asset to the neighborhood.

An issue that is also upsetting to the Homeowners Association Board particularly is that Prestige Care will not be paying any dues. This property has never been under the Homeowners Association since its inception, and no HOA dues were ever paid by the North Clackamas School District. I don't see how the HOA Board has the expectation that this status will change with a new owner of the property, and that Prestige Care should have to pay a homeowners fee.

I have a friend in the Altamont Summit Apartments, and also a friend in Scott Meadows, who wouldn't mind staying on this hill and moving into an assisted or independent living unit at Prestige Care if and when the time comes.

I am very much in favor of this property be rezoned from R-15 to a City of Happy Valley Plan/designation/zoning district of Mixed Use Commercial (MUC). I ask that members of the Happy Valley City Council consider my enclosed comments and will approve Prestige Care's application for annexation and rezoning so that this project can move forward.

Sincerely,

A handwritten signature in cursive script that reads "Betty Robbins".

Betty Robbins

Steve Koper

From: Denise Claborn <deniseclaborn26@gmail.com>
Sent: Tuesday, August 11, 2015 7:28 PM
To: Steve Koper
Subject: Prestige care rezoning

Hi, Steve, I do not support the building of the Prestige Care Facility at Johnson Creek and Bristol Park. I do not feel it fits in with our community which is a suburban neighborhood. It will change the whole neighborhood feel. When we bought our property about 4 years ago we understood a school was a possibility for the property. We envisioned a one story structure right next to playground not a three story structure blocking views. We have homeowner height restrictions that prevent our views from being blocked. We moved her for the nice neighborhood and the views. Building this will block our view reducing our property value. Traffic will increase also. The other concern is the potential environmental impact. This field attracts many birds that will lose their habitat.

Please dont approve this. Thank you, Denise Claborn
9097 SE Emily Park Way
Happy Valley, Or

Sent from my iPad

TO: City of Happy Valley Planning Commission
FROM: Ross Connor
DATE: August 11, 2015
RE: Annexation of North Clackamas School District No. 12 property

We are submitting comments to the Planning Commission regarding the annexation of the above-referenced property because we own a property in the subdivision adjacent to the development.

We are solidly in opposition to this development for the following reasons:

1. The surrounding area is unincorporated Clackamas County which means the developer has chosen to work with a jurisdiction that does not represent the neighbors who are most significantly affected by the development.
2. The request to re-zone the property to commercial (even with limitations) is baffling as the area is exclusively residential.
3. The six story building is not consistent with the surrounding area. Neither the office/retail at 92nd/Johnson Creek nor the Altamont apartments adjacent to the site are anywhere close to six stories.
4. The intersection of Johnson Creek and Bristol Park Way will not be able to handle the significant increase in traffic.
 - a. Prior to this development, property owners expected that there would be a school—which would have added a significant amount of traffic at peak hours. The traffic that the proposed development will bring will not be limited to peak hours and will pose a nuisance to existing subdivision.
 - b. Traffic will also include delivery vehicles which have a hard time making it up Johnson Creek at the stated speed limit.
5. Winter weather shuts down Johnson Creek and renders it a useless thoroughfare. Ambulances will not be able to access the facility on the icy roads.

Our hope is that the planning commission recommends an outright denial of the proposed annexation and development to the city council.

Thank you for your time.

Steve Koper

From: rosecn@comcast.net
Sent: Thursday, August 13, 2015 5:38 PM
To: Steve Koper
Cc: Nguyen, Duc; Cao, Rose
Subject: Against the rezoning to the planning commission of Happy Valley

Dear Mr. Steve Koper,

We are the homeowners and residents within the Altamount on SE. Emily Park Way, next to Bristol Park. We are extremely concerned upon the news that there's been a plan for Prestige Care to build a massive 170,000 square foot commercial building in the lot at the corner of Johnson Creek and Bristol Park Drive to become a big senior living center. Therefore, we're writing this letter to voice our deepest concern regarding this issue. Our main concern is the safety of the young children living in this neighborhood who have been playing safely on the playground as well as on the streets. The existence of such big building will dramatically increase traffic along Bristol Park Drive and Johnson Creek Blvd. and ultimately will endanger our children's safety. Moreover, we anticipate that more commercial deliveries and large trucks will climb the hill emitting more pollutants which eventually alter the nature of the neighborhood with health hazards.

We hope you would be in agreement with us and please convey our concerns to the city council at the public hearings coming up in August and September, 2015. Thank you very much for your support!

Sincerely,

Duc Nguyen & Rose Cao
9126 SE. Emily Park Way
Happy Valley, OR 97086

Steve Koper

From: Craig Davis <Craig@gbdarchitects.com>
Sent: Wednesday, August 12, 2015 9:20 AM
To: Steve Koper
Subject: Local File: ANN-04-15/CPA-09-15/LDC-10-15 Prestige Cares Proposed Altamont Senior Care Facility.

Hi Steve,

Thank you in advance for taking time to read my email regarding Prestige Cares Proposed Altamont Senior Care facility. I am a home owner in Altamont so I do have a vested interest in this project.

The intent of the R10 zoning that the City of Portland originally established for Mount Scott was designed to encourage single family and multi-family housing and that is exactly what Altamont consists of today. The parcel under consideration was meant to become a grade school and the focal point of that neighborhood. There are hundreds of families that have already spent millions of dollars to live in this suburban neighborhood that must be considered when looking at rezoning this parcel because having an assisted living facility in the center of their neighborhood is not what they all bought into.

My argument against the Prestige Project goes back to the intent of the Portland zoning code. These codes are designed to protect commercial and/or private property owners. They are meant to keep consistent uses within certain areas of the city. If you look at table 110-2 of the Portland zoning code you will see that Single Room Occupancies (SRO) are not allowed in the current R10 Zoning. Also Group Living structures are only allowed in conjunction with an approved conditional use and that has not been established either.

If this was a senior living apartment complex where seniors, who are still able to take care of themselves, go to live I could see that fitting into our neighborhood. That is not the intent of this development as indicated by the 99 assisted (SRO) rooms with only 71 apartments. This is a medical care facility for dying seniors disguised as a senior living facility that is being place in the center of a well-established neighborhood. Senior living apartments like to be very close to retail shops, grocers or shopping malls so the occupants can get exercise and have services very close by. None of that exists at Altamont and it never can. Altamont is purely a residential neighborhood, it is not the mixed use neighborhood this facility belongs in.

This development is not a compatible with the established Altamont neighborhood, it does not meet the intent of the current zoning and the neighborhood will never have the services necessary for the occupants. I encourage you **NOT** to change the zoning to allow this development.

Thank you,

CRAIG DAVIS, AIA

Director
Oregon Registered Architect, LEED AP

GBD Architects Incorporated
1120 NW Couch St., Suite 300 Portland, OR 97209
Tel. (503) 224-9656 www.gbdarchitects.com

Steve Koper

From: geejoe1@comcast.net
Sent: Wednesday, August 12, 2015 4:35 PM
To: Steve Koper
Cc: geejoe1@comcast.net
Subject: Against Annexation and Comprehensive Plan Map/Zoning Map Amendment - Property located at intersection of Johnson Creek Blvd and Bristol Park Drive - 8996 SE Bristol Park Drive

Steve -

This email is to inform the City that we are against the rezoning of the property located at the intersection of Johnson Creek Blvd and Bristol Park Drive. The proposal to rezone the current zoning district of Urban Low Density Residential (R-15) to a City of Happy Valley plan/designation/zoning district of Mixed Use Commercial (MUC) Senior Housing/Assisted Living Facility is an incompatible use with the existing residential neighborhood and will fundamentally alter the nature of our neighborhood.

The proposed Senior Housing/Assisted Living Facility is incompatible with the current zoning of the neighborhood R-15 and is not consistent with the Planned Development for this subdivision. The surrounding area is currently zoned R-15 with one side adjacent to the property in the back zoned MR2 (Mixed High Density Residential District). The subdivision was part of a Planned Development which required the subject property to be zoned for a school (Institutional use). If the Planned Development intended for this property to be a school and this property is to be re-zoned to MUC, where will the school be located that was contemplated and approved in the Planned Development? If the original developer was not allowed to develop this property as residential housing due to the Planned Development, why should the zoning be amended to allow a Senior Housing/Assisted Living Facility that is not consistent with the approved Planned Development?

The Senior Housing/Assisted Living Facility does not fit the character of the neighborhood which consists primarily of detached single family residential houses. When we moved into the neighborhood we realized the property was zoned Institutional for a school as part of the Planned Development. A school is a facility that my children could attend and a facility that they could use and fits with a residential neighborhood. The Senior Housing/Assisted Living Facility is planned to consist of 3 story buildings along the frontage of Bristol Park Drive and is inconsistent with the originally approved Planned Development. We realize that the School would most likely have a gymnasium that would be tall. However, it would not have extended along the entire frontage of Bristol Park Drive blocking everyone's view that we all cherish. The traffic generated by the Senior Housing/Assisted Living Facility will be an issue. If a school were built you would expect to see traffic during the day. However, during the evening, weekends and summer months you would expect very little traffic. Once again this is incompatible with the neighborhood and Planned Development.

Mixed Use Commercial District is to be located near major transportation networks and should promote alternative modes of transportation such as bus ridership, bicycle and pedestrian activity. The location of the subject property will not promote any of these alternative modes of transportation as Johnson Creek Blvd is over 14% grade from the top of the hill to 82nd Ave. The proposed rezone does not meet the intent of the code. Additionally, the commercial uses within a Mixed Use Commercial district are meant to provide a concentration of commercial and office uses to create an

active area. A residential neighborhood is not compatible with having an active commercial area. The Senior Housing/Assisted Living Facility will drive down the value of our homes, will fundamentally alter the nature of the neighborhood and will bring more traffic to the neighborhood than what was contemplated with the school. In reviewing the zoning map for the area it is clear that a Mixed Use Commercial District is not compatible with this neighborhood and the request for annexation and Comprehensive Plan Map/Zoning Map Amendment should be denied.

Thank you,

The de la Rosa's

August 8, 2015

City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR

Attn: Happy Valley Planning Commission,
Michael D. Walter, Economic & Community Development Director

Re: Local File No. ANN-04-15/CPA-09-15/LDC-10-15
Presitge Care, Inc.

We are writing to submit our concerns for consideration on the above reference possible annexation and zone change to build a senior care facility at the corner of SE Johnson Creek Blvd. and SE Bristol Park Drive.

It was suggested that the company that will build this facility does not want to pay HOA dues or be bound by our CC&R's. We live in the Graystone Condominium complex and we must also pay; in addition to Graystone HOA dues, HOA dues to Altamont. We maintain our property and roads in addition to being responsible for the maintenance of roads and services for Altamont. It is only fair that a complex that will provide living spaces for this many people should also pay for the maintenance to access this complex as we do. Also, they should have to be bound by the CC&R's as we are also bound by all the rules and regulations for Altamont. They must be required to maintain their property to the same degree and regulations that we too must as well as additional regulations should be required due to the operation of their business. They will have large garbage bins and delivery trucks that should have special regulations. I am sure the apartment complex located directly below this complex has special requirements. They too pay HOA dues to Altamont and have special requirements because of their business operation. We do not understand why they should have these requirements waived.

Another of my concerns is the traffic situation which will become dangerous for all of us who must turn down Bristol Park Drive to access our homes. This is a narrow street which makes 2 cars passing in opposite directions alone a problem. Turning off of Johnson Creek Blvd. onto SE Bristol Park Drive is going to become dangerous. Consideration should be made to install lights and crosswalks and special signage. Commercial vehicles for food delivery, visitors, garbage removal, EMT, etc., will also have to access the facility and this will also be dangerous to those of us who live and access our homes off Bristol Park Drive. There should be an impact study done and information provided to all of us effected by this facility for our consideration and review. We also should receive information that addresses the additional improvements that should be required based on suggestions/problems of the impact study.

We hope these concerns will be addressed at the August 25th meeting as well as the September 15th meeting at City Hall Council Chambers. Please let us know what was discussed at the August 25th meeting as we are unable to attend.

We are look forward to hearing if our questions and concerns are satisfactorily answered.

Thank you for your consideration and assistance .

George & Toni Jo Dona
10100 SE Bristol Loop
Happy Valley, OR
(503) 894-8130

George Dona
Toni Jo Dona

Tuesday, July 28, 2015

An Open Letter to City Council

Dear Council Members,

By way of introduction, I have been a resident of Mt Scott for 10 years. My family resides in Altamont. Like many residents of the Altamont area, we have concerns about ongoing and proposed developments along the Johnson Creek and Bristol Park area in general. The current proposal is staggering, and will forever changing the character of this beautiful area.

Perhaps unlike many, I am not saying that it's all bad. We are not against development. What we are against is the proliferation of uncoordinated and code-excepting construction that has and continues to run rampant in our area. The latest subject proposal (File No. ANN-04-15/CPA-09-15/LDC-10-15) at Johnson Creek Road, inexplicably "approved" by Planning and Zoning, is only the latest challenge to sanity in the peaceful area. Where is the long term vision and plan for our area? How will the infrastructure of utilities and roads handle the increased load? Where will our citizens park, when there is already insufficient parking? How will neighbors continue to enjoy their private property? Why do city building codes exist if they are to be overridden each and every time a developer proposes some new structure?

I won't claim to speak for my neighbors in the area, but to me, the crux of the issue is this: if there was a comprehensive plan, developed in conjunction with a coalition of residents, design experts, engineers, city planners and politicians, then there would be buy-in. However, no such plan ever was put forward. From all appearances, everything has been random and haphazard, leading to ridiculous and divisive proposals and highly questionable approvals.

Please understand that this is not a development issue. It is merely a question of goodness of fit.

Can the planned Prestige Care, along with its proposed functions and uses, seriously operate on the site without intruding on its neighbors and overburdening the infrastructure? Can it attract its proposed patrons while not overloading the already congested traffic? Will the facility be self-sufficient and adhere to existing city parking codes? They also have taken the opinion that the property is not subject to our existing HOA rules and fees.

Unfortunately, the debate is too easily characterized as overreaction. However, it should be seen simply within the context of its location, its real intended uses, its long term objectives, the impact on its neighbors, and its impact on the public infrastructure. A proposal this size should and must fit within existing code parameters. This proposal will attract unwarranted traffic and patrons on a daily basis just doesn't fit onto the proposed site. Certainly, the planned Prestige care does deserve to be built... somewhere, where its operation can grow to be fulfilled, and where there is ample room for patrons to park and enjoy the venue. And, given its admirable objectives, it would be a shame for it to be built without adhering to city ordinances and neighborhood rules and regulations.

Mr. Mayor and Council members, I urge you to cancel the sale and implore you to consider the real negative uses of the proposal for Johnson Creek site, and the corresponding impact on the Mt Scott area. Simply put, whatever is planned for the site must fit within existing city code parameters, and it must fit within a comprehensive development and traffic plan that includes the bigger picture of the Mt Scott area, the potential developments at the site. To do otherwise would be irresponsible and detrimental to the long term appeal of our area and city. It is your duty as our representatives to require such plans and to ensure that they are adhered to.

Thank you for your consideration.

Sincerely,

Ali Ladha, Nina Ladha

Ali, Nina Ladha
(503) 720.0061

PS: I can almost guarantee that there will be other companies willing to buy the site at a much higher price in order to build suitable residential homes or townhouses that will maintain the character and quality of existing residential neighborhoods.

Planning Commission: City of Happy Valley

Happy Valley City Hall

16000 SE Misty Drive Happy Valley Oregon 97086

August 12, 2015

Re: Local file No ANN-04-15/CPA-09-15/LDC-10-15

Dear Commissioners;

I am writing to voice my significant concerns regarding the proposed sale of property currently owned by the North Clackamas School District to Prestige Care located on the corner of Johnson Creek Blvd and Bristol Park Drive.

The proposed care facility will significantly impede on the livability of our neighborhood in several ways.

1. The proposed facility will be directly adjacent to a park that is used by many of the families with small children who live in the neighborhood and areas that are in close proximity to it. The addition of this facility will dramatically impact the views and peaceful nature of this park and will create probably issues with safety for children in the area due to increased traffic as well as non-residents in the area.
2. There is already a continual traffic issue on Bristol Park Drive with the current volume of cars simply due to the residents that are property owners in the Greystone Condominiums and Altamont neighborhood. Adding a facility that will have a significant number of employees and residents as well as family members will create a very severe impact to the livability in the area for current residents. In addition the added traffic on Johnson Creek specifically during the winter season will create a dangerous situation.
3. The need for delivery of materials during and then after construction will create a significant impact to current residents due to large commercial trucks in the area.
4. The increase of non-residents in the area will undoubtedly increase the propensity for crime in both of these communities.
5. Property values will most likely decline with the increase of non-resident traffic, decrease in views and impact to the park, increase in traffic
6. There does not appear to be a desire for Prestige to participate in the funding of the HOA's in the area that support these communities nor participate with the CC&R's that all other residents in the area are compelled to be bound with. While Prestige itself, may not become a resident – the facility is residential living and therefore should be obligated to the same HOA funding and CC&R's as others.

This is not a good fit for our neighborhoods and I strongly urge you to deny the sale of this property for this intended purpose. I purchased a home in the Greystone condominiums eight years ago with the specific interest of a quieter neighborhood, the park and the views. We have already seen property values decline due to the economic downturn. This would be a significant blow to those of us who look at our homes as not only part of our lifestyle, but as an asset to carry into retirement. Please listen to the residents who already pay taxes in the community and enjoy the lifestyle that the City of Happy Valley wants to create. Our goal is to ensure that we all have the ability to retain the lifestyle that we moved into the area for along with our property values.

With deep concern,

A handwritten signature in cursive script that reads "Laura Law".

Laura Law

10198 SE Bristol Loop

Happy Valley Oregon 97086

503-702-1999

Resident Greystone Condominiums

RECEIVED BY

AUG 12 2015

CITY OF HAPPY VALLEY

08/12/2015

From:

MAI NGO

Altamont Home Owner

9116 SE BRISTOL PARK DR.

HAPPY VALLEY, OR 97086

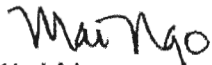
I am sending you this letter in opposition of the development of the three-story Senior Home that is planned to be built in front of my home located in the Altamont Area/Bristol Park Dr.

The existence of the Senior Home will bring ongoing traffic throughout the neighborhood with cars entering and exiting the home; and in the case of an emergency were to occur, ambulances will be called on. These noises will be disturbing the peace and quiet that we currently have. In addition, with an increase in traffic, it is also unsafe for the children in our neighborhood as well.

During the time I purchased my home I had paid an extra \$10,000 for my home to have a beautiful view. However with a large building in the way, the money I spent for my view will go to waste—in the end the value of my home will be devalued from its original value of which I had purchased it from the beginning. Upon the purchase of my home I had understood that a one story school will be eventually built in the location.

In conclusion, the building of a three-story Senior Home will disturb the peacefulness of the neighborhood as well as have an impact in the property value of my home as it will take away the view that I have. The increase in traffic will have an effect with noise and safety as well. Therefore, I would like to oppose the building of this unnecessary Three-story Senior Home in the Altamont area.

Sincerely,



Mai Ngo

Altamont area Home owner

August 10, 2015

To: Happy Valley City Council
Local File No.: ANN-04-15/CPA-09-15/LDC-10-15

My name is Philip A. Robbins, and I live at 8964 SE Bristol Park Drive, just across the street from the parcels currently owned by the North Clackamas School District and the Altamont Park that is part of Clackamas County Parks and Recreation. I would like to add my comments to those of others regarding the development of this land with an assisted living facility by Prestige Care located in Vancouver, Washington. Prestige Care has acquired a reputation for building very high quality, upscale senior facilities and has received numerous awards attesting to this fact. To save you time, I'm providing the link to this information: <http://www.prestigecare.com/awards.php> . I should also mention, as my wife has in her comments, that OHSU has selected Prestige Care for post-hospital patient care. In view of the recent positive press that Happy Valley has received, I might suggest that the Council consider how having a high quality organization such as Prestige Care might further enhance the positive image that Happy Valley is already building.

My Altamont Background

In 2004, prior to the developers turning over the Altamont HOA to the residents, I published the *Mount Scott Monitor*, a 4-page, full-color monthly newsletter. Today it remains the only historical record of the early days of the Altamont HOA. This publication led to my testifying at Sen. Metzger's hearing on HOA legislation. Later I was elected several times as village representative for Bristol Park during which time I published the *Bristol Park Blog*. http://oregoneducationtoday.typepad.com/bristol_park_blog/ I have covered just about every issue that has occurred since the turnover of the Altamont HOA to the residents in 2004.

Altamont Response to Annexation

For the last year or so, the Altamont HOA board led by Roy Jay, President, has been trying to influence the sale of this school property. Roy's first choice was Metro, but it didn't work out. Presently, some Altamont BOD members and a few residents have "distributed a flyer "Have You Heard??" outlining what they see as the negative aspects of Prestige Care's project. This same group of residents also opened a page on Facebook at <http://www.facebook.com/altamontfriends/> for the purpose of sharing ideas and organizing residents.

All of their main points are given in the excerpt from their flyer below. Let's examine them.

This development will likely do the following:

- Dramatically increase traffic along both Bristol Park Drive and Johnson Creek Blvd.
- Necessitate commercial deliveries and large trucks to climb the hill on JCB
- Obstruct views for many of the homeowners within Altamont
- Drive down property values for most within our community
- Place a large group of elderly drivers directly adjacent to a city park possibly endangering our children
- Fundamentally alter the nature of our neighborhood

Prestige does not believe that this property is subject to our HOA and is thereby not bound by our CC&R's nor is willing to pay dues.

Dramatically increase traffic along both Bristol Park Drive and Johnson Creek Boulevard

To be sure, there is going to be some increase in traffic, but whether there's going to be a dramatic increase is certainly open to question. Altamont has 411 lots with only two exit streets, Johnson Creek Boulevard and a residential street, Dundee Drive, leading to Idleman. The Altamont Summit Apartments have 441 units occupied mostly by younger people who have jobs and are much more active than those in a senior citizen facility. Even so, JCB seems lightly traveled most of the time. The idea that Prestige Care's facility will turn Johnson Creek Blvd. into a busy thoroughfare is absurd. We must ask if the people who wrote this flyer have any evidence at all to support their allegations.

Necessitate commercial deliveries and large trucks to climb the hill on JCB

This allegation seems closely related to the first. Again, where is the evidence to support this allegation? Have they done any studies to indicate what supplies and services are needed to support this facility? Unless they have done some investigation, how would they know what size trucks are needed (18-wheelers)?

Obstruct views for many of the homeowners within Altamont

As I mentioned above, Altamont has 411 lots, but ironically only 8 to 10 are going to have their views to the west obstructed. Those are the homes directly across from the field that Prestige Care wants to build on. Most of the people complaining about this project live nowhere near this site and have no in view of it to be blocked. Because of the way residential streets are laid out, the houses on one street have their views blocked by the houses one street over. There is also the issue of trees. Trees in Altamont are just beginning to reach their mature stage, and over the next few years we can expect many homeowner views to dissipate. Or is the Altamont HOA planning to order the wholesale decimation of front yard, backyard, and parkway trees in order to guarantee each homeowner an unobstructed view? And one might ask if there is a law that guarantees a view in perpetuity.

Drive down property values for most within our community

Here again we have another wild accusation without one iota of evidence. What we appear to have here is a group of anonymous, irrational people trying to make a case without even the pretense of having any substantiating material. It may surprise them to know that there are actually some studies showing that quality organizations including senior citizen facilities enhance property values in the surrounding area. As a matter of fact, Trulia, a major real estate firm, did a survey on this very topic giving Realtor opinions from various locales. The URL for the survey is given below:

[http://www.trulia.com/voices/Home_Buying/Does an Elderly Home care facility decrease the va-221174](http://www.trulia.com/voices/Home_Buying/Does_an_Elderly_Home_care_facility_decrease_the_value_221174) .

Place a large group of elderly drivers directly adjacent to a city park possibly endangering our children

This argument crosses the line from stupidity into the realm of silliness and hardly deserves an answer. First, a large portion of people in assisted-living are not driving; they are mostly retired; they certainly would not be going down to the small Altamont Park that is out in the hot sun or other elements where there is nothing but a small amount of children's playground equipment. It looks as if these Friends of Altamont are really stretching to make a case where none exists.

Prestige does not believe that this property is subject to our HOA and is thereby not bound by our CC&R's nor is willing to pay dues.

Unless there is some legal requirement forcing a new buyer to become part of the Altamont Homeowners Association, there is no reason why that buyer should assume HOA obligations. And there is a very good reason why a government agency should not sell assets with an encumbered title,

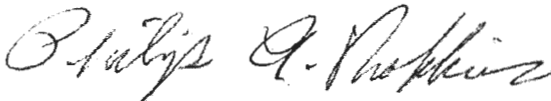
especially a homeowners association. Because homeowner associations are free to write all kinds of rules and regulations almost without limit, it would be almost impossible for a government agency to sell property.

Fundamentally alter the nature of our neighborhood

Here I agree that it might bring change to the nature of Altamont. But would that be a bad thing? Let's take a look at the nature of Altamont.

1. Altamont HOA is one of the few associations in the United States where the members do not directly elect the board of directors. Instead, the membership is divided into five villages of different sizes, and each year the members of each village elect 1 to 3 people depending on the size of the village. These people are called village reps. And in the governing documents they are called "voting members." The villages and the village reps are then divided into two voting groups each of which has two directors on the board each elected to a two-year term. The bylaws established a system whereby only one director in each voting group is elected each year thereby staggering the two-year terms. Also, this allows each voting group to have someone to vote for at each annual meeting. This was the system until the board of directors and their attorney changed the terms of appointees eliminating the staggering process, and for the last two years only half of the Association membership was even represented in the election of BOD members. The same thing will happen in September.
2. All of this is the result of appointees to the board being given full new two-year terms when they are elected at the middle of their terms and instead of completing the term in which they were elected. This completely destroys the staggering process. The BOD will tell you that the staggering of terms is not necessary and anyway they are just following their attorney's advice.
3. Anyone who challenges the board will find that he will not have anything close to the kind of due process he would find in the courts. The guidelines (the rules) were written by volunteers, not attorneys, and consequently, they are made to mean anything the board wants them to mean. The rules are not universally enforced; everything is treated on a case-by-case basis.
4. Fines are generally assessed at \$50 a day regardless of the alleged offense. There is no schedule of fines, and nobody questions the reasonableness of fines. I've known of an instance where a fine approximates \$50,000 and others run into thousands of dollars. All of these draconian fines are kept hidden from the membership. Needless to say, there are many things that can be done to improve the Altamont HOA.

Many thanks for the opportunity to express my opinions and comments,



Philip A Robbins
8964 SE Bristol Park Drive
Happy Valley ,OR 97086
(503) 788-4951
parobb2@gmail.com

1 Encl. Friends of Altamont flyer

Have You Heard??

Prestige Care is wanting to build a massive 170,000 square foot commercial building in the lot at the corner of Johnson Creek Blvd and Bristol Park Drive. This proposed facility would entail 71 senior living apartments and beds for 99 others in an assisted living facility.

This development will likely do the following:

- ☐ Dramatically increase traffic along both Bristol Park Drive and Johnson Creek Blvd.
- ☐ Necessitate commercial deliveries and large trucks to climb the hill on JCB
- ☐ Obstruct views for many of the homeowners within Altamont
- ☐ Drive down property values for most within our community
- ☐ Place a large group of elderly drivers directly adjacent to a city park possibly endangering our children
- ☐ Fundamentally alter the nature of our neighborhood

Prestige does not believe that this property is subject to our HOA and is thereby not bound by our CC&R's nor is willing to pay dues.

The sale of this property from the NCSD to Prestige Care is **not** final at this time. Prestige will need to have the land rezoned to allow their proposed development and the sale is contingent on this happening. They are asking the city of Happy Valley to annex the property and to approve the zoning request.

Please attend the meetings detailed on the back of this flier to make your voices heard!

For more information please go to our Facebook page at www.facebook.com/altamontfriends

Sincerely,

Friends of Altamont

LETTER TO

City of Happy Valley County Planning Commission
 Happy Valley County Board of Supervisors Cheryl Whitehead- Planning Assistant

This petition concerns the proposed developments along the Johnson Creek and Bristol Park area for a retirement home. The facility is to be located in a predominantly residential area and is unsuited to this location because of noise, dust, dirt, and traffic concerns. The land use classification for this property was designated as in 2007, to be suitable for zoning categories (school). While retirement homes are beneficial, the location of this facility is wrong for this use.

My signature on this petition means that I oppose the Prestige Care proposed project located at the corner of Johnson Creek and Bristol Park and request the Happy Valley County Planning Department and the County Board of Supervisors to deny the rezoning and issuance of a permit for this facility.

Furthermore, my signature on this petition means that I find the zoning of land located at the corner of Johnson Creek and Bristol Park as I-3 to be inappropriate as adjacent lands are zoned RR-3 (rural residential), and these adjacent lands have residences and neighborhoods already in place. I request the Happy Valley County Board of Supervisors re-zone the land at the corner of Johnson Creek and Bristol Park

NO!

	Printed Name	Signature	Address	Comment	Date
1.	Jenean Solomon	<i>Jenean Solomon</i>	9387 SE Hunters Bluff Ave, Happy Valley OR 97086		8/2/15
2.	David W. Robinson	<i>David W. Robinson</i>	9388 SE Hunters Bluff Ave, Happy Valley OR 97086	Definitely not!	8/2/15
3.	LILA Ritsema	<i>Lila Ritsema</i>	" "	NO	8/2/15
4.	STEVEN WU	<i>Steven Wu</i>	9184	NO	
5.	PRITHAM RAJ	<i>Pritham Raj</i>	9475 SE HUNTERS BLUFF AVE	NO	8/2/15
6.	KEVIN WICK	<i>Kevin Wick</i>	9450 SE Hunters Bluff Ave, Happy Valley OR 97086	NO	8/2/15
7.	Jaha	<i>Jaha</i>	9494 SE Chattfield	No!	8.2.15
8.	Jim Crivell	<i>Jim Crivell</i>	9439 SE Chattfield	NO	8/2/15
9.	GARY CHAN	<i>Gary Chan</i>	9418 SE Chattfield	NO	
10.	JASSA CHAN	<i>Jassa Chan</i>	10212 SE Brookmore Ct.	NO	8/2/15

	Printed Name	Signature	Address	Comment	Date
11	Derek Barth		9368 SE Highgate Dr	NO	8/2/2015
12	Lisa Phan		9355 SE Highgate	NO	8/2/2015
13	Quang Nguyen		9220 SE Hunter	NO	8/3/15
14	Kim Ngo		9252 SE Hunter	NO	8/3/15
15	FRANK TIEN		9249 SE HUNTERS BLUFF	NO	8/3/15
16	JANET McCAFFERTY	 Janet McCafferty	9328 SE HUNTER BLUFF	NO	8/3/15
17	Tony Bassile		10026 SE Wyndham Way	NO	8/3/15
18	Jeff Stock		9071 SE Highgate	NO	8/03/15
19	Rod Cummings		16193 ^{SE} Crescent Ridge Ln	NO	8/03/15
20	Wilson Pung		9055 SE Highgate DR	NO	8/03/15
21	MARIO de la ROSA		8996 SE Bristol ^{Park} DR	NO	8/3/15
22	Calvin Nguyen		8868 SE Bristol/Park Dr.	NO	8/11/15
23	Loss Conno		8923 SE Emily Park Way	NO	8/11/15
24	WING WONG		9031 S. Emily	NO	8/11/15
25	Jean Collins		9122 SE Emily Park Dr.	NO	8.11.15
26	Truc Ton		9250 SE Reing	NO	8/11/15
27	Mai Ngo		9116 SE BRIDGE	NO	8/11/15
28	George Wilson		9334 SE Pennington	NO	8/11/15
29	Rebekah Chan		9365 SE Pennington	NO	8/11/15
30	DOUG FAUK		9372 SE CAMBRIDGE WAY	NO	8/11/15
31	Kathy Lay		9379 SE Cambridge Way	NO	8/11/15

August 11, 2015

Happy Valley Planning Commission
Happy Valley City Hall
16000 SE Misty Dr.
Happy Valley, Oregon 97086

Members of the Happy Valley Planning Commission:

RE: **DENY** application for annexation and rezoning of Prestige Care proposal

After reviewing the proposed rezoning of the land located at Bristol Park, several issues come to mind. I have observed the vehicle and pedestrian traffic over the past few months and many safety issues are involved in this decision.

* First being safety of the current landowners and their families.

* Second being the residence, staff, and delivery staff who will occupy or service this facility and their mobility.

Bristol Park Drive is a narrow road which poses difficulty for vehicle traffic to pass currently when cars are parked along the street. Many times we need to pull over to let oncoming traffic pass. What about emergency personnel getting into this area? I have witnessed the struggle that one of the Clackamas County fire trucks and ambulance crew had trying to reach a residence. My concern is for the safety with the increased traffic in this area. More congestion and traffic flow increases the possibility of injury to both residence and guests alike.

This area has lots of foot traffic in and out of the park and along the streets of Bristol Park. Residence walk their children and pets, others ride their bikes or jog through the area. This currently takes a watchful eye for both drivers and pedestrians which residence are aware of. Adding the additional vehicle traffic of this large facility poses additional concerns. Deliveries, emergency personnel, staff, residence of this facility, and their guests will increase the risks.

The landowners have CC & R's that require us to follow a set of rules. We pay our dues and HOA fees. Any addition to Altamont should defiantly be bound by the CC & R's and fees. The current property owners should not have to pay the way for Prestige Care.

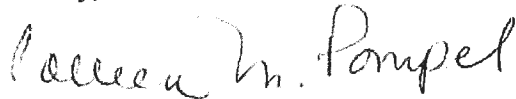
I have personally dealt with a similar facility. Many parking spaces were available, but the traffic in and out was unbelievable. My husband spent thirty days there prior to his death and I have first hand knowledge of the complications the numerous traffic and deliveries can cause for both deliveries, guests, and residence of the facility who were ambulatory.

Recently, Bristol Park Drive, has added speed bumps to slow the traffic in order to enforce speed laws. Happy Valley Police do not patrol our area since we are not considered a part of the incorporated part of the city of Happy Valley. Who will police this traffic and emergency needs?

I urge you to **DENY** the request for rezoning without further conversation. I purchased property in a residential area, not a commercial area for an "at profit business".

I appreciate your consideration of this matter.

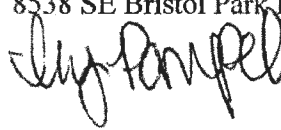
Sincerely,



Colleen M. Pompel

8538 SE Bristol Park Drive
503-729-6329

Ivy C. Pompel

8538 SE Bristol Park Drive


RECEIVED BY

AUG 12 2015

CITY OF HAPPY VALLEY

August 12, 2015

City of Happy Valley Planning Commission
16000 SE Misty Dr.
Happy Valley, Oregon 97086

Re: ANN-04-15/CPA-09-15/LDC-10-15
Clackamas County Assessor Map Number 12E-28AD-10200

Dear Planning Commission Members,

As residents of Altamont neighborhood and homeowners within the Bristol Park community for the past fifteen years, we offer the following comments in OPPOSITION to the proposal by Prestige Care, Inc. to annex and change the existing "North Clackamas School District No. 12" property from its existing Clackamas County zoning district of Urban Low Density Residential (R-15) to a City of Happy Valley plan/designation/zoning district of Mixed Use Commercial (MUC).

When we purchased our home at 8976 SE Highgate Dr. in the Bristol Park neighborhood of Altamont PUD in November we understood that the property at the corner of SE Johnson Creek Blvd and Bristol Park Dr. was designated for a future elementary school and subject to the limitation of the Clackamas County urban low density residential R-15 zone. We anticipated a one to two story school that would operate within the week-day hours and be visited by school buses and vehicular traffic during daylight hours from September to June with light use during summer months. We further anticipated that our entire community would remain in unincorporated Clackamas County.

We also understand that there are no guarantees in life and that things change over time. So it was not a surprise when the School District chose not to build a school and instead decided to market the property for development subject to the R-15 zoning designation. It is however very disconcerting to now be faced with the prospect of a 170,000 commercial facility, operating 24-7-365, generating considerably higher volumes of auto and truck traffic and proposed multi-story building. And most concerning to us is the prospect of an island annexation by the City of Happy Valley who will provide zero services to the site. This appears to be a nothing more than a convenient device by which Prestige may achieve its development ambitions and provide additional tax revenue for Happy Valley.

We vigorously oppose the proposed annexation and zoning change for the following reasons:

1. Annexation of this property by Happy Valley is inappropriate and not necessary. Annexation by Happy Valley serves no purpose other than to improve the chances that the zoning change allowing this development will be approved quickly. The developer wants to be annexed in order to short-circuit the conditional use process that a senior housing project would be subject to in Clackamas County.
2. The proposed development of 71 senior living apartments and 99 assisted living beds in a three story building is inconsistent with character of our low density residential community.
3. The development will generate traffic impacts on JCB and particularly the intersection of JCB and Bristol Park Dr. 24-hours every day. Seasonal adverse weather results in the periodic closure of JCB and create dangerous driving conditions for emergency responders, service vehicles, elderly residents and project staff. The volume and nature of the traffic serving this

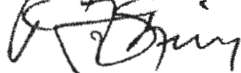
facility is many times greater and more adverse to our community than an elementary school or low density residential use.

4. Visual impacts of the proposed multi-story facility on the immediate surrounding homes in Bristol Park and Scott Meadows is unacceptable and will adversely impact property values for all homeowners.
5. The original purpose of this site was for an elementary school and was excluded from the Homeowners Association. This annexation will cut a 7 acre hole in the middle of our Planned Unit Development. The property owner will benefit from the commonly maintained landscape areas along Johnson Creek Blvd for no cost. And according to Happy Valley officials the only thing that matters is the applicants desire to be annexed, not the adjacent and surrounding residents!
6. Any residential use located at this site must be included in the Altamont HOA, subject to its by-laws and requirements, including participation in the cost of common area improvements from which it will surely benefit.

We reiterate our opposition to this annexation and rezoning proposal in the very strongest terms and will continue to oppose it at every step in the process. We do not want to see our community annexed piecemeal by Happy Valley nor do we believe that anything other than low density residential is an appropriate designation for this property. And any low density residential development on this site must be a part of the Altamont Homeowners Association.

Thank you for your consideration,

Paul Shirley



Lynne St Jean



8976 SE Highgate Dr
Portland, OR 97086
503-319-3325

ATTACHMENT

Signatures in support of opposition to annexation and rezoning

We, the undersigned residents and homeowners of Altamont
OPPOSE the proposed annexation and rezoning by the City of
Happy Valley of the North Clackamas School District No 12
property located at the corner of Johnson Creek Blvd and
Bristol Park Dr.

Ronnie A. Dean 8976 SE Highgate Dr.
Paul J. Stracy 8976 SE Highgate Dr.

Chris M. Van der 9072 SE Emily Park Way
S. S. S. S. 9072 SE EMILY PARK WAY

Nancy G. Hum 8994 SE HIGHGATE DRIVE
Alex Cohen 8994 SE Highgate Drive

Kevin A. Harke 10148 Bristol Loop

D. G. McGinn 10341 SE BRISTOL CT. H.V. OR

Melissa J. McEluff 10341 SE Bristol Ct, Happy Valley, Or 97086

[Signature] 8943 SE Highgate Dr.

For Russell 8943 SE Highgate Dr.

[Signature] 8940 SE Highgate Dr.

[Signature] 8885 SE Highgate DR.

FAMILY 9121 SE EMILY PKWY

CHINH LIEU 9121 SE EMILY PKWY

We, the undersigned residents and homeowners of Altamont
OPPOSE the proposed annexation and rezoning by the City of
Happy Valley of the North Clackamas School District No 12
property located at the corner of Johnson Creek Blvd and
Bristol Park Dr.

Siu Lei Chan 9058 SE Emily Parkway

Dennis Hildebrand
GAIL Miller-Hildebrand 8528 SE BRISTOL PARK DR

CALVIN Nguyen 8868 SE BRISTOL PARK DR

Donb Tathwell 9058 SE Highgate DR.

Cynthia Tathwell 9058 SE Highgate DR.

TANCE Tathwell 9038 SE Highgate DR.

LARRY Louie → 9136 SE Emily plk wy

shirley Louie →

Ked & Dawn Marie Cummings 10193 SE Crescent Rdg Lp

Rosemary Buczkowski 8981 SE Highgate Dr.

Gary Buczkowski 8981 " Highgate Dr

Jean Hartman 9171 SE Anton Ct

Colleen Scholz 10311 S.E. Quail Ridge Dr.

CAROL PARSHALL 8565 SE BRISTOL PARK DR.

Mark Mollenkopf 9029 SE Highgate Dr.

Emily Mollenkopf 9029 SE Highgate Dr.

We, the undersigned residents and homeowners of Altamont
OPPOSE the proposed annexation and rezoning by the City of
Happy Valley of the North Clackamas School District No 12
property located at the corner of Johnson Creek Blvd and
Bristol Park Dr.

• Keung Kwok Yan
8984 SE EMILY PARKWAY
HAPPY VALLEY, OR 97086

• Allen and Tammy Wong
9140 SE Emily Parkway
Happy Valley, OR 97086

• Veronika de la Rosa (Mano)
8996 SE Bristol Park Drive
Happy Valley, OR 97086

• MIKE & LISA SPITULSKI
9144 SE EMILY PARKWAY
HAPPY VALLEY, OR 97086

• Chi Nguyen & Vincent Doan
9028 SE Bristol Park Dr.
Happy Valley, OR 97086

• Khone & Manca
Charthavongs
9094 SE BRISTOL PARK
Happy Valley, OR 97086

Happy Valley OR 97086

* Duc B Nguyen & Rose Cao
9126 SE Emily Parkway
Happy Valley, OR 97086

We, the undersigned residents and homeowners of Altamont
OPPOSE the proposed annexation and rezoning by the City of
Happy Valley of the North Clackamas School District No 12
property located at the corner of Johnson Creek Blvd and
Bristol Park Dr.

Name	Address
Priscilla W Robinson	10186 SE Bristol Loop
Cath P Wilhel	9675 SE Wyncham Way
Elizabeth + Derek Barth	9675 SE Wyncham Way 97086
Elizabeth + Derek Barth	9368 SE Highgate Drive 97086
Nancy Nelson	9085 SE Emily Park Place 97086
Tras Woodrue	9085 SE Emily Park Way 97086
Michael & Kimberly Short	9063 SE Emily Pkwy
Jessie Paul	9130 SE Emily Pkwy
Larry Casey SR	9130 SE Emily Pkwy
Amy McLean Vigil Brad Dore	9701 SE Johnson Creek Blvd
Hye Suk Larsen	9408 SE Scott park Lane
Mei Frenick	8885 SE Highgate

We, the undersigned residents and homeowners of Altamont
OPPOSE the proposed annexation and rezoning by the City of
Happy Valley of the North Clackamas School District No 12
property located at the corner of Johnson Creek Blvd and
Bristol Park Dr.

Cynthia Henkle	9417 SE Carnabel Way	97086
Joan Sanvitale	9870 SE Wyndham Way	97086
RICHARD SANVITALE	9870 SE WYDHAM WAY	97086
Savvy Louie	9136 SE EMILY PRKWAY	97086
Shirley Louie	9136 SE Emily Parkway	97086
Tony Nguyen	9484 SE ^{Wyndham} Wyndham Way	97086
Truc Ton	9250 SE Runninton CRT.	97086
Tray Pop	9116 SE Bristol Park Dr.	97086

City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

August 7, 2015

Planning Commission and City Council:

I am writing regarding the application for annexation and rezoning of the property in the Altamont development on Bristol Park Drive—file ANN-04-15/CPA-09-15/LDC-10-15.


I object to the annexation jumping to a parcel not adjacent to the city limits. I don't want to become surrounded by city property, and thus subject to pressure to annex as well. We local owners are perfectly happy being in an unincorporated area of Clackamas County.

I also object to the building covering the whole extent of the property from north to south and being three stories. It also appears that it will be placed nearest to Bristol Park Drive, thus effectively being a three-story wall adjacent to my house. It will block all view and cast a shadow early in the afternoon. That is a huge change from the possibility of a one-story school building that would have playground, as was the original option when I purchased the property. This placement of the building will negatively affect values of the properties directly east of Bristol Park Drive.

The steep hill will hamper access in the winter for residents, staff, and emergency vehicles. Does the city of Happy Valley intend to maintain access for those needs? Furthermore, it seems to me a strange placement for a retirement/assisted living facility when residents will be unable to walk to any local amenities because of the steep hill and freeway crossing.

I would like to go on record as opposing the proposed annexation and rezoning of the property from urban low-density residential.

Sincerely,



Lynn Sullivan
9082 SE Bristol Park Drive

RECEIVED BY

AUG 12 2015

CITY OF HAPPY VALLEY

08/12/2015

TRUC TON
Altamont Home Owner
9250 SE PENNINGTON CT
HAPPY VALLEY, OR 97086

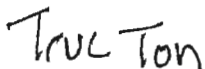
I am sending you this letter in opposition of the development of the three-story Senior Home that is planned to be built in the Altamont Area/Bristol Park Dr.

The existence of the Senior Home will bring ongoing traffic throughout the neighborhood with cars entering and exiting the home; and in the case of an emergency were to occur, ambulances will be called on. These noises will be disturbing the peace and quiet that we currently have. In addition, with an increase in traffic, it is also unsafe for the children in our neighborhood as well.

During the time I purchased my home there was a beautiful view that came with it. However with a large building in the way, the view will be blocked. In the end the value of my home will be devalued from its original value of which I had purchased it from the beginning due to this. Upon the purchase of my home I had understood that a one story school will be eventually built in the location.

In conclusion, the building of a three-story Senior Home will disturb the peacefulness of the neighborhood as well as have an impact in the property value of my home as it will take away the view that I have. The increase in traffic will have an effect with noise and safety as well. Therefore, I would like to oppose the building of this unnecessary Three-story Senior Home in the Altamont area.

Sincerely,



Truc Ton

Altamont area Home owner

Steve Koper

From: downhill@comcast.net
Sent: Tuesday, August 11, 2015 5:16 PM
To: Steve Koper
Cc: Michael Walter, AICP
Subject: ANN-04-15/CPA-09-15/LDC-10-15
Attachments: Happy Valley Planning Commission.pdf

Hi Steve,

Please include the attached letter in the planning Commission Packet for the above mentioned application.

Thanks,

Ken Worcester

August 11, 2015

City of Happy Valley Planning Commission
In care of Steve Koper, Planning Services Manager
Via e-mail stevek@happyvalleyor.gov

RE: ANN-04-15/CPA-09-15/LDC-10-15

Dear Happy Valley Planning Commissioners;

I am writing to urge your denial of the above mentioned application for annexation and Comprehensive Plan Map/Zoning Map Amendment.

As you know, there is no current City zone for the property. Given the nearest existing City border is approximately .3 miles away from the subject property, this annexation creates an ill-advised City island within an area that to my knowledge, has had no discussions of future annexation to Happy Valley. Future annexation of the surrounding residential areas is even less likely, because surrounding properties are already served with typical urban services.

This particular property does however show up on the City's Steep Slopes and Natural Resource Overlay Zone Map as it is surrounded by steep slopes identified as Conservation Slope Areas, 25 Foot Buffer from Conservation Slope Area and/or a Transition Slope Area. Hardly an area most would chose for a mixed use development requiring employees, commercial vehicles, emergency vehicles and service vehicles to access this site 24 hours a day, ice, rain, snow or sunshine. At least the proposed school which we all knew about would have had inclement weather days and restricted hours.

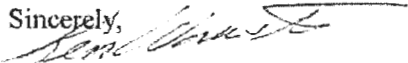
The proposed zoning itself also makes no sense. All of the surrounding zones and abutting zones whether by Clackamas County or Happy Valley maps reflect that of high and low density residential. The only non-residential on the Happy Valley Map within approximately two miles of this property is that of a public use zone. You have to travel further to find a mixed use zone.

The Clackamas County Zoning Map looks similar with the exception of some office commercial and neighborhood commercial down the hill where it makes sense, but again, no mixed use zone.

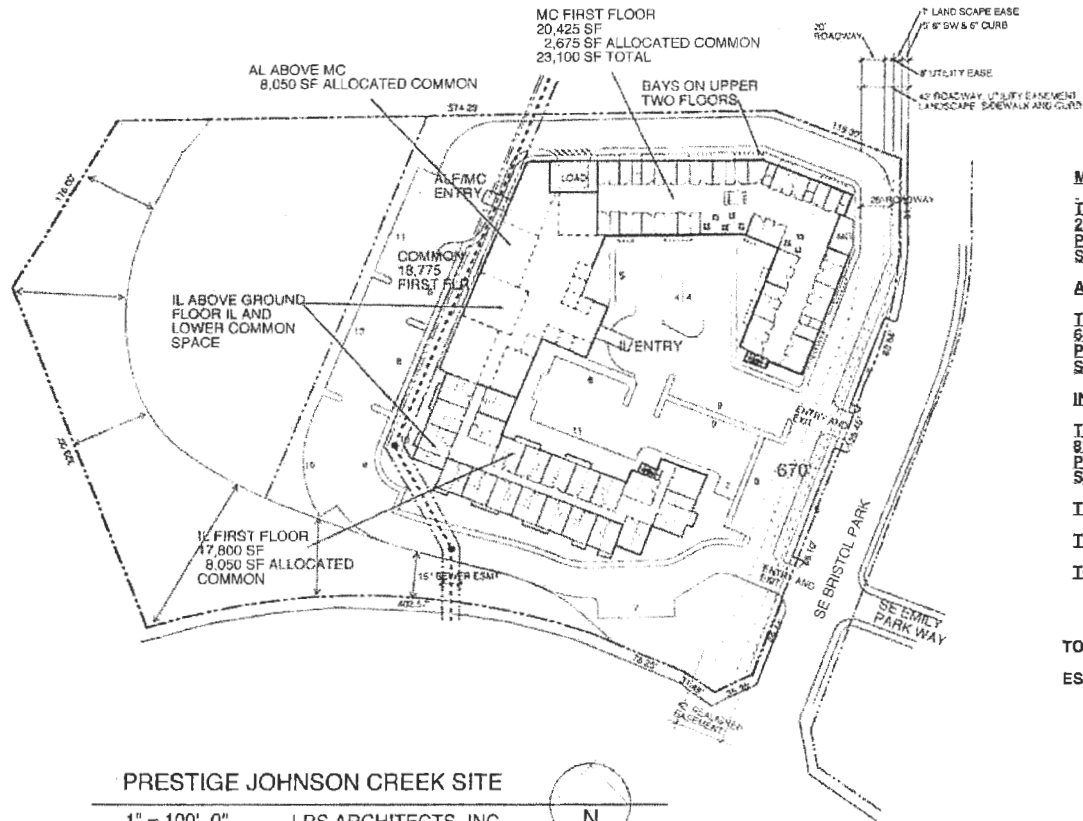
Zones are typically designated in City Comprehensive Plans to work with and within other zones. They are not fabricated along with City boundaries just to facilitate a development project, especially in an area with incompatible surrounding zoning as this.

Thank you for your consideration.

Sincerely,

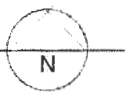


Ken Worcester
10108 SE Bristol Loop
Portland, Or.



PRESTIGE JOHNSON CREEK SITE

1" = 100' 0" LRS ARCHITECTS, INC
5/28/15 #213253



MEMORY CARE ON ONE LEVEL
 TOTAL MC 33 BEDS
 23,100 SF / 33 BEDS = 700 SF/BED
 PARKING ALLOCATION 33 X .4 = 13 SPACES
 SPACES PROVIDED 18

ASSISTED LIVING ON TWO LEVELS
 TOTAL ALF 66 BEDS
 64,950 SF / 66 UNITS = 985 SF/UNIT
 PARKING ALLOCATION 66 X .5 = 33 SPACES
 SPACES PROVIDED 37

INDEPENDENT LIVING ON THREE LEVELS
 TOTAL IL 71 UNITS
 82,250 SF / 71 UNITS = 1,160 SF/UNIT
 PARKING ALLOCATION 71 X 1.25 = 89 SPACES
 SPACES PROVIDED 98

TOTAL BUILDING SF = 170,300 SF
TOTAL SITE AREA 306,622 SF / 7.04 ACRES
TOTAL SITE USED 196,000 SF / 4.5 ACRES

TOTAL TOTAL SITE AREA 306,622 SF / 7.04 ACRES
ESTIMATED BUIDABLE SITE 188,000 SF / 4.31 ACRES



720 SW Washington St.
Suite 500
Portland, OR 97205
503.243.3500
www.dksassociates.com

Date: August 17, 2015
Request: Prestige Residential Care Facility – The Altamont Transportation Review
File No: ANN-04-15 / CPA-09-15
Reviewer: Mat Dolata, P.E., PTP, DKS Associates

DKS Associates has reviewed the transportation impact analysis¹ and Transportation Planning Rule (TPR) compliance letter² for the proposed Prestige Residential Care Facility – The Altamont. The proposed development application would construct a 170-unit congregate care facility north of Johnson Creek Boulevard on the west side of Bristol Park Drive. The proposed project site would be annexed into the City of Happy Valley and rezoned from Clackamas County residential use to Happy Valley Mixed Use Commercial. The applicant has proposed a trip cap be applied for the proposed use. The general comments and listing of recommended conditions of approval are based on a review of the submitted materials.

DEVELOPMENT TRANSPORTATION IMPACT FINDINGS

Key findings from the proposed development's transportation impact analysis include:

- The proposed project would construct a 170-unit congregate care (independent living/senior care) facility. The approximately 7-acre site is currently under Clackamas County jurisdiction. The proposed land use action would annex the property to the City of Happy Valley and change the zoning from Clackamas County low density residential (R-15) to Happy Valley Mixed Use Commercial (MUC).
- Following a worst case development approach, the current R-15 zoning would allow 20 residential dwelling units. The land use is estimated to generate 20 PM peak hour trips (13 in and 7 out). Weekday and a.m. peak trip generation estimates were not provided.
- The applicant is proposing to limit traffic generation (i.e., include a trip cap) to reflect the estimated traffic generation of the proposed use (170-unit congregate care facility). The land use is estimated to generate 29 PM peak hour trips (16 in and 13 out). Weekday and a.m. peak trip generation estimates were not provided.

¹ *Transportation Impact Analysis: Prestige Residential Care Facility – The Altamont – Happy Valley, Oregon*, Clemow Associates, June 3, 2015.

² *Prestige Care, Inc. Altamont Zone Change*, Rick Givens, July 6, 2015.

- Primary access to the site would be provided via two driveways on Bristol Park Drive, on the east side of the site, north of the intersection with Johnson Creek Boulevard. The driveways would be located directly across Emily Park Way and 150 feet further north, on Bristol Park Drive.
- The traffic impact study provided operational analysis of the PM peak hour at the intersection of Johnson Creek Boulevard and Bristol Park Drive. Traffic counts were collected in 2015. With the addition of site trips, all approaches would continue to meet minimum operating standards at the intersection during the PM peak hour, through 2025 (the adopted TSP planning horizon).
- The study intersection would operate at an acceptable level of service during the PM peak hour with the addition of vehicle trips from the proposed zone change when including the proposed trip cap.
- Crash data for the intersection of Johnson Creek Boulevard and Bristol Park Drive showed no documented crashes from 2009-2014.
- Based on the motor vehicle trip generation estimates and traffic operations results identified above, the impacts of the proposed rezone would not require any mitigation for PM peak hour operations, through the TSP planning horizon (year 2025).

ZONE CHANGE/TPR COMPLIANCE FINDINGS

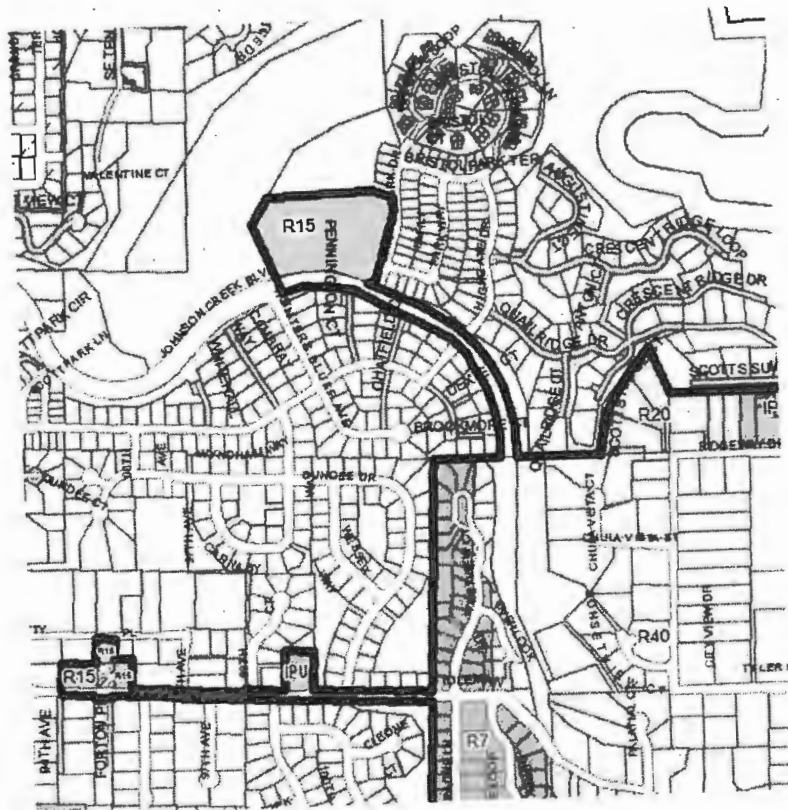
Key findings from the proposed development's TPR compliance review include:

- The transportation impact analysis concluded that the proposed land use action would not have a significant effect on the transportation system.
- Based on the transportation impact analysis findings the proposed development and zone change, with proposed trip cap in place, would comply with the Transportation Planning Rule.

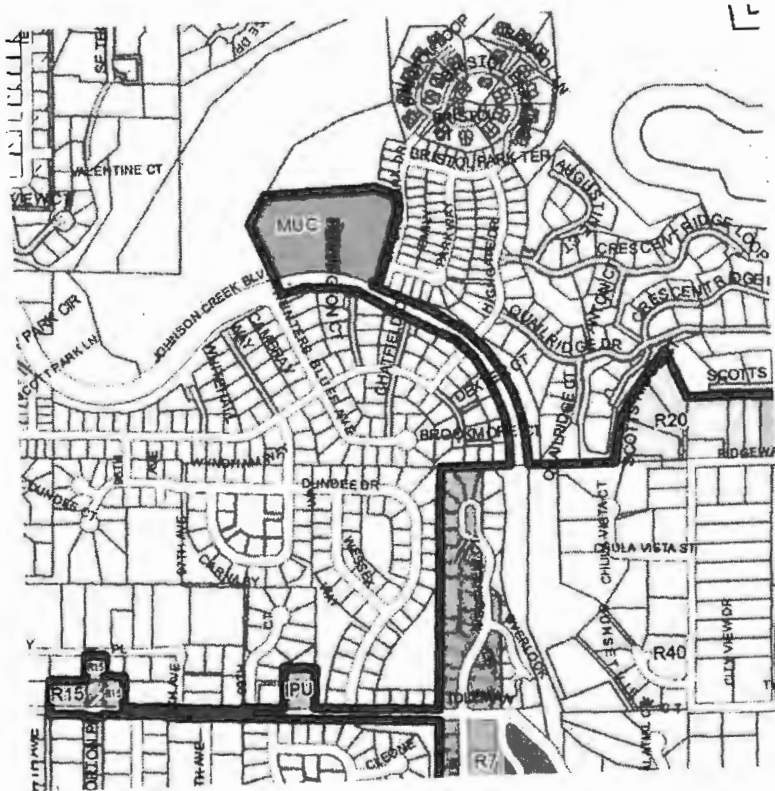
RECOMMENDED CONDITION OF APPROVAL

The following conditions of approval are recommended based on a review of the submitted materials:

- A trip cap of 29 PM peak hour trips shall be included in the proposed land use action, reflecting the trip generation estimate for the proposed use.
- All internal roadway, driveway, parking, and sidewalk system shall be constructed to meet City of Happy Valley standards for pavement, sidewalk, landscape strip, drainage and curb, as required.
- Minimum AASHTO sight distance requirements shall be met at the site's access locations (driveways at Bristol Park Drive) and shall be approved by the City Engineering Manager prior to final site plan approval.
- The final site plan shall be approved by the City Engineering Manager prior to construction.



Existing Zoning – County R15



Proposed Zoning - MUC



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #2582

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

Legal Description

A tract of land located in the Northeast One-Quarter of Section 28 and the Northwest One-Quarter of Section 27, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the southwesterly corner of Tract 'J' of the plat "Altamont"; thence along the westerly line of Document Number 1997-029755 South 29°47'46" West 171.88 feet to a point; thence continuing along the said westerly line and an extension thereof South 24°45'41" East 326.70 feet to a point on the northerly right-of-way line of SE Johnson Creek Boulevard (35.00 feet from centerline); thence along said right-of-way line along a curve to the right with a Radius of 635.00 feet, a Delta of 43°23'12", a Length of 480.85 feet and a Chord of South 88°09'57" East 469.44 feet to a point; thence continuing along said right-of-way line South 66°28'21" East 31.48 feet to a point; thence leaving said right-of-way line South 23°31'39" West 70.00 feet to a point on the southerly right-of-way line of SE Johnson Creek Boulevard (35.00 feet from centerline); thence along said right-of-way line South 66°28'21" East 327.75 feet to a point; thence continuing along said right-of-way line along a curve to the right with a Radius of 745.00 feet, a Delta of 65°12'02", a Length of 847.78 feet and a Chord of South 33°52'20" East 802.77 feet to a point; thence continuing along said right-of-way line South 01°16'19" East 82.22 feet to a point on the northerly line of Tract 'A' of the plat "Westview", also being a point on the City of Happy Valley city limits line; thence along said northerly line and city limits line North 88°43'41" East 70.00 feet to a point on the easterly right-of-way line of SE Johnson Creek Boulevard (35.00 feet from centerline); thence leaving said city limits line along said right-of-way line North 01°16'19" West 82.22 feet to a point; thence continuing along said right-of-way line along a curve to the left with a Radius of 815.00 feet, a Delta of 65°12'02", a Length of 927.44 feet and a Chord of North 33°52'20" West 878.20 feet to a point; thence continuing along said right-of-way line and an extension thereof North 66°28'21" West 302.76 feet to a point; thence North 23°31'39" East 38.64 feet to a point on the westerly right-of-way line of SE Bristol Park Drive (28.00 feet from centerline); thence continuing along said right-of-way line along a curve to the left with a Radius of 172.00 feet, a Delta of 06°12'58", a Length of 18.66 feet and a Chord of North 20°25'10" East 18.65 feet to a point; thence continuing along said right-of-way line North 17°18'41" East 69.94 feet to a point; thence continuing along said westerly right-of-way line of SE Bristol Park Drive (variable width from centerline) North 20°10'26" East 80.10 feet to a point (24.00 feet from centerline); thence continuing along said right-of-way line North 17°18'41" East 125.45 feet to a point; thence continuing along said westerly right-of-way line (variable width from centerline) along a curve to the left with a Radius of 235.51 feet, a Delta of 21°07'35", a Length of 86.84 feet and a Chord of North 06°44'53" East 86.35 feet to a point (20.00 feet from centerline); thence continuing along said right-of-way line North 03°48'54" West 81.41 feet to the southeasterly corner of Tract 'J' of the plat "Altamont"; thence leaving said right-of-way line along the southerly line of said Tract North 71°02'35"

West 119.30 feet to a point; thence continuing along said northerly line South 86°18'05" West 573.20 feet to the Point of Beginning.

The above described tract of land contains 9.13 acres, more or less.

7/27/2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

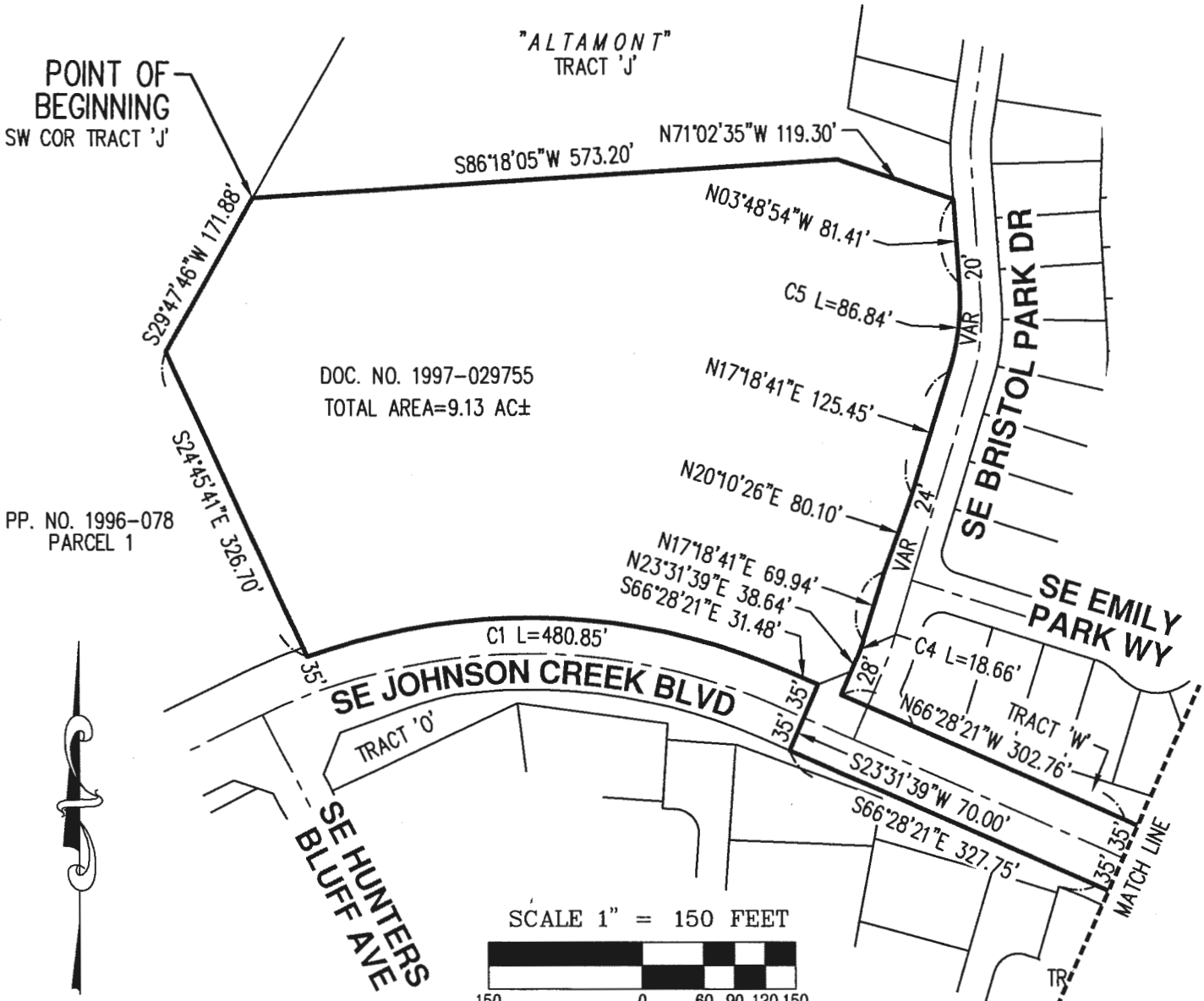


OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 28 AND THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



DOC. NO. 1997-029755
TOTAL AREA=9.13 AC±

PP. NO. 1996-078
PARCEL 1

PREPARED FOR

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OR 97086

LEGEND

██████████ HAPPY VALLEY CITY LIMITS

SEE PAGE 2 FOR CURVE TABLE

7/24/2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/16

CITY OF HAPPY VALLEY ANNEXATIONS		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 PHONE: 503.563.6151	SUITE 100 www.aks-eng.com FAX: 503.563.6152	DRWN: WCB CHKD: NSW AKS JOB: 2582



EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 28 AND THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

SCALE 1" = 150 FEET



PREPARED FOR

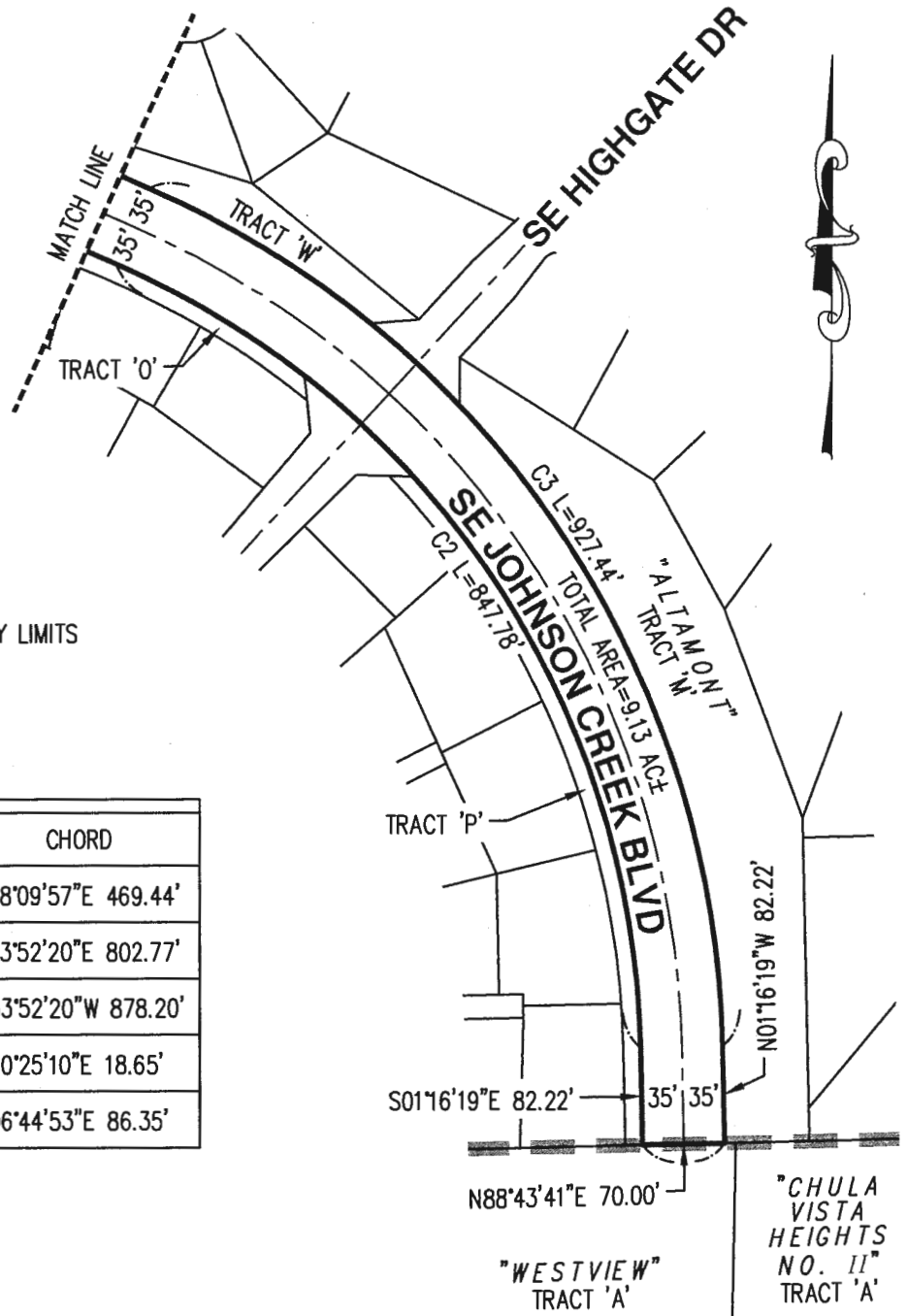
CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OR 97086

LEGEND

--- HAPPY VALLEY CITY LIMITS

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	635.00'	43°23'12"	480.85'	S88°09'57"E 469.44'
C2	745.00'	65°12'02"	847.78'	S33°52'20"E 802.77'
C3	815.00'	65°12'02"	927.44'	N33°52'20"W 878.20'
C4	172.00'	06°12'58"	18.66'	N20°25'10"E 18.65'
C5	235.51'	21°07'35"	86.84'	N06°44'53"E 86.35'



7/27/2015

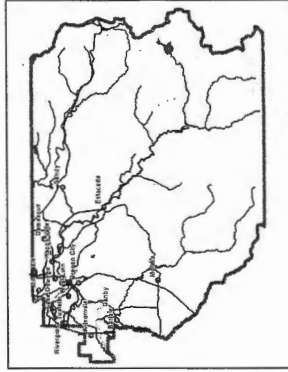
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White
 OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS
 RENEWS: 6/30/16

CITY OF HAPPY VALLEY ANNEXATIONS		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: WCB CHKD: NSW AKS JOB: 2582

Cancelled Tracts
 1000
 1050
 1100

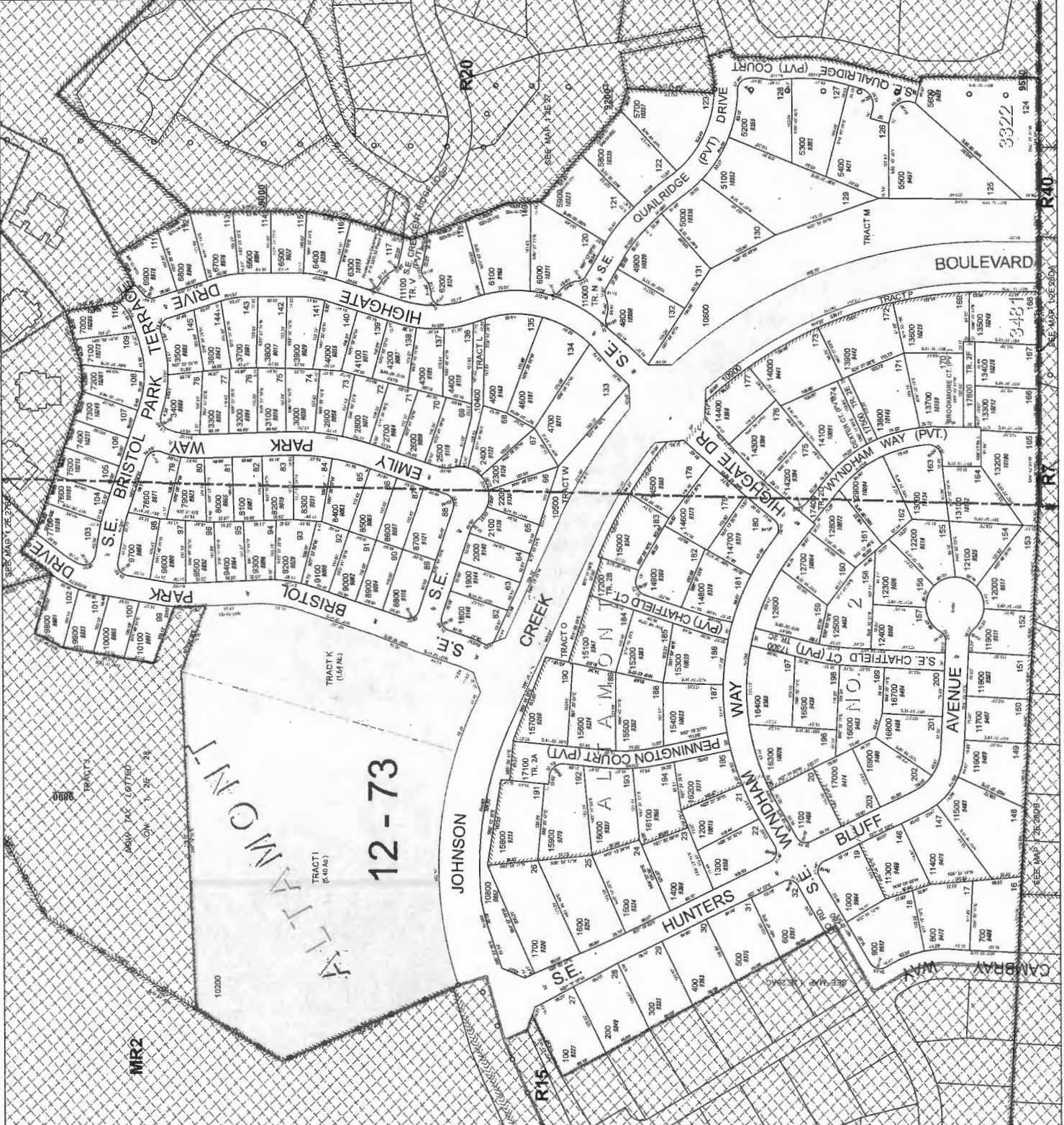
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Geot. Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



1/2/2012





Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

August 5, 2015

ODOT #6672

ODOT Response

Project Name: The Altamont	Applicant: Prestige Care, Inc.
Jurisdiction: City of Happy Valley	Jurisdiction Case #: ANN-04-15 and CPA-09-15
Site Address: No Situs, Happy Valley, OR	Legal Description: 12E28AD Tax Lot(s): 10200
State Highway: I-205/SE Johnson Creek Boulevard Interchange	Mileposts: 16.23

The site of this proposed land use action is in the vicinity of I-205/SE Johnson Creek Boulevard Interchange. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

ODOT supports amending the Comprehensive Plan and Zoning Map from County Residential (R-15) to City Mixed Use Commercial (MUC) for 7.00 acres, with the condition that the use be limited to senior housing/assisted living facility. In addition to the use limitation, ODOT ***recommends*** the City of Happy Valley further condition approval with a trip cap to 29 PM peak hour trips as identified in "Table 1 – Trip Generation" of the Traffic Impact Analysis (TIA) prepared by Clemow Associate, LLC, dated June 3, 2015.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209
Region1_DEVREV_Applications@odot.state.or.us

Development Review Planner: Joshua Brooking	503.731.3049, joshua.c.brooking@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221



Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

July 6, 2015

Mr. Michael Walter, AICP
Economic & Community Development Director
City of Happy Valley
16000 SE Misty Dr.
Happy Valley, OR 97086

RE: Prestige Care, Inc. Altamont Zone Change

Dear Michael:

The following information relating to compliance with the Transportation Planning Rule is presented as an addendum to our application narrative.

The following Oregon Administrative Rule (OAR) is 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)."

Response:

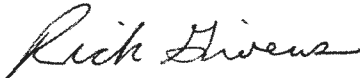
Section 16.67.060 (Transportation planning rule compliance) of the City's LDC addresses the requirements of this administrative rule. It is required that a TIA submitted as part of an application for a Comprehensive Plan Map/Zoning Map amendment provide an analysis that addresses Oregon Administrative 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.

The proposed land use action annexes the property to the City of Happy Valley from Clackamas County and requests a simultaneous zone change from Clackamas County Urban Low Density Residential R-15 (R-15) to Happy Valley Mixed Use Commercial (MUC). Additionally, the zone change will be conditioned to limit the land use to the specified congregate care facility discussed in our application narrative. This use was analyzed in the Clemow Associates TIA submitted with the application. The TIA estimates that the proposed zone change would result in only 9 more p.m. weekday peak hour trips than under the current zoning. It should be noted that the subject property was originally designated for an elementary school use in the approval of the Altamont PUD under Clackamas County jurisdiction. A school would have generated substantially more traffic than the residential use that was used as a comparison in the TIA.

This section of Johnson Creek Boulevard is designated as a minor arterial street by the Clackamas County Comprehensive Plan. When evaluating this proposal against the TPR, the TIA determined that the minor increase in traffic generation from the proposed amendment would not be considered "significant" (as defined in Section 16.67.060(A) of the LDC), because it would not cause any of the impacts listed in LDC 16.67.060(A)(1)-(5). Further, the operations analysis in the TIA indicates that for the PM peak hour in both 2015 and 2025 the SE Johnson Creek Boulevard/SE Bristol Park Drive intersection is anticipated to operate at acceptable mobility levels without excessive delay for any movements having to yield the right-of-way. Therefore, neither the proposed zone change nor the specific development proposed by Prestige will significantly affect an existing or planned transportation facility, as defined by TPR and LDC criteria.

Thank you for your consideration of this additional information. If you have any questions or need something further, please let me know.

Sincerely yours,

A handwritten signature in cursive script that reads "Rick Givens".

Rick Givens

Cc: Prestige Care, Inc., Ms Kelly Hossaini, Chris Clemow

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086
PH. 503.783.3800
FAX 503.658.5174

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission and City Council will hold public hearings to consider an annexation and Comprehensive Plan Map/Zoning Map Amendment by Prestige Care, Inc. to annex and change the existing "North Clackamas School District No. 12" property from its existing Clackamas County zoning district of Urban Low Density Residential (R-15) to a City of Happy Valley plan/designation/zoning district of Mixed Use Commercial (MUC) with specific use limitations on the subject property. The use limitations will restrict the development of the property within the MUC zone to that of a Senior Housing/Assisted Living Facility. The public hearing before the Planning Commission will be held in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on **Tuesday, August 25, 2015, at 7:00 p.m.** The public hearing before the City Council will be held on **Tuesday, September 15, 2015, at 7:00 p.m.** and will also occur in the City Hall Council Chambers.

LOCAL FILE NO.

ANN-04-15/CPA-09-15/LDC-10-15

The subject property is located at the northwest corner of the intersection of Johnson Creek Blvd. and Bristol Park Drive and is further described as Clackamas County Assessor Map Number 12E-28AD-10200.

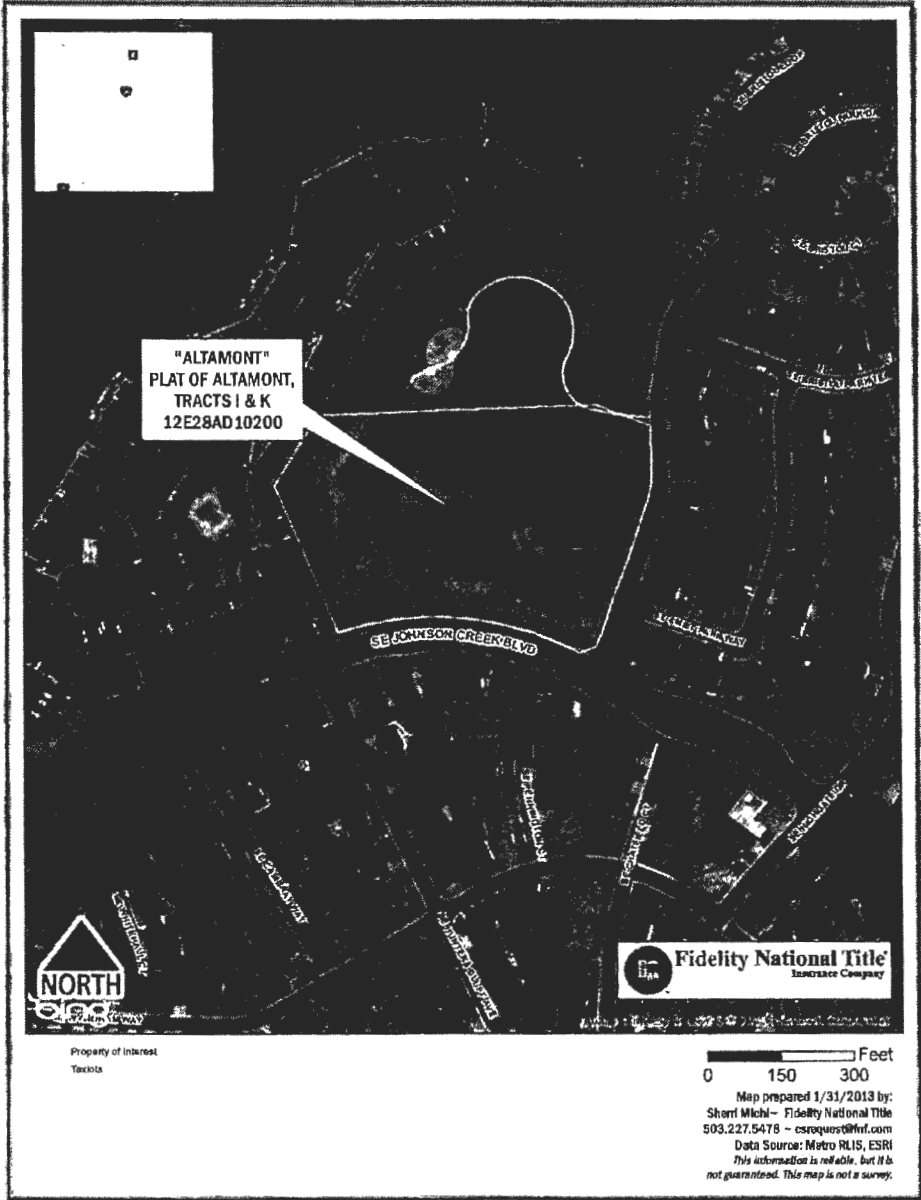
The Planning Commission is asked to make a recommendation to the City Council to approve, approve with conditions or deny the application for annexation and rezoning of the above property at the initial public hearing. The City Council will subsequently make a decision to approve, approve with conditions, or deny the subject application in accordance with the applicable policies and criteria of the Oregon Statewide Planning Goals; Oregon Revised Statutes; Metro Functional Plan; City of Happy Valley Comprehensive Plan and Title 16 of the City's Municipal Code (Land Development Code). The decision will be made in accordance with said policies and criteria, and may be appealed to the Land Use Board of Appeals.

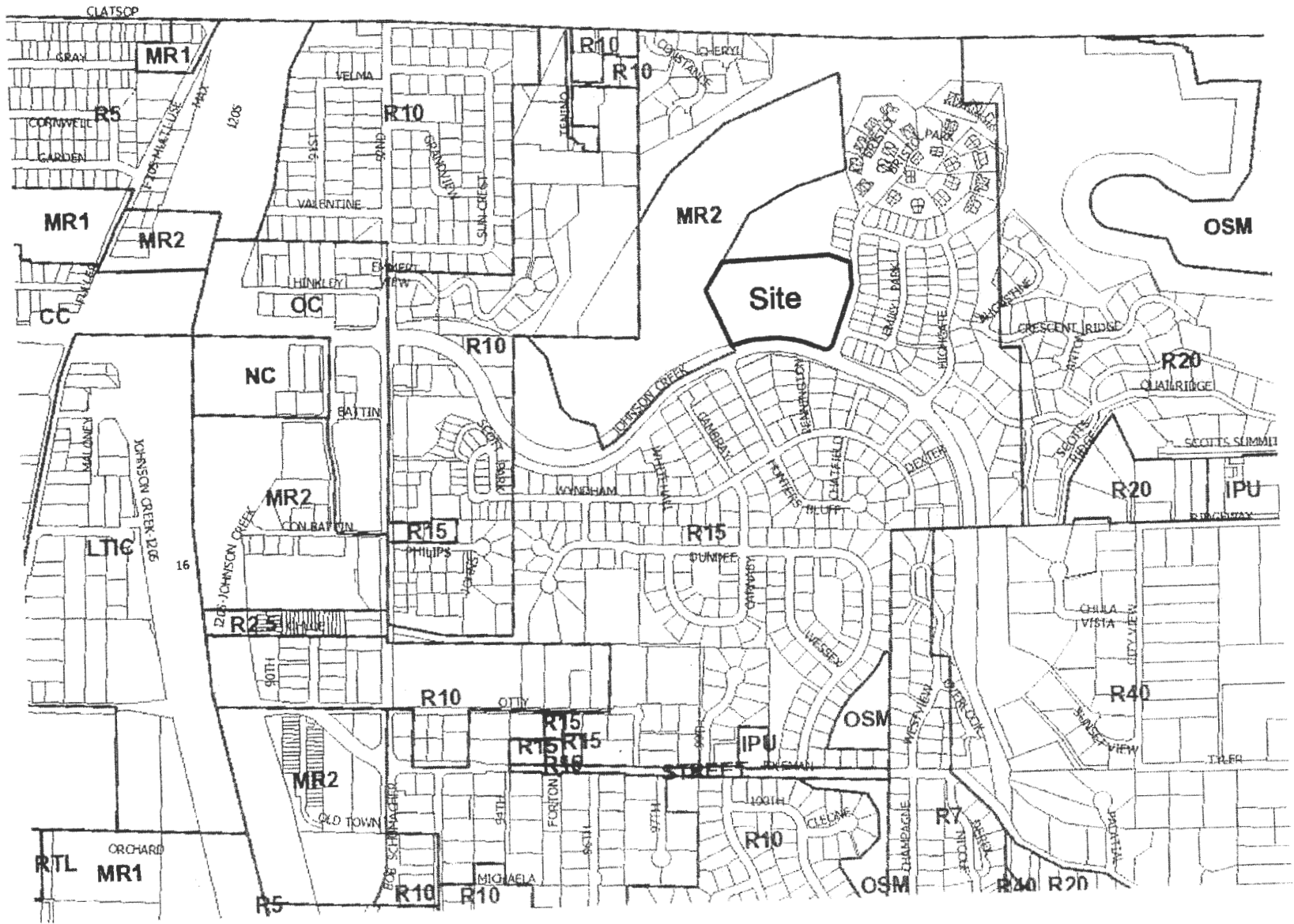
Interested parties are invited to attend these hearings or to submit comments in writing prior to the hearing dates. All written comments must be received by the City of Happy Valley by 5:00 p.m. on **Wednesday, August 12, 2015** to be included in the Planning Commission packet – verbal or written testimony may also be entered into the record at the public hearings. Those wishing to present verbal testimony, as either proponents, opponents or to provide neutral testimony, will be asked to speak after presentation of the staff report and the applicant's proposal. Testimony should pertain to the applicable criteria.

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m., weekdays), please call for an appointment. For additional information, contact Michael D. Walter, Economic & Community Development Director at the above address and phone number.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 72 hours in advance by contacting Marylee Walden, City Recorder at the above phone number.

Michael D. Walter, AICP
Economic & Community Development Director





Vicinity M.
Prestige Ca
Annexation
Zone Chang
 Scale: Approx. 1" =



June 3, 2015

Prestige Care, Inc.
Attention: April Wojcik
7700 NE Parkway Drive, Suite 300
Vancouver, Washington 98662

Re: **Prestige Residential Care Facility – The Altamont – Happy Valley, Oregon**
Transportation Impact Analysis
Project Number 20150403.00

Dear Ms. Wojcik:

This letter presents the Transportation Impact Analysis (TIA) for the proposed Altamont congregate care facility in Happy Valley, Oregon. The following items are specifically addressed in this analysis:

1. Property Description and Proposed Land Use Action
2. Transportation Analysis Description
3. Pre-Development Conditions
4. Development Trip Generation
5. Trip Distribution and Traffic Assignment
6. Transportation Analysis
7. Intersection Sight Distance Analysis
8. Summary

1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTION

The Altamont project is a 170-unit congregate care facility located northwest of the SE Johnson Creek Boulevard/SE Bristol Park Drive intersection in Happy Valley, Oregon. The subject project is currently under Clackamas County jurisdiction.

The proposed land use action annexes the property to the City of Happy Valley from Clackamas County and processes a simultaneous zone change from Clackamas County Urban Low Density Residential R-15 (R-15) to Happy Valley Mixed Use Commercial (MUC). Further, the zone change will be conditioned to limit the land use to the specified congregate care facility analyzed in this TIA.

2. TRANSPORTATION ANALYSIS DESCRIPTION

The overall land use action requires a Happy Valley Comprehensive Plan amendment and a transportation impact analysis (TIA) is necessary to address City of Happy Valley, Clackamas County and Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 and the April 21, 2015 Pre-Application Conference Information from Clackamas County Traffic Engineering and Development Review staff and Happy Valley staff.

The subject land use action includes a Comprehensive Plan Amendment and Zone Change request; therefore, the TIA addresses Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 (1) stating, *“If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”

3. PRE-DEVELOPMENT CONDITIONS

EXISTING TRAFFIC VOLUMES

Weekday PM peak hour turning movement counts were obtained at the SE Johnson Creek Boulevard/SE Bristol Park Drive intersection on Tuesday, June 2, 2015 from 4:00-6:00 PM.

The 2015 Pre-Development (Existing) weekday PM peak hour volumes are presented on the attached Figure 1.

CRASH ANALYSIS

Crash data for the SE Johnson Creek Boulevard/SE Bristol Park Drive intersection was obtained from the Oregon Department of Transportation (ODOT) for the most recent 60-month (5-year) period for 2009 through 2104. The data are attached for reference.

During the evaluation period zero crashes were identified; therefore, no current safety concerns are noted based on the recent crash records.

PLANNED TRANSPORTATION IMPROVEMENTS

A review of the Clackamas County and Happy Valley Transportation System Plans (TSPs) identifies no planned and funded, significant transportation infrastructure improvements in the study area.

BACKGROUND TRAFFIC GROWTH

Background growth is general growth in traffic not related to specific projects. Based on materials contained in the Happy Valley TSP, a 4.5% annual background traffic growth rate was assumed for the project area. This growth rate was applied to existing 2015 traffic volumes to determine 2025 (TSP plan year) volumes.

IN-PROCESS TRAFFIC VOLUMES

In-process traffic is generated by approved projects not yet completed at the time of this analysis. At the time of this transportation impact analysis, no in-process projects have been identified.

PRE-DEVELOPMENT TRAFFIC VOLUMES

Pre-development traffic volumes are the sum of existing volumes, background traffic growth, and in-process traffic without the proposed development. The 2025 Pre-Development (Plan Year) weekday PM peak hour volumes are presented on the attached Figure 1.

4. DEVELOPMENT TRIP GENERATION

The 7.04-acre property is currently zoned Clackamas County R-15 allowing for development of 15,000 square foot minimum residential lots. This results in the ability develop 20 single-family residences.

The proposed Happy Valley MUC zoning allows for a number of higher trip generating commercial uses which are anticipated to have off-site transportation impacts. Therefore, as allowed by OAR 660-012-0060(1)(c), to limit significant effect the Applicant is proposing to limit traffic generation to the specifically proposed 170-unit congregate care facility use.

Development trip generation was determined using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. Anticipated development trip generation in the current and proposed zone designations is shown in the following table.

TABLE 1 – TRIP GENERATION						
Land Use	ITE Code	Size	Peak Hour	Trip Generation		
				Enter	Exit	Total
<i>Current Zone Designation</i>						
Single-Family Detached Housing	210	20 DU	PM	13	7	20
<i>Proposed Zone Designation</i>						
Congregate Care Facility	253	170 DU	PM	16	13	29
Net Change in Trip Generation				3	6	9

As shown, the increase in development trip generation between the current and proposed zone designations is small.

For analysis purposes in subsequent sections of this document, total trip generation for the proposed zone designation (congregate care facility) is conservatively added to the transportation system – versus assuming any reduction for the current zone designation. As such, 29 PM peak hour trips are added to the transportation system.

5. TRIP DISTRIBUTION AND TRAFFIC ASSIGNMENT

Development trip distribution onto the roadway system is based on existing traffic patterns and engineering judgment. PM peak development traffic was assigned based on the distribution and is presented on the attached Figure 1.

6. TRANSPORTATION ANALYSIS

Transportation system operations were assessed using Synchro 9 analysis software, based on 2010 *Highway Capacity Manual* methodologies. Intersection operations are presented in the following table for both volume-to-capacity (v/c) ratio and level-of-service (LOS).

Intersection	Analysis Year	Lane Group	v/c Ratio	LOS
SE Johnson Creek Boulevard/SE Bristol Park Drive	2015	SBL/R	0.04	A
		EBL	0.02	A
	2025	SBL/R	0.06	A
		EBL	0.04	A

Based on the operations analysis presented in the previous table, the study intersection is anticipated to operate at acceptable mobility levels without excessive delay for any movements having to yield the right-of-way.

Neither the proposed zone change nor specific Altamont development are not anticipated to significantly affect an existing or planned transportation facility as defined by TPR criteria.

7. INTERSECTION SIGHT DISTANCE ANALYSIS

The Altamont is proposed to access SE Bristol Park Drive in two locations: 1) Directly opposite SE Emily Park Way forming 4-leg intersection with 90 degree approaches, and 2) Approximately 150 feet north of SE Emily Drive forming a 3-leg intersection with 90 degree approaches. The proposed access locations on SE Bristol Park Drive are on a crest vertical curve.

Intersection sight distance is necessary to ensure vehicles from the Altamont can safely turn left (northbound) or right (southbound) onto SE Bristol Park Drive. Based on sight distance requirements identified in the April 21, 2015 Pre-Application Conference Information from Clackamas County Traffic Engineering and Development Review Staff, the minimum intersection sight distance for both driveway approaches is 335 feet to the north and south.

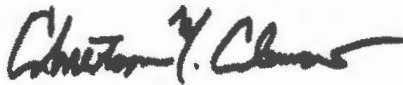
Based on field measurements per Clackamas County criteria, available sight distance to the north on SE Bristol Park Drive at both access locations is in excess of 355 and to the south it is to the terminus of SE Bristol Park Drive at the SE Johnson Creek Road. As such, available intersection sight distance exceeds the minimum distance necessary to safely facilitate turning maneuvers onto SE Bristol Park Drive from the two proposed Altamont accesses.

8. SUMMARY

The following conclusions are made based analysis contained in this letter.

1. The proposed land use action annexes the property to the City of Happy Valley from Clackamas County and processes a simultaneous zone change from Clackamas County Urban Low Density Residential R-15 (R-15) to Happy Valley Mixed Use Commercial (MUC). Further, the zone change will be conditioned to limit the land use to the specified senior care and independent living units (congregate care facility) being analyzed in this TIA.
2. Crash data for the SE Johnson Creek Boulevard/SE Bristol Park Drive intersection indicates there are no documented crashes from the most recent 60-month (5-year) period for 2009 through 2104 and no safety concerns are noted.
3. Operations analysis indicates the SE Johnson Creek Boulevard/SE Bristol Park Drive intersection is anticipated to operate at acceptable mobility levels without excessive delay for any movements having to yield the right-of-way.
4. Neither the proposed zone change nor specific Altamont development are not anticipated to significantly affect an existing or planned transportation facility as defined by TPR criteria.
5. Available intersection sight distance exceeds the minimum distance necessary to safely facilitate turning maneuvers onto SE Bristol Park Drive from the two proposed Altamont accesses.

Sincerely,



Christopher M. Clemow, PE, PTOE
Transportation Engineer

Attachments: Figure 1
Crash Data
Operations Analysis



RENEWS 31 DEC 2015

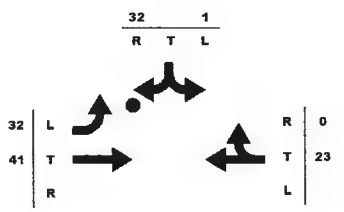
Untitled Map
Write a description for your map.

Legend

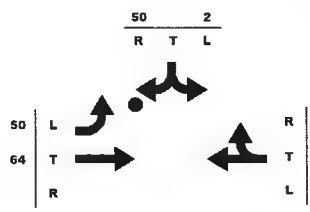


SITE TRAFFIC

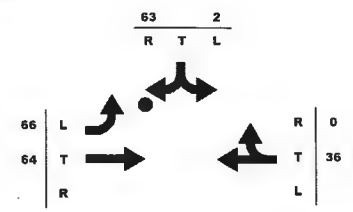
Enter	16
Exit	13
Total	29



**2015 Base Year
Traffic Volumes**



**2025 Plan Year
Traffic Volumes**



**2025 Plan Year
Traffic Volumes
with Development**

Clemow & Associates, LLC
1030 NW 12th Avenue #331, Portland, OR 97209
541-579-8315 | clemow@clemow-associates.com

**TRIP DISTRIBUTION, TRAFFIC ASSIGNMENT and
INTERSECTION TRAFFIC VOLUMES**

The Altamont - Happy Valley
Project No. 20150403

FIGURE

1

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 CRASH SUMMARIES BY YEAR BY COLLISION TYPE
 SE Bristol Park Drive & SE Johnson Creek Boulevard
 January 1, 2009 through December 31, 2014

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	INTER- SECTION RELATED	OFF- ROAD
YEAR:														
TOTAL														
FINAL TOTAL														

Disclaimer: A higher number of crashes may be reported as of 2011 compared to prior years. This does not reflect an increase in annual crashes. The higher numbers result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics.

Intersection

Int Delay, s/veh 4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Vol, veh/h	32	41	23	0	1	32
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	83	83	83	83	83	83
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	39	49	28	0	1	39

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	28	0	155
Stage 1	-	-	28
Stage 2	-	-	127
Critical Hdwy	4.12	-	6.42
Critical Hdwy Stg 1	-	-	5.42
Critical Hdwy Stg 2	-	-	5.42
Follow-up Hdwy	2.218	-	3.518
Pot Cap-1 Maneuver	1585	-	836
Stage 1	-	-	995
Stage 2	-	-	899
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	1585	-	815
Mov Cap-2 Maneuver	-	-	815
Stage 1	-	-	995
Stage 2	-	-	877

Approach	EB	WB	SB
HCM Control Delay, s	3.2	0	8.6
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1585	-	-	-	1038
HCM Lane V/C Ratio	0.024	-	-	-	-0.038
HCM Control Delay (s)	7.3	-	-	-	8.6
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0.1	-	-	-	0.1

Intersection

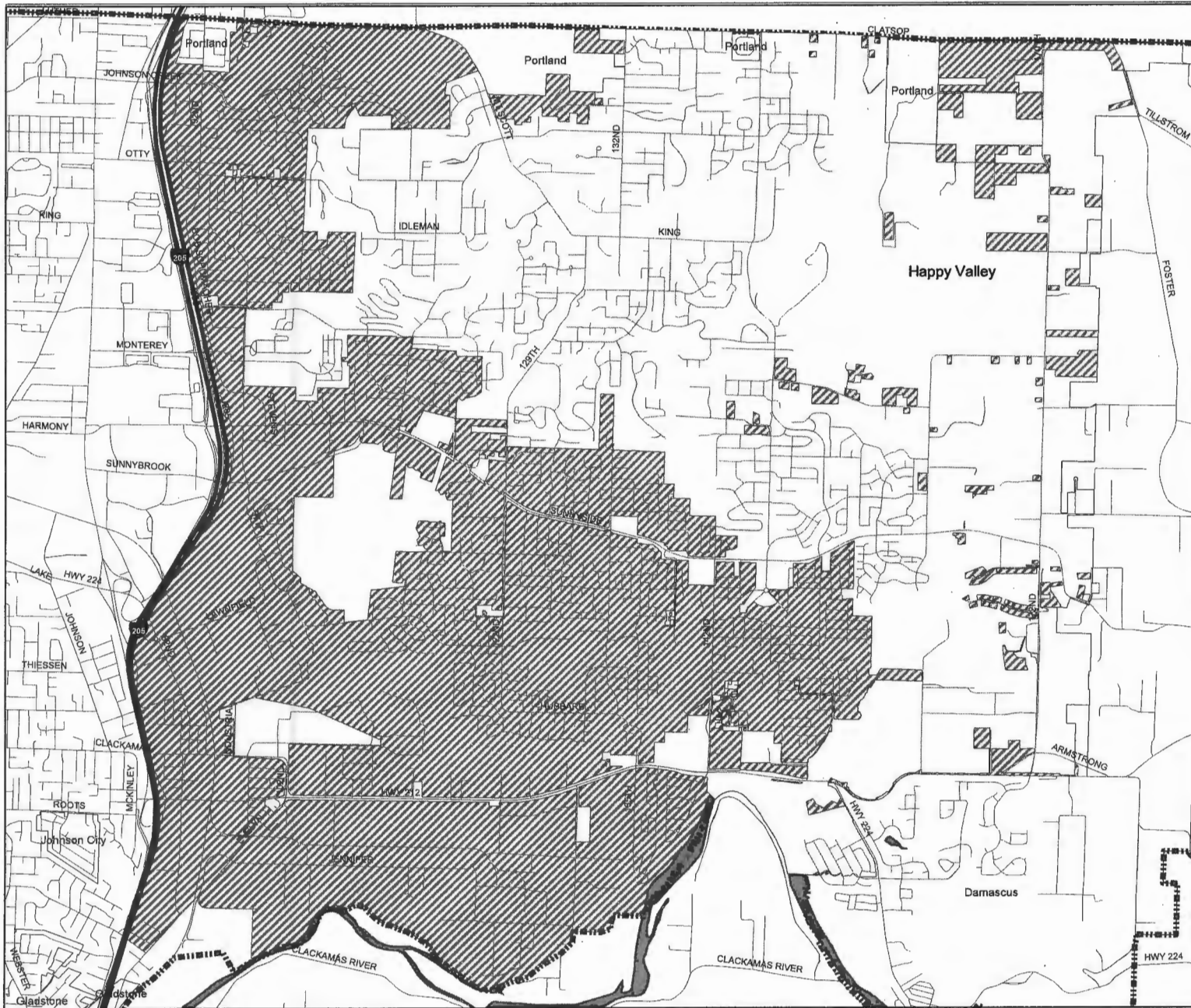
Int Delay, s/veh 4.6

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Vol, veh/h	66	64	36	0	2	63
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	100	100	100	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	66	64	36	0	2	63

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	36	0	232
Stage 1	-	-	36
Stage 2	-	-	196
Critical Hdwy	4.12	-	6.42
Critical Hdwy Stg 1	-	-	5.42
Critical Hdwy Stg 2	-	-	5.42
Follow-up Hdwy	2.218	-	3.518
Pot Cap-1 Maneuver	1575	-	756
Stage 1	-	-	986
Stage 2	-	-	837
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	1575	-	724
Mov Cap-2 Maneuver	-	-	724
Stage 1	-	-	986
Stage 2	-	-	802






Approach	EB	WB	SB
HCM Control Delay, s	3.7	0	8.8
HCM LOS			A

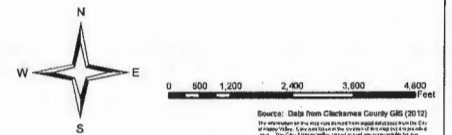
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1575	-	-	-	1023
HCM Lane V/C Ratio	0.042	-	-	-	-0.064
HCM Control Delay (s)	7.4	-	-	-	8.8
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0.1	-	-	-	0.2



City of Happy Valley
**Happy Valley Final
 Urban Planning Area
 Exhibit A**

Legend

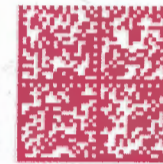
-  Urban Growth Boundary
-  Taxlots
-  Happy Valley
-  Other Cities
-  HV Urban Planning Area



Source: Data from Clackamas County GIS (2012)
 The information on this map was derived from the most current data available to the City of Happy Valley. It is not intended to be used for any purpose other than that for which it was prepared. The City of Happy Valley does not warrant the accuracy or completeness of the information shown on this map. The City of Happy Valley is not responsible for any errors or omissions on this map. The City of Happy Valley is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Happy Valley is not responsible for any claims, damages, or liabilities arising from the use of this map. The City of Happy Valley is not responsible for any claims, damages, or liabilities arising from the use of this map.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	ANN-04-15	ANN-04-15												
2	PROPERTY OWNER	TAX MAP/LOT	SITE ADDRESS	CITY	MAILING ADDR	MAILING CITY	STATE	ZIP	ACRES	ASSESED VALUE	# DU	# PEOPLE	EXISTING ZONING	PROPOSED ZONE
3														
4	NCPRD#1	12E28AD10200	No Situs	Clackamas	4444SE Lake Rd	Milwaukie	OR	97222	7	450,220.00		0	R15	MUC
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LAND CONSERVATION
AND DEVELOPMENT

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