

Final Comprehensive Plan Text Amendments

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HISTORY

The Happy Valley area was originally settled by the Christian Deardorff family in 1851 as a part of a United States Donation Land Claim. Other settlers soon followed, creating a small agricultural community. Produce from area farms was carried to markets located in Lents and along Foster Road. Besides orchard, field, and garden crops the farmers of the area also raised poultry and livestock, of which some was sold at area markets and some was for personal use.

For several years after the first settlers arrived in the area, trails made by wagons cutting tracks through the woods and fields provided the best routes for getting around. As time went by, settlers improved some of these trails to create the first roads connecting the valley with the surrounding communities. Eventually, the trail over Mount Scott was widened and graded by residents of the Valley with horse-drawn scrappers, making this the main route from the valley to neighboring markets.

Around 1900, John M. Deardorff felt there should be another way out of the Valley besides the difficult road over Mount Scott. Mr. Deardorff persuaded the County Commissioners to have a new road surveyed and constructed going north from the Valley to Foster Road. This road still serves commuters today as Deardorff Road, named after John M. as a tribute to his efforts. It should be noted that it wasn't until 1925 that the County started to pave roads in the Happy Valley area, to accommodate the future needs of automobiles.

A few old dwellings from the pre-1890 era still exist in Happy Valley. The Strickrott, Ulrich, and Rebstock homes stand today as reminders of past settlement and life in the area. The Meng homes (located on SE King Road near SE Rolling Hills Drive) and the Donaldson house (located on Highway 212 near Rock Creek) are examples of homes built during a period from 1920-1940 known as the "Interwar" period.

An example of a historic resource that captures the rural character of the aforementioned east Happy Valley area is the Hazelfern Dairy. Built in 1930, the dairy consisted of a residence, garage, and two barns and still serves as a farm and residence today, though not for commercial dairy production.

The Deardorff Cemetery is an example of a historic place within the City. It was created on only one of the five acres located in the area that was donated for such a purpose. Most of the individuals buried there were relatives of the Deardorffs. The first burial occurred in 1852, while

the most recent burial took place in 1932. The cemetery is now cared for by the “Christilla Pioneer Cemetery Association” which proposes to help restore and maintain the cemetery. The deed has been obtained to set the graves aside as a county cemetery. Preservation of the City’s historical features is in the best interest of residents and those familiar with and interested in the City’s history to provide a link to the City’s past. The City encourages retention of these features, and the restoration and maintenance of them to their original condition. A number of individual features have been identified in the City by both Clackamas County and the Oregon State Preservation Office as having historic value. No individual features located within the City are included on the National Register at the time this plan was adopted. However, features which are later placed on any register will automatically be included in the City’s inventory of features to be protected. A current list of the City’s historic resources includes the following and comprises the entire inventory within the City.

- 1) The Strickrott Home- 12510 SE Mt. Scott Blvd. (SHPO #1024)
- 2) The Rebstock Home- 12915 SE King Rd.
- 3) The Ulrich Home- 12300 SE Mt. Scott Blvd. (SHPO #1023)
- 4) The Deardorff Cemetery
- 5) Christian and Dara Meng House - 14230 SE King Rd. (SHPO #2196)
- 6) Florian D. and Helen L. Meng House - 14170 SE King Rd. (SHPO #2197)
- 7) John Donaldson House - 15221 SE Hwy 212 (SHPO #1038)
- 8) Hazelfern Dairy- 14933 SE 172nd Ave. (SHPO #1051-1052)

By utilizing the Historic Overlay District as set-forth in the City’s Land Development Code (LDC), the City has a means of regulating the development of historic and cultural resources. Each feature contained in the inventory is evaluated and determined to be either “worthy of protection” or “not worthy of protection”. Features determined “worthy of protection” shall be governed by the Historic Overlay District of the LDC. Through the public hearing process, the Planning Commission is the decision-making body that determines if a historic resource that is deemed “worthy of protection” per the following criteria:

- a. Exemplifies or reflects special elements of the city’s history;
- b. Is identified with persons or events significant in local history;
- c. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
- d. Is included in an official register of historic and cultural resources;
- e. Is owned or controlled by a public, semi-public or not-for-profit entity; or
- f. Has already received significant effort to preserve, restore and/or maintain.

In addition, the Planning Commission is the review body that determines, through a public hearing process if a “worthy of protection” historic resource is allowed to be removed from the inventory, in the case of proposed demolition or relocation, typically associated with the development proposal. It should be noted that no public funding will be expended for privately-owned resources.

Feature	Criteria	Determination
Strickrott Home	a, b, c, f	Worthy
Rebstock Home	a, b, c, f	Worthy
Deardorff Cemetery	a, b, e, f	Worthy
Christian and Dara Meng House	a, b, c, d, f	Worthy
Florian D. and Helen L. Meng House	a, b, c, d, f	Worthy
John Donaldson House	a, b, c, d, f	Worthy
Hazelfern Dairy	a, c, d, f	Worthy

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Policy 1: The Citizen’s Advisory Committee shall be an ongoing part of the City government and operations in matters of land planning and other aspects of community development, including review and, if necessary, revision of the Comprehensive Plan every two years.

Policy 2: The plan and all of its elements and implementing documents shall be opened for amendments that consider compliance with the Goals, Objectives and Plans of the Metropolitan Service District. This procedure shall occur every two years and may be so amended or revised annually if deemed necessary by the City Council. Amendment and revision for compliance with regional goals, objectives and plans should be consistent with a schedule for reopening of local plans which has been approved by the Land Conservation and Development Commission (LCDC).

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

Policy 3: Deleted by Ordinance No. 388, May 5, 2009

Policy 4: To insure orderly development in the City of Happy Valley through formulation of growth management policies and guidelines which will determine that development can occur only when adequate levels of services and facilities are or will be available.

- Policy 5: To encourage controlled development while maintaining and enhancing the physical resources which make Happy Valley a desirable place to live.
- 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.
- Policy 7: To coordinate with the Metropolitan Service District (Metro) on any proposed changes or adjustments of the Urban Growth Boundary in the immediate vicinity of the City.
- Policy 8: To assume proportionate responsibility for development within the City of Happy Valley consistent with projected population for the City.
- Goal 7 – To protect life and property from natural disasters and hazards.
- Policy 9: Recognize the potential liability of the City if land with known hazards which endangers life or property is allowed to be developed.
- Policy 10: Limit development in identified natural drainage-ways, floodplains, wetlands, steep slopes and landslide hazard areas. Housing development, and any other development intended for human occupancy, shall occur, to the greatest extent possible, on lands designated for development that are free from flood hazard, slope limitations, or other hazards.
- Policy 11: Dedication of lands to the City within natural drainage channels and floodplains may be required as a condition for development near the channel, or to meet the needs for community recreation and open space.
- Policy 12: Modifications to the natural drainage channels including clearing, filling, diking or the construction of dams or levees shall be done in accordance with the City's Land Development Code.
- Policy 13: Development which increases runoff and erosion, or which has the potential for undermining downhill development through significant increases in runoff will be restricted.
- Policy 14: The allowed intensity of development will be correlated with the degree of natural hazard. When slopes are over 15% gradient, the intensity of development shall be regulated in compliance with the City's Land Development Code. The City will maintain the *Happy Valley Steep Slopes and Natural Resource Overlay Zone Map* to show the general location of steep slopes within the City.

Policy 15: Require engineering studies by private developers, the City and other government agencies for sites proposed for development within areas of suspected or known hazards to include compliance with appropriate chapters of the adopted Uniform Building Code, the City’s Engineering and Design Standards Manual, and applicable sections of the Happy Valley Land Development Code. In addition, these studies should define risks of development by using Federal Emergency Management Agency maps showing flood plains and floodways. The City will restrict buildings in the flood plains and prohibit buildings in the floodway.

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

Policy 16: Manage wooded areas within the City through the annexation and land division process and through the City’s tree removal requirements. The City shall encourage tree retention prior to development by requiring that lands annexed within the city limits, but which have not filed for land division or site design review, are not eligible to receive tree removal permits except for the removal of hazard trees or the harvest of commercial trees, including nursery stock, Christmas trees, etc., but exclusive of generally forested lands. An exception exists for land currently zoned Exclusive Farm Use (EFU) within Clackamas County, which is currently in a state or county tax deferral program for timber production. Said lands, subsequently annexed into the city, shall be treated as a “tree farm” for purposes of this section for so long as the deferrals remain in effect.

In order to further protect natural and scenic resources, the City of Happy Valley shall coordinate with the regional government (Metro) and various state and federal agencies to ensure that current natural resource regulations and requirements are codified within the City’s Development Code. In addition, for lands previously located within unincorporated Clackamas County that have annexed to the City of Happy Valley – mass tree removal on said lands prior to annexation shall result in an assessment of, and mitigation for removed trees in conjunction with the land division or site design review process.

Policy 17: Wetlands and streams located within the City of Happy Valley are governed by the City’s Development Code, state and federal regulations. Approximate locations and classifications of wetlands and stream reaches are located within the City’s Local Wetland Inventory.

Policy 18: Existing road standards maybe revised to reflect narrower width in resource areas and on steep slopes.

Policy 19: Minimize the number and width of utility rights-of-way through resource areas. Establish utility alignments sympathetic to the natural form of the resource and topographic contours.

- Policy 20: Inventory the location, quality and quantity of open space, scenic areas and historic sites to be managed in the development process.
- Policy 21: Maintain relationship of open space to permitted development in order to preserve the character of the natural setting and to provide for recreation and visual relief from development.
- Policy 22: Encourage multiple use of open space, provided the uses are compatible. Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves or other permanent open space.
- Policy 23: Protect any identified significant historic resources from inappropriate development.
- Policy 24: Avoid disposition of publicly owned land and rights-of-way before an evaluation of their merit as public open space.
- Policy 25: Maintain public views of Happy Valley from such higher elevation locations as road rights-of-way and public parks.
- Policy 26: Require provision of open space in all new planned unit developments (P.U.D.'s) and subdivisions over a size which is established by a revised development ordinance.
- Policy 27: Discourage artificial and unnatural features including but not limited to signs and billboards.
- Policy 28: Conserve the area's unique natural resources through their inclusion in the Comprehensive Plan, and development approvals, in a manner which considers surrounding uses and provides a continuity of open space character and natural features, throughout the City.
- Policy 29: Deleted by Ordinance No. 388, May 5, 2009
- Policy 30: Land development applications, grading permits and building permits that affect natural resource and steep slopes areas are subject to separate environmental review procedures assessing the impact of the proposed land use action or development permit, subject to the City's Development Code.
- Policy 30A: Special regulations protecting steep slopes are required because such areas:
- Are generally more difficult and expensive to serve with urban infrastructure as compared to less steep lands;
 - Provide wildlife habitat, tree canopy, and other environmental benefits;

- Are located at the headwaters of watersheds that provide clean drinking water to downstream users, including Happy Valley residents;
- Contribute to the scenic landscape of Happy Valley which is a strong part of the City's identity and livability; and,
- Are often adjacent to regulated natural resource areas and/or public green spaces.

Policy 30B: Slope constrained lands are regulated by the steep slopes development overlay (SSDO). The purpose of the SSDO is to:

Policy 30B.1: Contribute to compliance with Statewide Planning Goals 5 (Natural and Scenic Resources) and 7 (Areas Subject to Natural Disasters and Hazards). For Goal 7, the SSDO specifically minimizes seismic and landslide hazards and soil erosion associated with development on steep or unstable slopes;

Policy 30B.2: Regulate development and provide special protection on lands within "conservation slope areas" and "transition slope areas" as follows:

a) Within conservation slope areas, development is generally prohibited.

Conservation slope areas include:

- Slopes 25 percent and greater.
- Potentially Hazardous Analysis Areas (lands within 25 feet of the top or toe of slopes 25 percent and greater).
- Areas containing potentially rapidly moving landslide hazard areas mapped by the Oregon Department of Geology and Mineral Industries (DOGAMI).

b) Within transition slope areas, conservation and development are balanced. Transition slope areas include:

- Slopes 15 to 24.99 percent.

Policy 30B.3: Regulate the potential residential density and facilitate transfer of development away from slope constrained lands.

Goal 6 – To maintain and improve the quality of the air, water and land resources in Happy Valley.

Policy 31: Maintain mandatory air and water quality standards of Federal and State Statutes, and comply with applicable portions of the State Water Quality management Plan OAR 340, Division 41.

Policy 32: Deleted by Ordinance #374, July 1, 2008

Policy 33: Approve sewage disposal or sewer system hook-ups by appropriate agency and/or comply with subsurface Sewage Disposal Rules OAR 340, division 71, 74 and 75,

ORS 468.020, 468.035 and ORS 454.615 et. Seq. for replacement septic systems on existing lots of record.

Policy 34: Comply with plan review requirements of the Oregon Department of Environmental Quality for extension of sewer systems. (ORS 468.742).

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

Policy 35A: The City shall adopt regulations and standards to protect streamside vegetative buffers and other natural resource areas that contribute to water quality consistent with Statewide Planning Goal 6, Clackamas County Water Environment Services, and Metro Title 3 requirements.

Policy 35B: Where appropriate, the City shall encourage nature-friendly development practices to minimize the impact on fish and wildlife habitat and water quality functions, and to provide mitigation standards for the replacement of ecological functions and values lost through development in natural resource areas.

Policy 35C: The general location of water features that must be protected shall be indicated on the *Happy Valley Steep Slopes and Natural Resources Overlay Zone Map*; however, regulatory definitions and provisions in the Development Code shall be used to determine exact locations.

Policy 36: Require review by the City of Happy Valley of plans prepared by State and county agencies which could affect the air, water and land resources of the City.

Policy 37: Comply with policies relevant to this goal outlined under LCDC Goals 5, 7 and 11.

Policy 38: Comply with noise control standards contained in State Statutes ORS 467.010 and OAR 340-35-005 through 35-100.

Policy 39: Require paving or oiling of roads where dust levels are deemed to represent an unacceptable increase in the degradation of air quality within the designated Air Quality Maintenance Area.

Policy 40: Maintain acceptable noise exposure levels as identified by the Department of Environmental Quality on properties adjacent to heavily traveled arterials and steep streets, through development of specific ordinance requirements.

Policy 41: Areas of the City which have exhibited a documented predominance of failing septic systems should be connected to the nearest feasible existing sanitary sewer at the soonest possible time. The balance of the City will be serviced in accordance with the City's Facilities Plan and Capital Improvements Plan.

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

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

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

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

Amendments to Housing and Land Use Policies

Housing Element Policies

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Policy 45: The City shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

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

Policy 47: Reserved

Policy 47A: Reserved

Policy 48: The Land Development Code will be revised to comply with the Comprehensive Plan to allow for changes over time as the City goals and policies change

Land Use Element Policies

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

Policy 49: To ensure orderly development in the City of Happy Valley.

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

Policy 51: Residential Districts
The following residential land use districts are established in order to accommodate a range of housing needs in Happy Valley:

Very Low Density Residential – R-40, R-20, R-15

Low Density Residential – R-10, R-8.5, R-7

Medium Density Single Family Residential – R-5, MUR-S

High Density Residential Attached – SFA, MUR-A, VTH, MUR-M and MUR-X

Policy 51A: Very Low Density Residential Districts (R-40, R-20, R-15). These districts provide for compatibility with existing large lot residential patterns in the City. They are also intended to help balance the conservation of resources (e.g. steep slopes, habitat, tree canopy) with low impact development. Clustering and other hillside protection measures may be required to minimize the impact of development.

These districts may be located where steep slopes (generally greater than 15%) or other resources are present, and where clustering, transfer and/or limited access require a low base density.

Policy 51B: Low Density Residential Districts (R-10, R-8.5, R-7) – These districts provide for a variety of single family lot sizes and building types in neighborhood settings. They also allow attached housing as part of Planned Unit Developments. They provide transition between Low Density Residential Districts and High Density Districts.

These districts are applied throughout the City generally on slopes less than 15%. They should be located to promote compatibility and transition from higher to lower density within neighborhoods.

Policy 51C: Medium Density Single Family Residential Districts (R-5, MUR-S). These districts provide for smaller lot and attached housing choices in Happy Valley. The smaller lots, duplexes and triplexes permitted are intended to help broaden the variety of housing choices in the City, promote compact form in appropriate areas, and assist in meeting Metro requirements. The MUR-S district permits mixed use in limited situations in order to provide goods, services, and jobs close to residential areas.

These districts may be located in transitional areas between High Density Residential Attached and lower density single family districts. They may also be part of master planned developments, where greater flexibility in their location may be considered.

- Policy 51D: High Density Residential Attached (SFA, MUR-A, VTH, MUR-M and X). These districts provide for a variety of attached housing and neighborhood commercial uses. They are intended to make efficient use of land and public services, accommodate a range of housing needs, provide for compatible design at neighborhood scale, reduce reliance on the automobile for neighborhood travel, provide for walking, bicycling and transit use, and provide direct and convenient access to schools, parks and neighborhood services.

These districts may be applied near (generally within ¼ mile) of mixed use centers and districts, along collector and arterial streets, and within a block of streets planned for transit. They may also be part of master planned developments, where greater flexibility in their location may be considered.

- Policy 51E: Residential land uses will be organized to form complete neighborhoods. Complete neighborhoods include a variety of housing types, park and open space, a definable center (e.g. a park or school) and edge (e.g. transportation or open space corridor), a mix of uses, and a well-connected network of streets and pedestrian ways. The degree to which each of these characteristics is provided will vary with the location and context of the neighborhood.

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Commercial and Employment Element Policies

- 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 Rock Creek Employment Area and in other areas, subject to design standards.

- Policy 54A: To reduce vehicle miles traveled and street congestion, and to provide local employment opportunities, Happy Valley will encourage home based businesses that show no outward signs of business activity and fully retain the residential character of existing neighborhoods.

- Policy 54B: To comply with Statewide Planning Goal 9 (Economy of the State) and to meet long-term neighborhood-oriented commercial and office needs for existing and future City residents in the Rock Creek Area, Happy Valley has

annexed existing and planned commercial and office sites served by Sunnyside Road in the Rock Creek Area. In addition, to meet the long term needs of Happy Valley residents for local services and employment land, the City has created a broad range of commercial, employment and light industrial districts.

Policy 54C: Happy Valley shall ensure that all commercial and office centers are accessible by transit, bicyclist and pedestrians, generally as shown within the City's current Transportation System Plan.

Policy 55: To improve the economy of Happy Valley by providing a range of land use types including a variety of commercial and employment districts. The following commercial and employment districts are applicable for any location in the City:

Policy 55A: Mixed Commercial Center (MCC). The Mixed Commercial Center district is intended to establish locations for the development of general commercial centers providing a broad range of shopping and service requirements to meet city-wide needs. The Mixed Commercial Center district, as applied in East Happy Valley, corresponds to the Damascus/Boring Concept Plan's designation of Neighborhood Centers. These mixed use centers in East Happy Valley accommodate retail services with a focus on meeting resident's daily shopping needs. They are planned to be well served by transit and be integrated with mixed use and higher density housing – thus supporting less auto-dependent life styles. These centers are also appropriate locations for civic uses such as post offices and branch libraries. Their design is intended to be highly pedestrian-oriented.

Policy 55B: Community Commercial Center (CCC). Community Commercial Center is intended to provide locations or "nodes" for a range of small businesses and services adjacent to residential areas as a convenience to nearby residents. The Community Commercial Center district, as applied in East Happy Valley, corresponds to the Damascus/Boring Concept Plan's designation of Corner Store centers. These mixed use centers in East Happy Valley accommodate small scale retail and services that meet the convenience needs of neighborhood residents. Mixed use is allowed and encouraged. Access to these centers is provided by well-connected local streets and safe bicycle and pedestrian routes. Their design is intended to be highly pedestrian-oriented.

Policy 55C: Location and compatibility of commercial districts. MCC and CCC districts are limited to areas of Happy Valley annexed after the end of 2004. Neighborhood Commercial uses associated with the Rock Creek Mixed-Use Employment, R-5 and SFA districts may be allowed throughout Happy

Valley subject to special standards. The location and compatibility criteria in sub-policies 55B.1-55B.3 apply:

Policy 55C.1: Mixed Commercial Center location and compatibility. New MCC districts shall be limited to an area of up to 15 acres of contiguous land. Building footprint size on any given site is limited to 60,000 sq. ft. per structure. Appropriate locations for MCC districts are generally at the intersection of the following types of streets as designated in the City's TSP:

- a) Major or minor arterial street and major or minor arterial street
- b) Major or minor arterial street and collector street

All MCC developments involving five acres or more of land are subject to master plan review and design review. In the East Happy Valley Comprehensive Plan Area, a master plan approval is required for the entire lot or parcel proposed for development together with any contiguous lot or parcels owned by the same owner, within the MCC district prior to new development.

In the East Happy Valley Comprehensive Plan Area, one Mixed Commercial Center may exceed the 15-acre limit described above, but may not exceed 20 acres of contiguous property. In this center, the maximum building footprint size is limited to 150,000 square feet per structure, provided the entire contiguous 20-acre area is master planned prior to new development. If the entire contiguous area of this center is not master planned together, the maximum building footprint size is limited to 60,000 square feet per structure. A lot, parcel or other area is not considered contiguous if it is separated from an adjacent MCC district by a public right-of-way. Further, as part of demonstrating compliance with master plan requirements, design review to the Happy Valley Style, and other code criteria, applicants shall demonstrate how: (1) the visual impact of larger scale development has been mitigated; (2) the streetscape is pedestrian-oriented and varied to create visual interest, (3) public amenities are provided and scaled appropriately; (4) transitions to adjacent areas and future development are provided; (5) adequate infrastructure is provided; and, (6) overall design excellence justifies the larger than normal scale of the project.

Policy 55C.2: Community Commercial Center location and compatibility. New CCC districts are limited in size to not more than five acres of contiguous land. Building footprint size on any given site is limited to 30,000 sq. ft. per structure. Appropriate locations for CCC

districts are generally at the intersection of the following types of streets as designated in the City's TSP:

- a) Major or minor arterial street and major or minor arterial street
- b) Major or minor arterial street and collector street
- c) Collector street and collector street

Policy 55C.3: Neighborhood Commercial location and compatibility. Neighborhood commercial uses within certain residential districts are appropriately located on lots at the intersection of the types of streets listed below, as designated in the City's Transportation System Plan. There is a corresponding maximum building area for each Neighborhood Commercial development:

- a) Major or minor arterial street and collector street: 7,000 square feet per building.
- b) Collector street and collector street: 5,000 square feet per building.
- c) Collector street and local street: 3,000 square feet per building.

Policy 55C.4: Master plan the neighborhood centers along 172nd Avenue (Borges extension and Sunnyside areas) to ensure excellent, pedestrian-oriented design. The City's master plan, design review and Happy Valley style procedures and requirements shall be used to plan the neighborhood centers.

Policy 55D: Employment Center. The Employment Center designation is intended to provide for a mix of employment opportunities, located where they are accessible by a variety of transportation modes, including transit service and safe and convenient pedestrian connections. These areas:

- 1) Provide transition between mixed use centers and residential areas;
- 2) Provide sites suitable for industrial, office, tech/flex, creative arts, high schools and technical schools (that meet code criteria for compatibility in employment areas), and other businesses in multi-tenant and (in some cases) multi-story buildings. The walkable character of the surrounding urban environment is a defining element.
- 3) Support limited retail and services serving their locales;
- 4) Allow housing as part of mixed use buildings and sites.

Policy 55E: Industrial Campus. The Industrial Campus designation is intended to provide employment opportunities consistent with Metro's Title 4 requirements. The district is Happy Valley's zone for implementing

Metro's requirements for Regionally Significant Industrial Areas. . IC districts are intended to:

- 1) Protect sites for larger scale industrial users, with exceptions for pre-existing parcels and committed areas.
- 2) Provide industrial land near appropriate transportation facilities, specifically Highway 212/224.
- 3) Retain land for industrial use, in part by limiting the size and location of new buildings for retail commercial uses (such as stores and restaurants) and retail and professional services that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) to ensure they serve primarily the needs of workers in the area. Non-industrial uses will not exceed 3,000 square feet in a single outlet, or 20,000 square feet in a multi-tenant building. Compatible public facilities will be permitted.
- 4) Provide for public facilities, parks, education and related uses that are compatible with industrial areas.

Policy 56: Due to rapid growth and staffing constraints, the City of Happy Valley has found it necessary to adopt a number of separate, geographically specific, "comprehensive plans" in the overall land use planning for the city. These include the Rock Creek Comprehensive Plan, the Aldridge Road Comprehensive Plan; the Rock Creek Mixed Employment Comprehensive Plan; and, the East Happy Valley Comprehensive Plan. The following policy sections and sub-sections detail specific policies associated with these "mini comprehensive plans" that have been added to the City's greater Comprehensive Plan policies:

Policy 56A: Generally, the Rock Creek Comprehensive Plan and Aldridge Road Comprehensive Plan will determine land uses and guide the provision of Level 1 facilities and services to land annexed to the City that is located roughly north of Sunnyside Road, east of 137th Drive and west of 162nd Avenue as follows:

Policy 56A.1 In the Rock Creek Area, Commercial and Office needs will be met through annexation of the existing Sunnyside Village Center, and the planned Mixed Use Employment, Mixed Use Commercial and Mixed Use Residential designations.

Policy 56A.2 A portion of the City's long-term Multiple Family and Small-Lot Single Family Residential needs will be met through annexation of the planned Mixed Use Residential and Village Residential designations in the Rock Creek Comprehensive Plan Area.

Policy 56A.3 Open space opportunities and natural resource areas will be preserved consistent with Metro's Title 3 and City Comprehensive Plan policies.

Policy 56A.4 Medium to Large-Lot Single-Family Residential needs in this sub-area will continue to be met through annexation of the properties within the Aldridge Road Comprehensive Plan Area. Densities within the Aldridge Road Comprehensive Plan Area will match those within the adopted Plan, which may only be altered by a complete replacement of the adopted Plan and subsequent Comprehensive Plan Map/Zoning Map Amendments. Proposed changes to a single parcel or set of multiple parcels that do not include the entire Plan area will not be considered by the City of Happy Valley.

Policy 56B: To plan for the creation of the Rock Creek Employment District. The Rock Creek Employment District is an approximately 146-acre area located generally northwest of the intersection of Oregon Highway 224 and SE 162nd Avenue. The Area has historically been zoned Exclusive Farm Use ("EFU") pursuant to Clackamas County's acknowledged comprehensive plan and land use regulations while it was outside of the Portland Metropolitan Urban Growth Boundary ("UGB"). This area is subject to the Damascus-Boring Concept Plan ("Concept Plan") required by the site's 2002 inclusion within the UGB. The Concept Plan, approved by Metro and the Happy Valley City Council, established that this area will be an Employment Area implementing Metro Functional Plan Title 4, "Industrial and Other Employment Areas." However, the site is not subject to the Industrial or the Regionally Significant Industrial Area restrictions contained in Title 4.

To implement the Concept Plan vision for this site, the City adopted the Rock Creek Mixed Employment ("RC-ME") zoning district consistent with applicable provisions of the Happy Valley Comprehensive Plan and the Metro Functional Plan providing for a variety of employment-generating uses.

The RC-ME district is intended to:

- 1) Protect sites for larger scale employment generators, medical centers and senior housing, with exceptions for pre-existing parcels and committed areas;
- 2) Provide employment land near appropriate transportation facilities, specifically Highway 212/224 and 162nd Avenue;

- 3) Retain land for employment use, in part by limiting the size and location of new buildings for retail commercial uses. Specifically, retail sales uses may not exceed 60,000 square feet of gross lease area in a single building; or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel; or, on contiguous lots or parcels, including those separated only by transportation right-of-way; and,
- 4) Provide for public facilities, parks, education and related uses that are compatible with employment areas.

The City acknowledges that the area's transportation and ecosystems services infrastructure must be improved to accommodate the proposed uses. Accordingly, the implementing zoning ordinance text and map amendments shall address ecosystem services, including the implementation of low impact development strategies and include requirements that the area not be developed until there are adequate transportation facilities for proposed uses as determined by the requirements of the Oregon Transportation Planning Rule found in OAR 660-012-0060(1)-(3) and Statewide Planning Goal 12, "Transportation" and consistent with Happy Valley Land Development Code requirements.

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

Policy 56C.1: East Happy Valley Community

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

- a) Neighborhoods as the basic "building blocks" of the community.
- b) Mixed-use centers that encourage a sense of community.
- c) A diverse range of job opportunities.
- d) A mix of uses and transit supportive densities along transit streets.

- e) A well-connected network of transportation, land uses and natural resource systems to support public transit, walking and bicycling.
- f) An integrated system of open space, parks and natural areas throughout the community, using them as an organizing principle for land uses.
- g) Pedestrian-friendly public spaces that accommodate outdoor activity and socialization within both residential and commercial districts.

Policy 56C.2: East Happy Valley Employment

East Happy Valley will include a diverse range and adequate amount of employment opportunities. Employment lands will provide:

- a) Reasonable amounts of industrial and employment areas to address the employment needs for those living within the area, as well as to contribute to sub-regional needs.
- b) Employment uses accessible by a full range of transportation modes (i.e.-automobile, freight, transit, shared ride, pedestrian and bicycle).
- c) A mix of retail, civic, and related uses and services to serve the daily needs of the local community.
- d) Employment uses that take advantage of and reflect the natural resource qualities of the land, including forested buttes, salmon bearing streams, agricultural products and beautiful views.

Policy 56C.3: East Happy Valley Housing

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

- a) A full range of integrated housing types, affordability, and tenancy preferences across the neighborhoods that will fulfill state and regional housing requirements and allow people of all ages and incomes to live in East Happy.
- b) A range of housing types that allows community members to continue to live locally throughout all of life's stages (i.e. entry level worker, student, young professional, retired, elderly).

Policy 56C.4: East Happy Valley Transportation

East Happy Valley will have an effective transportation system that provides a range of travel options. The transportation system will include:

- a) A coordinated land use and transportation system to support a wide range of convenient and attractive transportation choices, including cars, transit, walking, bicycling and other forms of personal conveyance.
- b) A transportation system that is safe for all modes of travel.
- c) A well-connected network of arterial and collector streets that adequately serves local travel needs and regional and intrastate access and freight mobility needs.
- d) A cost-effective, aesthetic and feasible transportation system.
- e) A transportation system designed and located to minimize impacts to natural resources while providing for circulation for all modes of travel.
- f) A range of street design types that reinforces a sense of community, leaves the mixed-use areas intact and minimizes impact to neighborhoods to support community livability.
- g) An interconnected system of bicycle and pedestrian routes that directly connects to community destinations, with special pedestrian amenities on transit streets. In order to provide options for north south travel in the 172nd Avenue corridor, development on both sides of 172nd will provide a connected and continuous pattern of north-south streets that parallel 172nd Avenue.
- h) Direct and convenient freight access from employment and industrial areas to regional transportation facilities to reduce the potential for traffic intrusions into neighborhoods and rural areas.
- i) A regional and community transit service in mixed-use areas and on key streets that is supported by street design, a mix of land uses and transit-supportive densities.
- j) A coordinated transportation system with existing neighboring cities and counties and future planning areas.
- k) A transportation system in East Happy Valley that is consistent with Happy Valley's overall Transportation System Plan.

Policy 56C.5: East Happy Valley Natural Resources

East Happy Valley's transition to an urban area over time will also preserve, restore and/or enhance unique areas, natural features, fish and wildlife habitats and special places. As practicable, natural resource implementation will:

- a) Protect, enhance and restore water and air quality by:
 - Achieving low levels of effective impervious area and high levels of forest protection and restoration;
 - Protecting steep slopes and undeveloped floodplains;
 - Protecting, restoring and enhancing riparian and upland habitat;
 - Preserving, restoring and enhancing headwaters, streams and groundwater systems to achieve clean water;
 - Maximizing opportunities to protect and enhance natural watershed functions and processes;
 - Managing stormwater to protect hydrology and natural resources, and promote recycling.
- b) Protect, restore and enhance ecologically viable fish and wildlife habitat that will sustain the area's native biodiversity and maintain wildlife habitat connectivity within the community and to adjacent natural areas.
- c) Minimize development impacts on natural hazard areas including floodplains, landslide areas, and steep slopes.
- d) Provide an ecologically linked system of parks, natural areas, farmland, trails and open spaces for community, recreation and natural resource values within the Damascus/Boring area that is connected to the Clackamas River and other natural areas within the region, and ensure adequate coordination with adjacent communities.
- e) Minimize impacts on habitat connectivity, ecological viability, air and water quality, and scenic views when developing an interconnected street, bicycle, pedestrian and transit system.
- f) Maximize opportunities to protect open spaces that can provide multiple public benefits such as stormwater facilities, parks, trails and utilities without compromising hydrology, habitat, or ecological functions.
- g) Seek opportunities to incorporate green street designs and green development practices into the community design and infrastructure plans to minimize negative impacts of development on the environment.
- h) For this policy, references to steep slopes shall be interpreted as follows: (1) slopes greater than 25% shall be protected from development, but shall be eligible for density transfers; (2) slopes 15-25% shall be protected through a combination of clustering, transfer of development rights, low density

- development and other techniques that balance conservation and development rights.
- i) Organize land uses to relate to green design elements, including:
 - Natural areas as focal points
 - Protection of the areas of Scouter's Mountain that are 15% and greater in slope. Transfer of density from area's 15% and steeper may result in clustering in other areas that exceed base zoning – this technique is allowed and encouraged.
 - Protection and restoration of vegetation along streams
 - Low impact building design and infrastructure
 - j) Use the Damascus/Boring Concept Plan's Parks and Schools diagram to guide park and school locations, and, master planning for parks, schools, trails, and greenways. Coordinate development with parks and schools facility plans. Public or private parks, with usable open space, should be within walking distance of all homes.
 - k) Low impact development practices and infrastructure will be allowed and encouraged in East Happy Valley. The City will be proactive in proposing low impact public works projects.

Policy 56C.6: East Happy Valley Public Facilities

Infrastructure in East Happy Valley will provide adequate and coordinated public facilities and services, including sewer, water, storm drainage, police, fire, parks and schools. Happy Valley supports:

- a) Public education facilities in the neighborhoods and throughout the community.
- b) Public park, recreation and open space facilities.
- c) Police, fire and emergency facilities and services.
- d) Cost-effective and feasible sanitary sewer and public water facilities.
- e) Cost-effective and feasible surface water conveyance, treatment and storage.
- f) Recycling of storm water and gray water.
- g) Expansion of the Metro Greenspaces effort in East Happy Valley to preserve and link regionally significant open space areas, parks and regional trails.
- h) Minimizing the amount of land needed and reduce capital and operating costs by using land as efficiently as possible by collocating compatible public facilities.

- i) Coordinating with the private utilities to meet the need for adequate private utilities (telephone, electrical, natural gas, fiber optic cable, etc).

Policy 56C.7: Balance of Urban Development and Rural Landscape Character
Development in East Happy Valley will balance the creation of a great urban community with respect for rural landscape features. East Happy Valley will:

- a) Allow many of the uses and features that provide the existing character and identity, such as visual open space, wildlife habitat, farms (including nurseries, small scale farms and demonstration farms), and woodlots to operate until such time as converted to urban uses.
- b) Protect significant views and historic and cultural heritage sites, when so designated in the comprehensive plan.
- c) Provide land uses and public facilities designed to be compatible with natural features, using them to provide separation, transition and underlying form for the built environment.
- d) Ensure that slope areas (15% and greater) are protected in balance with reasonable development rights for property owners.
- e) Organize development and protection according to the basic tenets of Landscape Based Place Making in the Damascus/ Boring Concept Plan: (1) Lands steeper than 25% and significant natural resource areas shall be protected from development via the City's steep slopes overlay, wetland buffers and riparian corridor buffers; (2) Lands between 15-25% slope shall be protected through a combination of clustering, transfer of development rights, low density development and other techniques that balance conservation and development rights; and (3) Lands less than 15% slope shall be available for urban uses.
- f) The park, trail, and school system will be linked and coordinated. This will include linkages to ensure local trails connect to the regional trail network.

Policy 56C.8: Urban Design

East Happy Valley will reflect the state of the art of urban design principles and practice, built from centuries of experience, and applied to a new 21st century community. Implementation will include:

- a) An overall community design and form that is coordinated with the larger systems of the Portland Metropolitan area.
- b) The design of a new community that fits the contours and form of the unique Damascus/Boring/East Happy Valley landscape, and honors local history, climate, ecology, and building form.
- c) An overall urban form that is organized into a logical pattern of town center(s), neighborhood centers, corridors, neighborhoods and industrial and employment districts.
- d) Great vistas and views at many scales and forms - ranging from the broad landscape vistas, to city views terminated on civic buildings, to the tree-lined neighborhood blocks.
- e) Designs that use green spaces and natural features as ways of organizing and connecting physical elements for the community.
- f) Well designed streets that serve as part of the public realm for people, as well as transportation corridors for vehicles.
- g) Compact, pedestrian-friendly, and human-scale places that support comfortable walking to ordinary activities and interaction with neighbors.
- h) The creation of excellent civic buildings and gathering places.
- i) Planned transitions (a.k.a. a “transect”) from urban core(s) to neighborhoods to rural and resource areas.
- j) A plan that sustains and enhances and the economic, ecological, civic/financial and social fabric of Damascus/Boring community in the long term.
- k) Implementation of “Happy Valley Style” design guidelines.
- l) A varying of building scale and land use along arterial streets to create interest, variety, and an avoidance of the repetition of land uses and building types.
- m) Consider designating gateways for entries to the City of Happy Valley.
- n) Important cultural and natural names, places, and themes will be used as East Happy Valley urbanizes. Historic or landscape related names should be used for the street, place and neighborhood names.

Goal #8 – To satisfy the recreational needs of the citizens of the state and visitors.

Policy 57: To satisfy the recreational needs of the citizens of the state and visitors, and to provide additional park and outdoor recreational facilities in order to meet recreational needs of residents.

- Policy 58: To enhance and encourage the use of the area’s recreational facilities and opportunities.
- Policy 59: To encourage county development of additional recreation areas.
- Policy 60: To encourage creation of a green-belt recreation area in conjunction with the natural areas for open space, bikeways and trails.
- Policy 61: To continue the current park improvement program.
- Policy 62: To encourage multiple use of schools and school facilities for public and recreational uses.

Goal #12 – To provide and encourage a safe, convenient and economic transportation system for the planned growth and ultimately for full urban development of the City.

- Policy 63: Happy Valley will coordinate with Clackamas County in the adoption of “concurrency” standards for development served by Clackamas County roadways and Oregon Department of Transportation (ODOT) state highways.
- Policy 64: To develop good transportation routes (vehicular, pedestrian, bicycle, etc.) between residential areas (and major activity centers both inside and outside the City) with street interconnectivity and neighborhood livability issues being the paramount consideration.
- Policy 65: To classify all roadways within the City and adopt the vehicular circulation system set forth in the City’s current Transportation System Plan or as amended by additional studies and information.
- Policy 66: To review and revise traffic patterns and traffic volumes by employing the city Traffic Safety and Speed Control Standards. Review and revise traffic patterns and traffic safety standards and traffic control devices as traffic volumes change in order to provide a safe transportation and livable system and to improve the vehicle-pedestrian relationship and to improve overall neighborhood connectivity and livability.
- Policy 66A: Existing streets which are upgraded and new streets which are constructed in response to new development in the city should be planned and designed to limit noise impacts, spread anticipated traffic volumes throughout available routes, maintain, preserve or improve aesthetics, and provide maximum potential for safety.
- Policy 66B: Streets with high volume traffic should not bisect neighborhoods.

- Policy 66C: Collector streets should be designed to keep traffic under 25 mph and minimize traffic impact.
- Policy 66D: The main goal for a neighborhood street is to provide a safe, inter-connected transportation system while protecting the neighborhood and ensuring livability by controlling noise, traffic, speed, and number of vehicles.
- Policy 66E: Neighborhood streets should reflect the concept that the street is an extension of the homeowner's yard.
- Policy 66F: Employing street trees on both sides of the roadway and clustering/grouping will give the illusion of mini-parks.
- Policy 66G: Traffic noise and speed can be minimized by employing tight radius curves, circles, and planters within the roadway and speed humps.
- Policy 67: To discourage high-volume, high-speed transportation routes near schools, parks and recreation facilities through the City.
- Policy 68: To encourage and support the development and increased use of public mass transit and the increased availability of bus transportation routes serving the City and its environs.
- Policy 69: When a conflict exists between the objective to protect neighborhoods and the objective to maintain an efficient transportation system can be in conflict with one another, however, priority should be given to the livability and protection of the neighborhoods.
- Policy 70: To encourage the development of bike paths and pedestrian walkways throughout the city in accordance with OAR and the implementation of the County bikeway route through the City.
- Goal #11 – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for the planned growth and ultimately for full urban development of the City.*
- Policy 71: To complete a Public Facilities Plan as required by OAR 660, Division 11 and provide public facilities in a timely, orderly and efficient manner to the City.
- Policy 72: When local or other sources of public funding are available for the installation and/or improvement of facilities and services, existing areas of the City which are experiencing on-going problems will receive priority funding and scheduling for necessary work.

- Policy 73: The City will continue to seek federal funding for sewer projects and will attempt to maintain its standing on the EOC priority list.
- 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 75: To provide public water and sewer to all areas within the city limits in accord with the appropriate facilities plans adopted by Sunrise Water Authority and Clackamas County Service District #1 respectively.
- Policy 76: Deleted by Ordinance #374, July 1, 2008
- Policy 77: New individual onsite subsurface sewage disposal systems may be installed at any time to replace an existing but failing system within an existing lot of record, but may not be utilized to serve parcels or lots created by any land division, or to serve any new non-residential development. However, if public sanitary sewer service is available within 500 feet of any property line of an existing lot of record containing an existing failing system, and capable of serving the site of the failing system with a regular or gravity hookup, sanitary sewer service shall be extended to the subject site in lieu of utilization of a new replacement individual onsite subsurface sewage disposal systems.
- Policy 78: Deleted by Ordinance #374, July 1, 2008
- Policy 79: To continue to support the collection of solid waste through private operators.
- Policy 80: To monitor the adequacy of solid waste collection service and to communicate with private operators when problems arise.
- Policy 81: Solid waste disposal is a regional concern requiring regional solutions. The City of Happy Valley recognizes Metro's responsibility and authority to prepare and implement a solid waste management plan, supports the Metro "Procedures for Siting Sanitary Landfill" and will participate in these procedures as appropriate.
- Policy 82: To promote the construction of a storm drainage system, with highest priority given to the drainage areas suffering the most sever problems.
- Policy 83: No facilities and services under the City's jurisdiction will be extended beyond the city limits without due justification until all areas within the City are provided with service. The Facilities Plan requires however, that the planning boundary will be the drainage basin boundary.

- Policy 84: To promote the maintenance and improvement of the natural storm drainageways, and the construction of new systems when required.
- 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.
- Policy 87: To develop a Capital Improvement Program for facilities and services that will meet the planned urban level of demand. Funding for public facilities and services at a level sufficient to meet demand will be obtained from federal, state and local grant sources, formation of local improvement districts, serial levies, bonded indebtedness, and other sources as may be feasible and appropriate.
- Policy 88: Ensure continued maintenance of city streets.
- Policy 89: To encourage or maintain provisions for adequate and/or expanded dog control, litter and nuisance enforcement.
- Policy 90: The City of Happy Valley will cooperate with agencies involved in providing and coordinating public services, and consider the pooling of City resources with various public agencies to provide needed facilities and services within the community.
- Policy 91: The City of Happy Valley recognizes and assumes its portion of the responsibility for participation in the operation, planning and regulation of waste water systems and designated in METRO's Waste Treatment Management Component. In addition, Happy Valley supports METRO's role in the overall responsibility for all waste treatment management.

Goal #13 – To conserve energy; land and uses developed on the land, shall be managed and controlled so as to maximize the conservation of all forms of energy based upon sound economic principles.

- Policy 92: To encourage and promote the recycling of older structures.
- Policy 93: To revise the Land Development Ordinance to protect sun rights and encourage utilization of solar energy, natural vegetation and new landscaping to reduce summer cooling needs.
- Policy 94: To encourage new residential site design, which allows the orientation of structures to take maximum advantage of solar energy potential. Access to sunlight will be safeguarded.
- Policy 95: To encourage the innovative use of alternative energy sources such as solar, wind, etc., on all existing and new residential developments.
- Policy 97: The City shall permit development on vacant buildable lands at its base density levels or less, or at density levels which exceed base density levels as permitted by Title 16 of the City's Municipal Code. Level 1 facilities and services shall be defined as those which are absolutely critical to site development proposals, and are as follows:
- sanitary sewer
 - water supply
 - storm drainage
 - fire protection
 - streets and roads
- Policy 98: In any area of the City where Level 1 services are programmed but are not scheduled for installation and availability for more than one (1) year, a project of phased development may be proposed which will include future bonuses. However, any and all bonuses may be planned for, but shall be taken only when Level 1 services are available to the site. Initial phase (s) of the project may not exceed density limitations established by the Base Comprehensive Plan. All planning for the project must be in accordance with appropriate sections of the current Land Development Ordinance.
- Policy 99: Any and all development within the city shall be subject to participation in the provision of Level 2 facilities and services which are essential to the development of the City as a whole, and shall include:
- schools
 - police protection
 - parks and recreation
 - public transit
 - vector control
 - city administrative services

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

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

Policy 101: Waivers of remonstrance for all future improvements of Level 1 facilities and services shall be required for all approved minor partitions, major partitions, subdivisions and P.U.D.'s. The City shall retain these waivers for use when necessary.

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

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

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

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