

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING A) RESOLUTION NO. 84-489
CONTINUANCE OF HAPPY VALLEY'S)
REQUEST FOR ACKNOWLEDGMENT OF) Introduced by the Regional
COMPLIANCE WITH LCDC GOALS) Development Committee

WHEREAS, The Metropolitan Service District (Metro) is the designated planning coordination body under ORS 260.385; and

WHEREAS, Under ORS 197.255 the Metropolitan Service District Council is required to advise LCDC and local jurisdictions preparing Comprehensive Plans whether or not such plans are in conformity with the Statewide Planning Goals; and

WHEREAS, The city of Happy Valley is now requesting that LCDC acknowledge its Comprehensive Plan as complying with the Statewide Planning Goals; and

WHEREAS, LCDC Goal 2 requires that local land use plans be consistent with regional plans; and

WHEREAS, Happy Valley's Comprehensive Plan has been evaluated for compliance with LCDC Goals and regional plans adopted by CRAG or Metro prior to July 1984 in accordance with the criteria and procedures contained in the "Metro Plan Review Manual," as summarized in the Staff Report attached as Exhibit "A"; and

WHEREAS, Metro finds that Happy Valley's Comprehensive Plan does not comply with LCDC Goals 2, 10, 11, 12 and 14; now, therefore,

BE IT RESOLVED,

1. That the Metro Council recommends to LCDC that Happy Valley's request for compliance acknowledgment be continued to correct deficiencies under Goals 2, 10, 11, 12 and 14 as identified in Exhibit "A."

2. That Metro's Executive Officer and staff assist wherever possible in resolving the impasse between the city of Happy Valley and LCDC regarding housing density. Metro will play a leadership role in resolving this impasse if requested by both the city of Happy Valley and LCDC.

3. That the Executive Officer forward copies of this Resolution and Staff Report attached hereto as Exhibit "A" to LCDC, the city of Happy Valley and to the appropriate agencies.

4. That, subsequent to adoption by the Council of any goals and objectives or functional plans after July 1984, the Council will again review Happy Valley's plan for consistency with regional plans and notify Happy Valley of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District
this 23rd day of August, 1984.



Presiding Officer

JH/srb
1711C/382
08/28/84

CONSIDERATION OF RESOLUTION NO. 84-489 FOR THE
PURPOSE OF RECOMMENDING A CONTINUANCE OF HAPPY
VALLEY'S REQUEST FOR ACKNOWLEDGMENT OF COMPLIANCE
WITH LCDC GOALS

Date: August 10, 1984

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Metro conducted its first acknowledgment review of Happy Valley's plan in December 1980 and found that the City's plan did not satisfactorily address regional concerns relating to Goals 2, 5, 7, 10, 11 and 12. LCDC issued a denial of the City's acknowledgment request in April 1982. In April 1984, LCDC amended this denial order in response to a remand from the Court of Appeals. In June, the City resubmitted its plan for acknowledgment.

The Metro staff report on this submittal is attached as Exhibit "A." Although the City has taken some significant steps forward, the main issues remain: (1) the City's responsibility to meet regional housing needs, as established by LCDC's Housing Rule for the Metro area; and (2) the provision of adequate urban services for the amount and density of housing that must be planned for. Overall, staff finds that the City has satisfactorily addressed certain regional concerns affecting Goals 5, 7, 10 and 11; has not satisfactorily addressed the remaining concerns identified in Metro's last review; and has deleted certain language necessary to address other regional concerns affecting Goals 2, 11 and 14.

As explained under the discussion of the Committee's Consideration, below, the City has indicated that it would like Council review and comment on certain proposed changes to its plan at the Council's August 23 meeting. Staff did not have an opportunity to review any such changes before this agenda was published. Accordingly, staff recommends that Council act only on materials received in time for staff review. Under LCDC's "expedited review" procedures, the Metro Council may subsequently withdraw or modify its objection to acknowledgment if it finds changes to the City's plan adequate to address its concerns.

EXECUTIVE OFFICER'S RECOMMENDATION

Based on materials available for review to date, the Executive Officer recommends a continuance of Happy Valley's acknowledgment request to address regional concerns affecting compliance with Goals 2, 10, 11, 12 and 14.

COMMITTEE CONSIDERATION AND RECOMMENDATION

At the August 6 meeting of the Regional Development Committee, planning consultant Bob Price and City Attorney Jim Carskadon testified on the City's behalf. They testified that: (1) the City was considering changes to its plan to address the Goal 10 (Housing) issue regarding density (p. 5 in the Staff Report); (2) that they hoped to obtain Metro Council support of these changes at the Council's August 23 meeting; and (3) that because of these anticipated changes, they had no objections to the Staff Report but requested an amendment to the Resolution to direct Metro staff to assume a "leadership position" in resolving the impasse over housing density.

Attorney Terry Morgan, representing certain Happy Valley landowners, presented oral and written testimony objecting to the City's plan and requesting that the Staff Report be modified to: (1) add stronger language to the discussion of density on p. 5; and (2) delete certain language from the discussion.

The Committee voted to reject the first of clear and objective standards, relating to the City's options for compliance and accept the second of Mr. Morgan's proposed changes, to amend Resolution No. 84-489 to insert a new "resolve" statement as "resolve" #2, as shown on the attached copy of this resolution, and to recommend Council adoption of the resolution as amended.

JH/srb
1711C/382
08/10/84

Attachments

HAPPY VALLEY: SECOND ACKNOWLEDGMENT REVIEW

INTRODUCTION

Happy Valley's plan was first submitted for acknowledgment in December 1980. On December 18, 1980, the Metropolitan Service District Council adopted Resolution No. 80-10, recommending that the City's request for acknowledgment be continued to address regional concerns affecting compliance with Goals 2, 5, 7, 10, 11 and 12. LCDC initially approved a continuance, then changed its order to a denial when the City failed to submit revisions within the required time.

On April 25, 1984, DLCD issued an amendment to its denial order to respond to the Court of Appeals' review of that order. The City resubmitted its plan for acknowledgment in June. LCDC has asked for comment by August 30.

The City has adopted a number of plan and Code amendments that effectively respond to many of the regional concerns identified in Metro's first review, including some that bring the City closer than previously to meeting the applicable density standard. Since the plan does not yet achieve this standard, however, and since the City has not yet applied for an exception to it, Goal 10 density requirements remain the major issue of regional concern. In addition, other regional concerns remain that affect compliance with Goals 2, 10, 11, 12 and 14.

GOAL NO. 1 -- CITIZEN INVOLVEMENT

ISSUES:

None.

GOAL NO. 2 -- LAND USE PLANNING

ISSUE:

Our first review concluded that the City's plan did not satisfy regional Goal 2 concerns. Our concern was to ensure that once the City had adopted land use designations consistent with LCDC requirements, it would review other sections of the plan and revise them as needed to reflect the increase in population that could be accommodated by higher densities.

RESPONSE:

As discussed under Goal 10, the City's plan designations do not meet the applicable density standard and so may need to be revised. Accordingly, Metro cannot yet be assured that plan provisions for public facilities, transportation and other goal-related subjects

will be adequate for the population allowed once appropriate designations are adopted.

CONCLUSION: Metro's regional Goal 2 concerns remain unchanged from our first review: in order to satisfy regional Goal 2 concerns, "the City must assure that its plan provisions for population-related policies are consistent with any revisions it makes to its housing policies."

GOAL NO. 3 -- AGRICULTURAL LANDS

ISSUE:

None.

GOAL NO. 4 -- FOREST LANDS

ISSUE:

None.

GOAL NO. 5 -- NATURAL RESOURCES

ISSUE:

Metro's first review found that in order to address regional Goal 5 concerns Happy Valley should: "(a) analyze the economic, social, environmental and energy consequences of its development prohibition and dedication requirements; and (b) adopt compensation mechanisms that will deal with the adverse impacts which are identified in this analysis of its development prohibition and dedication requirements."

RESPONSE:

Metro's concern with the Code provisions cited is that they jeopardize the City's ability to provide needed housing. Modifications in these provisions that eliminate the conflict with the provision of needed housing eliminate the need for a Goal 5 analysis and justification. The City's modifications to the provisions at issue here are discussed under Goal 10, as is further work still needed in these areas to eliminate Metro's Goal 10 concerns. The additional work needed to satisfy Goal 10 concerns regarding these provisions would also satisfy Metro's Goal 5 concerns. If this work is not undertaken, the Goal 5 requirements identified in our first review would still be applicable.

CONCLUSION: The regional concerns regarding Goal 5 compliance will be satisfied if the City's density transfer and dedication requirements are modified, as discussed at Goal 10 (requirements 4 and 5).

Goal No. 6 -- Air, Water and Land Quality

ISSUE:

None.

Goal No. 7 -- Natural Hazards

ISSUE:

Our first review concluded that Happy Valley should adopt its draft drainage ordinance in order to satisfy regional Goal 7 concerns.

RESPONSE:

LCDC found that the City was not required to adopt its drainage ordinance in order to comply with Goal 7, but encouraged them to do so. The City has adopted its drainage ordinance as Section 6.18 of its Code.

CONCLUSION: There are no remaining Goal 7 issues of regional concern.

Goal No. 8 -- Recreation

ISSUE:

None.

Goal No. 9 -- Economy

ISSUE:

None.

Goal No. 10 -- Housing

Metro required the City make the following changes to address Goal 10 issues of regional concern:

- Establish residential densities of approximately six units per net acre and provide the opportunity for a 50:50 single family/multi-family housing mix;
- Provide clear and objective approval standards for needed housing types;
- Recognize its responsibility to help meet regional housing needs;

- Eliminate provisions of its development ordinance allowing the City to arbitrarily increase minimum lot sizes;
- Analyze the impacts of its dedication and fee requirements and assure that these requirements do not inordinately raise housing costs; and
- Adopt a new sewer plan and/or definitive sewer extension policies which support the housing densities described...above.

LCDC included the first five requirements in its "in order to comply" statements for Goal 10. The last requirement, regarding sewers, was addressed in LCDC's report under Goal 11, and is discussed there in this report.

Happy Valley appealed LCDC's Goal 10 requirements regarding regional housing responsibilities. The Court of Appeals found that the requirement for a 50:50 single family, multi-family split for new housing construction was not properly applied and remanded the case to LCDC. In April of this year, LCDC issued a revised denial order. The new order deleted the "50:50 split" requirement and replaced it with a more general goal requirement relating to provision of a range of housing types at appropriate price ranges and rent levels. The order concludes: "as the City chooses to restrict housing types through land use regulations, it must demonstrate that adequate numbers of housing units are allowed, including housing types which meet housing needs at various price ranges and rent levels." The order did not change any other aspects of LCDC's original denial order.

Metro's responsibility is to apply LCDC's adopted standards and requirements to issues of regional concern. For this review, LCDC's amended denial order defines those standards and requirements. The City may still apply for an exception to the six UNA standard. Metro's application of the six UNA standard at this time does not mean that it believes that a valid exception is not possible. This review simply reflects the fact that unless the City applies for and is granted an exception, LCDC's amended denial order defines current requirements.

Each of Metro's requirements included in that order is discussed below.

Housing Density and Mix

ISSUE:

Our first review required the City to "Establish (a) residential densities of approximately six UNA, and (b) provide the opportunity for a 50:50 single family:multi-family housing mix."

RESPONSE:

Density

The City has revised its buildable land inventory so that all lands with slopes over 20 percent are now classed as unbuildable, as compared with 25 percent previously. This change, though it reduces the City's identified supply of buildable lands by some 200 acres, is consistent with Clackamas County's approach.

On the remaining 478 net acres identified as buildable, the City has reduced the amount of land zoned for 6 UNA, increased land zoned for 4 UNA, increased land zoned for 2 UNA, decreased land zoned for 1 UNA, and entirely eliminated zoning at 1 unit on five acres. The City has also eliminated restrictions on density transfers which would prevent actual development from achieving the densities allowed by plan designations.

The result of these changes is to increase the density allowed on buildable land from a maximum of 2.18 UNA to 3.2 UNA -- an increase of more than 30 percent, but still significantly below the required level of 6 UNA.

Housing Mix

Under LCDC's revised denial order, the City is no longer required to provide for a 50:50 mix of single family: multi-family construction. Instead, it "must demonstrate that adequate numbers of housing units are allowed, including housing types which meet housing needs at various price ranges and rent levels."

The City's provisions for lower cost housing types remain basically unchanged. Attached housing is allowed in any zone in a planned unit development (PUD); mobile homes are allowed outright in all but the highest density zone; and modular housing is allowed outright in all zones.

Changes in density transfer provisions allow each housing type to be provided in certain circumstances at somewhat higher densities than previously. However, because of overall density limitations to which all housing is still subject, none of these housing types currently address lower cost housing needs. In addition, because of the vague and discretionary standards governing the approval of virtually all housing types (the next issue discussed below), there is currently no assurance that any attached, mobile or modular housing will ever be allowed.

If the City revises its plan designations to provide for an overall density of six UNA, the densities allowed outright in the higher density zone and the maximum densities allowed through density transfers would provide sufficient opportunity

for lower cost attached, mobile and modular housing. If the City revises its Code provisions to allow all housing to be approved subject to clear and objective approval standards that do not excessively increase housing costs, then this opportunity can be effectively realized. These changes are necessary to meet other Goal 10 requirements, as discussed elsewhere in this section. City action to satisfy these other requirements would thus be adequate to satisfy regional concerns for the provision of lower cost housing.

Clear and Objective Standards

ISSUE:

Both Metro and LCDC found that the City must adopt clear and objective approval standards for needed housing. In general, standards are judged "clear and objective" when any two disinterested parties would reach the same conclusion when evaluating the same evidence against the same standards.

Metro identified three sections of the Code where vague and discretionary standards gave the City too much latitude to deny needed housing. The three sets of standards in question were those for: (a) review of impacts statements for subdivision approval; (b) PUD approval; and (c) site plan approval. Changes to each section are evaluated in turn below.

RESPONSE:

Impact Statements: The City requires an impact assessment as part of its subdivision approval process. The code language directing the planning commission to deny subdivisions if "the demerits of the proposal [as identified in the impact statement] outweigh the merits" was cited by both Metro and LCDC as an example of the excessive discretion afforded in subdivision approval. The City has removed this language. In its place, the City has added criteria which attempt to indicate more specifically how the impact statement will be used. These considerations are:

- "1. The significance of the impact as stated or determined by the City Engineer and affected agencies responding;
- "2. The proposed measures which will mitigate any significant impacts; and
- "3. Compliance of the proposed mitigating measures with City standards." (Section 5.033 C, 1-3, p. 52 of the Code).

Although staff recognizes and appreciates the City's efforts in this regard, the new criteria remain too vague to provide

developers certainty regarding the conditions under which a proposed development will or will not be approved.

Neighborhood Compatibility Requirements and Other PUD Standards

In general, because PUDs are designed to provide more flexibility in site design than conventional subdivisions, PUD approval standards have traditionally been expressed in general terms, with substantial discretion given the governing body on approval. This approach remains appropriate if planned unit developments are an optional process to be initiated solely at the developers choice. This is not the case in Happy Valley. The PUD process must be followed for (1) any development where density transfers are utilized to maintain the underlying density of the district when hazards or resources are present; and (2) all attached or multi-family housing. In addition, the City may require any other development to follow the PUD process at its discretion.

Thus, most housing of any type and virtually all higher density housing is subject to PUD standards. As a result, these standards must be sufficiently clear and objective to allow development at planned densities, with a variety of housing types, without being subject to conditions that unreasonably increase housing costs.

The PUD standards as originally adopted contained such provisions as a requirement that PUDs "be consistent and assure compatibility with [the] neighborhood and comprehensive plan. Metro found such standards too vague.

The City has deleted the reference to neighborhood compatibility but retained a standard for consistency with the comprehensive plan (Section 5.041 D(2) (b), p. 74, of the Code).

Previous Metro and LCDC reviews have found such a standard excessively vague. The role of the comprehensive plan is to establish the general policies to be used for developing or amending specific code provisions. The role of the code is to translate these general policies into specific, objective approval standards "consistent with and adequate to carry out the plan" (Goal 2, emphasis added).

Happy Valley's plan in particular contains a wide variety of general policies whose application in the PUD approval process would afford the City almost unlimited discretion. The City is encouraged to review plan policies that relate to development design and to establish specific design criteria in the Code to implement these policies.

In addition, the introductory "objectives" for PUDs (p. 54 of the Code), which the code requires be "considered in reviewing any application" for a PUD, appear to allow the City unlimited discretion to deny or impose conditions on any PUD. These

objectives could be retained in the code as an explanation for the basis for more specific criteria and/or as guidance to developers. But the language introducing them should be revised to make it clear that they are not to be applied in actual approval process.

Site Plan Approval

All development is subject to site plan approval. Metro found these approval standards too vague and cited, as an example, the standard that "the design of land development [must not be] detrimental to the public health, safety, general welfare or to adjacent properties." Happy Valley has deleted this standard but has revised another standard in this section to require that "the size, site and building design, operating characteristics and conditions of the proposed development are reasonably compatible with surrounding development and land uses and the character of the City, and any negative impacts have been minimized to the greatest extent possible." (Section 9.04(E), p. 142, in the Code.) This standard applies to all but single family detached units. This standard is too vague to assure provision of any attached or multi-family units.

In summary, the City has made changes in all sections cited by Metro as vague and discretionary, but these changes are not sufficient to establish clear and objective standards for development approval. The impact statement assessment and site plan approval standards affect virtually all developments. As currently written, they impair the City's ability to ensure that any housing, of any type or density, will be built. PUD standards also currently affect a large proportion of the City's new development, but could be retained if other code provisions were revised so that needed housing was not required to follow a PUD process.

Where discretionary standards are intended to be applied only to project design and not as the basis for approval or denial, adoption of "Tualatin language" clarifying how such standards will be used would allow the City to retain some flexibility in the development review process.

Recognition of Housing Needs

ISSUE:

Metro's first review found that the City's plan policies and supporting background information should recognize the City's regional housing responsibilities. After acknowledgment, the plan is the controlling document that defines how the City will meet its share of regional housing needs. Elsewhere in the state, jurisdictions are required to prepare a housing needs projection which is used to assess Goal 10 compliance at the time of acknowledgment and to guide land use decisions post-acknowledgment. In the Metro area, housing needs are defined by LCDC's housing rule (OAR 660 Div. 7) rather than through housing needs projections. Whether the City

revises its plan to accommodate six UNA or successfully applies for an exception to that standard, the plan must contain the identification of housing needs that will be used to evaluate its future land use actions.

RESPONSE:

The City has not revised either its housing policies (Plan, p. 56) or the supporting background information (pp. 50-52) to recognize its regional housing responsibilities. This material does not now accurately reflect the City's responsibility to accommodate six UNA. If the City is granted an exception to this requirement, it will still need to revise its analysis of housing needs to establish some more specific guidelines for evaluating future development decisions.

Lot Sizes

ISSUE:

To address regional concerns the City must "eliminate provisions of its development ordinance allowing the City to arbitrarily increase minimum lot sizes."

RESPONSE:

The City's plan identifies certain hazards (relating to slope, geology, etc.) that make land "unbuildable" for the purposes of accommodating needed housing. In addition, the plan identifies a number of other factors (affecting drainage, etc.) that affect development suitability on buildable lands.

Previously, the Code allowed the City to increase lot sizes as it considered necessary to address any hazards present. The City's new approach is more specific, more appropriate, and provides significantly more protection for needed housing. Current provisions are as follows:

1. Development on "unbuildable" lands is allowed at one unit per net acre subject to special development standards;
2. 100 percent of the development allowed on unbuildable lands may be transferred except in certain specified cases of extreme hazard;
3. A 100 percent density transfer is also available whenever the City requires an increase in lot size to protect resources or hazards on buildable lands;
4. Lands from which densities are transferred may be used to meet the development's open space dedication requirements.

These new provisions mean that:

- by increasing opportunities for density transfers, the City has increased opportunities for provision of lower cost housing on lots smaller than 7,000 square feet (i.e., at a density higher than six UNA) within a given development;
- in concept, resource and hazard protection measures applicable on buildable lands no longer conflict with the development of those lands to the maximum density allowed by plan designation;
- density transfers from unbuildable lands will allow overall development on buildable lands at a density above the maximum density allowed by plan designation for those buildable lands alone.

Subject to changes in the PUD standards needed to ensure that density transfers can be approved under clear and objective standards, as discussed above, the City's new approach is now adequate whenever the minimum lot size of the underlying zone and/or the overall size of the subdivision is large enough to ensure that lot size increases in hazard areas can be fully compensated for by lot size decreases elsewhere, so that the overall density of the development will be maintained. Where, however, only a few lots in one of the higher density zones are proposed for development, or wherever the hazard or resource areas are a relatively large proportion of the buildable lands on a site, full density transfer may be impossible to achieve.

Code language is not specific with respect to which natural features necessitate some density transfer. Nor does the plan contain site-specific maps of any of the natural features identified as relevant to the development suitability of buildable lands. As a result, it is impossible to assess whether current provisions for hazard and resource protection may still conflict with the provision of needed housing.

More detailed information from the City evaluating the overall impact of density transfer provisions might be sufficient to eliminate this concern. The City does not appear to have included a calculation of the units that may be transferred from unbuildable lands in its estimate of projected densities on buildable lands. The City may wish to add these units into its calculations while, at the same time, subtracting from its calculations a realistic estimate of the number of units that will be "lost" where full density transfer is not feasible. If calculations of this type demonstrate that, on balance, density transfer provisions will not result in development of buildable lands at a lower density than allowed by the plan designation, this concern would be eliminated. It might be noted in passing that, if density transfers from unbuildable lands are included, such a calculation might indicate that the density allowed on buildable lands is actually higher than the City has currently estimated.

Dedication and Fee Requirements

ISSUE:

Metro required that the City "analyze the impacts of its dedication and fee requirements and assure that these requirements do not inordinately raise housing costs."

RESPONSE:

The City has added an analysis of open space and recreational needs (plan pp. 67-71) and revised Section 5.035(h) of the Code, Public Use Area Dedications, (p. 66), to: (1) require that one acre of land be dedicated for every 20 acres of development (previously 5) or portion thereof; (2) replace provisions for a \$5,000 payment in lieu of land dedication with a more general statement allowing the City to accept an unspecified amount in lieu of dedication; and (3) reduce the park maintenance fee from \$1,000 to \$100 per dwelling unit.

The \$100 per unit fee is sufficiently small to have no significant impact on housing costs and need not be further justified. A dedication of one acre of open space for every 20 acres of development is also not excessive, particularly since the land can still be "counted" for density transfers when hazards are present. At full development, this requirement would result in just under 25 acres of dedicated open space. Although this amount is more than double what the City has estimated its open space needs to be, it is nonetheless not so heavy an exaction as to require further justification.

The problem is that the current language requires that one acre be dedicated for every 20 acres or fraction thereof. This means that a one-acre dedication could be exacted on a one-and-a-half acre development. Such open space dedications of up to 100 percent of the site would raise housing costs inordinately and without adequate justification. Deletion of the qualifying "or fraction thereof" would satisfy Metro's concern here.

The City should also establish a specific sum, or schedule for arriving at one, for payments in lieu of dedication. But if the dedication requirements themselves are reasonable, this further change, though encouraged, need not be required.

CONCLUSION: Although the City has made significant improvements to its housing provisions, it must still make the following changes to address regional Goal 10 concerns:

1. Provide for an overall density for new development on buildable lands at 6 UNA (or justify lower densities consistent with the Goal 2 requirements for a taking an exception to this standard);

2. Establish clear and objective standards for approval of all needed housing by revising Code sections governing: (a) impact statements; (b) the approval of attached housing and density transfers through the PUD or other process; and (c) site plan approval;
3. Revise plan policies and supporting information to establish an appropriate basis for future land use decisions consistent with the City's regional housing responsibilities;
4. Demonstrate that density transfers for protection of resource and hazard land do not threaten to reduce development densities on buildable lands below the maximum allowed under each designation (or undertake other appropriate action to address the potential conflict with needed housing); and
5. Revise open space dedication requirements to limit the amount of land which must be dedicated to an amount consistent with its open space needs analysis.

GOAL NO. 11 -- PUBLIC FACILITIES AND SERVICES

Sewers

ISSUE:

Metro identified a regional concern to see that the City "prepare and adopt a sewage treatment plan and/or definitive sewerage policies for the City."

RESPONSE:

The City's sewer system should be designed to serve the density and population level that can be accommodated by its land use plan. Thus, until the City can be assured that further changes in its land use plan are not needed for acknowledgment, it cannot implement its work program for the construction of sewers. The City must identify when and how sewers will be provided before its plan can be acknowledged.

Drainage

ISSUE:

Metro felt that adoption of the City's stormwater drainage plan was an acknowledgment issue of regional concern.

RESPONSE:

Although LCDC did not require the City to adopt its drainage plan in order to comply with Goal 11, the City has done so.

Coordination Language

UNANTICIPATED REVISION:

At the time of its first review, Metro's regional concern regarding coordination with regional solid waste and wastewater treatment plans were satisfied by adoption by the City of Metro's "sample language" on the subjects in the City's "Comprehensive Plan Addendum." The City's current plan document has not incorporated these previously adopted amendments. Adoption of Metro's sample language, or other appropriate policies, for coordination with regional solid waste and wastewater treatment plans is a Goal 11 issue of regional concern.

CONCLUSION: The City has satisfied regional concerns regarding drainage. In order to satisfy other regional Goal 11 concerns the City must:

- (1) Prepare and adopt a sewerage treatment plan and/or definitive sewers policies for the City; and
- (2) Adopt Metro sample language on regional coordination with Metro's solid waste and wastewater treatment plans or a satisfactory equivalent.

GOAL NO. 12 -- TRANSPORTATION

Accommodating Appropriate Densities

ISSUE:

Our first review found that to meet regional Goal 12 concerns, "The City must clarify its transportation study and relation of road capacity to ultimate development in the City."

RESPONSE:

Essentially, Metro concern here is that the transportation element was based upon assumptions about density and population that may need to be revised to address Goal 10 concerns.

All elements of the City's plan will have to be revised for consistency with the City's final plan designations once established, as required under Goal 2. Other than this general requirement, the plan itself raises no transportation-specific problems of regional concern.

RTP Consistency

ISSUE:

Since Happy Valley's plan was first reviewed prior to adoption of the RTP, Metro did not require consistency at that time. We did note, however, that "Metro's transportation department has identified Happy Valley road designations which are inconsistent with those adopted by the City of Portland and Clackamas County. Metro expects that these discrepancies can be resolved in the Regional Transportation Plan (RTP) process." The RTP was adopted in July 1982. Consistency with the RTP was required by December 31, 1983. Jurisdictions have been asked to achieve consistency as their plans are revised for acknowledgment or for plan updates.

RESPONSE:

Happy Valley's plan is consistent with the RTP with one known and one possible exception. The first problem is that the City's plan does not identify streets appropriate for future transit use. The City has not yet adopted its traffic study, nor submitted it as part of its acknowledgment request. This study may identify streets appropriate for transit use. Streets appropriate for transit use should be included in the plan's transportation element.

In addition, if any jurisdictions identify any inconsistencies in functional classifications, the City should either: (a) resolve these inconsistencies prior to acknowledgment, or (b) identify the inconsistencies in the plan and adopt specific plan policy committing to work with Metro and the affected jurisdiction(s) to resolve them.

CONCLUSION: Consistency with the RTP is a Goal 12 issue of regional concern. To address this concern, the City must (1) identify streets appropriate for future transit use; and (2) if needed, amend its plan to address any inconsistencies in functional classification identified by adjacent jurisdictions in the acknowledgment process.

GOAL NO. 13 -- ENERGY CONSERVATION

ISSUE:

None.

GOAL NO. 14 -- URBANIZATION

UNANTICIPATED REVISION:

In response to our draft review, Happy Valley adopted language recognizing Metro's role in the UGB amendment process as an addendum

to the comprehensive plan. This language has not been included in the current plan.

CONCLUSION: To address regional Goal 14 concerns, the City must include the language from its Comprehensive Plan Addendum, or an appropriate substitute, recognizing Metro's role in the UGB amendment process.

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