



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 15, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 009-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 2, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Eric Jacobson, Dlcd Transportation Planner
Mike McCallister, Clackamas County

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FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

SEP 11 2006

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Clackamas Local File No.: 20702-05-CP
20703-05-2
(If no number, use none)

Date of Adoption: Aug. 3, 2006 Date Mailed: 9-7-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11-23-05

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: _____
- (Please Specify Type of Action)

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

COMPREHENSIVE PLAN MAP AMENDMENT FROM OFFICE
COMMERCIAL TO GENERAL COMMERCIAL. CORRESPONDING
ZONE CHANGE FROM OC TO C-3

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write same. If you did not give notice for the proposed amendment, write AN/A.

SAME

Plan Map Changed from: Office Commercial to General Commercial

Zone Map Changed from: OC to C-3

Location: Clackamas / 82nd Drive area Acres Involved: 7.28

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 9, 11, 12

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 009-05 (14831)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Metro, ODOT.

Clack. River Water. Clack. Co. Service Dist. #1, Clack. Co. Fire Dist.

Local Contact: Mike McCallister Area Code + Phone Number: 503 353 4522

Address: 9101 SE Sunnybrook Blvd. City: Clackamas

Zip Code+4: 97015 Email Address: mlem@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Comprehensive
Plan Amendment and Zone Change
for Terry Emmert.

File No.: Z0702-05-CP, Z0703-05-Z

ORDER NO. 2006-352
(Page 1 of 2)

This matter coming regularly before the Board of County Commissioners, and it appearing that Terry Emmert made application for a Comprehensive Plan amendment and zone change on property described as T2S, R2E, Section 16A, Tax Lot 2200, W.M.; T2S, R2E, Section 16BD, Tax Lots 100, 200 and 300, W.M., located on the southeast side of 82nd Drive / Evelyn Street, near the Evelyn Street / 82nd Drive intersection in the Clackamas area; and

It further appearing that planning staff, by its report dated January 30, 2006, recommended denial of the application; and

It further appearing that the Planning Commission, at its January 9, 2006 meeting, recommended denial of the application; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on March 15, 2006, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on March 15, 2006;

Based upon the evidence and testimony presented, this Board makes the following findings and conclusions:

1. The applicant requests approval of a Comprehensive Plan map amendment from Office Commercial to General Commercial and corresponding zone change from OC to C-3.
2. This request complies with the only applicable Statewide Goal, Goal 12, the Transportation Planning Rule, OAR 660-12-0060, and County traffic standards. A number of objections were raised regarding compliance with the transportation rule and related traffic issues; all have since been resolved or are without merit. The January, 2006 Traffic Impact Study corrected two flaws with the February, 2005 Traffic Impact Study, by dealing with the "worse case scenario" for possible traffic generation and considering a 20-year time horizon. The 2006 study did not deal with traffic generation at the intersection of 82nd Drive and Scottstree Way, where the new access to the property would be located, as it should have. However, an analysis of that intersection in the 2005 study was supplemented by a letter from Lancaster Engineering at the hearing; that evidence is sufficient for this Board to conclude that the intersection will function at the level required by County standards, taking into account the future widening of 82nd Drive to five lanes.