



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/24/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 008-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, October 05, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Michael Walter, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	SEP 17 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Happy Valley**Local file number: **CPA-03-12/LDC-03-12**Date of Adoption: **9/11/2012**Date Mailed: **9/14/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 7-20-12☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Converted from Clackamas County Future Urban - 10 acre minimum lot size (FU-10) to City Community Commercial Center (CCC).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Clackamas Co. MDR**to: **City CCC**Zone Map Changed from: **Clacamas Co. FU-10**to: **City CCC**Location: **15252 SE Hwy 224 (22E-12D-00900, 980 & 990)**Acres Involved: **7.05**Specify Density: Previous: **NA**New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☒	☐	☐	☐	☐	☐	☐	☒	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 008-12 (19427) [17169]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro, ODOT, Clackamas County

Local Contact: **Michael Walter Eco & Comm Dev Dir** Phone: **(503) 783-3839** Extension:
Address: **16000 SE Misty Drive** Fax Number: **503-658-5174**
City: **Happy Valley** Zip: **97086-** E-mail Address: **michaelw@ci.happy-**
valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Mayor
Honorable Lori DeRemer



City Manager
Jason Tuck

September 13, 2012

File No. CPA-03-12/LDC-03-12
(Nature's Country Store Zone Change)

NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley Planning Commission at a public hearing on September 13, 2012, with regard to an application for a Comprehensive Plan Map/Zoning Map Amendment (File No. CPA-03-12/LDC-03-12) on properties located in the southwest quadrant of the intersection of SE Highway 212 and SE Highway 224. The subject properties are described as Clackamas County Assessor Map Nos. 22E12D: Tax Lots 900, 980, and 990.

The subject application proposed a Comprehensive Plan Map/Zoning Map Amendment, to change the existing Comprehensive Plan designation and land use zone on the subject site from a Clackamas County Comprehensive Plan designation of "Medium Density Residential" and a zoning district of "Future Urban 10-acre District" to a City of Happy Valley Comprehensive Plan designation/zoning district of "Community Commercial Center".

At the public hearing, the Planning Commission voted to approve CPA-03-12/LDC-03-12 based upon submitted information, public testimony, and deliberations of the Planning Commission. Copies of the original Staff Report for CPA-03-12/LDC-03-12 are available upon request.

This action by the Planning Commission is not subject to an appeal and is deemed final, per the provisions of Section 16.61.050 of Title 16 (Land Development Code) of the City of Happy Valley Municipal Code


Justin Popielek
Associate Planner

Final Conditions of Approval for CPA-03-12/LDC-03-12
(As approved by the Planning Commission on 9-11-12)

1. The City shall amend the Comprehensive Plan/Zoning Map for the subject site to reflect a CCC designation/zoning over its entirety.
2. Any future development of the subject site shall be limited to a “trip cap” as described in Exhibit 2. The new development will not be allowed to generate any more than 409 daily and 42 p.m. peak hour trips.

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

“Nature’s Country Store”	) Planning Commission
Zone Change	) Approval of a Comprehensive Plan Map/ Zoning Map Amendment
	)
Applicant:	)
City of Happy Valley	) CPA-03-12/LDC-03-12

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

After providing notice and a staff report, the Planning Commission conducted an evidentiary hearing providing an opportunity to submit oral testimony and written evidence. The approval criteria for the application for a Comprehensive Plan Map/Zoning Map Amendment are provided in the applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; applicable City of Happy Valley Comprehensive Plan Policies; and, applicable sections of the City of Happy Valley Municipal Code - Title 16 (Land Development Code), including Chapters 16.23 (Commercial and Employment Districts); 16.61 (Types of Review Procedures); 16.63 (Land Divisions and Property Line Adjustments); and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments). After discussion and deliberation, the Planning Commission voted to approve the “Nature’s Country Store” Comprehensive Plan Map/Zoning Map Amendment – File No. CPA-03-12/LDC-03-12.

I. DESCRIPTION OF THE APPLICATION

The City of Happy Valley has proposed an application requesting a Comprehensive Plan Map/Zoning Map Amendment, effectively changing the City’s Comprehensive Plan designation and land use zone on the subject site from a Clackamas County Comprehensive Plan designation of “Medium Density Residential” (MDR) and a zoning district of “Future Urban 10-acre

District” (FU-10) to a City of Happy Valley Comprehensive Plan designation/zoning district of “Community Commercial Center” (CCC). The three properties that are the subject of this proposal are located in the southwest quadrant of the intersection of SE Highway 212 and SE Highway 224 and are currently the site of “Nature’s Country Store”, a 4,000 square-foot market that primarily sells produce and other agricultural products. The subject properties can be further described as Clackamas County Assessor Map Numbers 22E12D: Tax Lots 900, 980, and 990.

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

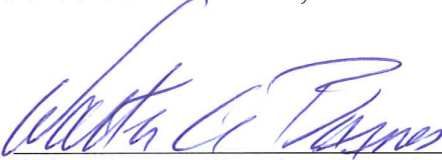
II. ADOPTION OF FINDINGS

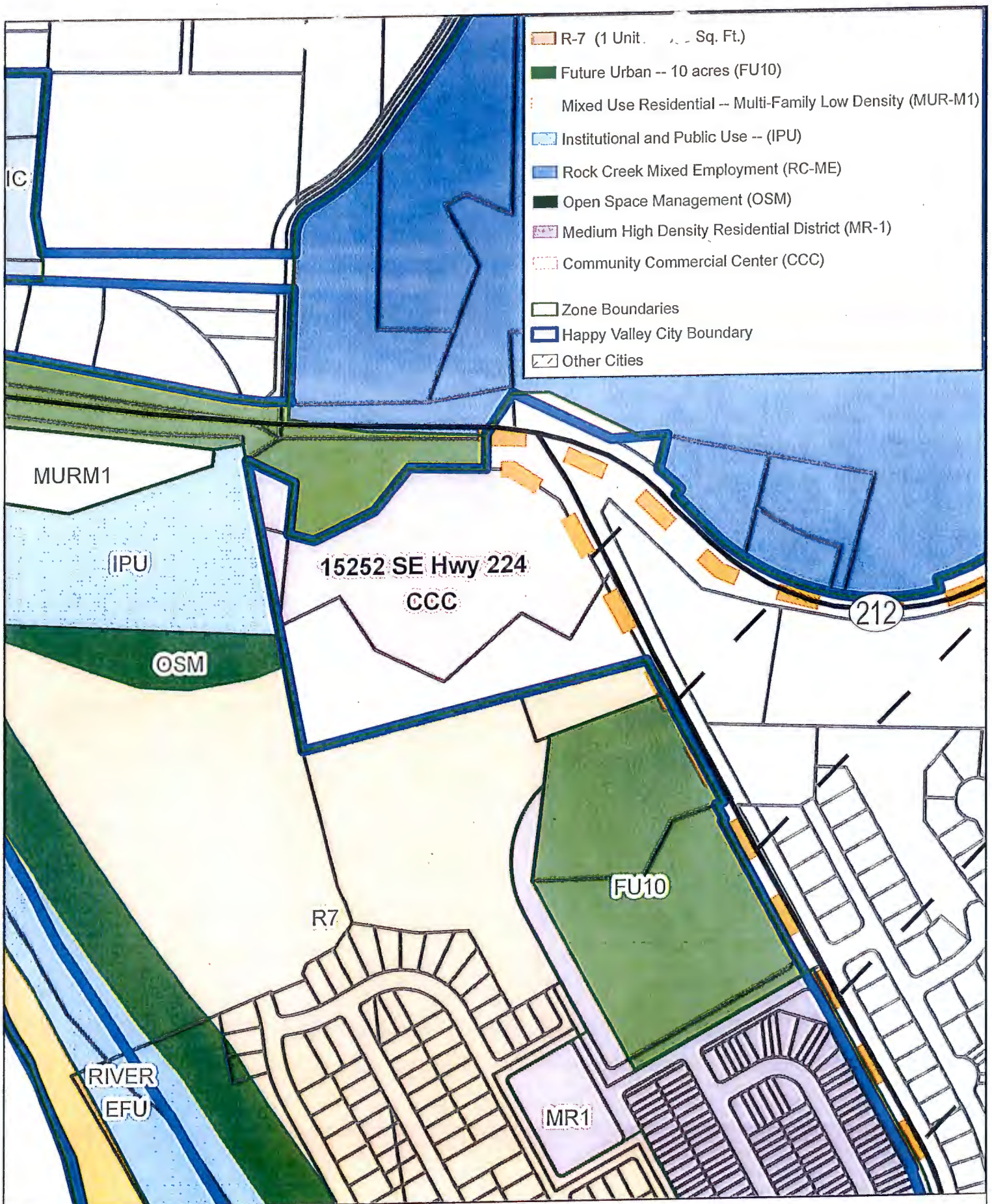
The Planning Commission specifically adopts the findings within the September 11, 2012 staff report in support of this order approving the “Nature’s Country Store” Comprehensive Plan Map/Zoning Map Amendment File Number CPA-03-12/LDC-03-12.

III. ORDER

The Planning Commission hereby approves the “Nature’s Country Store” Comprehensive Plan Map/Zoning Map Amendment File Number CPA-03-12/LDC-03-12 based on the findings provided herein and specifically adopted under Section II. This order requires compliance with the conditions set out in the Conditions of Approval from the Staff Report to the Planning Commission dated September 11, 2012, including any amended language.

ORDER OF THE PLANNING COMMISSION dated this 17 day of Sept 2012.
PLANNING COMMISSION, CITY OF HAPPY VALLEY

By: 
Walter Barnes, Planning Commission Chair



Proposed Zoning



0 125 250 500 Feet

Source: Data from Clackamas County GIS (2010)
The information on this map was derived from digital databases from the City of Happy Valley. Care was taken in the creation of this map but it is provided "as is". The City of Happy Valley cannot accept any responsibility for any errors.



City of Happy Valley

15252 SE HWY 224

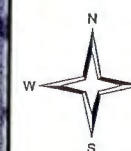
Legend

- City of Happy Valley
- Damascus

15252 SE Hwy 224

HWY 224

0 15 30 60 90 120
Feet



Source: Data from Clackamas County GIS (2012)
The information on this map was derived from digital databases from the City of Happy Valley. Care was taken in the creation of this map but it is provided as is. The City of Happy Valley cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Highway information from Land Surveys may have been used in the creation of this product. In no way does this product represent or constitute a Land Survey. Users are cautioned to field verify information on this product before making any decisions.

City of Happy Valley Map/MapInfo For Planning/2012 Planning Map/Individual Property/15252 Hwy 224/Well RCP

TY OF HAPPY VALLEY
16000 SE MISTY DRIVE
PY VALLEY, OREGON 97086



DEPT OF
SEP 17 2012
LAND CONSERVATION
AND DEVELOPMENT

Plan Amendment Specialist – Angela Houck
Dept. of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540