



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

November 17, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 005-06



This notice previously sent out in error, as an Adoption for Clackamas County 011-06 submitted without notice, dated November 17, 2006. 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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 30, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Lindsey Nesbitt, City of Happy Valley

<paa> ya



FORM

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE STAMP

DEPT OF
NOV 14 2006
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: ~~CLACKAMAS COUNTY~~ Happy Valley Local file number: LDO-05-06/CPA-01-06

Date of Adoption: 11/07/2006 Date Mailed: _____

Date original Notice of Proposed Amendment was mailed to DLCD: 8/15/2006

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

ZONE CHANGE AND COMPREHENSIVE PLAN AMENDMENT TO CHANGE ZONE FROM
PLANNED MIXED USE TO MIXED USE COMMERCIAL

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 "N/A".

SAME

Plan Map Changed from: PLANNED MIXED USE to: MIXED USE COMMERCIAL

Zone Map Changed from: PLANNED MIXED USE to: MIXED USE COMMERCIAL

Location: 16000 se SUNNYSIDE ROAD Acres Involved: 1.6 ACRES

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 2

Was and Exception Adopted? YES NO

DLCD File No.: ~~011-06 (NOA)~~ 005-06 (15462)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) 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 No

Affected State or Federal Agencies, Local Governments or Special Districts:

Oregon, Clackamas County, City of Happy Valley

Local Contact: Lindsey Nesbitt Phone: (503) 595-6492 Extension: _____

Address: 12915 SE King Road City: Happy Valley

Zip Code + 4: 97086 - Email Address: lindseyn@ci.happy-valley.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 Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice 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.

CITY OF HAPPY VALLEY
ORDINANCE NO. 343

AN ORDINANCE AMENDING OFFICIAL MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY
LAND DEVELOPMENT ORDINANCE NO. 97, AS AMENDED – COMPREHENSIVE PLAN MAP
AMENDMENT/ZONE CHANGE FROM PLANNED MIXED USE (PMU) TO MIXED USE
COMMERCIAL (MUC).

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application CPA-01-06/LDO-05-06 was a request by AKS Engineering to amend the Development District Map (Official Map Exhibit 11 of Ordinance 97) by applying the MUC Zoning District to the property located at 16000 SE Sunnyside Road, and is known as Clackamas County Assessor Map No. 22E01D00400 and as illustrated within Exhibit 1; and,

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on October 10, 2006; and,

WHEREAS, the Planning Commission unanimously recommended that said Official Map Exhibit 11 be amended as recommended in the Staff Report to the Planning Commission dated October 10, 2006; and,

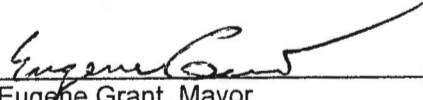
WHEREAS, the City has timely forwarded a copy of the proposed amendment to the Department of Land Conservation and Development of the State of Oregon; and,

WHEREAS, the City Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to revise the Official Development District Map, Exhibit 11, and upholds the Planning Commission's recommendation pursuant to the findings within the Staff Report to the Planning Commission dated October 10, 2006 and approves the zone change as reflected in the October 10, 2006 Staff Report.

NOW, THEREFORE, it is hereby declared by the City Council of Happy Valley, Oregon, that the City's Land Development Ordinance be amended by substituting a new Exhibit 11 with the Development Districts changed, as set forth as illustrated within Exhibit "1" to this Ordinance and is fully incorporated herein.

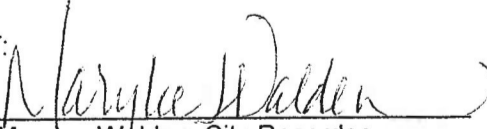
BE IT FURTHER declared that this Ordinance shall become effective thirty (30) days after approval by the City Council.

READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on November 7, 2006 and read for the second time on November 7, 2006, and adopted by a unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.



Eugene Grant, Mayor

ATTEST:



Marylee Walden, City Recorder