



Oregon

Theodore R. Kubongoski, 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

8/3/2010

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 005-10

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: Friday, August 13, 2010

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
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative

<paa> YA/ph



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

JUL 27 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: City of Happy Valley

Local file number: CPA-02-10 / LDC-04-10

Date of Adoption: 7-20-10

Date Mailed: 7-23-10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4-13-10

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 Clackamas County Light Industrial District (I2) zoning to City of Happy Valley Industrial Campus (IC) zoning on 10 properties.

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from: County I2

to: City IC

Zone Map Changed from: County I2

to: City IC

Location: North of Hwy 212/224, East of For-Mor Court,
West of 132nd Ave

Acres Involved: 40.69

Specify Density: Previous: N/A

New: N/A

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...

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

DLCD file No. 005-10 (18239) [16245]

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

Local Contact: Michael Walter, AICP
Address: 16000 SE Misty Drive
City: Happy Valley, OR Zip: 97086

Phone: (503)783-3839 Extension:
Fax Number: 503 658 5174
E-mail Address:
michaelw@ci.happy-valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Mayor
Honorable Rob Wheeler



City Manager
Jason A. Tuck

July 23, 2010

File No. CPA-02-10/LDC-04-10
(Emmert Properties)

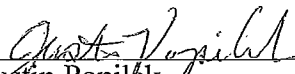
NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley City Council at a public hearing on July 20, 2010, with regard to a City initiated Comprehensive Plan Map Amendment/Zone Change application (CPA-02-10/LDC-04-10) on properties located along the State Highway 212/224 corridor. The subject properties are described as Clackamas County Assessor Map Nos. 22E-12B: Tax Lots 3601 and a portion of 3609; 22E-11A: Tax Lots 700, 1200, 1202 and 1300; 22E-11AC: Tax Lots 3100, 3200 and 3300; and, 22E-11C: Tax Lot 100.

At the public hearing, the City Council voted to uphold a recommendation from the Planning Commission to approve CPA-02-10/LDC-04-10 based upon submitted information, public testimony and deliberations of the City Council. One Condition of Approval was adopted in conjunction with said approval.

Copies of the original Staff Reports for CPA-02-10/LDO-04-10 are available upon request.

This action of the City Council may be subject to appeal to the State of Oregon Land Use Board of Appeals per the auspices of ORS 197.830. An appeal of this decision must be filed within 21 days of the mailing of this Notice of Decision. If no appeal is filed by **Friday, August 13, 2010 at 5:00 p.m.**, this decision shall be deemed final.



Justin Popilek
Associate Planner

cc: Terry Emmert, Property Owner

16000 SE Misty Drive
Happy Valley, Oregon 97086
Telephone: (503) 783-3800 Fax: (503) 658-5174
Website: www.ci.happy-valley.or.us

ORDINANCE NO. 404

CITY OF HAPPY VALLEY

AN ORDINANCE AMENDING OFFICIAL MAP EXHIBIT 11 OF THE CITY LAND DEVELOPMENT ORDINANCE NO. 97, AS AMENDED – COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE FROM CLACKAMAS COUNTY LIGHT INDUSTRIAL (I2) TO CITY INDUSTRIAL CAMPUS (IC) FOR SPECIFIC PROPERTIES

THE CITY COUNCIL FINDS AS FOLLOWS:

WHEREAS, Application CPA-02-10/LDC-04-10 was initiated by the City to amend the Comprehensive Plan Map/Development District Map (Official Map Exhibit 11 of Ordinance 97) by applying City IC zoning to the properties described as Clackamas County Assessor Map Nos. 22E-12B: Tax Lots 3601 and a portion of 3609; 22E-11A: Tax Lots 700, 1200, 1202 and 1300; 22E-11AC: Tax Lots 3100, 3200 and 3300; and, 22E-11C: Tax Lot 100; and,

WHEREAS a hearing was held before the City Planning Commission on June 8, 2010; and,

WHEREAS, the Planning Commission unanimously recommended that the Comprehensive Plan Map/Development District Map be amended as recommended in the Staff Report dated June 8, 2010; and,

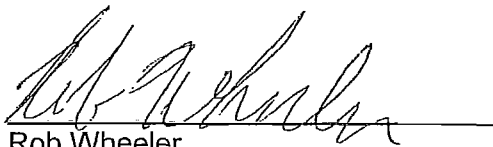
WHEREAS, the City has timely forwarded a copy of the proposed map amendments to the Department of Land Conservation and Development of the State of Oregon; and,

WHEREAS, the City Council has determined that it is reasonable, necessary and in the public interest to revise the Comprehensive Plan Map/Development District Map, and upholds the Planning Commission's recommendation pursuant to the findings contained in the Staff Report to the Planning Commission dated June 8, 2010.


THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The City declares that the City IC district is applied to the 10 subject properties shown in Exhibit "A" attached to this Ordinance as described above.
- Section 2. The City declares that the Amended Condition of Approval No. 1 and Findings of Fact included within the Staff Report to the Planning Commission dated June 8, 2010 are adopted as part of this Ordinance.
- Section 3. This ordinance takes effect 30 days after adoption.

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT THE JULY 20, 2010 MEETING


Rob Wheeler
Mayor

Adoption and date attested by:


Marylee Walden
City Recorder

7/20/10



City of Happy Valley, City Council
AGENDA STATEMENT

Meeting Date: July 20, 2010

Item Title:

CPA-02-10/LDC-04-10 (County I2 to City IC).

Prepared by:

Michael D. Walter, AICP

Explanation:

The property owner of the ten properties (Terry W. Emmert) annexed the properties from unincorporated Clackamas County to the City of Happy Valley in 2008, prior to the City's "conversion matrix" having been created and implemented. As the conversion matrix was not in place, the properties did not "automatically" convert from County I2 to City IC as would be the case today. This legislative application seeks to correct that scenario by providing the City IC comprehensive plan map designation/zoning district on all 10 properties.

Special Issues:

In 2007, the Clackamas County Board of County Commissioners approved File No. Z0794-02-CP/Z0795-02-Z/Z0796-02-CP involving a Comprehensive Plan Amendment, zone change and post-acknowledgment plan amendment involving a wetland on properties owned by Mr. Emmert located at the northwest corner of the Hwy. 212/224 and 142nd Ave. intersection (part of the subsequently annexed 10 properties). The Oregon Dept. of Transportation (ODOT) appealed that approval (Board Order 2007-334) to the Land Use Board of Appeals (LUBA). Mr. Emmert and ODOT agreed to settle the appeal by the adoption of revised conditions of approval, the County withdrew Board Order No. 2007-334, Mr. Emmert annexed the properties within the City of Happy Valley, the City granted (and County accepted) land use authority to finish the re-consideration begun in the County, and the County eventually adopted Board Order No. 2008-140 (see Exhibit 4 within the Staff Report to the Planning Commission). Staff notes that in order for these conditions to continue to "run with the land", a specific condition is proposed within this application (Condition of Approval No. 1), specifically adopting the provisions of Board Order No. 2008-140. Staff believes this is necessary due to the fact that the zoning of the subject properties will go from the described (within Board Order 2008-140) County I-2 zoning to City IC zoning. We further note that based on input from the City Attorney, the proposed Condition of Approval has been slightly amended (see Page 22 of the Staff Report to the Planning Commission).

Financial Impact:

Future construction plan and building permit applications, including associated permit fees and System Development Charges may be better facilitated by placement of the City IC comprehensive plan designation/zone over the County I2 zone.

Recommendation:

Staff recommends approval of CPA-02-10/LDC-04-10.

Attachments:

1. Staff Report to the Planning Commission dated June 8, 2010
2. Ordinance No. 404

Mayor
Honorable Rob Wheeler



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY

STAFF REPORT TO THE PLANNING COMMISSION

June 8, 2010

**COMPREHENSIVE PLAN MAP AMENDMENT/ZONING MAP AMENDMENT
APPLICATION (File Number: CPA-02-10/LDC-04-10)**

I. GENERAL INFORMATION

PROPOSAL:

The City of Happy Valley proposes a Comprehensive Plan Map Amendment/Zone Change from Clackamas County Light Industrial ("I2") to City of Happy Valley Industrial Campus ("IC") on ten properties previously annexed within the City of Happy Valley and located along the Hwy. 212/224 Corridor and further described as Clackamas County Assessor Map Nos. 22E-12B: Tax Lots 3601 and a portion of 3609; 22E-11A: Tax Lots 700, 1200, 1202 and 1300; 22E-11AC: Tax Lots 3100, 3200 and 3300; and, 22E-11C: Tax Lot 100.

APPLICANT:

City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

PROPERTY OWNER:

Terry W. Emmert

EXHIBITS:

1. Staff Report and Findings of Fact
2. City of Happy Valley Comprehensive Plan Map/Zoning Map (Excerpt)
3. Metro 2040 Plan Map (Excerpt)
4. Clackamas County Board of County Commissioners Order No. 2008-140 dated September 11, 2008.
5. Letter of Support from Terry Emmert dated May 13, 2010
6. Measure 56 Notice

16000 SE Misty Drive
Happy Valley, Oregon 97086
Telephone: (503) 783-3800 Fax: (503) 658-5174
Website: www.ci.happy-valley.or.us

ATTACHMENT # 11/11

EXHIBIT # 1

APPLICABLE CRITERIA:

- Applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Divisions 9 and 12; applicable sections of Metro Title 4 - Chapter 3.07 (Urban Growth Management Functional Plan); 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 Sections 16.61.050 (Type IV procedure); 16.67.020 (Legislative amendments); and, 16.67.060 (Transportation planning rule compliance).

BACKGROUND:

- The property owner of the ten properties (Terry W. Emmert) annexed the properties from unincorporated Clackamas County to the City of Happy Valley in 2008, prior to the City's "conversion matrix" having been created and implemented. As the conversion matrix was not in place, the properties did not "automatically" convert from County I2 to City IC as would be the case today. This legislative application seeks to correct that scenario by providing the City IC Comprehensive Plan Map designation/zoning district on all 10 properties.
- In 2007, the Clackamas County Board of County Commissioners approved File No. Z0794-02-CP/Z0795-02-Z/Z0796-02-CP involving a Comprehensive Plan Amendment, zone change and post-acknowledgment plan amendment involving a wetland on properties owned by Mr. Emmert located at the northwest corner of the Hwy. 212/224 and 142nd Ave. intersection (part of the subsequently annexed 10 properties). The Oregon Dept. of Transportation (ODOT) appealed that approval (Board Order 2007-334) to the Land Use Board of Appeals (LUBA). Mr. Emmert and ODOT agreed to settle the appeal by the adoption of revised conditions of approval, the County withdrew Board Order No. 2007-334, Mr. Emmert annexed the properties within the City of Happy Valley, the City granted (and County accepted) land use authority to finish the re-consideration begun in the County, and the County eventually adopted Board Order No. 2008-140 (see Exhibit 4). Staff notes that in order for these conditions to continue to "run with the land", a specific condition is proposed within this application (Condition of Approval No. 1) specifically adopting the provisions of Board Order No. 2008-140. Staff believes this is necessary due to the fact that the zoning of the subject properties will go from the described (within Board Order 2008-140) County I-2 zoning to City IC zoning.

GENERAL DISCUSSION:

- With the exception of the existing cabinet shop located at 13499 SE Highway 212, the properties are all either undeveloped or "under-developed" properties that do not have any permanent structures. The subject properties are located within the Highway 212/224 corridor, have existing access points/access rights, and may be served with all city/special district services (water, sewer, emergency services,

etc.). The change from Clackamas County I2 to City IC represents some alteration in allowed/conditional uses, but overall, provides relatively little change in overall development potential due to the similarities between the County and City industrial zones.

II. FINDINGS OF FACT

1. The following Statewide Planning Goals are applicable to the subject request:

“Goal 1 (Citizen Involvement)

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Staff Response:

The public notice and outreach requirements of a Type IV legislative approval proposed by the City of Happy Valley has provided multiple opportunities for public involvement, including published notice for two separate land use hearings, one before the Planning Commission and one before the City Council. Therefore, this criterion is satisfied by the request and the public process followed by the City of Happy Valley.

Goal 2 (Land Use Planning)

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions.

Staff Response:

Statewide Planning Goal 2, Land Use Planning requires that local jurisdictions 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. The proposed Comprehensive Plan Map designation/zoning district changes are an amendment to the City’s Comprehensive Plan Map/Zoning Map (“one-map” system) that is consistent with the County’s Comprehensive Plan Map designation (“two-map” system). These amendments are subject to public notice, an initial evidentiary hearing before the Planning Commission and a final review by the City Council. Thus, a well established planning process and policy framework exists within the City. Therefore, this criterion is satisfied by the proposed amendments.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces)

To provide natural resources and conserve scenic and historic areas and open spaces.

Staff Response:

The subject properties have been and continue to be, located within the City of Happy Valley and as such, natural resources within the subject properties (no historic resources exist) are protected by Chapter 16.34 (Natural Resources Overlay Zone) of the city’s Land Development

Code. The change in designation/zoning from Clackamas County I2 to City IC will not alter this status of protection. Therefore, this criterion is satisfied by the proposed amendments.

Goal 6 (Air, Water and Land Resources Quality)

To maintain and improve the quality of the air, water and land resources of the state.

Staff Response:

As stated above, the subject properties are governed by the City's Land Development Code and all applicable service district, state and federal regulations. Therefore, this criterion is satisfied by the proposed amendments.

Goal 9 (Economic Development)

To provide adequate opportunities throughout the state for a variety of economic activities liable to the health, welfare, and prosperity of Oregon's citizens.

Staff Response:

Statewide Planning Goal 9 calls for diversification and improvement of the economy. This Goal asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. The proposed amendments will continue to provide industrial zoning within the Highway 212/224 corridor and will provide the opportunity for future development that contributes to the state and local economy by providing for employment opportunities for residents of the City and nearby areas. Therefore, this criterion is satisfied by the proposed amendments.

Goal 11 (Public Facilities and Services)

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Staff Response:

As the City of Happy Valley is not a "full-service" municipality, providing all water, sewer, streets, etc., public facilities and services plans exist in the form of Master Plans; rules and regulations; implementing ordinances; and, Intergovernmental Agreements (IGA's) between the City and its service providers. . Therefore, this criterion has been satisfied by the proposed amendments.

Goal 12 (Transportation)

To provide and encourage a safe, convenient and economic transportation system."

Staff Response:

The intent of Goal 12 is "to provide and encourage a safe, convenient, and economic transportation system." Findings addressing the "Transportation Planning Rule" (TPR) are located within the Staff Responses to the City's own Land Development Code section that

addresses the TPR, below (see Section 6). Per those findings, this criterion has been satisfied by the proposed amendments.

2. The following Oregon Administrative Rules (OAR) are applicable to the subject request:

“OAR Chapter 660, Division 9 (Economic Development)

660-009-0010 Application

(1) This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.

(2) Comprehensive plans and land use regulations must be reviewed and amended as necessary to comply with this division as amended at the time of each periodic review of the plan pursuant to ORS 197.712(3). Jurisdictions that have received a periodic review notice from the Department (pursuant to OAR 660-025-0050) prior to the effective date of amendments to this division must comply with such amendments at their next periodic review unless otherwise directed by the Commission.

(3) Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:

(a) There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and

(b) That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or

(c) Adopt a combination of the above, consistent with the requirements of this division.

(5) The effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division.

(6) The amendments to this division are effective January 1, 2007. A city or county may voluntarily follow adopted amendments to this division prior to the effective date of the adopted amendments.

Staff Response:

The proposed changes represent amendments from one light industrial zone (County I2) to another (City IC). Therefore, these criteria are inapplicable to the proposed amendments.

660-009-0015

Economic Opportunities Analysis

Cities and counties must review and, as necessary, amend their comprehensive plans to provide economic opportunities analyses containing the information described in sections (1) to (4) of this rule. This analysis will compare the demand for land for industrial and other employment uses to the existing supply of such land.

(1) Review of National, State, Regional, County and Local Trends. The economic opportunities analysis must identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county or local trends. This review of trends is the principal basis for estimating future industrial and other employment uses as described in section (4) of this rule. A use or category of use could reasonably be expected to expand or locate in the planning area if the area possesses the appropriate locational factors for the use or category of use. Cities and counties are strongly encouraged to analyze trends and establish employment projections in a geographic area larger than the planning area and to determine the percentage of employment growth reasonably expected to be captured for the planning area based on the assessment of community economic development potential pursuant to section (4) of this rule.

(2) Identification of Required Site Types. The economic opportunities analysis must identify the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses. Cities and counties are encouraged to examine existing firms in the planning area to identify the types of sites that may be needed for expansion. Industrial or other employment uses with compatible site characteristics may be grouped together into common site categories.

(3) Inventory of Industrial and Other Employment Lands. Comprehensive plans for all areas within urban growth boundaries must include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use.

(a) For sites inventoried under this section, plans must provide the following information:

(A) The description, including site characteristics, of vacant or developed sites within each plan or zoning district;

(B) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory; and

(C) For cities and counties within a Metropolitan Planning Organization, the inventory must also include the approximate total acreage and percentage of sites within each plan or zoning district that comprise the short-term supply of land.

(b) When comparing current land supply to the projected demand, cities and counties may inventory contiguous lots or parcels together that are within a discrete plan or zoning district.

(c) Cities and counties that adopt objectives or policies providing for prime industrial land pursuant to OAR 660-009-0020(6) and 660-009-0025(8) must identify and inventory any vacant or developed prime industrial land according to section 3(a) of this rule.

(4) Assessment of Community Economic Development Potential. The economic opportunities analysis must estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. The estimate must be based on information generated in response to sections (1) to (3) of this rule and must consider the planning area's economic advantages and disadvantages. Relevant economic advantages and disadvantages to be considered may include but are not limited to:

- (a) Location, size and buying power of markets;*
- (b) Availability of transportation facilities for access and freight mobility;*
- (c) Public facilities and public services;*
- (d) Labor market factors;*
- (e) Access to suppliers and utilities;*
- (f) Necessary support services;*
- (g) Limits on development due to federal and state environmental protection laws; and*
- (h) Educational and technical training programs.*

(5) Cities and counties are strongly encouraged to assess community economic development potential through a visioning or some other public input based process in conjunction with state agencies. Cities and counties are strongly encouraged to use the assessment of community economic development potential to form the community economic development objectives pursuant to OAR 660-009-0020(1)(a).

Staff Response:

The City has received a Technical Assistance Grant from the Oregon Department of Land Conservation and Development (DLCD) to produce an Economic Opportunities Analysis (EOA) and Implementation Strategy. Although this document will not be prepared prior to the proposed amendments, staff notes that the proposed change from County I2 to City IC will help facilitate a comprehensive and unified land use approach to the City's EOA by implementing City Comprehensive Plan designations/zoning districts within the subject properties. Therefore, these criteria are assisted by the proposed amendments.

660-009-0020

Industrial and Other Employment Development Policies

(1) Comprehensive plans subject to this division must include policies stating the economic development objectives for the planning area. These policies must be based on the community economic opportunities analysis prepared pursuant to OAR 660-009-0015 and must provide the following:

(a) Community Economic Development Objectives. The plan must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Policy objectives may identify the level of short-term supply of land the planning area needs. Cities and counties are strongly encouraged to select a competitive short-term supply of land as a policy objective.

(b) Commitment to Provide a Competitive Short-Term Supply. Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015.

(c) Commitment to Provide Adequate Sites and Facilities. The plan must include policies committing the city or county to designate an adequate number of sites of suitable sizes, types and locations. The plan must also include policies, through public facilities planning and transportation system planning, to provide necessary public facilities and transportation facilities for the planning area.

(2) Plans for cities and counties within a Metropolitan Planning Organization or that adopt policies relating to the short-term supply of land, must include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed. These policies must describe dates, events or both, that trigger local review of the short-term supply of land.

(3) Plans may include policies to maintain existing categories or levels of industrial and other employment uses including maintaining downtowns or central business districts.

(4) Plan policies may emphasize the expansion of and increased productivity from existing industries and firms as a means to facilitate local economic development.

(5) Cities and counties are strongly encouraged to adopt plan policies that include brownfield redevelopment strategies for retaining land in industrial use and for qualifying them as part of the local short-term supply of land.

(6) Cities and counties are strongly encouraged to adopt plan policies pertaining to prime industrial land pursuant to OAR 660-009-0025(8).

(7) Cities and counties are strongly encouraged to adopt plan policies that include additional approaches to implement this division including, but not limited to:

- (a) Tax incentives and disincentives;*
- (b) Land use controls and ordinances;*
- (c) Preferential tax assessments;*
- (d) Capital improvement programming;*
- (e) Property acquisition techniques;*
- (f) Public/private partnerships; and*
- (g) Intergovernmental agreements.*

Staff Response:

In conjunction with the creation of the City's IC Comprehensive Plan designation/zoning district within the East Happy Valley Comprehensive Plan, the City implemented new Comprehensive Plan policies involving the application of the IC zone districts that are compatible with the Regionally Significant Industrial Area (RSIA) designation based on the Metro 2040 Growth Concept Plan and Title 4 of the Metro Code (see findings, below). Although the subject properties are designated as "Industrial" rather than "RSIA" on the Metro 2040 Growth Concept Plan (see Exhibit 3), the RSIA-compliant IC zone being applied to the properties, combined with the City's pertinent Comprehensive Plan Policies (see findings, below) together are inclusive of the provisions of this administrative rule. Therefore, these criteria are satisfied by the proposed amendments.

660-009-0025

Designation of Lands for Industrial and Other Employment Uses

Cities and counties must adopt measures adequate to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans.

(1) Identification of Needed Sites. The plan must identify the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies. Plans do not need to provide a different type of site for each industrial or other employment use. Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and other employment uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.

(2) Total Land Supply. Plans must designate serviceable land suitable to meet the site needs identified in section (1) of this rule. Except as provided for in section (5) of this rule, the total acreage of land designated must at least equal the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.

(3) Short-Term Supply of Land. Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).

(a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.

(b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.

(c) A planning area with 10 percent or more of the total land supply enrolled in Oregon's industrial site certification program pursuant to ORS 284.565 satisfies the requirements of this section.

(4) If cities and counties are required to prepare a public facility plan or transportation system plan by OAR chapter 660, division 011 or division 012, the city or county must complete subsections (a) to (c) of this section at the time of periodic review. Requirements of this rule apply only to city and county decisions made at the time of periodic review. Subsequent implementation of or amendments to the comprehensive plan or the public facility plan that change the supply of serviceable land are not subject to the requirements of this section. Cities and counties must:

(a) Identify serviceable industrial and other employment sites. The affected city or county in consultation with the local service provider, if applicable, must make decisions about whether a site is serviceable. Cities and counties are encouraged to develop specific criteria for deciding whether or not a site is serviceable. Cities and counties are strongly encouraged to also consider whether or not extension of facilities is reasonably likely to occur considering the size and type of uses likely to occur and the cost or distance of facility extension;

(b) Estimate the amount of serviceable industrial and other employment land likely to be needed during the planning period for the public facilities plan. Appropriate techniques for estimating land needs include but are not limited to the following:

(A) Projections or forecasts based on development trends in the area over previous years; and

(B) Deriving a proportionate share of the anticipated 20-year need specified in the comprehensive plan.

(c) Review and, if necessary, amend the comprehensive plan and the public facilities plan to maintain a short-term supply of land. Amendments to implement this requirement include but are not limited to the following:

(A) Changes to the public facilities plan to add or reschedule projects to make more land serviceable;

(B) Amendments to the comprehensive plan that redesignate additional serviceable land for industrial or other employment use; and

(C) Reconsideration of the planning area's economic development objectives and amendment of plan objectives and policies based on public facility limitations.

(d) If a city or county is unable to meet the requirements of this section, it must identify the specific steps needed to provide expanded public facilities at the earliest possible time.

(5) Institutional Uses. Cities and counties are not required to designate institutional uses on privately owned land when implementing section (2) of this rule. Cities and counties may designate land in an industrial or other employment land category to compensate for any institutional land demand that is not designated under this section.

(6) Compatibility. Cities and counties are strongly encouraged to manage encroachment and intrusion of uses incompatible with industrial and other employment uses. Strategies for managing encroachment and intrusion of incompatible uses include, but are not limited to, transition areas around uses having negative impacts on surrounding areas, design criteria, district designation, and limiting non-essential uses within districts.

(7) Availability. Cities and counties may consider land availability when designating the short-term supply of land. Available land is vacant or developed land likely to be on the market for sale or lease at prices consistent with the local real estate market. Methods for determining lack of availability include, but are not limited to:

(a) Bona fide offers for purchase or purchase options in excess of real market value have been rejected in the last 24 months;

(b) A site is listed for sale at more than 150 percent of real market values;

(c) An owner has not made timely response to inquiries from local or state economic development officials; or

(d) Sites in an industrial or other employment land category lack diversity of ownership within a planning area when a single owner or entity controls more than 51 percent of those sites.

(8) Uses with Special Siting Characteristics. Cities and counties that adopt objectives or policies providing for uses with special site needs must adopt policies and land use regulations providing for those special site needs. Special site needs include, but are not limited to large acreage sites, special site configurations, direct access to transportation facilities, prime industrial lands, sensitivity to adjacent land uses, or coastal shoreland sites designated as suited for water-dependent use under Goal 17. Policies and land use regulations for these uses must:

(a) Identify sites suitable for the proposed use;

(b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use; and

(c) Where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.

Staff Response:

As observed above, the proposed Comprehensive Plan designation/zoning district changes are in compliance with Metro Title 4, the formally relevant Clackamas County Comprehensive Plan (no longer directly applicable to the subject properties since annexation) and the City's comprehensive plan policies and together are inclusive of the provisions of this administrative rule. In addition, a TSP Update is under development by the City that will more accurately illustrate the fact that the City's TSP covers transportation planning for the greater subject area, and the provision of service plans and/or master plans by the city's service providers – CCSD#1 and Sunrise Water Authority detail the provision or planned provision of necessary sanitary/storm sewer and domestic water infrastructure to service future development. Therefore, these criteria are satisfied by the proposed amendments.

OAR Chapter 660, Division 12 (Transportation Planning)

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely

on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in

local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).”

Staff Response:

Section 16.67.060 (Transportation planning rule compliance) of the City’s Land Development Code addresses the requirements of this administrative rule. Findings addressing the TPR are located within the Staff Responses to the City’s own Land Development Code section that addresses the TPR, below (see Section 6). Per those findings, this criterion has been satisfied by the proposed amendments.

3. The following sections of Title 4 from METRO Chapter 3.07 (Urban Growth Management Functional Plan) are applicable to this request:

“Title 4 (Industrial and Other Employment Areas)

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong economic climate. To improve the region’s economic climate, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant and Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” of those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of the types of employment in Centers, Employment Areas, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

[...]

3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit 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 – in order to ensure that they serve primarily the needs of workers in the area.”

[...]

Staff Response:

Although greater sections of Section 3.07.430 could be quoted within this finding, staff notes that this is unnecessary due to the fact that the proposed designation/zone (IC) is actually a RSIA-compliant industrial designation/zone (see response to Policy 55E in Section 5, below), and is thus compliant (in fact, above and beyond such) of the Metro “Employment” designation. Therefore, these criteria are satisfied by the proposed amendments.

5. The following Policies from the City of Happy Valley Comprehensive Plan are applicable to this request:

Comprehensive Plan Policies

“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.

Staff Response:

By approving the Comprehensive Plan Map Amendment/Zoning Map Amendment, the City will bring a more cohesive land use pattern into effect within geographic areas that are governed by the City’s Land Development Code, thus encouraging compatibility across land use types in both Happy Valley and adjacent unincorporated Clackamas County areas. Therefore, this criterion is satisfied by the subject request.

[...]

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.”*

Staff Response:

By approving the Comprehensive Plan Map Amendment/Zoning Map Amendment, the City will continue to protect sites for “larger scale” industrial users that might locate in the subject area; will continue to provide industrial land adjacent to Hwy. 212/224; and, will retain land for industrial use per the retail restrictions associated with the RSIA-compliant IC Comprehensive Plan designation/zoning district. Therefore, this criterion is satisfied by the subject request.

6. The following sections from Title 16 of the City’s Municipal Code (Land Development Code) are applicable to this request:

“16.61.050 Type IV procedure (legislative).

[...]

C. Notice of Hearing.

1. *Required Hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.*
2. *Notification Requirements. Notice of public hearings for the request shall be given by the Planning Official or designee in the following manner:*
 - a. *At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and mailed to:*
 - i. *Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a Comprehensive Plan amendment shall be notified if a zone change would be required to implement the proposed Comprehensive Plan amendment);*
 - ii. *Any affected governmental agency;*
 - iii. *Any person who requests notice in writing;*
 - iv. *For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;*
 - v. *Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.*
 - b. *At least ten (10) days before the scheduled Planning Commission public hearing date, and fourteen (14) days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.*
 - c. *The Planning Official or designee shall:*
 - i. *For each mailing of notice, file an affidavit of mailing in the record as provided by subsection (C)(1)(a) of this section; and*

- ii. *For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection (C)(1)(b) of this section.*
 - d. *The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan and Development Code amendments at least forty-five (45) days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.*
 - e. *Notifications for annexation shall follow the provisions of this chapter.*
 - 3. *Content of Notices. The mailed and published notices shall include the following information:*
 - a. *The number and title of the file containing the application, and the address and telephone number of the Planning Official or designee's office where additional information about the application can be obtained;*
 - b. *The proposed site location;*
 - c. *A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;*
 - d. *The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall; and*
 - e. *Each mailed notice required by Section 16.61.050(C) shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of Happy Valley Land Development Ordinance requires that if you receive this notice it shall be promptly forwarded to the purchaser."*
 - 4. *Failure to Receive Notice. The failure of any person to receive notice shall not invalidate the action, providing:*
 - a. *Personal notice is deemed given where the notice is deposited with the United States Postal Service;*
 - b. *Published notice is deemed given on the date it is published.*
- [...]

Staff Response:

All required notices, including published notice, DLCD 45-day notice and a Measure 56-compliant notice to the property owner have been provided. Therefore, these criteria are satisfied by the proposed amendments.

- F. *Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:*
 - 1. *Approval of the request is consistent with the Statewide planning goals;*
 - 2. *Approval of the request is consistent with the Comprehensive Plan and any pertinent ancillary documents or plans adopted by the City; and*
 - 3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.*

Staff Response:

Approval of the request is consistent with the Statewide Planning Goals and the City's Comprehensive Plan as detailed within the findings, above. In addition, the affected properties have been, and continue to be, supported by adequate public facilities, services and transportation networks, as further detailed in the findings, above. Therefore, these criteria are satisfied by the proposed amendments.

G. Approval Process and Authority.

1. The Planning Commission shall:

a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

b. Within fourteen (14) business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the Planning Official or designee.

2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the Planning Official or designee before the Council public hearing on the proposal. The Planning Official or designee shall send a copy to each Council member and place a copy in the record;

3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within sixty (60) days of its first public hearing on the proposed change, the Planning Official or designee shall:

a. Report the failure together with the proposed change to the City Council; and

b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing make a decision. No further action shall be taken by the Commission.

4. The City Council shall:

a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and

c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

H. Vote Required for a Legislative Change.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

I. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the Planning Official or designee. The City shall also provide notice to all persons as required by other applicable laws.

J. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

[...]

Staff Response:

By the nature of this proceeding before the Planning Commission, and subsequent hearing scheduled before the City Council, the legislative application approval process detailed above has been followed. Therefore, these criteria are satisfied by the proposed amendments.

16.67.020 Legislative amendments.

Legislative amendments are policy decisions made by City Council. Except in the case of expedited annexation, they are reviewed using the Type IV procedure in Section 16.61.050 and shall conform to the Transportation Planning Rule provisions in Section 16.67.060, as applicable.

Staff Response:

The proposed amendments are being processed as a Type IV procedure per the applicable requirements of Section 16.61.050 (see finding, above) and conforms to the Transportation Planning Rule (see finding, below). Therefore, this criterion is satisfied by the proposed amendments.

16.67.060 Transportation planning rule compliance.

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed Comprehensive Plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the traffic impact study provisions of Section 16.61.090. “Significant” means the proposal would:

- 1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan (“TSP”); or*
- 2. Change the standards implementing a functional classification system; or*
- 3. As measured at the end of the planning period identified in the TSP, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*
- 4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or*
- 5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP.*

Staff Response:

The proposed change of Comprehensive Plan designation/zoning district from one type of light industrial district to another (County I2 to City IC), is not anticipated to have any significant affect on a transportation facility. Therefore, these criteria are satisfied by the proposed amendments.

B. Amendments That Affect Transportation Facilities. Except as provided in subsection C, amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility (identified in the TSP). This shall be accomplished by one of the following:

- 1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or*
- 2. Amending the TSP to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or*
- 3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or*
- 4. Amending the planned function, capacity or performance standards of the transportation facility; or*
- 5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.*

Staff Response:

The proposed change of Comprehensive Plan designation/zoning district from one type of light industrial district to another (County I2 to City IC), is not anticipated to have any significant affect on a transportation facility. Therefore, these criteria are satisfied by the proposed amendments.

C. Exceptions. Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the TSP, may be approved when all of the following criteria are met:

- 1. The amendment does not include property located in an interchange area, as defined under applicable law;*
- 2. The currently planned facilities, improvements or services are not adequate to achieve the standard;*
- 3. Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and*
- 4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.”*

Staff Response:

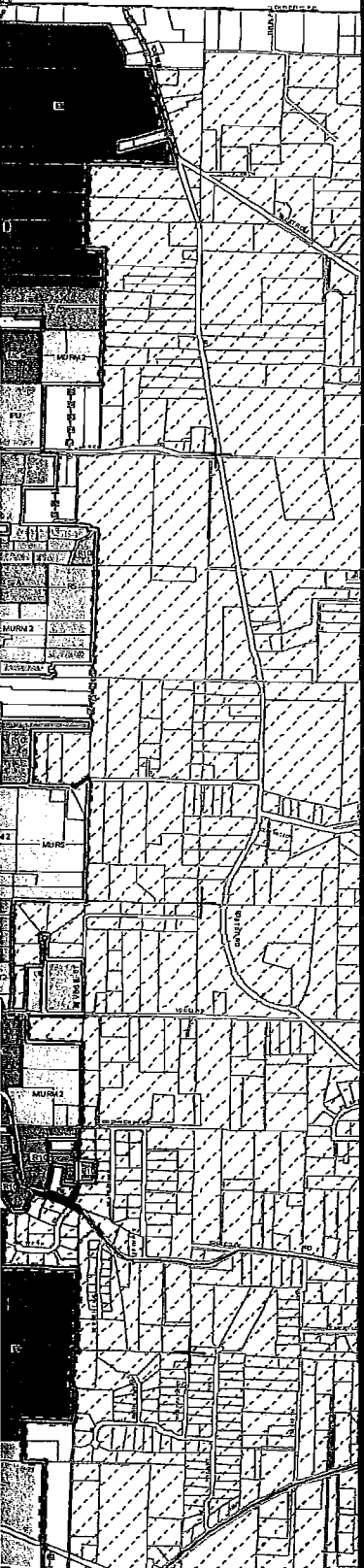
The proposed change of Comprehensive Plan designation/zoning district from one type of light industrial district to another (County I2 to City IC), is not anticipated to have any significant affect on a transportation facility. Therefore, these criteria are satisfied by the proposed amendments.








III. RECOMMENDATION:








Staff has determined that the above findings demonstrate that the proposed Comprehensive Plan designations/zoning district conversion of the subject properties from County I2 to City IC satisfy the requirements of the City of Happy Valley Comprehensive Plan and LDC, Metro Code 3.09, Oregon Revised Statutes and Statewide Planning Goals. Staff, therefore, recommends the Planning Commission recommend approval of application CPA-02-10/LDC-04-10 to the City Council, subject to the following Condition of Approval:

1. ~~That the Conditions of Approval associated with Board~~ **The Clackamas County Board of Commissioners** Order No. 2008-140 dated September 11, 2008, **continues to apply to the property according to the terms of the Board Order, including all conditions of approval, until such time as the Order expires or the property is developed consistent with the City of Happy Valley Development Code. References in the Order to County I2 zoning shall be considered a reference to** ~~including the restrictions and timelines within, are applicable to the subject properties described in Board Order No. 2008-140, with references to County I2 zoning now being applicable to City IC zoning.~~










City of Happy Valley Land Use Zoning



-  R-5 (1 Unit / Per 5,000 Sq. Ft.)
-  R-7 (1 Unit / 7,000 Sq. Ft.)
-  R-8.5 (1 Unit / 8,500 Sq. Ft.)
-  R-10 (1 Unit / 10,000 Sq. Ft.)
-  R-15 (1 Unit / 15,000)
-  R-20 (1 Unit / 20,000 Sq. Ft.)
-  R-40 (1 Unit / 40,000 Sq. Ft.)

-  Future Urban -- 10 acres (FU10)
-  Planned Mixed Use (PMU)
 - Mixed Use Residential -- Single Family (MUR-S)
 - Mixed Use Residential -- Attached (MUR-A)
 - Mixed Use Residential -- Multi-Family Low Density (MUR-M1)
 - Mixed Use Residential -- Multi-Family Medium Density (MUR-M2)
 - Mixed Use Residential -- Multi-Family High Density (MUR-M3)
 - Mixed Use Residential -- Mixed Buildings (MUR-X)
-  Single-Family Attached Residential (SFA)
-  Institutional and Public Use -- (IPU)
 - Sunnyside Village: Townhouse (VTH)
 - Sunnyside Village: Office (VO)
 - Sunnyside Village: Commerical (VC)
 - Mixed Use Commercial (MUC)
 - Mixed Use Employment (MUE)
 - Employment Center
 - Industrial Campus (IC)
-  Community Commercial Center (CCC)
-  Mixed Commerical Center (MCC)
-  Rock Creek Mixed Employment (RC-ME)

County Zoning

-  R-2.5 (1 Unit / Per 2,500 Sq. Ft.)
-  R-20 (1 Unit / 20,000 Sq. Ft.)
-  Rural Residential Farm Forest -- RRF-5 (5 acres)
-  Farm Forest -- 10 Acres (FF-10)
-  Open Space Management (OSM)
-  Office Commerical (OC)
-  Medium High Density Residential District (MR-1)
-  Medium High Density Residential District (MR-2)
-  High Density Residential (HDR)
-  Village Standard Lot Residential District (VR57)
-  Light Industrial (I2)

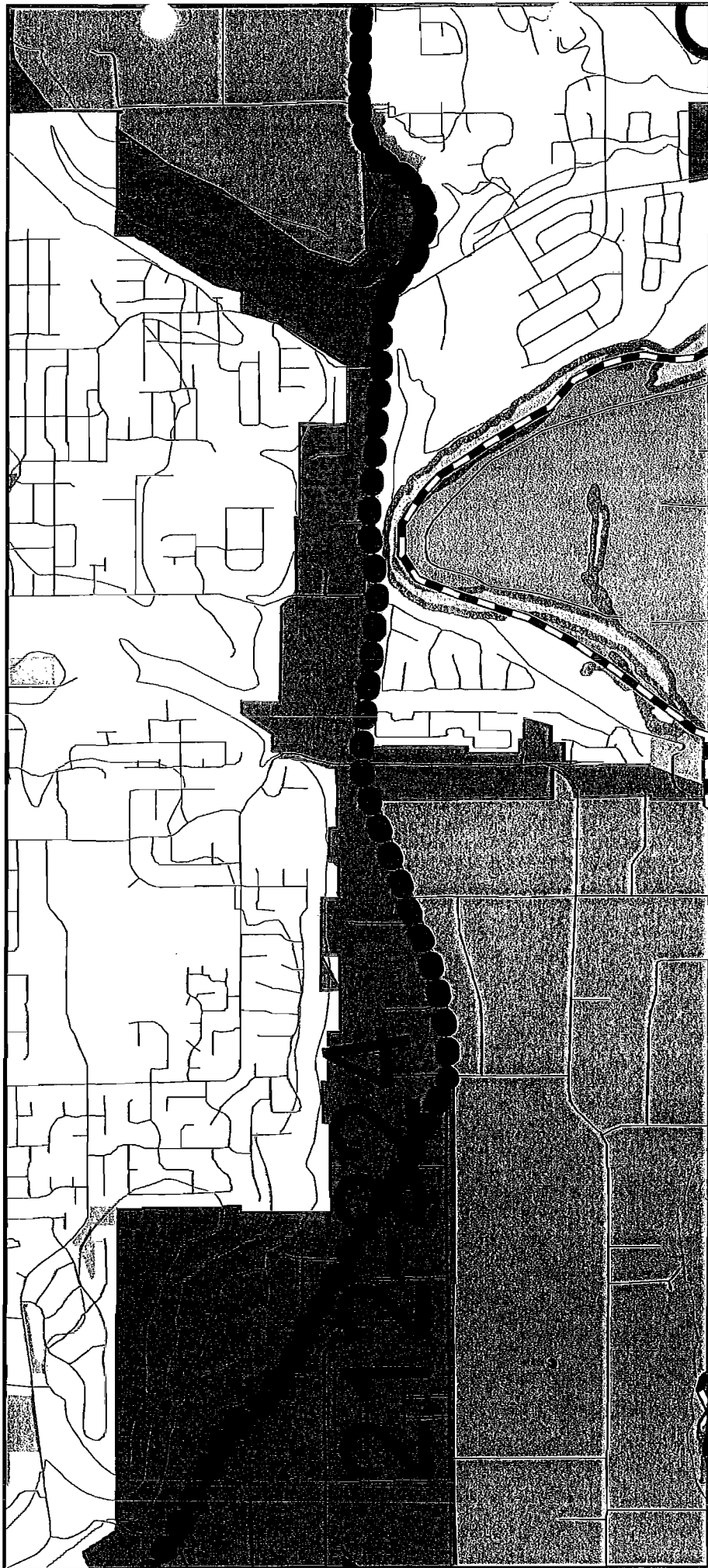




















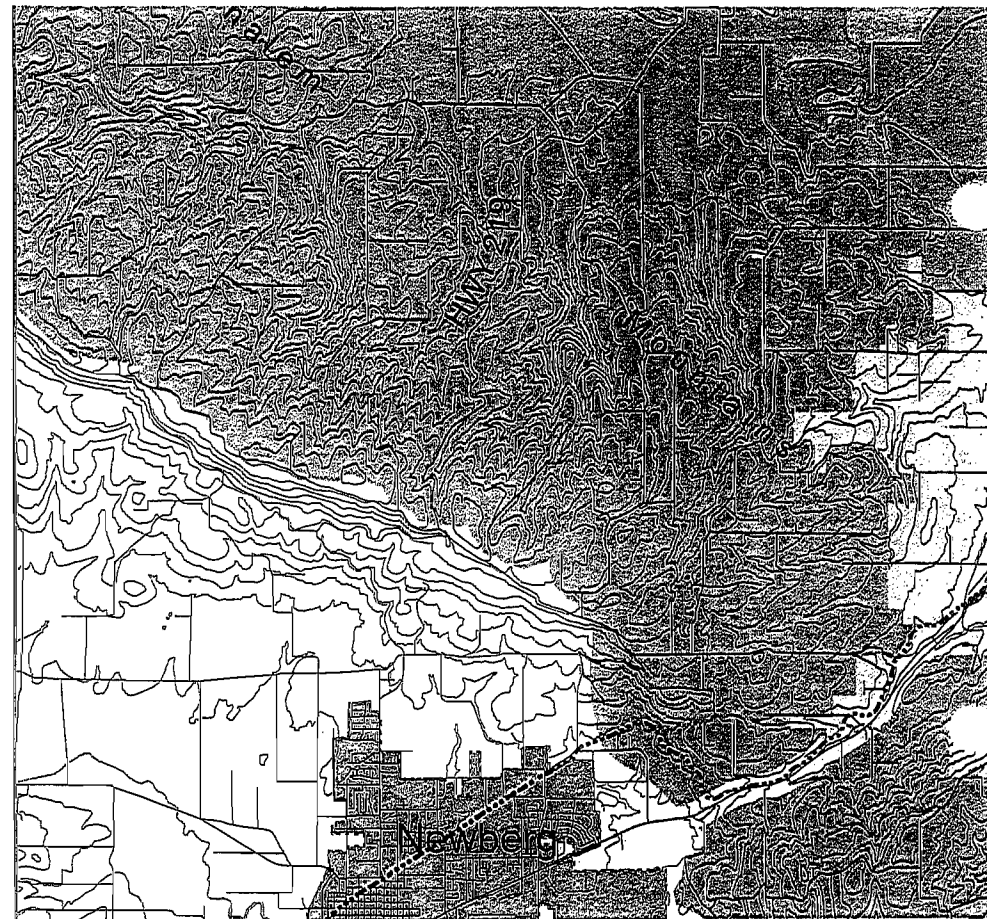


EXHIBIT # 3

LEGEND

Metropolitan Region

- | | | | |
|---|---|---|-------------------------------|
|  | Central City |  | Light Rail Stations |
|  | Regional Centers |  | Potential Light Rail Stations |
|  | Town Centers |  | International Airports |
|  | Inner Neighborhoods |  | Regional Airports |
|  | Outer Neighborhoods |  | Terminals |
|  | Employment Areas |  | Intermodal Rail Yards |
|  | Industrial Areas |  | Rail Distribution Network |
|  | Regionally Significant Industrial Areas |  | Resource Land |
|  | Corridors |  | Rural Reserves |
|  | Park |  | Park |



**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

ORDER NO. 2008-140

File No.: Z0794-02-CP/Z0795-02-Z/Z0796-02-CP

This matter coming regularly before the Board of County Commissioners, on reconsideration of Board Order 2007-334, which approved a Comprehensive Plan Amendment, zone change and post-acknowledgement plan amendment involving a wetland on property described as T2S, R2E, Section 11A, Tax Lots 700,780, 1200, 1300 W.M., located on the northwest corner of the Hwy. 212/224 and SE 142nd Avenue intersection; and

It further appearing that the Oregon Department of Transportation appealed Order 2007-334 to the Land Use Board of Appeals; and

It further appearing that the applicant and the Petitioner have agreed settle the appeal by the adoption of revised conditions of approval; and

It further appearing that the county withdrew Board Order 2007-334 for reconsideration for the adoption of revised conditions of approval; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on August 20, 2008, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on that date;

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

1. With the adoption of appropriate conditions of approval, the applications can comply with the relevant Statewide Goals, administrative rules, comprehensive plan provisions and Zoning and Development Ordinance requirements for the reasons stated in the Findings of Fact and Conclusions of Law adopted by the Board in Board Order 2007-334, which are hereby incorporated by reference.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested applications are APPROVED subject to the conditions of approval set forth in Exhibit A.

DATED this 11 day of September, 2008

BOARD OF COUNTY COMMISSIONERS

Terry Emmert
Chair

Mary Raetke
Recording Secretary

EXHIBIT # 4

**EXHIBIT A
CONDITIONS OF APPROVAL
EMMERT PLAN AMENDMENT**

1 If any of the subject property is required for construction of the Sunrise Corridor, the applicant is entitled to payment for that property at its fair market value with I-2 zoning, rather than the C-3 zoning put in place by this approval. The I-2 zoning will also be used to determine any loss in value of subject property not acquired for, but whose value is depreciated by, such acquisition. This provision does not apply to structures on the subject property, or to any property that any governmental agency might seek to acquire after construction of the Sunrise Corridor. Approval of this comprehensive plan amendment and zone change will not be effective until the applicant provides the county with a written agreement, acceptable to county counsel, agreeing to this condition and binding any future owners of the subject property.

2 No building permit for the subject property shall be issued until either February 5, 2007, or the identification by ODOT of the preferred alternative for the alignment of Unit 1 of the Sunrise Corridor, whichever comes first.

3 Approval of the PAPA removing the wetland from the County Goal 5 Urban Wetland Inventory will not be effective unless Metro approves an exception to Title 3 or otherwise authorizes removal of the wetland on the property from its Water Quality and Flood Management Area Map and the Army Corps of Engineers and/or the Division of State Lands approves filling of the wetland or a wetland mitigation plan for the property or both within 3 years of the final decision on this application.

4 Approval of the amendment to the Comprehensive Plan Urban Growth Concept Map will not be effective unless Metro approves an exception to Title 4 or approves a corresponding change to its Title 4 map within 3 years of the final decision on this application.

5 Development of the property is subject to the concurrency requirements of Clackamas County ZDO Section 1022 in effect at the time of an application to which they apply.

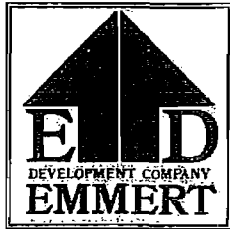
6 Development of the property shall not exceed 200,000 square feet of leasable space, and shall be conditioned upon the following mitigation measures to be provided by the developer or applicant:

a. Access from the parcel directly to OR 212/224 shall be limited to one right-in, right-out driveway within the area shown on attached map (605 feet west of the stop bar for eastbound OR 212/224 to approximately 700 feet west of the same stop bar) in conformance with ODOT design standards.

b. There shall be no site access via SE 136th Avenue.

c. The provision of two southbound left-turn lanes and a southbound through/right shared lane on SE 142nd Avenue at the intersection with OR 212/224. Due to a sight distance issue, there would likely need to be a side-by-side turn lanes for the northbound left-turn lane into the driveway on SE 142nd Avenue. Realign the northbound 142nd Avenue approach when modifying the signal. Extension of the westbound right-turn lane on OR 212/224 to allow for proper storage.

d. Shortening the median island on OR 212/224 by 50' to allow for two stage left-turns out of SE 152nd Avenue onto OR 212/224.



May 13, 2010

City of Happy Valley City Council
Attn: Mayor Rob Wheeler
16000 SE Misty Drive
Happy Valley, OR 97086

Dear Mayor Wheeler,

Please consider this letter of support in regard to File No. CPA-02-10/LDC-04-10 which is a change to the City's Comprehensive Plan Map/Zoning Map from Clackamas County Light Industrial ("I2") to City Industrial Campus ("IC") on 10 properties I own along the Hwy. 212/224 corridor. As the Council may recall, I opted to annex these properties to the City prior to the City's "conversion matrix" being in place, and thus, they have retained their Clackamas County zoning to date.

I look forward to having these properties updated to the City's IC zone, and to continuing to work with the City of Happy Valley in exploring development potential within these lands, as well as other properties recently annexed within the city limits. I understand that the city's "area of interest" expands to the Clackamas River to the south and I-205 to the west – as I own other properties in this area, it is my hope that we will continue to work together toward future annexations and potential economic development opportunities.

Sincerely,

Terry Emmert

NOTICE OF PUBLIC HEARING

CITY OF HAPPY VALLEY

PLANNING COMMISSION AND CITY COUNCIL

THIS IS TO NOTIFY YOU THAT THE CITY OF HAPPY VALLEY SEEKS TO IMPLEMENT A PLAN AND/OR LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTIES.

This notice is provided in order to comply with Ballot Measure 56 - approved by Oregon voters on November 3, 1998. Ballot Measure 56 requires the City to print the following sentence: "The City has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property."

Notice is hereby given that the

HAPPY VALLEY PLANNING COMMISSION will hold a **PUBLIC HEARING** on **TUESDAY, JUNE 8, 2010** and the **HAPPY VALLEY CITY COUNCIL** will hold a subsequent **PUBLIC HEARING** on **TUESDAY, JULY 20, 2010** both hearings to commence at **7:00 p.m.**

The hearings will be held at the Happy Valley City Hall
16000 SE Misty Drive,
Happy Valley, OR, 97086

The purpose of these hearings is to consider public testimony on:

AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN COMPREHENSIVE PLAN MAP/ZONING MAP REGARDING 10 PROPERTIES BEING AMENDED FROM CLACKAMAS COUNTY LIGHT INDUSTRIAL (I2) DISTRICT TO CITY OF HAPPY VALLEY INDUSTRIAL CAMPUS (IC) DISTRICT

On June 8, 2010 and July 6, 2010, the City of Happy Valley will hold public hearings regarding proposed amendments to the City's Comprehensive Plan/Zoning Map (Local File No. CPA-02-10/LDC-04-10). Please see the attached materials. *The City of Happy Valley has determined that adoption of this plan may affect the permissible uses of your properties and may change the value of your property.* The file is available for inspection at the City of Happy Valley City Hall located at 16000 SE Misty Drive, Happy Valley, OR 97086. A copy of the entire file may be obtained electronically for the cost of electronic transfer to a writable CD, or copying costs for paper copies. All written comments must be received by Tuesday, May 25, 2010 at the above address. For additional information concerning the file, please contact Michael D. Walter, AICP at 503-783-3839, or write to michaelw@ci.happy-valley.or.us. The Planning Commission holds a first evidentiary public hearing in regard to the proposed map amendments, followed by a recommendation to the City Council. The City Council is the final local review authority and will consider the map amendments and an Ordinance at the subsequent public hearing. Applicable criteria for this review are generally set forth in:

- Happy Valley Comprehensive Plan Policies;
- Happy Valley Development Code
- Metro Urban Growth Management Functional Plan; and,
- Oregon Statewide Planning Goals and Statutes.

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if requested at least 72 hours prior to the meeting. To obtain such services, please contact Marylee Walden, City Recorder, at 503.783.3800

EXHIBIT # 6

ORDINANCE NO. 404

CITY OF HAPPY VALLEY

**AN ORDINANCE AMENDING OFFICIAL MAP EXHIBIT 11 OF THE CITY LAND DEVELOPMENT
ORDINANCE NO. 97, AS AMENDED – COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE
FROM CLACKAMAS COUNTY LIGHT INDUSTRIAL (I2) TO CITY INDUSTRIAL CAMPUS (IC) FOR
SPECIFIC PROPERTIES**

THE CITY COUNCIL FINDS AS FOLLOWS:

WHEREAS, Application CPA-02-10/LDC-04-10 was initiated by the City to amend the Comprehensive Plan Map/Development District Map (Official Map Exhibit 11 of Ordinance 97) by applying City IC zoning to the properties described as Clackamas County Assessor Map Nos. 22E-12B: Tax Lots 3601 and a portion of 3609; 22E-11A: Tax Lots 700, 1200, 1202 and 1300; 22E-11AC: Tax Lots 3100, 3200 and 3300; and, 22E-11C: Tax Lot 100; and,

WHEREAS a hearing was held before the City Planning Commission on June 8, 2010; and,

WHEREAS, the Planning Commission unanimously recommended that the Comprehensive Plan Map/Development District Map be amended as recommended in the Staff Report dated June 8, 2010; and,

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

WHEREAS, the City Council has determined that it is reasonable, necessary and in the public interest to revise the Comprehensive Plan Map/Development District Map, and upholds the Planning Commission's recommendation pursuant to the findings contained in the Staff Report to the Planning Commission dated June 8, 2010.

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The City declares that the City IC district is applied to the 10 subject properties shown in Exhibit "A" attached to this Ordinance as described above.
- Section 2. The City declares that the Amended Condition of Approval No. 1 and Findings of Fact included within the Staff Report to the Planning Commission dated June 8, 2010 are adopted as part of this Ordinance.
- Section 3. This ordinance takes effect 30 days after adoption.

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT THE JULY 20, 2010 MEETING

Rob Wheeler
Mayor

Adoption and date attested by:

Marylee Walden
City Recorder

Clackamas County I2 to City IC Zone Change Properties

Legend




-  Clackamas County I2 to City IC
-  Other Taxlots
-  Current Happy Valley Boundary



EXHIBIT # "A"



	B	C	D	E	F	G	H	I	J	K	L	M	N
1	ZONE CHANGE												
2	TAX MAP/LOT	EXHIBIT #	EHVCP	SITE ADDRESS	CITY	MAILING ADDRESS	STATE	ZIP	ZONING	ACRES	ASSESED VALUE	# DU	# PEOPLE
3													
4	22E12B 03600			14801 SE Morning Way	Happy Valley	11811 SW Hwy 212 Clackamas	OR	97015	IC	15.74			
5	22E12B 03601			14801 SE Morning Way	Happy Valley	11811 SW Hwy 212 Clackamas	OR	97015	IC	1.22			
6	22E11A 00700			15251 SE 142nd Ave	Happy Valley	11811 SW Hwy 212 Clackamas	OR	97015	IC	10.99			
7	22E11A 01300			No Situs		11811 SW Hwy 212 Clackamas	OR	97015	IC	10.72			
8	22E11A 01202			No Situs		11811 SW Hwy 212 Clackamas	OR	97015	IC	1.83			
9	22E11A 01200			No Situs		11811 SW Hwy 212 Clackamas	OR	97015	IC	1.12			
10	22E11AC03100			13499 SE Hwy 212	Happy Valley	11811 SW Hwy 212 Clackamas	OR	97015	IC	0.43			
11	22E11AC03200			13489 SE Hwy 212	Happy Valley	11811 SW Hwy 212 Clackamas	OR	97015	IC	1.3			
12	22E11AC03300			No Situs		11811 SW Hwy 212 Clackamas	OR	97015	IC	2			
13	22E11C 00100			13171 SE Hwy 212	Happy Valley	11811 SW Hwy 212 Clackamas	OR	97015	IC	0.99			
14													
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22													
23										46.34	0.00	3	0

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086



**Attn: Plan Amendment Specialist
Dept. of Land Conservation &
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540**

Attn: Angela Heuck