



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

9/10/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 001-09

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: Tuesday, September 22, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Mike McCallister, Clackamas County
Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Gloria Gardiner, DLCD Urban Planning Specialist
Katherine Daniels, DLCD Regional Representative

<paa> Y/l

FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP
DEPT OF
SEP 02 2009
LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: **Clackamas County**

Local file number: **Z0231-09-CP/Z0233-09-Z**

Date of Adoption: **August 20, 2009**

Date Mailed: **September 1, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **May 14, 2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Conditional Use / Z0234-09-C**

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

The adopted amendment provides the comprehensive plan map to be changed from agricultural to rural with a corresponding zone change from EFU to FF-10. Additionally a Conditional Use was approved which allows a public charter school to be operated from the existing buildings on the property which was a school.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **Agriculture** to: **Rural**

Zone Map Changed from: **Exclusive Farm Use (EFU)** to: **Farm Forest-10 Acres (FF-10)**

Location: **T.3S, R.2E, Section 36, Tax Lots 901, 1500 & 1501, W.M.** Acres Involved: **6.09**

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 001-09 (17578) [15701]

LAND USE - BOARD ORDER COVER SHEET

In the Matter of a Comprehensive Plan Amendment and Zone
Change for the Molalla River School District:

Z0231-09-CP/Z0233-09-ZAP

Hearing Date(s): August 5, 2009

Minutes: Yes

Board Order Signed: August 20, 2009 2009-90

Sent to Parties: August 20, 2009

Recording
Planning – Mike McCallister
Counsel
File

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

In the Matter of a Comprehensive
Plan Amendment and Zone Change
for The Molalla River School District

File No.: Z0231-09-CP/ Z0233-09-ZAP

ORDER NO. 2009-90

This matter coming regularly before the Board of County Commissioners, and it appearing that the Molalla River School District made application for a comprehensive plan amendment from Agricultural to Rural, and a zone change from EFU to FF-10 on property described as T3S, R2E, Section 36, Tax Lots 901, 1500 and 1501, located one-eighth mile south of the intersection of Schuebel School Road and Lower Highland Rd.

It further appearing that planning staff, by its report dated July 7, 2009, recommended approval of the application; and

It further appearing that the Planning Commission, at its July 13, 2009 meeting, recommended approval of the applications with the condition that future use of the property be limited to school purposes; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on August 5, 2009, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on August 5, 2009;

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

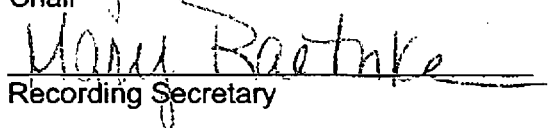
1. The applicant has applied for a comprehensive plan amendment and zone change, and the application can meet the applicable approval criteria with the application of appropriate conditions of approval. The Board adopts the findings and conclusions in the revised staff report dated July 20, 2009, and the condition of approval of the comprehensive plan amendment attached hereto as Exhibit A.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested comprehensive plan amendment and zone change are approved, and that the amendment to the comprehensive plan is subject to the condition of approval attached hereto as Exhibit A.

DATED this ²⁰ 13th day of August, 2009

BOARD OF COUNTY COMMISSIONERS


Chair


Recording Secretary

LAND USE - BOARD ORDER COVER SHEET

In the Matter of a Conditional Use Permit for the Molalla River School District:

Z0234-09-C

Hearing Date(s): August 5, 2009

Minutes: Yes

Board Order Signed: August 20, 2009 2009-91

Sent to Parties: August 20, 2009

Recording
Planning – Mike McCallister
Counsel
File

Z0231-09-CP/ Z0233-09-ZAP

Molalla River School District

Exhibit A to Board Order

Condition of Approval of Comprehensive Plan Amendment

1. Future use of the property shall be limited to school purposes.

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

In the Matter of a Conditional Use Permit
for The Molalla River School District

File No.: ZO234-09-C

ORDER NO. 2009-91

This matter coming regularly before the Board of County Commissioners, and it appearing that the Molalla River School District made application for a conditional use permit for a school in an FF-10 zone.

It further appearing that planning staff, by its report dated July 7, 2009, recommended approval of the application; and

It further appearing that the Planning Commission, at its July 13, 2009 meeting, recommended approval of the application with conditions; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on August 5, 2009, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on August 5, 2009;

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

1. The applicant has applied for a conditional use permit, and the application can meet the applicable approval criteria with the application of appropriate conditions of approval. The Board adopts the findings and conditions of approval contained in the revised staff report dated July 20, 2009.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested conditional use permit is approved, subject to the findings and conditions contained in the revised staff report dated July 20, 2009.

DATED this ²⁰13th day of August, 2009

BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary