



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

09/24/2012

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

**FROM:** Plan Amendment Program Specialist

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

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

Appeal Procedures\*

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

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

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

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

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

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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**DEPT OF**

**SEP 17 2012**

**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-03-12/LDC-03-12**

Date of Adoption: **9/11/2012**

Date Mailed: **9/14/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 7-20-12

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

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

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Clackamas Co. MDR** to: **City CCC**

Zone Map Changed from: **Clacamas Co. FU-10** to: **City CCC**

Location: **15252 SE Hwy 224 (22E-12D-00900, 980 & 990)**

Acres Involved: **7.05**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 008-12 (19427) [17169]



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

Metro, ODOT, Clackamas County

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

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## ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

Mayor  
Honorable Lori DeRemer



City Manager  
Jason Tuck

September 13, 2012

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

***NOTICE OF DECISION***

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

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

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

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

  
Justin Popielek  
Associate Planner



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

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





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

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

## II. ADOPTION OF FINDINGS

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

## III. ORDER

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

ORDER OF THE PLANNING COMMISSION dated this 17 day of Sept 2012.

PLANNING COMMISSION, CITY OF HAPPY VALLEY

By:   
Walter Barnes, Planning Commission Chair





# Proposed Zoning



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



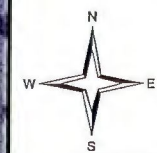
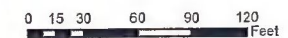


City of Happy Valley

15252 SE HWY 224

**Legend**

- City of Happy Valley
- Damascus



Source: Data from Clackamas County GIS (2012)  
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CITY OF HAPPY VALLEY  
16000 SE MISTY DRIVE  
HAPPY VALLEY, OREGON 97086



DEPT OF  
SEP 17 2012  
LAND CONSERVATION  
AND DEVELOPMENT

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