



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: March 20, 2015
Jurisdiction: City of Happy Valley
Local file no.: CPA-01-15/LDC-01-15
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/16/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
DEPT OF
File No.:
Received: MAR 16 2015

LAND CONSERVATION
AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Happy Valley

Local file no.: CPA-01-15/LDC-01-15

Date of adoption: 3-3-15

Date sent: 3/11/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1-6-15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

The notice had the incorrect acreage.

Local contact (name and title): Michael D. Walter, Economic & Community Development Director

Phone: 503 783-3839

E-mail: michaelw@happyvalleyor.gov

Street address: 16000 SE Misty Dr

City: Happy Valley

Zip: 97086-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from R-7, R-10, R-15 & R-20	to Institutional & Public Use IPU	115 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from R-7, R-10, R-15, & R-20 15	to Institutional & Public Use IPU	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

None



March 12, 2015

File No. CPA-01-15/LDC-01-15
(Administrative Amendments)

NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley City Council and Planning Commission at a public hearing on February 10, 2015 and March 3, 2015, with regard to an application by City of Happy Valley for an Administrative Amendments (File No. CPA-01-15/LDC-01-15) focusing on Comprehensive Plan Policies and Land Development Code sections governing reclassification of publicly owned lands to Institutional & Public Use (IPU) zones.

At the public hearings, the Planning Commission voted to recommend approval of the amendments to the City Council, and the City Council voted to approve CPA-01-15/LDC-01-15 based upon submitted information, recommendation of the Planning Commission, public testimony, and deliberations of the City Council. Copies of the original Staff Report for CPA-01-15/LDC-01-15 are available upon request.

The final approval of the City Council may be appealed to the Land Use Board of Appeals (LUBA) per the provisions of Section 16.61.040 of Title 16 (Land Development Code) of the City of Happy Valley Municipal Code. An appeal of this decision must be filed within 14 days of the mailing of this Notice of Decision. Staff from the City's Planning Division (503-783-3800) can provide information regarding forms, fees and the appeal process. Issues which may provide the basis for an appeal to the City Council shall be submitted in writing, accompanied by a filing fee of \$1,000 plus attorney's fees (\$2,500 deposit required), prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the Community Development Director or designee to respond to the issue. If no appeal is filed by **Thursday, March 26, 2015, at 5:00 p.m.**, this decision shall be deemed final.

A handwritten signature in black ink, appearing to read 'Michael D. Walter', is written over a horizontal line.

Michael D. Walter
Economic & Community Development Director

cc: File No. CPA-01-15/LDC-01-15
METRO

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

ORDINANCE NO. 470
CITY OF HAPPY VALLEY

AN ORDINANCE AMENDING OFFICIAL MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND DEVELOPMENT ORDINANCE NO. 97, IN REGARD TO THE COMPREHENSIVE PLAN/ZONING MAP AMENDMENT OF METRO OWNED PROPERTIES TO CITY INSTITUTIONAL AND PUBLIC USE (IPU) DISTRICT.

WHEREAS, the City provided legal notice that the City's Planning Commission and City Council would consider the proposed Comprehensive Plan/Zoning Map Amendments; and

WHEREAS, the proposed application of the City's IPU zone is more accurate for the underlying uses of these publicly owned lands; and

WHEREAS, the proposed amendment of the current single-family residential zoned lands to the IPU zone will remove the total acreage associated with these publicly owned lands from the City's Residential Buildable Lands Inventory; and

WHEREAS, the City Council considered the proposed amendments at its regularly scheduled City Council meeting on March 3, 2015; and

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The City of Happy Valley declares that the following city Comprehensive Plan designation and zoning district shall apply to the subject properties as listed by Clackamas County Assessor Map No:

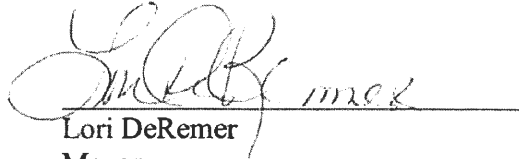
12E-36B-00790 – IPU
12E-36B-00700 – IPU
12E-25-00300 – IPU
12E-25A-01501 – IPU
12E-25A-01591 – IPU

Section 2. The City Council adopts the subject amendments (CPA-01-15/LDC-01-15) and the associated Staff Report to the City Council dated March 3, 2015.

Section 4. The Planning Official is directed to:


1. Amend the City's Comprehensive Plan/Zoning Map to reflect the re-zoning of the subject properties from a combination of R-7, R-10, R-15 and R-20 to IPU.
2. Said changes shall become effective within 30 calendar days.

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING: [March 3, 2014]

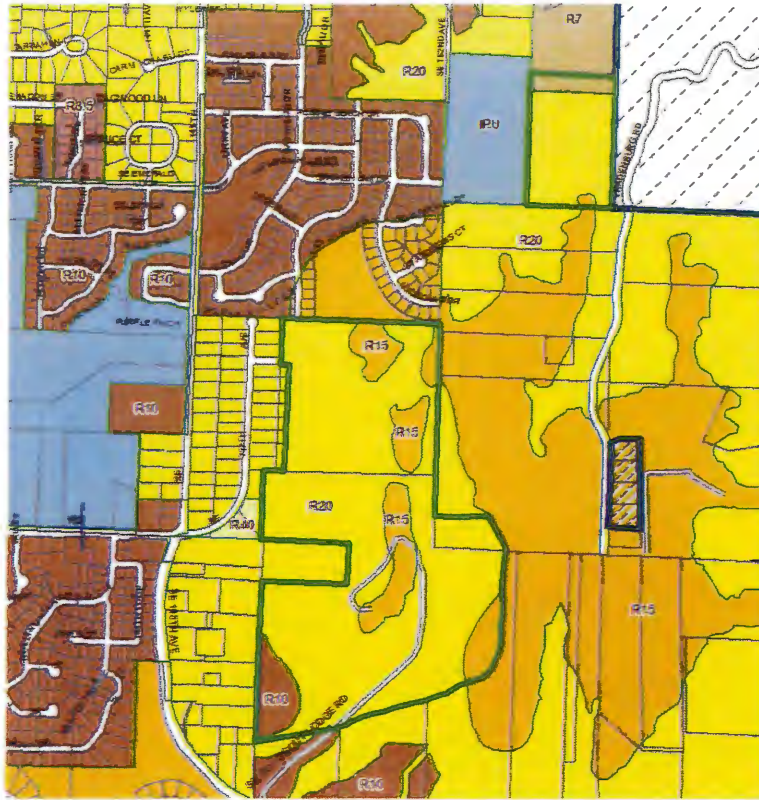


Lori DeRemer
Mayor

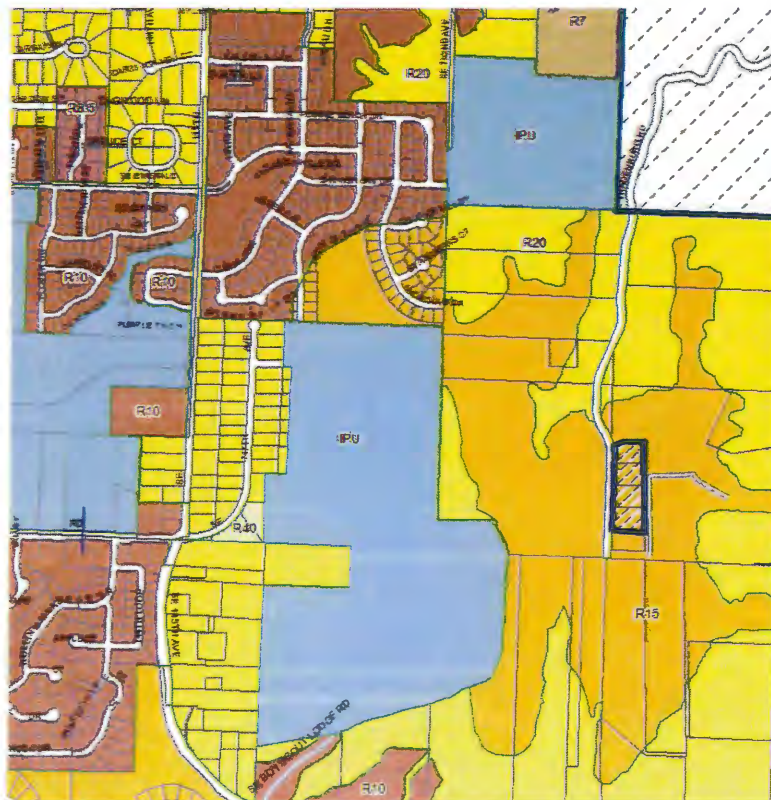
Adoption and date attested by:



Marylee Walden
City Recorder



Existing Zoning – R20, R15, R10, and R7



Proposed Zoning - IPU

Mayor
Honorable Lori DeRemer

City Manager
Jason A. Tuck



**CITY OF HAPPY VALLEY
STAFF REPORT TO THE CITY COUNCIL**

March 3, 2015

COMPREHENSIVE PLAN/ZONING MAP AMENDMENT

METRO-Owned Properties

Local File Number: CPA-01-15/LDC-01-15

I. GENERAL INFORMATION

PROPOSAL:

The City seeks approval of Comprehensive Plan/Zoning Map amendments involving the subject properties from their current underlying single-family residential zones, which are a combination of R-7, R-10, R-15 and R-20 to the City's Institutional and Public Use (IPU) zone. The subject properties are described as Clackamas County Assessor Map Nos. 12e-25A: 01501 and 01591; 12E-25-00300; and, 12E-36B: 00700 and 00790. Staff has determined that the proposed Comprehensive Plan/Zoning Map amendments comply with the applicable requirements of the City's Comprehensive Plan and LDC.

APPLICANT:

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

PROPERTY OWNER:

METRO

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

Preserving and enhancing the safety, livability and character of our community

EXHIBITS:

- Exhibit A – Existing/Proposed Zoning Map
- Exhibit B – Published Notice

APPLICABLE CRITERIA:

Applicable policies and sections of the City of Happy Valley Comprehensive Plan and Municipal Code, Title 16 (Land Development Code) - including Chapter 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments).

BACKGROUND:

The subject properties have all been purchased by METRO for open space preservation and recreational purposes, including the recently completed Scouters Mountain Picnic Shelter and Nature Park with trail system. Therefore, staff proposes that the existing single-family residential zoning of the subject properties be replaced with the more appropriate Institutional and Public Use (IPU) zone.

GENERAL DISCUSSION:

The City’s IPU District is better matched for the purposes of the underlying land in METRO’s ownership and demonstrated by the following excerpt of the zone:

“16.24.010 Institutional and Public Use (IPU) District.

A.Purpose. The IPU District proposes to serve the need for the designation of areas for necessary institutional uses such as schools and churches, and public and semipublic uses such as parks, a local government center and other governmental and public service uses. This district may be located at any place throughout the City, based on a determination by the City that such areas are required. The Comprehensive Plan identifies the need for such uses throughout the City, with that need being fulfilled through this district.

B.Permitted Uses. Table 16.24.010-1 identifies the land uses that are allowed in the IPU District.

Table 16.24.010-1 Institutional and Public Use (IPU) Permitted Uses

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	IPU
Commercial—Retail Uses	
Commercial daycare facilities	C
Institutional	
Cemeteries, mortuaries and funeral homes	C
Church, synagogue, temple or cathedral or other places of worship	P
Schools, public or private	P
Service district functions and operations, including but not limited to fire district facilities, water district facilities, radio and television station production facilities, sanitary sewer and stormwater management facilities and road building and maintenance facilities, not to include fuel or other liquid or non-solid combustible material storage	P
Parks, public or private, but not including commercial recreation facilities	P
Public buildings, functions or operations, including all military uses or activities	P

Land Use	IPU
Public utility substations or other functions	P

[...]

Further, the application of the IPU District zone to these lands will, in effect, remove these lands from the City’s residential land inventory. This distinction is important when calculating lands available for development in relationship to a variety of State and METRO related reporting requirements.

II. FINDINGS OF FACT

CITY OF HAPPY VALLEY COMPREHENSIVE PLAN

Comprehensive Plan Policies

“Policy 4: To insure orderly development in the City of Happy Valley through formulation of growth management policies and guidelines which will determine that development can occur only when adequate levels of services and facilities are or will be available.

Staff Response:

The majority of the subject properties are not intended for “development” of any form other than open space preservation and public park space. Having the appropriate zone (IPU) for the subject properties assists in the insuring orderly development for the subject uses and removes the lands from the City’s residential land inventory. Therefore, this criterion is satisfied.

Policy 5: To encourage controlled development while maintaining and enhancing the physical resources which make Happy Valley a desirable place to live.

Staff Response:

The subject properties are located within an area that has been comprehensively planned for by the City of Happy Valley. The purchase of these lands by METRO for open space preservation and recreational space maintains and enhances the physical resources which make Happy Valley a desirable place to live. Therefore, this criterion is satisfied.

Policy 21: Maintain relationship of open space to permitted development in order to preserve the character of the natural setting and to provide for recreation and visual relief from development.

Policy 22: Encourage multiple use of open space, provided the uses are compatible. Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves or other permanent open space.

[...]

Staff Response:

The purchase of the subject properties by METRO, the open space and recreational uses provided and the implementation of the appropriate zone will aid in meeting the aspirational goals of these policies. Therefore, these criteria are satisfied.

Policy 57: To satisfy the recreational needs of the citizens of the state and visitors, and to provide additional park and outdoor recreational facilities in order to meet recreational needs of residents.

Policy 58: To enhance and encourage the use of the area’s recreational facilities and opportunities.

Policy 59: To encourage county development of additional recreation areas.

Policy 60: To encourage creation of a green-belt recreation area in conjunction with the natural areas for open space, bikeways and trails.

Policy 61: To continue the current park improvement program.”

Staff Response:

The purchase of the subject properties by METRO, the open space and recreational uses provided and the implementation of the appropriate zone will aid in meeting the aspirational goals of these policies. Therefore, these criteria are satisfied.

CITY OF HAPPY VALLEY MUNICIPAL CODE

Land Development Code (LDC):

“16.24.010 Institutional and Public Use (IPU) District.

A. Purpose. The IPU District proposes to serve the need for the designation of areas for necessary institutional uses such as schools and churches, and public and semipublic uses such as parks, a local government center and other governmental and public service uses. This district may be located at any place throughout the City, based on a determination by the City that such areas are required. The Comprehensive Plan identifies the need for such uses throughout the City, with that need being fulfilled through this district.

B. Permitted Uses. Table 16.24.010-1 identifies the land uses that are allowed in the IPU District.

Table 16.24.010-1 Institutional and Public Use (IPU) Permitted Uses

P=Permitted; C=Conditional Use; X=Prohibited

<i>Land Use</i>	<i>IPU</i>
<i>Commercial—Retail Uses</i>	
<i>Commercial daycare facilities</i>	<i>C</i>
<i>Institutional</i>	
<i>Cemeteries, mortuaries and funeral homes</i>	<i>C</i>
<i>Church, synagogue, temple or cathedral or other places of worship</i>	<i>P</i>
<i>Schools, public or private</i>	<i>P</i>

Land Use	IPU
<i>Service district functions and operations, including but not limited to fire district facilities, water district facilities, radio and television station production facilities, sanitary sewer and stormwater management facilities and road building and maintenance facilities, not to include fuel or other liquid or non-solid combustible material storage</i>	P
<i>Parks, public or private, but not including commercial recreation facilities</i>	P
<i>Public buildings, functions or operations, including all military uses or activities</i>	P
<i>Public utility substations or other functions</i>	P

[...]

Staff Response:

The current uses within the METRO-owned lands include uses that are encompassed within the IPU zoning district. Therefore, this criterion is satisfied.

Chapter 16.67 COMPREHENSIVE PLAN MAP, SPECIFIC AREA PLANS, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

16.67.010 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to the City’s Comprehensive Plan and ancillary documents, specific area plans, the land use district map and this title (Land Development Code). These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

Staff Response:

The proposal represents a map amendments and thus satisfies the Purpose statement of Chapter 16.67. Therefore, this criterion is satisfied.

16.67.015 Initiation of a plan amendment.

A. Any change in the text, map or implementing ordinances of adopted Happy Valley land use regulations may be initiated by the City, any resident of the City, property owners or authorized agent. A change in the text may be initiated by as few as one person desiring a revision in the wording, scope, direction or organization of the plan. A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five (75) percent of the property owners or authorized agents who own or represent at least seventy-five (75) percent of the land area involved in the petition of change. The City may, for the purposes of revising or updating plans to comply with statewide goals, legal guidelines or other necessary criteria, initiate a change in the map or text of any plan and this Land Development Code at any time.

[...]

Staff Response:

The proposal has been initiated by the City of Happy Valley with support from METRO. Therefore, this criterion is satisfied.

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 proposal represents a legislative amendment per a Type IV procedure. Per these provisions, the Planning Commission makes a recommendation to the City Council and unless appeal, the City Council is the final review authority. Therefore, this criterion is satisfied.

III. CONCLUSION AND RECOMMENDATION:

Staff has determined that the above findings demonstrate that the proposed Comprehensive Plan/Zoning Map Amendments to City IPU for the subject properties satisfy the requirements of the City of Happy Valley Comprehensive Plan and LDC. **Staff, therefore, recommends that the City Council approve Local File No. CPA-01-15/LDC-01-15.**



Existing Zoning – R20, R15, R10, and R7



Proposed Zoning - IPU

NOTICE OF PUBLIC HEARING
City of Happy Valley Planning Commission and City Council

Notice is hereby given that the City of Happy Valley Planning Commission and City Council will hold public hearings on the following dates in regard to proposed legislative Comprehensive Plan/Zoning Map Amendments to properties owned by the regional government (METRO).

- Date & Time:** Planning Commission, February 10, 2015 at 7:00 p.m.
City Council, March 3, 2015 at 7:00 p.m.
- Hearing Location:** City Hall, 16000 SE Misty Dr. Happy Valley, OR 97086;
- File & Subject:** CPA-01-15/LDC-01-15 (Comprehensive Plan/Zoning Map Amendments).
- Proposal:** The proposed amendments will change the Comprehensive Plan designation and zoning districts from a combination of R-7, R-10, R-15 and R-20 on multiple properties acquired by Metro for open space preservation to Institutional and Public Use (IPU).
- Location:** Lands are generally located south of Clatsop Street and east of 145th Ave. – within the butte area of “Scouters Mountain”.
- Applicant:** City of Happy Valley
- Applicable Criteria:** Applicable Statewide Planning Goals; applicable Oregon Administrative Rule (OAR) sections; and, applicable Sections of Title 16 (Development Code) of the City of Happy Valley Municipal Code.
- Staff Contact:** Michael D. Walter, Economic & Community Development Director
503-783-3800

Interested parties are invited to attend this hearing or to submit comments in writing prior to the meeting time. Written testimony may be submitted in advance or in person at the hearing. Those wishing to present verbal testimony, either pro, con, or to raise questions, will be asked to speak after presentation of the reports.

Testimony should pertain to the applicable criteria. The decision will be made in accordance with said criteria, and may be appealed to the Land Use Board of Appeals. Failure to raise an issue in writing prior to or before the close of the written comment period or failure to provide sufficient specificity at the public hearing to afford the decision-making body an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based upon that issue. The applicant and any person who submits written comments shall receive notice of the decision.

The failure of the applicant to raise constitutional or other issues relating to proposed amendments without sufficient specificity to allow the decision-making body to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m. weekdays), please call for an appointment. For additional information, contact Michael D. Walter, Economic & Community Development Director, at the above address and phone number.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 72 hours in advance by contacting Marylee Walden, City Recorder at the above phone number.

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



DEPT OF

MAR 18 2015

LAND CONSERVATION
AND DEVELOPMENT

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