



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

07/18/2013

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 006-13

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: Wednesday, July 31, 2013

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

<paa> YA/ph



FROM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

July 15, 2013

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-06-13/LDC-07-13**

Date of Adoption: **7/9/2013**

Date Mailed: **7/10/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **5/20/2013**

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".

Approved a Comprehensive Plan/Zoning Map Amendment on four properties from Clackamas Co. RRF-5 to City R-5 in order to have urban zone setbacks.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **County Rural Residential** to: **City Medium Density Single-Fam. Res.**

Zone Map Changed from: **County RRF-5** to: **City R-5**

Location: **13E31C 01500, 01600, 01800, 01900**

Acres Involved: **1.69**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

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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. 006-13 (19857) [17528]

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

Clackamas County, Metro

Local Contact: **Justin Popilek, Senior Planner**

Phone: (503) 783-3810 Extension:

Address: **16000 SE Misty Drive**

Fax Number: **503-658-5174**

City: **Happy Valley**

Zip: **97086-**

E-mail Address: **justinp@happyvalleyor.gov**

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.

Mayor
Honorable Lori DeRemer



City Manager
Jason Tuck

July 10, 2013

File No. CPA-06-13/LDC-07-13
(Four Property 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 July 9, 2013, with regard to an application by Kenneth Gores, James Bernosky, James Stark and Bruce Boeshans for a Comprehensive Plan Map/Zoning Map Amendment (File No. CPA-06-13/LDC-07-13) to change the plan designation/zone on four properties located near the intersection of SE Hagan Road and SE 172nd Avenue from "Rural Residential Farm Forest – 5-acre Minimum" (RRFF-5) to "Medium Density Single-Family Residential" (R-5). The subject properties are described as Clackamas County Assessor Map Nos. 13E31C 01500, 01600, 01800, 01900.

At the public hearing, the Planning Commission voted to approve CPA-06-13/LDC-07-13 based upon submitted information, public testimony, and deliberations of the Planning Commission. Copies of the original Staff Report for CPA-06-13/LDC-07-13 are available upon request.

This action of the Planning Commission is subject to an appeal to the City Council 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 **Wednesday, July 24, 2013, at 5:00 p.m.**, this decision shall be deemed final.

Justin Popilek
Senior Planner

cc: Applicants
Participants of Record

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF HAPPY VALLEY, OREGON**

Zone Change for Properties) **Planning Commission**
Described as Clackamas) **Approval of a Comprehensive Plan Map/**
County Assessor Map Nos.) **Zoning Map Amendment**
13E31C: Tax Lots 1500, 1600,)
1800 and 1900))
))
Applicants:))
Kenneth Gores,) **CPA-06-13/LDC-07-13**
James Bernosky,))
James Stark and))
Bruce Boeshians))

Pursuant to Happy Valley Land Development Code §16.61.040 the City provided notice of a public hearing before the Planning Commission. An affidavit of the notice of hearing is a part of the record. The staff report was prepared and available to the public seven (7) days prior to the public hearing as required by state law.

After providing notice and a staff report, the Planning Commission conducted an evidentiary hearing providing an opportunity to submit oral testimony and written evidence. The approval criteria for the application for a Comprehensive Plan Map/Zoning Map Amendment are provided in the applicable Statewide Planning Goals; applicable sections of OAR Chapter 660, Division 12; 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 of Chapters 16.22 (Residential Land Use Districts), 16.61 (Types of Review Procedures) and 16.67 (Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments). After discussion and deliberation, the Planning Commission voted to approve the proposed Comprehensive Plan Map/Zoning Map Amendment (File No. CPA-06-13/LDC-07-13).

I. DESCRIPTION OF THE APPLICATION

Kenneth Gores, James Bernosky, James Stark and Bruce Boeshans submitted signed applications requesting a Comprehensive Plan Map/Zoning Map Amendment, effectively changing the City's Comprehensive Plan designation and land use zone on the subject properties from "Rural Residential Farm Forest – 5-acre Minimum" (RRFF-5) to "Medium Density Single-Family Residential" (R-5). The subject properties are generally located near the intersection of SE Hagen Road and SE 172nd Avenue, and are further described as Clackamas County Assessor Map Nos. 13E31C: Tax Lots 1500, 1600, 1800 and 1900.

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 July 9, 2013 staff report in support of this order approving the proposed Comprehensive Plan Map/Zoning Map Amendment (File No. CPA-06-13/LDC-07-13).

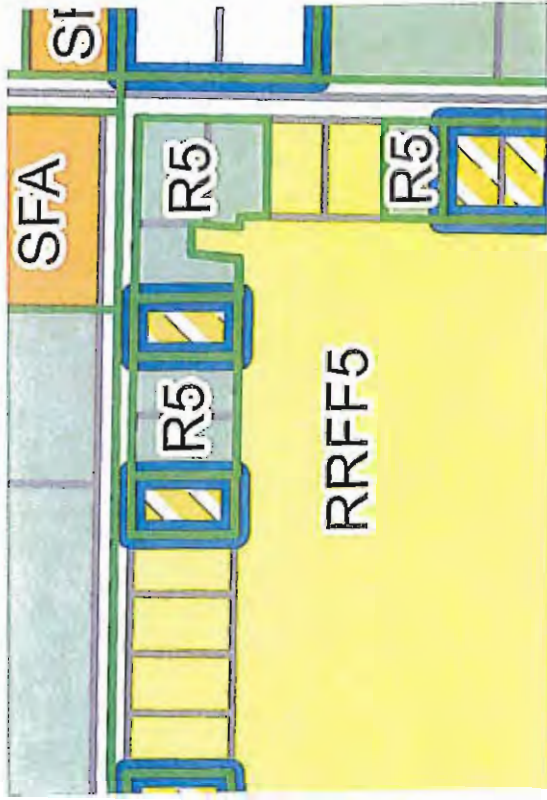
III. ORDER

The Planning Commission hereby approves the proposed Comprehensive Plan Map/Zoning Map Amendment (File No. CPA-06-13/LDC-07-13) 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 July 9, 2013, including any amended language.

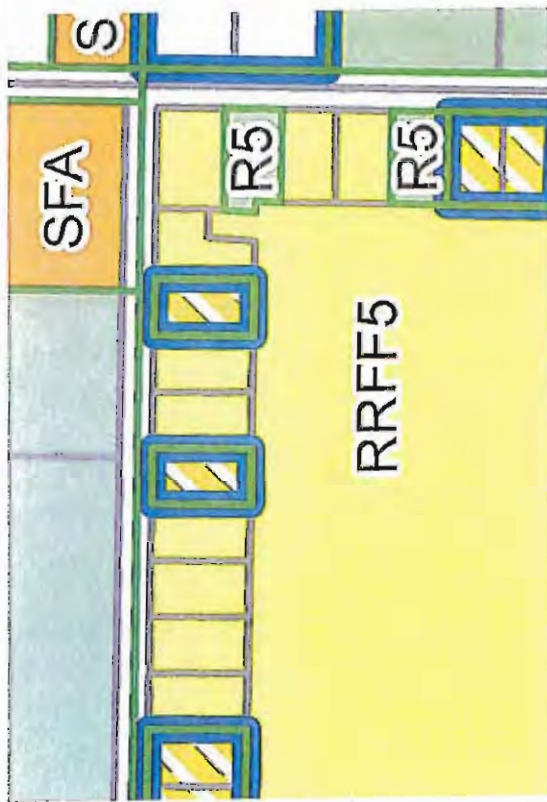
ORDER OF THE PLANNING COMMISSION dated this 9th day of July 2013.

PLANNING COMMISSION, CITY OF HAPPY VALLEY

By: 
Walter Barnes, Planning Commission Chair



Proposed Zoning - R-5



Existing Zoning - RRFF-5

CITY OF HAPPY VALLEY
18000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086

DEPT OF
JUL 15 2013
LAND CONSERVATION
AND DEVELOPMENT



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