



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

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 008-13

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: Justin Popilek, City of Happy Valley  
Gordon Howard, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative

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FROM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**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-07-13/LDC-08-13**

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: 6/4/2013

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 Map/Zone Map Amendment on property described as Clackamas County Assessor Map Number 22E03AA00300 from City Mixed Use Commercial (MUC) to City Single-Family Attached Residential (SFA).

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

Plan Map Changed from: **Mixed Use Commercial**

to: **Single-Family Attached**

Zone Map Changed from: **MUC**

to: **SFA**

Location: **22E03AA00300**

Acres Involved: **.17**

Specify Density: Previous: **15-34 du/ac**

New: **10-15 du/ac**

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.** \_\_\_\_\_

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

Clackamas County, Metro

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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**

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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**.

Mayor  
Honorable Lori DeRemer



City Manager  
Jason Tuck

July 10, 2013

File No. CPA-07-13/LDC-08-13  
(11851 SE Forest Creek Ct. 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 Carey Sheldon for a Comprehensive Plan Map/Zoning Map Amendment (File No. CPA-07-13/LDC-06-13) to change the plan designation/zone on property located at the southern terminus of SE Forest Creek Court (11851 SE Forest Creek Court) from "Mixed Use Commercial" (MUC) to "Single-Family Attached" (SFA). The subject property is described as Clackamas County Assessor Map No. 22E03AA: Tax Lot 300.

At the public hearing, the Planning Commission voted to approve CPA-07-13/LDC-08-13 based upon submitted information, public testimony, and deliberations of the Planning Commission. Copies of the original Staff Report for CPA-07-13/LDC-08-12 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: Carey Sheldon, Applicant  
Participants of Record

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

## **Final Conditions of Approval for CPA-07-13/LDC-08-13**

Amended language indicated by bold and ~~strikethrough~~ text.

1. The applicant shall install a five-foot wide curb-tight sidewalk along the subject site's street frontage with SE Forest Creek Court.
2. The applicant shall install a five-foot wide curb-tight sidewalk from the current terminus of the existing sidewalk located along Tax Lot 121's (the property located directly to the north of the subject site) street frontage with SE Shady Meadow Court, to the southern boundary of Tax Lot 121, along SE Forest Creek Court.
3. The City shall amend the Comprehensive Plan Map/Zoning Map for the subject site to reflect a SFA designation/zone encompassing the entire subject site.

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

**Zone Change for Property**        ) **Planning Commission**  
**Described as Clackamas**       ) **Approval of a Comprehensive Plan Map/**  
**County Assessor Map No.**       ) **Zoning Map Amendment**  
**22E03AA00300**                    )  
  )  
**Applicant:**                         )  
**Cary Sheldon**                     ) **CPA-07-13/LDC-08-13**

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 portions of Chapter 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-07-13/LDC-08-13).

## **I. DESCRIPTION OF THE APPLICATION**

Carey Sheldon (property owner) submitted an application requesting a Comprehensive Plan Map/Zoning Map Amendment, effectively changing the City's Comprehensive Plan designation and land use zone on the subject site from "Mixed Use Commercial" (MUC) to "Single-Family Attached" (SFA). The subject site is generally located north of SE Sunnyside Road and west of SE 122nd Avenue, and is further described as Clackamas County Assessor Map Nos. 22E03AA: Tax Lot 300.

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-07-13/LDC-08-13).

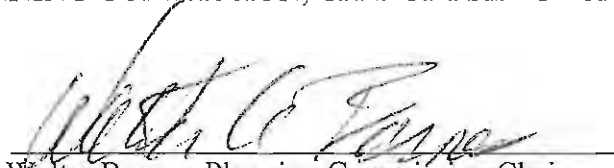
## **III. ORDER**

The Planning Commission hereby approves the proposed Comprehensive Plan Map/Zoning Map Amendment (File No. CPA-07-13/LDC-08-13) 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



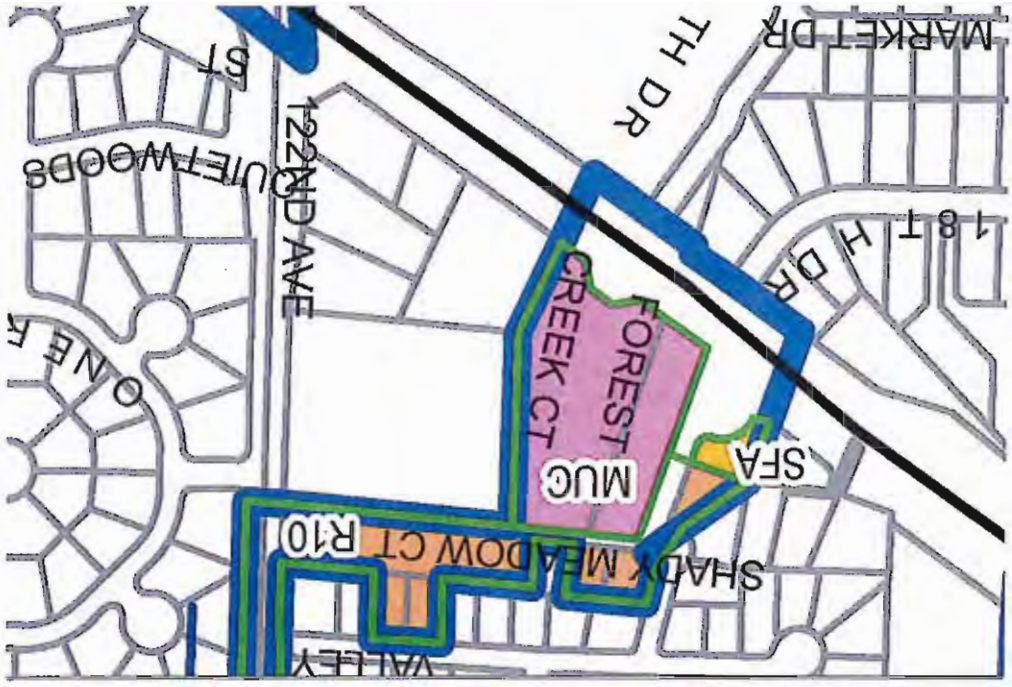


Figure 4: Proposed Zoning



Figure 3: Existing Zoning

CITY OF HAPPY VALLEY  
1600 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