NOTICE OF ADOPTED AMENDMENT

09/20/2013

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 010-13

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: Thursday, October 03, 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

<paa>YA</p>
Notice of Adoption

Jurisdiction: City of Happy Valley
Date of Adoption: 9/10/2013
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☑ Yes ☐ No Date: 8/6/2013
Comprehensive Plan Text Amendment ☑ Comprehensive Plan Map 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 amendments to the City’s overall Comprehensive Plan Map/Zoning Map and the Rock Creek Comprehensive Plan Land Use Map for property described as Clackamas County Assessor Map Numbers 22E01CB: Tax Lots 4400 and 4401 from Village Office (VO) to Village Commercial (VC).

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

Plan Map Changed from: Village Office to: Village Commercial
Zone Map Changed from: Village Office to: Village Commercial
Location: 13551 SE Sunnyside Rd. Acres Involved: 1.15
Specify Density: Previous: N/A New: N/A
Applicable statewide planning goals:

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
Local Contact: Justin Popilek, Senior Planner
Phone: (503) 783-3810
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.

http://www.oregon.gov/LCD/forms.shtml
NOTICE OF DECISION

This is official notice of action taken by the City of Happy Valley Planning Commission at a public hearing on September 10, 2013, with regard to an application by DFT, LLC for two Comprehensive Plan Map/Zoning Map Amendments (File No. CPA-09-13/LDC-11-13) to change the plan designation/zone within the City’s overall Comprehensive Plan Map/Zoning Map and the Rock Creek Comprehensive Plan Land Use Map for two properties located at the southwest quadrant of the intersection of SE Sunnyside Road and SE 145th Avenue from “Village Office” (VO) to “Village Commercial” (VC). The subject properties are described as Clackamas County Assessor Map Nos. 22E01CB: Tax Lots 4400 and 4401.

At the public hearing, the Planning Commission voted to approve CPA-09-13/LDC-11-13 based upon submitted information, public testimony, and deliberations of the Planning Commission. Copies of the original Staff Report for CPA-09-13/LDC-11-12 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 Thursday, September 26, 2013, at 5:00 p.m., this decision shall be deemed final.

Justin Popilek
Senior Planner

cc: Chris Goodell, AKS Engineering and Forestry
Monty Hurley, AKS Engineering and Forestry
Participants of Record
Final Conditions of Approval for CPA-09-13/LDC-11-13

Amended language indicated by bold and strikethrough text.

1. The City shall amend the Rock Creek Comprehensive Plan Map and the City’s overall Comprehensive Plan Map/Zoning Map to reflect the subject site (Tax Lots 4400 and 4401) as having a plan designation/zone of VC.

2. A use proposed through any future development application on the subject site shall not be allowed to incorporate a drive-through facility.

3. Any future land use applications (Design Review, Conditional Use Permit, etc.) regarding the development of the subject site shall be in conformance with the City’s development standards related to the provision of public utilities and vehicular/pedestrian access.

4. That full turning movements to Princeton Village Way shall not be allowed (left out only) prior to full build out of the Princeton Village Way public right-of-way along the property frontage of the adjacent property to the west (Clackamas County Assessor Map No. 22E-01CB-04600).
13551 SE 145th AVENUE

ZONE CHANGE PLANS

OWNER/APPLICANT
DFT, LLC
15370 SE CHELSEA WEAVER DR.
HAPPY VALLEY, OR 97086

TINA D'AMBROSIO
3725 SE MONIVER ROAD
HAPPY VALLEY, OR 97086

PROPERTY DESCRIPTION
TAX LOT 4400 AND 4401, CLACKAMAS COUNTY
TAX MAP NUMBER 2 SE 1/4, LOCATED IN THE
NORTHWEST 1/4 OF 1/4 OF THE SW 1/4 OF
SECTION 4, TOWNSHIP 2 SOUTH, RANGE 2 EAST,
WILLAMETTE MERIDIAN, CITY OF HAPPY VALLEY,
CLACKAMAS COUNTY, OREGON.

PROJECT LOCATION
SW CORNER OF SE 145TH AVENUE AND SE
SUNNYSIDE ROAD INTERSECTION.
13551 SE 145TH AVENUE
HAPPY VALLEY, OR

EXISTING LAND USE:
VACANT

PROPOSAL:
COMPREHENSIVE PLAN MAP AMENDMENT AND
ZONE CHANGE FROM VILLAGE OFFICE (VO)
DISTRICT TO VILLAGE COMMERCIAL (VC)
DISTRICT.

SITE LOCATION:
13551 SE 145TH AVENUE
HAPPY VALLEY, OR

EXISTING CITY ZONING DISTRICT:
VILLAGE OFFICE (VO) DISTRICT

SITE MAP
1 INCH = 200 FEET

SHEET INDEX
1. COVER SHEET WITH VICINITY AND SITE MAP
2. CITY LAND USE ZONING MAP
3. AERIAL PHOTO AND CONTOUR PLAN
4. CONCEPT PLAN
Plan Amendment Specialist – Angeia Houck
Dept. of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540