



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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

Date: April 26, 2016
Jurisdiction: City of Happy Valley
Local file no.: CPA-02-16/LDC-02-16
DLCD file no.: 002-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/25/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 56 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: 5 2016

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-02-16/LDC-02-16

Date of adoption: 4/12/2016

Date sent: 4/21/2016

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): 2/11/2016

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:

No

Local contact (name and title): Steve Koper, AICP, Planning Services Manager

Phone: 503 783-3845

E-mail: stevek@happyvalleyor.gov

Street address: 16000 SE Misty Drive

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 MUC	to MUR-M2	3.15 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): 22E01A: Tax Lot 700

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 MUC	to MUR-M2	Acres: 3.15
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

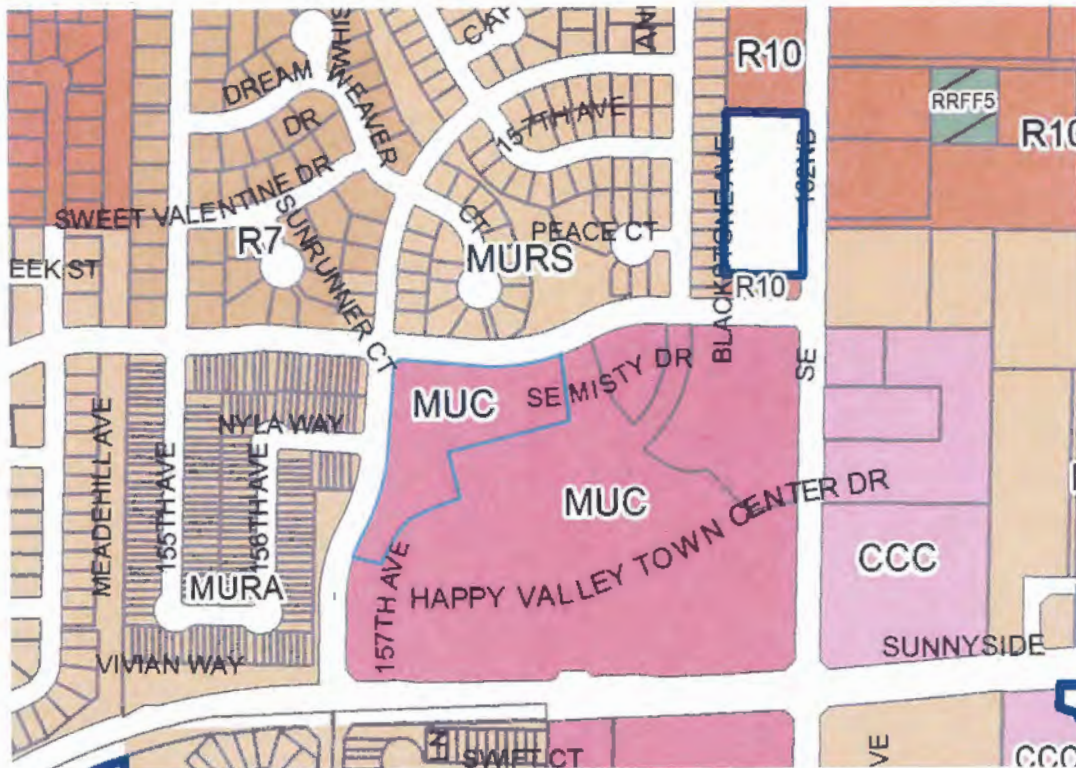
Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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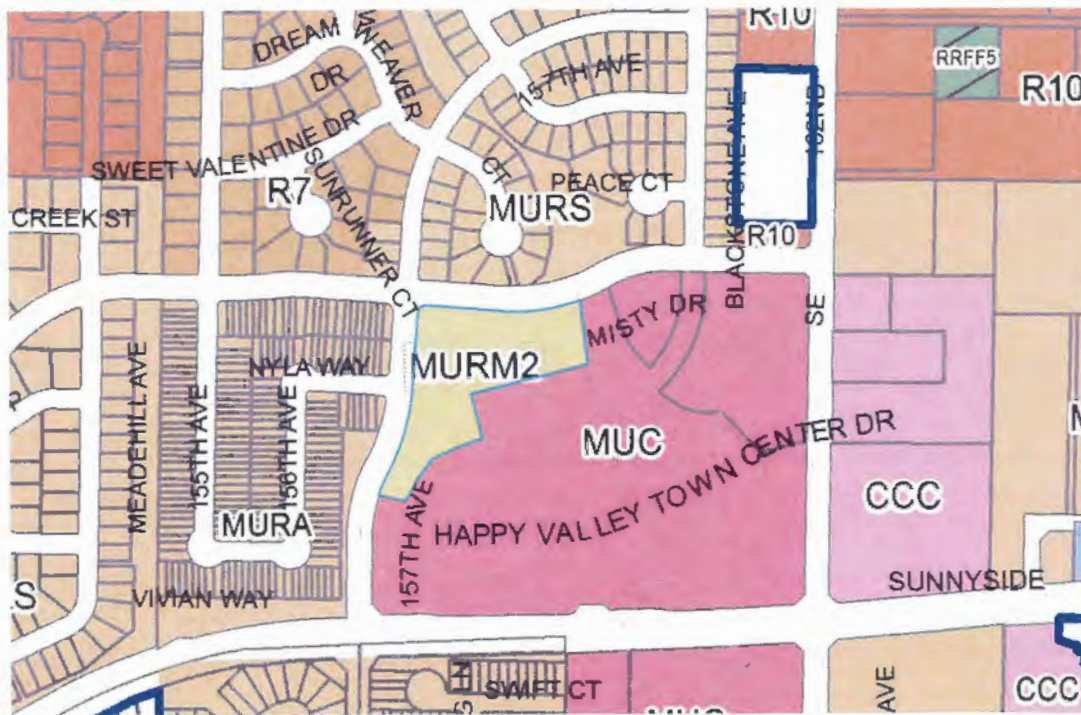
Location of affected property (T, R, Sec., TL and address): 22E01A: Tax Lot 700

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.



EXISTING ZONING DESIGNATION – MUC



PROPOSED ZONING DESIGNATION – MUR-M2

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

April 21, 2016

CPA-02-16/LDC-02-16
("Misty and 157th Rezone")

NOTICE OF DECISION

This is official notice of action taken by the City of Happy Planning Commission at a public hearing held on April 12, 2016, with regard to an application by Gramor, Inc., for a Comprehensive Plan / Zoning Map Amendment (File Nos. CPA-02-16/LDC-02-16) for a single 3.15 acre lot of record located at the southeast corner of Misty Drive and 157th Avenue; further described as Clackamas County Assessor Map Number 22E01A: Tax Lot 700.

At the public hearing, the Planning Commission voted to approve the "Misty and 157th Rezone" based upon submitted information, public testimony, and deliberations of the Commission. Copies of the original Staff Report for File No. CPA-02-16/LDC-02-16 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 Planning Official or designee to respond to the issue. If no appeal is filed by **Thursday, May 5, 2016, at 5:00 p.m.**, this decision shall be deemed final.

Steve Koper, AICP
Planning Services Manager

cc: Gramor, Inc. (Applicant) via e-mail
HHPR; Attn: Keith Jones (Contact Person) via e-mail
Participants of Record

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

Final Conditions of Approval for “Misty and 157th Rezone”
CPA-02-16/LDC-02-16

Amended language indicated by **bold underlined** text.

Administration

1. The City shall amend the City’s overall Comprehensive Plan/Zoning Map, to reflect the subject site (Clackamas County Assessor Map No. 22E01A: Tax Lot 700) as having a plan designation/zone district of MUR-M2. **A density-cap maximum of 107 dwelling units is applied to any future development of the subject site.**
2. Future land use applications (Design Review, etc.) regarding the development of the subject site shall be in conformance with all aspects of the City’s LDC.

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

“157th Avenue and Misty Drive Rezone”)	Planning Commission
)	Approval of
)	Comprehensive Plan Amendment /
)	Zone Change
)	
)	
Applicant:)	
Gramor, Inc.)	CPA-02-16 / LDC-02-16

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 applications for a Comprehensive Plan Amendment / Zone Change are provided in the 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 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 “157th Avenue and Misty Drive Rezone” (Comprehensive Plan Amendment / Zone Change).

I. DESCRIPTION OF THE APPLICATION

Gramor, Inc., submitted an application requesting a Comprehensive Plan Amendment / Zone Change in order change the existing zoning from Mixed Use Commercial (MUC) to Mixed Use Residential–Multifamily (MUR-M2), as allowed by the City’s Land Development Code (LDC).

The subject site consists of one lot of record totaling approximately 3.15 acres in size. The subject property is located at south and east of the intersection of 157th Avenue and Misty Drive and is further described as Clackamas County Assessor Map No. 22E01A: Tax Lot 700.

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 April 12, 2016 staff report in support of this order approving the “157th Avenue and Misty Drive Rezone” (Comprehensive Plan Amendment / Zone Change) – File Nos. CPA-02-16 / LDC-02-16.

III. ORDER

The Planning Commission hereby approves the “157th Avenue and Misty Drive Rezone” Comprehensive Plan Amendment / Zone Change (File Nos. CPA-02-16 / LDC-02-16), 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 April 12, 2016, including any amended language.

ORDER OF THE PLANNING COMMISSION dated this 18 day of April, 2016.

PLANNING COMMISSION, CITY OF HAPPY VALLEY

By: 
Shanin Prusia, Planning Commission Chair

OF HAPPY VALLEY
000 SE. MISTY DRIVE
VALLEY, OREGON 97086



DEPT OF

APR 25 2016

LAND CONSERVATION
AND DEVELOPMENT

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