



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 16, 2007



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Oregon City Plan Amendment
DLCD File Number 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 30, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Humphrey, DLCD Regional Representative
Tony Konkol, City Of Oregon City

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Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Oregon City**

Local file number: **L 06-02**

Date of Adoption: **1/3/2007**

Date Mailed: **1/9/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/23/2006

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".

A text amendment to Chapter 17.34.050 - Pre-existing Industrial Uses of the Oregon City Municipal Code to include the applicant's property, which is identified as Clackamas County Map 2S-2E-20DD, tax lot 5400 and located at 13014 Clackamas River Drive, Oregon City.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-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 # 002-06 (15646)

DLCD file No. _____

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

Local Contact: **Tony Konkol**

Phone: **(503) 657-0891** Extension:

Address: **PO Box 3040**

Fax Number: **503-722-3880**

City: **Oregon City**

Zip: **97045**

E-mail Address: **tkonkol@ci.oregon-city.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 06-1018

AN ORDINANCE AMENDING SECTION 17.34.050 THE PRE-EXISTING INDUSTRIAL USES IN THE MIXED USE DOWNTOWN DISTRICT OF THE OREGON CITY MUNICIPAL CODE TO INCLUDE THE PROPERTY IDENTIFIED AS CLACKAMAS COUNTY MAP 2S-2E-20DD, TAX LOT 5400

WHEREAS, Coffman Excavation, located at Clackamas County Map 2S-2E-20DD, Tax Lot 5400, was originally zoned Industrial, which permitted the existing use on the site, has been a business in Oregon City for over 20 years, has over 100 employees and the owner would like the ability to improve the buildings on the site; and

WHEREAS, Coffman Excavation provides needed industrial employment and family-wage jobs, consistent with the Goals and Policies of the Oregon City Comprehensive Plan, and

WHEREAS, the site historically, and continues, to serve as the business office and storage area for equipment and supplies associated with the business and the Mixed Use Downtown District that was implemented in 2004 makes the business a Pre-Existing Non-Conforming Use, which prohibits the use to be expanded or re-built if destroyed, and

WHEREAS, notice of the proposed Amendment to the Oregon City Municipal Code was mailed to the Department of Land Conservation and Development, Metro, local residents and published in local newspapers and the City held public meetings where the objectives and concepts of the Plan were presented and discussed; and

WHEREAS, on November 27, 2006 the Planning Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, recommended approval to the City Commission by a 5 – 0 vote that the Pre-Existing Industrial Uses of the Mixed Use Downtown District be amended to include the subject site; and

WHEREAS, amending the Pre-Existing Industrial Uses of the Mixed Use Downtown District to include the subject site is in compliance with the Goal and Policies of the Oregon City Comprehensive Plan, future development on the site will be in compliance with all applicable city requirements, including the preservation of historical buildings and site, and the amendment will allow and existing business to expand, rebuild if necessary, and continue to provide family-wage jobs within Oregon City until such time as the property owner transitions to another use that will have no greater impact on the area than the existing industrial use or a use in the Mixed Use Downtown District.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 17.34.050: Pre-Existing Industrial Uses of the Oregon City Municipal Code shall be amended to include the property identified as Clackamas County Map 2S-2E-20DD, Tax Lot 5400. The amended section 17.34.050 shall state:

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD,
*Tax lots 100 and 200 located at Clackamas County Assessors Map #22E30DD
and Tax lot 700 located at Clackamas County Assessors Map #22E9CB have
special provisions for industrial uses. These properties may maintain and
expand their industrial uses on existing tax lots. A change in use is allowed as
long as there is no greater impact on the area than the existing use.*

Read for the first time at a regular meeting of the City Commission held on the 20th day of December 2006, and the City Commission finally enacted the foregoing ordinance this 3rd day of January 2007.



ALICE NORRIS, Mayor

ATTESTED to this 3rd day of January 2007



Nancy Ide
City Recorder