



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

March 1, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 007-05

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 9, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Mike McCallister, Clackamas County

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D L C D NOTICE OF ADOPTION FEB 27 2006

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

LAND CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: CLACKAMAS Local File No.: 20070-05-CP
20071-05-Z
(If no number, use none)

Date of Adoption: FEB 16, 2006 Date Mailed: FEB 24, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9-1-05

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: _____
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡

COMPREHENSIVE PLAN MAP AMENDMENT FROM LIGHT
INDUSTRIAL TO GENERAL COMMERCIAL. CORRESPONDING
ZONE CHANGE FROM I-2 TO C-3

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write same.≡ If you did not give notice for the proposed amendment, write AN/A.≡

SAME

Plan Map Changed from: LIGHT INDUSTRIAL to GENERAL COMMERCIAL

Zone Map Changed from: I-2 to C-3

Location: HWY 212 / EVEREN ST. - CLACKAMAS AREA Acres Involved: .89

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 9, 11 & 12

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 007-05 (14652)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**? Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: METRO, ODOT

CLACKAMAS FIRE DIST, CLACKAMAS RIVER WATER DIST

Local Contact: MIKE McCALLISTER Area Code + Phone Number: _____

Address: 9101 SE SUNNYBROOK BLVD City: CLACKAMAS OR

Zip Code+4: 97015 Email Address: mikem@co.clackamas.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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 copy this form on to 8-1/2x11 green paper only; or 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.

LAND USE - BOARD ORDER COVER SHEET

Amendment of Zoning and Development:

In the Matter of a Comprehensive Plan and Zone Change for Terry Emmert.

File No.: Z0070-05-Z, Z0071-05-CP

Hearing Date(s): December 14, 2005, January 11, 2006, and January 18, 2006

Minutes: No

Board Order Signed: February 16, 2006 2006-35

Sent to Parties: February 22, 2006

Ed Christensen, Welkin Engineering PC
Recording
Planning, Mike McCallister
Counsel
File

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Comprehensive
Plan Amendment and Zone Change
for Terry Emmert.



ORDER NO. 2006-35
(Page 1 of 2)

File No.: Z0070-05-Z, Z0071-05-CP

This matter coming regularly before the Board of County Commissioners, and it appearing that Terry Emmert made application for a Comprehensive Plan map amendment and zone change on property described as T2S, R2E, Section 9DA, Tax Lot 9701; W.M., located at the southwest corner of Hwy. 212/224 and Evelyn Street intersection; and

It further appearing that planning staff, by its report dated November 8, 2005, recommended denial of the application; and

It further appearing that the Planning Commission, at its November 14, 2005 meeting, recommended denial of the application; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on December 14, 2005, January 11, 2006 and January 18, 2006, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on January 18, 2006;

Based upon the evidence and testimony presented, this Board makes the following findings and conclusions:

1. The applicant requests approval of a Comprehensive Plan map amendment from Light Industrial to General Commercial and corresponding zone change from I-2 to C-3.
2. This request meets the applicable provisions of the Statewide Planning Goals, Metro Functional Plan, Clackamas County Comprehensive Plan and Zoning and Development Ordinance.
3. This application satisfies Comprehensive Plan Commercial Policy 34.0 because the area has a historical commitment to commercial uses. In addition, given the size of the property and uses in the surrounding area, the subject property is more suitable for commercial than for industrial use.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Comprehensive
Plan Amendment and Zone Change
for Terry Emmert.



ORDER NO. 2006-35
(Page 2 of 2)

File No.: Z0070-05-Z, Z0071-05-CP

4. This Board finds that the methodology used in the applicant's traffic impact study is acceptable, and that based on the evidence submitted the proposal complies with the Transportation Planning Rule.

NOW, THEREFORE, IT IS HEREBY ORDERED
that the requested Comprehensive Plan map amendment and zone change are granted.

DATED this 16th day of February, 2006.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary