



Oregon

Theodore R. Kulongoski, 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

October 7, 2008

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 003-03 A



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: October 17, 2008

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Mike McCallister, Clackamas County

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FORM 2

RE-ADOPTION

DEPT OF

D L C D 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

SEP 30 2008

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: CLACKAMAS

Local File No.: 20794-02-CP
20795-02-Z
20796-02-CP
(If no number, use none)

Date of Adoption: 9-11-08
(Must be filled in)

Date Mailed: 9-26-08
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: JULY 17, 2008

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: PAPA - GOAL 5
(Please Specify Type of Action)

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

COMP. PLAN AMENDMENT FROM LIGHT INDUSTRIAL TO GENERAL COMMERCIAL.
ZONE CHANGE FROM I-2 TO C-3. AMENDMENT TO URBAN GROWTH CONCEPT MAP
1V-8 TO REMOVE "INDUSTRIAL" DESIGNATION, PAPA APPLICATION TO REMOVE
A WETLAND FROM THE "SIGNIFICANT INVENTORY ON THE COMP. PLAN

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: CLACKAMAS INDUSTRIAL AREA Acres Involved: 25.22

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

Applicable Statewide Planning Goals: 1, 2, 5, 6, 9, 11 & 12

Was an Exception Adopted? Yes: No: X

DLCD File No.: 003-03[A] (12740)

*Re-adopt Order # 2007-334
7/12/07*

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: NORTH CLATSOP SCHOOL DISTRICT 0007, METRO, DSL

Local Contact: MIKE McCALLISTER Area Code + Phone Number: 503-353-4522

Address: 9101 SE SUNNYSIDE BLVD City: CLATSOP

Zip Code+4: 97015 Email Address: miken@co.clatsop.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.

**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. 2008-148

File No.: Z0794-02-CP/Z0795-02-Z/Z0796-02-CP

This matter coming regularly before the Board of County Commissioners, on reconsideration of Board Order 2007-334, which approved a Comprehensive Plan Amendment, zone change and post-acknowledgement plan amendment involving a wetland on property described as T2S, R2E, Section 11A, Tax Lots 700,780, 1200, 1300 W.M., located on the northwest corner of the Hwy. 212/224 and SE 142nd Avenue intersection; and

It further appearing that the Oregon Department of Transportation appealed Order 2007-334 to the Land Use Board of Appeals; and

It further appearing that the applicant and the Petitioner have agreed settle the appeal by the adoption of revised conditions of approval; and

It further appearing that the county withdrew Board Order 2007-334 for reconsideration for the adoption of revised conditions of approval; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on August 20, 2008, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on that date;


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

1. With the adoption of appropriate conditions of approval, the applications can comply with the relevant Statewide Goals, administrative rules, comprehensive plan provisions and Zoning and Development Ordinance requirements for the reasons stated in the Findings of Fact and Conclusions of Law adopted by the Board in Board Order 2007-334, which are hereby incorporated by reference.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested applications are APPROVED subject to the conditions of approval set forth in Exhibit A.

DATED this 11 day of September, 2008

BOARD OF COUNTY COMMISSIONERS


Chair


Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL
EMMERT PLAN AMENDMENT

1 If any of the subject property is required for construction of the Sunrise Corridor, the applicant is entitled to payment for that property at its fair market value with I-2 zoning, rather than the C-3 zoning put in place by this approval. The I-2 zoning will also be used to determine any loss in value of subject property not acquired for, but whose value is depreciated by, such acquisition. This provision does not apply to structures on the subject property, or to any property that any governmental agency might seek to acquire after construction of the Sunrise Corridor. Approval of this comprehensive plan amendment and zone change will not be effective until the applicant provides the county with a written agreement, acceptable to county counsel, agreeing to this condition and binding any future owners of the subject property.

2 No building permit for the subject property shall be issued until either February 5, 2007, or the identification by ODOT of the preferred alternative for the alignment of Unit 1 of the Sunrise Corridor, whichever comes first.

3 Approval of the PAPA removing the wetland from the County Goal 5 Urban Wetland Inventory will not be effective unless Metro approves an exception to Title 3 or otherwise authorizes removal of the wetland on the property from its Water Quality and Flood Management Area Map and the Army Corps of Engineers and/or the Division of State Lands approves filling of the wetland or a wetland mitigation plan for the property or both within 3 years of the final decision on this application.

4 Approval of the amendment to the Comprehensive Plan Urban Growth Concept Map will not be effective unless Metro approves an exception to Title 4 or approves a corresponding change to its Title 4 map within 3 years of the final decision on this application.

5 Development of the property is subject to the concurrency requirements of Clackamas County ZDO Section 1022 in effect at the time of an application to which they apply.

6 Development of the property shall not exceed 200,000 square feet of leasable space, and shall be conditioned upon the following mitigation measures to be provided by the developer or applicant:

a. Access from the parcel directly to OR 212/224 shall be limited to one right-in, right-out driveway within the area shown on attached map (605 feet west of the stop bar for eastbound OR 212/224 to approximately 700 feet west of the same stop bar) in conformance with ODOT design standards.

b. There shall be no site access via SE 136th Avenue.

c. The provision of two southbound left-turn lanes and a southbound through/right shared lane on SE 142nd Avenue at the intersection with OR 212/224. Due to a sight distance issue, there would likely need to be a side-by-side turn lanes for the northbound left-turn lane into the driveway on SE 142nd Avenue. Realign the northbound 142nd Avenue approach when modifying the signal. Extension of the westbound right-turn lane on OR 212/224 to allow for proper storage.

d. Shortening the median island on OR 212/224 by 50' to allow for two stage left-turns out of SE 152nd Avenue onto OR 212/224.



**CLACKAMAS
COUNTY**

**SUNNYBROOK SERVICE CENTER
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
9101 SE SUNNYBROOK BLVD. | CLACKAMAS, OR 97015**



DLCD
ATTN: PLAN AMENDMENT SPECIALIST
635 CAPITAL ST NE, SUITE 150
SALEM OR 97301-2540

