



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

3/17/2010

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 002-10

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: Wednesday, March 31, 2010

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  
Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

2

DLCD

# 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 HAPPY VALLEY

Local file number: ANN01-10/LDC-01-10

Date of Adoption: 3-2-10

Date Mailed: 3-9-10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: ANNEXATION

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

THE CITY ANNEXED AND APPLIED CITY ZONING TO ONE PROPERTY, TAX/MAP  
 #12e28db01201,

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from: COUNTY R-15

to: CITY R-15

Zone Map Changed from: COUNTY R-15

to: CITY R-15

Location:

Acres Involved: .31

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 file No. 002-10 (18063) [16041]



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

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Local Contact: JUSTIN POPILEK

Phone: (503) 783 3810 Extension:

Address: 16000 SE MISTY DRIVE

Fax Number: 503-658 5174

City: HAPPY VALLEY

Zip: 97086

E-mail Address:

[justinp@ci.happy-valley.or.us](mailto:justinp@ci.happy-valley.or.us)

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### 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](http://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](mailto: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](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

Mayor  
Honorable Rob Wheeler



City Manager  
Jason Tuck

DATE: March 9, 2010

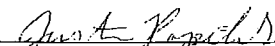
File No. ANN-01-10

**NOTICE OF EXPEDITED DECISION**

This is official notice of action taken by the Happy of Valley City Council pursuant to Metro Code 3.09.045 with regard to an application for annexation to the City of Happy Valley. The subject property is described as Clackamas County Assessor Map Number 12E28DB Tax Lot 1201.

The City Council formally approved the subject application/petition based upon findings included within the Staff Report dated March 2, 2010, and deliberations of the City Council.

Per Metro Code 3.09.045 decisions made pursuant to an expedited process are not subject to appeal by a necessary party pursuant to Section 3.09.070.

  
Justin Popilek, Associate Planner

cc: Petitioner  
Necessary Parties  
File

16000 SE Misty Drive  
Happy Valley, Oregon 97086  
Telephone: (503) 783-3800 Fax: (503) 658-5174  
Website: [www.ci.happy-valley.or.us](http://www.ci.happy-valley.or.us)

*Preserving and enhancing the safety, livability and character of our community*

HAPPY VALLEY, OREGON  
Resolution No. 5-13

COPY

A RESOLUTION OF THE CITY OF HAPPY VALLEY, OREGON ESTABLISHING AN  
EXPEDITED DECISION PROCESS FOR ANNEXATIONS PURSUANT TO METRO CODE  
CHAPTER 3.09.045.

WHEREAS, Metro Code Chapter 3.09.045 authorizes cities to establish an expedited decision process for annexations that are supported by the written consent of at least 100 percent of the property owners and 50 percent of the electors of the proposed annexation territory; and

WHEREAS, it is the current policy of the City of Happy Valley to only annex residential properties of consenting land owners; and

WHEREAS, the City wishes to have the option to annex territories pursuant to Metro Code Chapter 3.09.045; and

WHEREAS, there are no impediments to taking advantage of the expedited decision process in the City of Happy Valley Municipal Code.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF  
HAPPY VALLEY:

Section 1. The City shall, when it deems appropriate, conduct annexations pursuant to the expedited decision process outlined in Metro Code Chapter 3.09.045.

Section 2. The City reserves the right not to utilize the expedited decision process of Metro Code Chapter 3.09.045.

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CITY OF HAPPY VALLEY  
RESOLUTION NO. 05-13

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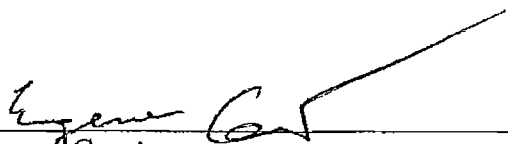
EXHIBIT # D

Section 4. This Resolution shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

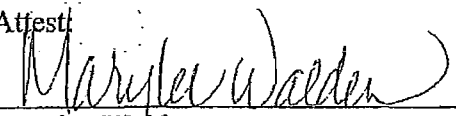
**COPY**

PASSED by City Council on this 7<sup>th</sup> day of June, 2005.

Approved by the Mayor on this 7<sup>th</sup> day of June, 2005.

  
Eugene Grant  
Mayor

Attest:

  
Marylee Walden  
City Recorder

**CITY OF HAPPY VALLEY**  
**STAFF REPORT TO THE CITY COUNCIL**

**March 2, 2010**

ANNEXATION APPLICATION (File No. ANN-01-10/LDC-01-10)

**I. GENERAL INFORMATION**

**PROPOSAL:**

The City seeks approval of the annexation of one property approximately .31 acres in size and the legislative rezoning of the subject property to a Happy Valley zoning designation, as set forth in Section 16.67.070 of the City's Land Development Code (LDC). The subject site currently has a zoning designation of Clackamas County R-15. This proposal will rezone the subject property from its existing zoning designation to a Happy Valley zoning designation of R-15.

**APPLICANT:**

City of Happy Valley  
16000 SE Misty Drive  
Happy Valley, OR 97086

**PROPERTY OWNER:**

See Attached List – Exhibit C

**EXHIBITS:**

EXHIBIT A- Legal Description  
EXHIBIT B- Annexation Area Map  
EXHIBIT C- Annexation Application/Petition  
EXHIBIT D- Copy of Resolution 05-13  
EXHIBIT E- Affidavit of Mailing/Public Notices

**APPLICABLE CRITERIA:**

Applicable sections of the City of Happy Valley Municipal Code; Title 16 (Land Development Code), including Section 16.67.070 (Annexations); applicable sections of the City of Happy Valley Comprehensive Plan; Metro Code 3.09.045; and, ORS 222.111 and 222.125.

**BACKGROUND:**

The City of Happy Valley makes available petitions for annexation to area property owners and received a signed petition requesting annexation from the owner of the subject property.

**GENERAL DISCUSSION:**

The proposed annexation was initiated by a petition signed by the owner of 100% of the property owner(s) that represent 100% of the assessed value, and that represent at least 75% of the electors within the area being annexed. The petition meets the requirements of Metro Ordinance No. 98-791, Chapter 3.09.045 and ORS 222.125.

The property to be annexed is located along SE Otty Place adjacent to the existing city limits, as noted on Exhibit "B". The legal description for the area proposed for annexation is attached as Exhibit "A" and the annexation application data form for the area to be annexed is attached as Exhibit "C".

The proposed annexation incorporates one vacant property consisting of .31 acres adjacent to the existing city limits of the City of Happy Valley. The desire of property owner to obtain city services and land use regulations for the subject property have prompted the proposed annexation request.

This staff report outlines the subject property as to the specific configuration, existing land use, population, assessed value, vacant lands and other criteria for approval of boundary changes. See attached Exhibit "A".

The proposed annexation boundaries have been drawn up to include only the property represented by the property owner or his/her representative who signed the annexation petition.



This proposed annexation complies with the present agreements the City has with various urban service providers. The subject property is currently within Clackamas County Service District #1 (CCSD #1), which provides sanitary sewer and stormwater services to the City and other urbanized areas of Clackamas County. Subsequent to the approval of this application, the owner of the subject property will be required to annex into Clackamas County Service District #5 (CCSD #5) for street lighting and the North Clackamas Parks and Recreation District (NCPRD). The subject property will need to be removed from the Clackamas County Enhanced Law Enforcement District.

CCSD #1 will be the provider of sanitary and stormwater services. Prior to obtaining sanitary and stormwater services for the subject property, the district must evaluate how the property will best be served (i.e. line capacity, drainage basins, etc). Efforts to provide sanitary and stormwater services to the subject property will be coordinated by Clackamas County Water Environment Services (WES).

The subject property is directly adjacent to the city limits of the City of Happy Valley and is within the designated dual interest area of the City of Happy Valley and Clackamas County Urban Growth Management Agreement (UGMA). The property associated with this annexation is consistent with the provisions of the UGMA. Both the planning and public facilities provisions are contained within the City of Happy Valley/Clackamas County UGMA. The property being considered for annexation is not subject to any additional agreements between the City and other agencies that would affect planning or urban services to the subject property.

Happy Valley Comprehensive Plan Policies 4 through 7 address urbanization of lands from rural to urban uses. The annexation area satisfies the applicable provisions of these policies by providing land for urban development that can be, or currently is, adequately served with Level 1 services and facilities.

The Metro Regional Framework Plan contains standards and criteria guiding the management and expansion of the Urban Growth Boundary (UGB), but most are not directly applicable to this annexation application. The Framework Plan does speak to the issues of annexation of properties to cities as appropriate to ensure adequate government jurisdiction and public facilities review and approvals.

The Metro Urban Growth Management Functional Plan (UGMFP) contains population and household growth figures for each jurisdiction in the region, including the City of Happy Valley. These figures should be accommodated over the next 20 years. The approval of this annexation request will contribute land toward future urban-level uses at the densities specified in the functional plan.

Any future development within the subject property proposed for annexation will comply with all the applicable regional, County and City plans.

## **II. FINDINGS OF FACT**

### **STATEWIDE PLANNING GOALS (DLCD)**

#### **“Goal 1: Citizen Involvement (660-015-0000(1))**

*Goal 1 specifies that each city adopt a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the ongoing land-use planning process. This program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.*

#### **Response:**

The City of Happy Valley provided notice to all interested parties, necessary parties, and land owners within 300 feet on February 10, 2010 (see Exhibit E– Affidavit of mailing). The notice stated that the process would be expedited. This criterion has been satisfied.

#### **Goal2: Land Use Planning 660-015-0000(2))**

*Goal 2 specifies the need to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

#### **Response:**

The City’s LDC establishes provisions for the expedited annexation process and county to city zoning conversion. This staff report and findings demonstrate compliance with applicable policies and regulations of all local, regional, and state regulations. This criterion has been satisfied.

#### **Goal 10: Housing (660-015-0000(10))**

*Goal 10 specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.*

**Response:**

The subject property is located within an area that has already been comprehensively planned for by Clackamas County. The proposed annexation would provide additional land for residential development within the City that is adjacent to areas that have already been established as residential uses and public parks. The annexation is compliant with the City's Comprehensive Plan goals and policies pertaining to Goal 10 and the UGMFP (see Compliance with Regional Goals) and therefore, this criterion has been satisfied.

**Goal 11: Public Facilities and Services ((660-015-0000(11))**

*Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that the public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.*

**Response:**

Metro Code (3.09.050(b)(3)) requires that boundary change proposals meet minimum criteria that include addressing the capacity for urban services. Boundary changes must be consistent with ORS 195.065 and regional and statewide land use goals, including Goal 11.

The subject property is currently within CCSD #1, which provides sanitary sewer and stormwater services to the City and other urbanized areas of Clackamas County. The subject property is currently vacant. Prior to development, WES will evaluate how to best provide sanitary and stormwater services to the subject property.

Sunrise Water Authority (SWA) provides water to the City of Happy Valley. The property proposed for annexation is currently, and will continue to be, within the service area of SWA. The future water supply needs of the subject property will be evaluated and planned for by SWA.

This annexation proposal is consistent with Goal 11. Public services to the annexation area has already been planned for and anticipated to occur because it is within the existing UGB. Extension of the public services that are not currently available to the subject property will occur with future development. This criterion has been satisfied.

**Goal 12: Transportation ((660-015-0000(12))**

***Goal 12 calls for the provision of “a safe, convenient and economic transportation system.” It asks for communities to address the needs of the “transportation disadvantaged.***

**Response:**

The Happy Valley Transportation System Plan (TSP) has been updated to include the area proposed for annexation. The TSP was adopted in December 1998; and amended in 2001, 2006, and 2009. The TSP includes an inventory of the existing transportation system, addresses current problem areas, and evaluates future needs for both motorized and non-motorized transportation options. The TSP is consistent with the Transportation Planning Rule (TPR), the Metro Regional Transportation Plan (RTP), the Clackamas County Comprehensive Plan and Pedestrian and Bicycle Master Plan, and the Oregon Department of Transportation Oregon Transportation Plan (OTP).

Future development plans for the undeveloped subject property will most likely consist of the construction of a single-family residence. At the time of building permit submittal for the subject property, the City will evaluate the potential need for infrastructure improvements to SE Otty Place. Where necessary, existing transportation system upgrades may be required and would be included in the site plan. Future site development and associated transportation improvements will be in conformance with the adopted Happy Valley TSP, Comprehensive Plan, and other applicable rules and regulations. This criterion has been satisfied.

**Goal 14: Urbanization ((660-015-0000(14))**

***Goal 14 requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.***



**Response:**

The Happy Valley Comprehensive Plan (1984) and East Happy Valley Comprehensive Plan Update (2009) established a UGB based on the seven criteria outlined in Goal 14. UGB expansions are also regulated regionally through the Metro Regional Framework Plan and UGMFP. The Regional Framework Plan stipulates that cities plan for growth and utilize available land in a manner that is consistent with the regional goals contained in the plan. The City has identified an expansion area from the current city limits. The subject property proposed for annexation is within this identified area. Through the legislative process, the City is proposing to apply a city zoning designation that is the equivalent of the existing Clackamas County zoning designation, to be consistent with the existing Clackamas County Comprehensive Plan, which was established in compliance with Goal 14. This criterion has been satisfied.

**Oregon Revised Statutes (ORS)**

**“ORS 222.111 – [...] (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.**

**Response:**

This annexation was the result of a petition filed by the property owner or his/her representative who own property that is contiguous to the city limits of Happy Valley. The criterion has been satisfied.

**ORS 222.125 - *Annexation by consent of all owners of land and majority of electors; proclamation of annexation.* The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”**

**Response:**

The application was initiated by petitions from owners of 100% of the land in the territory to be annexed and 75% of the electors in the territory to be annexed. The criterion has been satisfied.

**REGIONAL LAND USE REQUIREMENT**

***"Metro Code 3.09.045 – Expedited Decisions***

***(a) Approving entities may establish an expedited decision process that does not require a public hearing consistent with this section. Expedited decisions are not subject to the requirements of Sections 3.09.030 (b) and 3.09.050(a), (b), (c), (e) or (f). The expedited decision process may only be utilized for minor boundary changes where the petition initiating the minor boundary change is accompanied by the written consent of one hundred percent (100%) of the property owners and at least fifty percent (50%) of the electors, if any, within the affected territory.***

**Response:**

The City of Happy Valley established an expedited decision process through the adoption of Resolution No. 05-13 (Exhibit E). The City has received written consent in the form of petitions from 100% of the property owners and 75% the electors within the affected territory. The criterion has been satisfied.

***(b) The expedited process must provide for a minimum of 20 days notice to all interested parties. The notice shall state that the petition is subject to the expedited process. The expedited process may not be utilized if a necessary party gives written notice of its intent to contest the decision prior to the date of the decision. A necessary party may not contest a minor boundary change where the minor boundary change is explicitly authorized by an urban services agreement adopted pursuant to ORS 195.065.***

**Response:**

The City of Happy Valley provided notice to all interested parties necessary parties, and land owners within 300 feet of the subject properties on February 10, 2009 (see Exhibit F – Affidavit of Mailing). The notice stated that the process would be expedited. This criterion has been satisfied.

*(c) At least 15 days prior to the date of decision the approving entity shall make available to the public a brief report that addresses the factors listed in Section 3.09.050(b). The decision record shall demonstrate compliance with the criteria contained in sections 3.09.050 (d) and (g).*

**Response:**

A brief report, addressing the applicable criteria in Section 3.09.050 was available to the public on Tuesday, February 16, 2010, this criterion has been satisfied.

***Metro Code 3.09.050***

***Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:***

***(1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;***

**Response:**

The proposed annexation is consistent with ORS 195.065. As stated above, the subject property would generally remain within service districts already serving the area. The subject property is currently vacant. At the time of future development of the subject property CCSD #1 will review how to best provide sanitary and stormwater services. Also, the subject property will be required to annex into CCSD #5, which will provide street lighting at the time of development.

SWA provides water to the City of Happy Valley. The property proposed for annexation is currently, and will continue to be, within the service area of SWA. The future water supply needs of the subject property will be evaluated and planned for by SWA. This criterion has been satisfied.

***(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;***

**Response:**

The City of Happy Valley has planning jurisdiction for land use and transportation actions within city limits. The proposed annexation is compliant with the Happy Valley Comprehensive Plan and LDC. See also responses to Goal 1, Goal 2, Goal 10, Goal 12, and Goal 14 above. The specific requirements of the LDC can and will be met at the time development of the subject site takes place. The criterion has been satisfied.

***(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;***

**Response:**

The Happy Valley Comprehensive Plan and LDC do not contain applicable standards or criteria for boundary changes. However, the proposed annexation does meet applicable Metro and statewide planning requirements as addressed in this report. The criterion has been satisfied.

***(4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;***

**Response:**

The proposed annexation is consistent with the Regional Framework Plan and the UGMFP, which is discussed in the response to Goal 10 and Goal 14, above. This criterion has been satisfied.

***(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;***

**Response:**

The proposed annexation would not interfere with the provision of public facilities and services. The subject property is located in an area where most urban services have already been installed. The criterion has been satisfied.



***(6) The territory lies within the Urban Growth Boundary; and***

**Response:**

The subject properties are within the existing Metro UGB. The criterion has been satisfied.

***(7) Consistency with other applicable criteria for the boundary change question under state and local law.***

**Response:**

The proposed annexation is consistent with applicable state, regional, and local land use laws, as addressed in this report. The criterion has been satisfied.

***(g) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.”***

**Response:**

The subject property having petitioned for annexation is within the existing Metro UGB. The criterion has been satisfied.

**CITY OF HAPPY VALLEY COMPREHENSIVE PLAN**

***Comprehensive Plan Policies***

***“Policy 4: To insure orderly development in the City of Happy Valley through formulation of growth management policies and guidelines which will determine that development can occur only when adequate levels of services and facilities are or will be available.***

**Response:**

The subject property is located along SE Otty Place, most urban services are currently available. Urban services that are not currently available are required to be in place when development of the subject property occurs. This criterion has been satisfied.

***Policy 5: To encourage controlled development while maintaining and enhancing the physical resources which make Happy Valley a desirable place to live.***

**Response:**

The subject property is located within an area that has been comprehensively planned for by Clackamas County. The subject property has a comprehensive plan designation of Low Density Residential and a zoning designation of R-15 or single-family residential-15,000 square foot minimum lot size. This plan was created with preservation and enhancement of the physical resources as a goal. This criterion has been satisfied.

***Policy 6: To assure that the development of properties is commensurate with the character and physical limitations of the land in the Happy Valley area as determined by the available base information and the Composite Development Suitability analysis.***

**Response:**

Compliance with this policy will be evaluated when/if an individual proposal for development/construction is submitted to the City on the subject property. This criterion has been satisfied.

***Policy 7: To coordinate with the Metropolitan Service District (Metro) on any proposed changes or adjustments of the Urban Growth Boundary in the immediate vicinity of the City.”***

**Response:**

There are no proposed changes or adjustments to the UGB associated with this annexation application. This criterion is not applicable.

**CITY OF HAPPY VALLEY MUNICIPAL CODE**

***Happy Valley Land Development Code***

***“16.67 Comprehensive Plan Map, Specific Area Plans, Land Use District Map and Text Amendments***

***[...]***

**16.67.070 Annexations.**

**A. Except as provided in subsection B of this section, when a property or area is annexed to the City from unincorporated Clackamas County with an accompanying Clackamas County Comprehensive Plan designation and zone, the action by the City Council to annex the property or area shall include an ordinance to amend the City's Comprehensive Plan map/zoning map to reflect the conversion from the County designation/zone to a corresponding City designation/zone, as shown in Table 16.67.070-1 below.**

**Table 16.67.070-1 Land Designation Conversion Table**

<i>Clackamas County Zone</i>	<i>City of Happy Valley Zone</i>
<i>Urban/Rural Residential</i>	
<i>R-2.5</i>	<i>SFA</i>
<i>R-5</i>	<i>R-5</i>
<i>R-7</i>	<i>R-7</i>
<i>R-8.5</i>	<i>R-8.5</i>
<i>R-10</i>	<i>R-10</i>
<i>R-15</i>	<i>R-15</i>
<i>R-20</i>	<i>R-20</i>
<i>MR-1</i>	<i>MUR-M1</i>
<i>MR-2</i>	<i>MUR-M2</i>
<i>HDR</i>	<i>MUR-M3</i>
<i>RA-2</i>	<i>R-15</i>
<i>FU-10</i>	<i>FU-10</i>
<i>Natural Resources</i>	
<i>EFU</i>	<i>EFU*</i>
<i>Commercial</i>	
<i>NC</i>	<i>MUE-NC</i>
<i>C-2</i>	<i>MCC</i>
<i>RCC</i>	<i>MCC</i>
<i>RCO</i>	<i>MUC</i>

<i>OC</i>	<i>CCC</i>
<i>RCHD</i>	<i>MUR-M2</i>
<i>OA</i>	<i>MUC</i>
<i>Industrial</i>	
<i>I-2</i>	<i>EC</i>
<i>I-3</i>	<i>IC</i>
<i>BP</i>	<i>EC</i>
<i>Special Districts</i>	
<i>OSM</i>	<i>IPU</i>
<i>Sunnyside Village</i>	
<i>VR-4/5</i>	<i>VR-4/5*</i>
<i>VR-5/7</i>	<i>VR-5/7*</i>
<i>VCS</i>	<i>VCS*</i>
<i>VA</i>	<i>VA*</i>
<i>VO</i>	<i>VO</i>
<i>VTH</i>	<i>VTH</i>
*Annexation of these zoning districts would require the creation of a new Comprehensive Plan designation/zoning district within the City that would mirror the applicable Clackamas County designation/zone.	

***B. When an unincorporated property within the East Happy Valley Comprehensive Plan area, Aldridge Road Comprehensive Plan area, or the Rock Creek Mixed Employment Comprehensive Plan area is annexed to the City, the property shall be rezoned to the applicable zoning designation in the Comprehensive Plan pursuant to the applicable requirements of the Land Development Code.***

***C. For any proposed annexation to the City, application shall be made directly to the City of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form, the City shall schedule a public hearing before the Planning Commission, which shall make a recommendation to the City Council. The City may utilize any lawful annexation process under state, regional or local law, including the expedited annexation process established in the Metro Code. An expedited annexation process shall be sent directly to the City Council for review. Expedited annexations shall be processed as an ordinance pursuant to the City of Happy Valley Charter.***



***D. For any proposed deannexation from the City, application shall be made directly to the City of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form the City shall schedule a public hearing before the Planning Commission, which shall make a recommendation to the City Council.”***

**Response:**

The subject property has a Clackamas County Comprehensive Plan designation of Low Density Residential and a zoning designation of R-15. Pursuant to subsection A above, the subject property associated with this annexation file will receive city zoning based on the designations established in Table 16.67.070-1 Land Designation Conversion Table. As a result, if the proposed annexation is approved, an ordinance to amend the City’s Comprehensive Plan map/zoning map will be passed that reflects the zoning conversion of the subject property from Clackamas County R-15 to Happy Valley R-15. These criteria have been satisfied.

**III. CONCLUSION:**

Staff has determined that the above findings demonstrate that the proposed annexation and zoning conversion of the subject property satisfy the requirements of the City of Happy Valley Comprehensive Plan and LDC, Metro Code 3.09, Oregon Revised Statutes and Statewide Planning Goals. Staff, therefore, recommends the City Council approve application ANN-01-10/LDC-01-10.

City of Happy Valley  
Annexation No. ANN-01-10  
(Otty Place)  
Legal Description

A tract of land situated in Section 28, T1S, R2E, W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the northeast corner of Parcel 1, in Partition Plat No. 2006-72 & said corner being on the existing city limits of the City of Happy Valley;

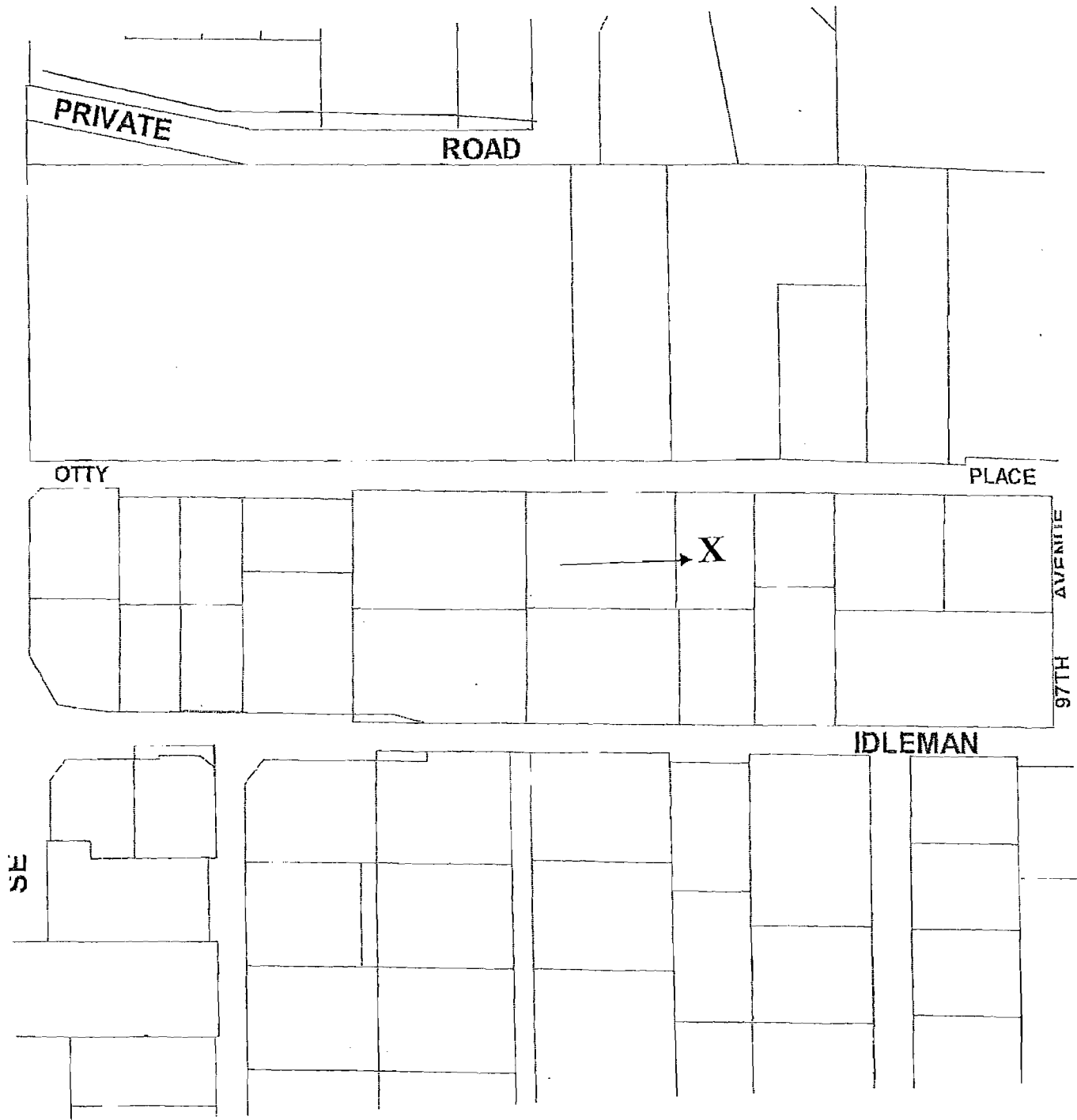
1. Thence North 00° 29' 31" West, along said city limits & along the northerly extension of the east line of said partition plat, 10 feet to the south line of S.E. Idleman Rd. (a 50 foot R/W to the west & a 40 foot R/W to the east);
2. Thence East, along said city limits and said south line, 6 feet more or less to the point of intersection with the southerly extension of the west line of a tract of land (12E28DB02300) as recorded in deed instrument no. 72-27987;
3. Thence North, along said extension, 40 feet to the north line of said road;
4. Thence West, along said city limits & said north line, 96 feet to the west line of a tract of land (12E28DB02200), as recorded in deed instrument no. 96-079230;
5. Thence North, along said city limits & the west line of said tract, 134.3 feet to the northwest corner of said tract & the south line of a tract of land (12E28DB01201), as recorded in deed instrument no. 2009-083639 & the true point of beginning;
6. Thence East (& leaving said city limits), along the south line of said tract, 100 feet to the southeast corner of said tract;
7. Thence North, along the east line of said tract & it's northerly extension, 164.5 feet to the north line of Otty Place (a 30 foot R/W);
8. Thence North 89° 46' 23" West, along said north line, 100 feet to the point of intersection with the northerly extension of the west line of said tract;

EXHIBIT # A

9. Thence South, along said extension & west line, 164.5 feet to the southwest corner of said tract;
10. Thence East, along the south line of said tract, 12.75 feet to the true point of beginning.

Note: All deed reference numbers refer to Clackamas County Records. All tax map & tax lot numbers are for reference only and are not to be considered part of the legal description.

Exhibit "A"



Glen Brown  
9550 SE Otty Place  
Happy Valley, OR 97086

Tax #12E28DB01201

EXHIBIT # B





To the City Council of the  
City of Happy Valley, Oregon

**CITY OF HAPPY VALLEY**  
16000 SE Misty Drive  
Happy Valley, OR 97086  
Phone: 503-783-3800 Fax: 503-658-5174  
**PETITION TO ANNEX**

I (we), the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition and give consent to, annexation of said property to the City of Happy Valley.

The consent for annexation is for the following described property:  
9550 SE OTTY PL. Happy Valley OR.  
Street Address of Property (if address has been assigned)  
T: 015 R: 02E S: 28 Q: 251  
Legal Description (Subdivision Name, Lot number(s))  
12 E 28 DB 01201  
Tax Map and Tax Lot Number

**SIGNATURE(S) OF LEGAL OWNER(S) AND/OR REGISTERED VOTER(S)**

[Signature] JB JB 1-7-10  
Signature Owner Initial Voter Initial Date

\_\_\_\_\_  
Signature Owner Initial Voter Initial Date

\_\_\_\_\_  
Other Authorized Signature Owner Initial Voter Initial Date

503-698-7602 503-650-1720

\_\_\_\_\_  
Street Address Home Phone Work Phone

14844 SE Alison Ct.

\_\_\_\_\_  
Mailing Address

Clackamas, OR 97015

\_\_\_\_\_  
City, State and Zip Code

A legal description and a copy of the  
assessor's map of the property must be  
submitted with this petition.

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than a year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective

☒ Indefinitely, or until \_\_\_\_\_

[Signature] 1-7-10  
Signature Date

\_\_\_\_\_  
Signature Date

The Population Research Center at Portland State University compiles population estimates which they report to the State of Oregon on an annual basis. The State of Oregon then uses these estimates to determine the City's Fair Share of state funds. Please help us with this effort by indicating below the number of housing units on the above indicated tax lots and the number of people residing in these housing units. THANK YOU!

Number of housing unit on above lot: 0  
Types of housing units: ☒ Single family ☐ Multi-family ☐ Mobile home or trailer  
Number of people occupying these units: 0

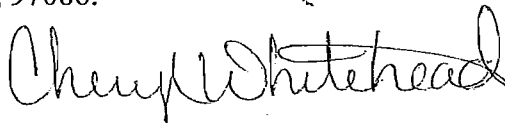
Affidavit of Mailing

State of Oregon )l

County of Clackamas )l )ss: City of Happy Valley

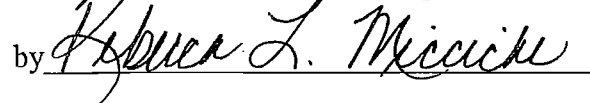
I, Cheryl Whitehead, Planning Assistant for the City of Happy Valley, hereby provide the following affidavit:

I certify that the following notice was mailed, a copy of which is attached hereto as Exhibit A, to the owners of record of property on the most recent tax assessment roll where such property is located within 300 feet of the properties which is the subject of the notice, by mailing to each person on Wednesday, February 10, 2010 contained in a sealed envelope, with postage paid, addressed to each such person at his/her mailing address. The names of the persons to whom notice was mailed is set forth on Exhibit B which is attached hereto. The mailing was deposited at the drop box located at 16000 SE Misty Drive, Happy Valley, Oregon, 97086.

  
Cheryl Whitehead, Planning Assistant

State of OREGON  
County of Clackamas

This instrument was acknowledged before me on February 10, 2010

by 



Notary Public-State of Oregon

EXHIBIT # E

**CITY OF HAPPY VALLEY**  
16000 SE MISTY DRIVE  
HAPPY VALLEY, OREGON 97086  
PH. 503.783.3800  
FAX 503.658.5174

## **NOTICE**

NOTICE IS HEREBY GIVEN that the Happy Valley City Council will hold a public hearing and will consider annexation of territories pursuant to the Expedited Decision process of Metro Code Chapter 3.09.045 and a Comprehensive Plan map/zoning map amendment (rezoning the property from the existing Clackamas County zoning designation to applicable City of Happy Valley zoning designation) to the affected properties pursuant to Section 16.67.070 of the City's Municipal Code in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on **Tuesday, March 2, 2010, at 7:00 p.m.**

DOCKET NUMBER  
ANN-01-10/LDC-01-10

Affected properties total approximately .31 acres of real property and include the following properties as listed by Clackamas County Assessor Map Number:

12E28DB01201

The City Council intends to decide on the application for annexation and rezoning of the above properties at the public hearing. The Council may approve or deny an application for annexation and the associated legislative comprehensive plan map/zone map amendments in accordance with the applicable criteria of the City of Happy Valley Comprehensive Plan, and Section 16.67.070 of the City of Happy Valley Municipal Code, METRO code 3.09, and ORS 222.111, 222.125 and 222.170.

The decision will be made in accordance with the said criteria, and may be appealed to the Land Use Board of Appeals.

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 4:30 p.m. weekdays), please call for an appointment. For additional information, contact Justin Popilek, Associate Planner at the above address and phone number.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting Marylee Walden, City Recorder at the above phone number.

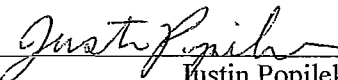
  
Justin Popilek,  
Associate Planner

EXHIBIT # \_\_\_\_\_

**ANN-02-09**

Property Owner  
Glen A. Brown

<u>Tax/Map/Lot</u>	<u>EHVCP</u>	<u>Site Address</u>	<u>City</u>	<u>State</u>	<u>Zoning</u>	<u>Acres</u>
12E28DB01201	NO	9550 SE Otty Place	Happy Valley	OR	R15	0.31

Total	0.31
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Attn: Plan Amendment Specialist  
Dept. of Land Conservation &  
Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540