



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: 09/03/2014
Jurisdiction: City of Happy Valley
Local file no.: ANN-04-14/CPA-07-14/
DLCD file no.: 009-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/29/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 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



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.: **ANN-04-14/CPA-07-14/LDC-07-14**

Date of adoption: 8-19-14

Date sent: 8/28/2014

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): 7-11-14

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:

These properties were removed from the annexation: 12E27AD00100, 12E26BC00300 & 12E26BC00400.

Local contact (name and title): Justin Popilek

Phone: 503 783-3810

E-mail: justinp@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 RRFF-5/R-8 to City, CCC/MUR-M2/R-5/R8.5 5.15 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): 13E31A01300 & 22E12BB01200

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 RRFF-5/R-8.5 to CCC/MUR-M2/R-5/R8.5 Acres: 5.15

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:

Location of affected property (T, R, Sec., TL and address): 13E31A01300 & 22E12BB01200

List affected state or federal agencies, local governments and special districts: Clackamas County & 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.

None

Mayor
Honorable Lori DeRemer

City Manager
Jason Tuck



DATE: August 27, 2014

File No. ANN-04-14/LDC-07-14/CPA-07-14

NOTICE OF DECISION

This is official notice of action taken by the Happy Valley City Council pursuant to Section 16.67.070 of the City's Land Development Code with regard to an application for annexation to the City of Happy Valley. The subject properties are described as Clackamas County Assessor Map Numbers:

13E31A 01300, 22E12BB01200

On August 19, 2014 the City Council formally approved the subject application/petitions based upon findings included within the Staff Report dated August 19, 2014, and deliberations of the City Council.

Persons with standing may appeal this decision to the Oregon Land Use Board of Appeals ("LUBA"). All appeals must comply with ORS 197.830 and LUBA's rules at OAR Chapter 660, division 10 and be filed no later than 21 days of the mailing of this Notice of Decision.

A handwritten signature in cursive script, appearing to read 'Justin Popilek', is written over a solid horizontal line.

Justin Popilek,
Senior Planner

cc: Petitioner
Necessary Parties
Participants of Record
File

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

ORDINANCE NO. 452
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,
OREGON AND THE NORTH CLACKAMAS PARKS AND RECREATION
DISTRICT; WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT; AMENDING OFFICIAL
MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND DEVELOPMENT
ORDINANCE NO. 97; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100 percent of the owners of 100 percent of the properties with 100 percent of the assessed value of territory requesting annexation (ANN-04-14/LDC-07-14/CPA-07-14); and

WHEREAS, the proposed annexation territory consists of two tax lots, totaling 5.15 acres of land, located near the City's existing boundary; and

WHEREAS, the specific tax lots to be annexed include:
13E31A 01300 and 22E12BB01200; and

WHEREAS, the City provided notice that the City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) Section 16.61.040 of the City's Development Code, (2) applicable provisions of Metro Code Chapter 3.09, and (3) applicable state law requirements; and

WHEREAS, the City has adopted an expedited decision process for annexations consistent with Metro Code Chapter 3.09.045; and

WHEREAS, pursuant to Section 16.67.070 of the City's Development Code, the tax lots proposed for annexation will be re-designated and re-zoned from their existing Clackamas County plan designations/zones to city plan designations/zones; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on August 19, 2014; and

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The City Council declares the territory described in Exhibits A and C, and depicted in Exhibits B and D is annexed to Happy Valley effective August 19, 2014.

Section 2. The City of Happy Valley declares that the following city Comprehensive Plan designations and zoning districts shall apply to the tax lots proposed for annexation, as pursuant to Section 16.67.070 of the City's Development Code:

13E31A 01300 – Low Density Residential (R-8.5)
22E12BB01200 – Per the East Happy Valley Comprehensive Plan
(Community Commercial Center (CCC); Mixed Use Residential –
Multi-Family Medium Density (MUR-M2); and Medium Density
Single-Family Residential (R-5)).

Section 3. The City Council adopts the subject annexation application (ANN-04-14/LDC-07-14/CPA-07-14) and the associated Staff Report to the City Council dated August 19, 2014.

Section 4. The territory described in Exhibits A and C, and depicted in Exhibits B and D is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective August 19, 2014.

Section 5. The territory described in Exhibit A and depicted in Exhibit B is hereby annexed in the North Clackamas Parks and Recreation District effective August 19, 2014.

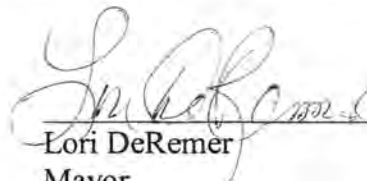
Section 5. As a condition for the annexation of each property in the territory described in Exhibits A and C and depicted in Exhibits B and D, the property owners, on behalf of themselves, their heirs, successors and assigns, waive their right(s) of remonstrance against the creation of any Local Improvement District created consistent with ORS Chapter 223 and/or Happy Valley Municipal Code Chapter 3.12 for a period of 10 years from the effective date of the annexation.

Section 6. The City Recorder is directed to:

1. File a copy of this ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;
2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and
3. Mail a copy of this ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).

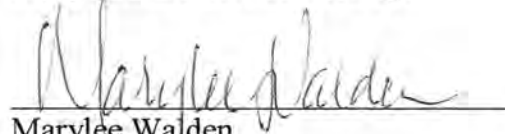
Section 7. An emergency is declared to exist and as provided by Section 17 of the Happy Valley City Charter this ordinance takes effect on August 19, 2014.

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE
MEETING: [August 19, 2014]



Lori DeRemer
Mayor

Adoption and date attested by:



Marylee Walden
City Recorder

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 to consider the annexation of territories and a Comprehensive Plan Map/Zoning Map Amendment (rezoning the subject properties from the existing Clackamas County plan designations/zoning districts to equivalent City of Happy Valley plan designations/zoning districts) 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, August 19, 2014, at 7:00 p.m.**

DOCKET NUMBER

ANN-04-14/LDC-07-14/CPA-07-14

The affected areas total approximately 15.15 acres of real property and includes the following properties as listed by Clackamas County Assessor Map Number:

12E27AD00100, 12E26BC00300, 12E26BC00400, 13E31A01300 and 22E12BB01200.

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 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 5:00 p.m. weekdays), please call for an appointment. For additional information, contact Justin Popilek, Senior 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
Senior Planner

EXHIBIT # A

Mayor
Honorable Lori DeRemer

City Manager
Jason Tuck



TO: Recipients of Mailed Notice Pertaining to Annexation File No. ANN-04-14/CPA-07-14/LDC-07-14

FROM: Happy Valley Planning Division

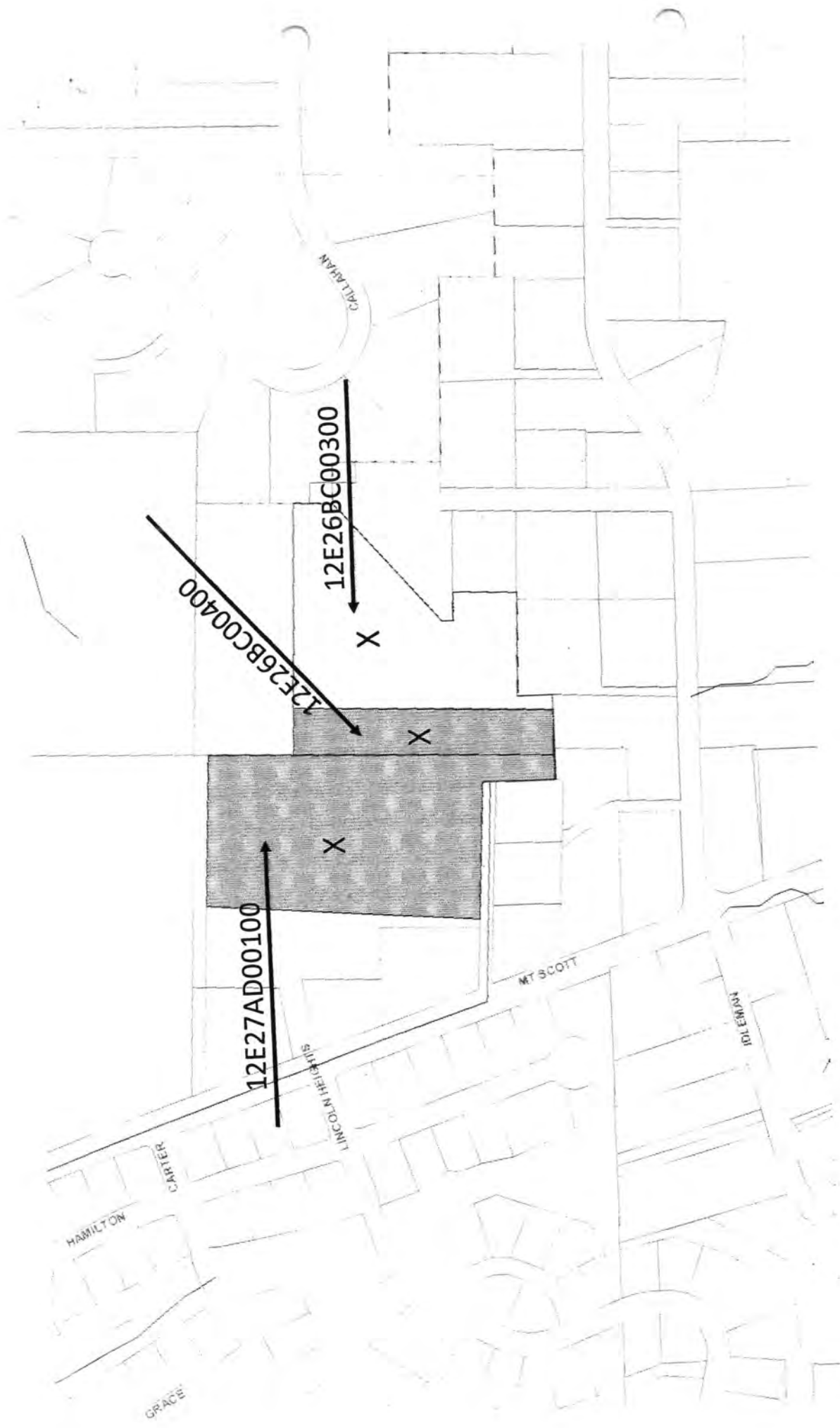
DATE: August 13, 2014

SUBJECT: Annexation Public Notice

Approximately two weeks ago, the City's Planning Division mailed you a public notice pertaining to a proposed annexation file (File No. ANN-04-14/CPA-07-14/LDC-07-14). This letter is to inform you that three of the properties that were part of the aforementioned annexation have been withdrawn at the property owner's request. These properties can be identified as Clackamas County Assessor Map Numbers: 12E26BC00300; 12E26BC00400; and 12E27AD00100. A map illustrating the location of the properties can be found on the reverse side of this letter.

If you should have any questions or concerns regarding this letter please contact Justin Popilek, Senior Planner, at (503) 783-3810.

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



Properties withdrawn from
Annexation File Number ANN-04-14

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY
STAFF REPORT TO THE CITY COUNCIL

August 19, 2014

ANNEXATION APPLICATION (File Number: ANN-04-14/LDC-07-14/CPA-07-14)

Two Properties Totaling 5.15 Acres

I. GENERAL INFORMATION

PROPOSAL:

The applicant seeks approval of the annexation of two properties, with a cumulative area of approximately 5.15 acres, and the amending of the City's Comprehensive Plan Map/Zoning Map to convert the existing Clackamas County Comprehensive Plan designations/zoning districts for the subject properties to Happy Valley plan designations/zoning districts, as set forth in Section 16.67.070 of the City's Land Development Code (LDC). Staff has determined that the proposed annexation/zoning conversion complies with the applicable requirements of the Statewide Planning Goals, Oregon Revised Statutes (ORS), Metro Code, and the City's Comprehensive Plan and LDC. **Therefore, staff recommends the City Council APPROVE the proposed annexation subject to the findings and conclusions in this report.**

APPLICANT:

Roger and Beverly Kuchnka
11268 SE 172nd Avenue
Damascus, OR 97089

Taliesin Homes NW
12042 SE Sunnyside Road #475
Clackamas, OR 97015

PROPERTY OWNERS:

See Attached List – Exhibit B

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

EXHIBITS:

Exhibit A - Annexation Area Map
Exhibit B - Property Data/Owner List
Exhibit C - Annexation Petition
Exhibit D - Zoning Exhibit

APPLICABLE CRITERIA:

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

BACKGROUND:

The City of Happy Valley makes available petitions for annexation to area property owners and received signed petitions requesting annexation from the owners of the subject properties (Exhibit C).

GENERAL DISCUSSION:

The proposed annexation was initiated by petitions signed by the owners of 100 percent of the property owners that represent 100 percent of the assessed value, and that represent at least 50 percent of the electors within the area being annexed. The proposal meets the requirements of Metro Ordinance Number 98-791, Chapter 3.09.045, and ORS 222.125.

The properties proposed to be annexed are located in areas that are adjacent to the existing city limits, as noted on Exhibit A. The legal descriptions for the areas proposed for annexation are included as an exhibit to the ordinance accompanying this file (Ordinance Number 452) and the annexation application data form for the areas to be annexed is attached as Exhibit B.

The proposed annexation incorporates two properties consisting of 5.15 acres located adjacent to the existing boundary of the City of Happy Valley. The desire of the property owners to obtain city services/permit review and/or land use regulations for the subject properties have prompted the proposed annexation request.

This staff report outlines the subject properties as to their specific configuration, existing land use, population, assessed value and other criteria for approval of boundary changes. See attached Exhibits A and B.

The proposed annexation boundaries have been drawn up to include only the properties represented by the property owners or their representatives who signed the annexation petitions and applicable public right-of-way.

One of the subject properties (Tax Lot 1200) proposed for annexation consists of one platted lot located in "Wenzel Park", and totals .15-acre in size. This property currently has a Clackamas County plan designation/zone of "Urban Low Density Residential" (R-8.5), which would convert to a City plan designation/zone of "Low Density Residential" (R-8.5) with the approval of this annexation file. The subject property has an "active" building permit for a single-family detached residence that is currently under construction.

The other subject property (Tax Lot 1300) is a Lot of Record, totaling five acres in size, located in East Happy Valley, which is currently the site of a single-family detached residence and several associated outbuildings. This property currently has a Clackamas County plan designation/zone of "Rural Residential Farm Forest – 5-Acre Minimum" (RRFF-5). Upon annexation, this property is subject to the City's East Happy Valley Comprehensive Plan. As part of this annexation proposal, Tax Lot 1300 will receive three city plan designations/zones as detailed in the East Happy Valley Comprehensive Plan, these designations/zones are as follows: "Community Commercial Center" (CCC); "Mixed Use Residential--Multi-Family Medium Density" (MUR-M2); and "Medium Density Single-Family Residential" (R-5). This zoning conversion is being proposed per the provision of Section 16.67.070 of the City's LDC and the specific designation/plan configuration is illustrated within Exhibit D.

This proposed annexation complies with the present agreements the City has with various urban service providers. Tax Lot 1200 is currently located within Clackamas County Service District #1 (CCSD #1), which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. Tax Lot 1300 is not currently served by CCSD #1, but will be required to annex into the District subsequent to the approval of this annexation. The subject properties are provided water service by Sunrise Water Authority (SWA), one of the City's service providers of potable water. SWA will continue to provide water services to these properties subsequent to the approval of this annexation. Also subsequent to the approval of this annexation, the owners of Tax Lot 1200 will continue to be provided street lighting services by Clackamas County Service District #5 (CCSD #5). Tax Lot 1300 is not currently served by CCSD #5, but will be required to annex into this district subsequent to the approval of this annexation. Tax Lot 1200 is also currently within the North Clackamas Parks and Recreation District (NCPRD) and would continue to be with the approval of this annexation proposal. Tax Lot 1300 is not within NCPRD, but will be annexed into this district with the approval of this annexation. The subject properties will need to be removed from the Clackamas County Enhanced Law Enforcement District and will be provided law enforcement services by the Happy Valley Police Department. Also, the subject properties are within Clackamas Fire District #1 (CFD #1). CFD #1 provides the subject properties with fire protection and will continue to provide this service following the approval of this annexation.

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 address 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 work to provide housing and employment opportunities to current and future residents of the City as specified in the functional plan.

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. 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 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 9: Economic Development (660-015-0000(9))

Goal 9 specifies that each city throughout the state must provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response:

The subject properties are located within an area that has already been comprehensively planned for by Clackamas County and Happy Valley. The proposed annexation will provide additional land for commercial construction within the City, as a portion of Tax Lot 1300 will be re-designated and re-zoned to CCC with the approval of this application. 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 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 proposed annexation will provide additional land for residential development within the City that would be located near areas that are currently utilized for residential purposes 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 (3.09.045.d) 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.

Clackamas County and the City of Happy Valley have provided the comprehensive planning for public services in the area of the subject properties. Prior to the installation of infrastructure related to public services such as sanitary sewer, stormwater management, potable water, and transportation systems Clackamas County, City of Happy Valley and their service providers provided analysis as to how the subject properties (along with other adjacent properties) would best be served by public services.

If the proposed annexation is approved, the subject properties will continue to be provided public services by many of the same agencies that currently serve the annexation areas. Therefore, this criterion is 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 areas proposed for annexation. The TSP was adopted in December 1998; and amended in 2001, 2006, 2009 and 2010. 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). 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 is proposing to apply a city zoning designation to Tax Lot 1200 that is “equivalent” to the existing Clackamas County zoning designation, to be consistent with the existing Clackamas County Comprehensive Plan. Tax Lot 1300 would receive city plan designations/zones that are in compliance with the City’s East Happy Valley Comprehensive Plan. The Clackamas County Comprehensive Plan and the East Happy Valley Comprehensive Plan were established in compliance with Goal 14. Therefore, this criterion is 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 petitions filed by the property owners or their representatives who own properties that are 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 percent of the land in the territory to be annexed and 50 percent 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) The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

Response:

The City of Happy Valley established an expedited decision process through the adoption of Resolution Number 05-13. The City has received written consent in the form of petitions from 100 percent of the property owners and 50 percent the electors within the affected territory. The criterion has been satisfied.

(b) The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.

Response:

The City of Happy Valley provided notice to all interested parties, necessary parties and land owners within 300 feet of the subject properties. This criterion has been satisfied.

(c) At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:

(1) The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;

(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

(3) The proposed effective date of the boundary change.

Response:

A brief report, addressing the applicable criteria in Section 3.09.045 was available to the public on Friday, August 8, 2014, this criterion has been satisfied.

(d) To approve a boundary change through an expedited process, the city shall:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;

Response:

The proposed annexation is consistent with ORS 195.065. As stated above, the subject properties would generally remain within service districts already serving the annexation areas. Tax Lot 1200 is currently located within CCSD #1, which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. Tax Lot 1300 is not currently served by CCSD #1, but will be required to annex into the District subsequent to the approval of this annexation. The subject properties are provided water service by SWA, one of the City's service providers of potable water. SWA will continue to provide water services to these properties subsequent to the approval of this annexation. Also subsequent to the approval of this annexation, the owners of Tax Lot 1200 will continue to be provided street lighting services by CCSD #5. Tax Lot 1300 is not currently served by CCSD #5, but will be required to annex into this district subsequent to the approval of this annexation. Tax Lot 1200 is also currently within the NCPRD and would continue to be with the approval of this annexation proposal. Tax Lot 1300 is not within NCPRD, but will be annexed into this district with the approval of this annexation. The subject properties will need to be removed from the Clackamas County Enhanced Law Enforcement District and will be provided law enforcement services by the Happy Valley Police Department. Also, the subject properties are within CFD #1. CFD #1 provides the subject properties with fire protection and will continue to provide this service following the approval of this annexation. This criterion has been satisfied.

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

Response:

An applicable annexation plan adopted pursuant to ORS 195.205 does not exist. Therefore, this criterion does not apply.

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Response:

An applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) does not exist. Therefore, this criterion does not apply.

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

Response:

The proposed annexation would not interfere with the provision, quality, or quantity of public facilities and services. The subject properties are located in areas where urban services have already been installed or will be installed as part of future development. This criterion has been satisfied.

(E) Any applicable comprehensive plan; and

Although a specific Comprehensive Plan does not exist for the subject properties outside of the current Clackamas County Comprehensive Plan, if annexed, the subject properties will be subject to the City's overall Comprehensive Plan and East Happy Valley Comprehensive Plan, including all relevant policies. Therefore, this criterion is satisfied.

(2) Consider whether the boundary change would:

(A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities or services.

Response:

The proposed annexation would not interfere with the provision, quality, or quantity of public facilities and services. The subject properties are located in an area where urban services have already been installed or will be installed as part of future development. The criterion has been satisfied.

(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB."

Response:

The subject properties having petitioned for annexation are 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 properties are located where urban services are currently available or will become available as part of future development. Therefore, this criterion is 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 properties are located within an area that has been comprehensively planned for by Clackamas County and City of Happy Valley. The applicable comprehensive plans were created with preservation and enhancement of physical resources as a goal. Therefore, this criterion is 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

Clackamas County Zone	City of Happy Valley Zone
Urban/Rural Residential	
R-2.5	SFA
R-5	R-5
R-7	R-7
R-8.5	R-8.5
R-10	R-10
R-15	R-15
R-20	R-20
MR-1	MUR-M1
MR-2	MUR-M2
HDR	MUR-M3
RA-2	R-15
FU-10	*
Natural Resources	
EFU	*
Commercial	
NC	MUE
C-2	MCC
C-3	MCC
RCC	MCC
RCO	MUC
OC	CCC
RCHD	MUR-M2
OA	MUC
PMU-6	RCMU
Industrial	
I-2	IC
I-3	IC
BP	EC
Special Districts	
OSM	IPU
Sunnyside Village	
VR-4/5	R-5
VR-5/7	R-5
VCS	IPU
VA	MUR-M1
VO	VO
VTH	VTH
<i>*Annexation of these zoning districts would require the creation of a new Comprehensive Plan designation/zoning district within the City that would be determined by the Planning Official based on surrounding Comprehensive Plan designations/zoning districts and a Transportation Planning Rule-compliant Traffic Impact Analysis.</i>	

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.

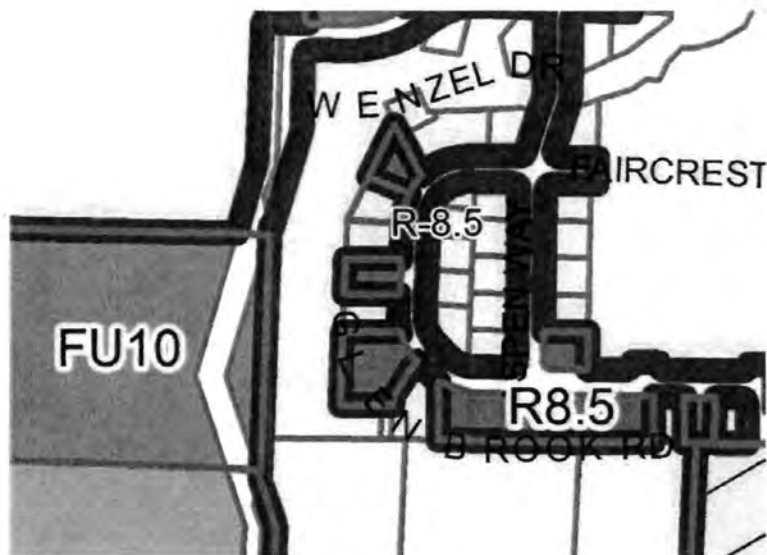
D. For any proposed deannexation from the City, application shall be made directly to the City of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form the City shall schedule a public hearing before the Planning Commission, which shall make a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

Response:

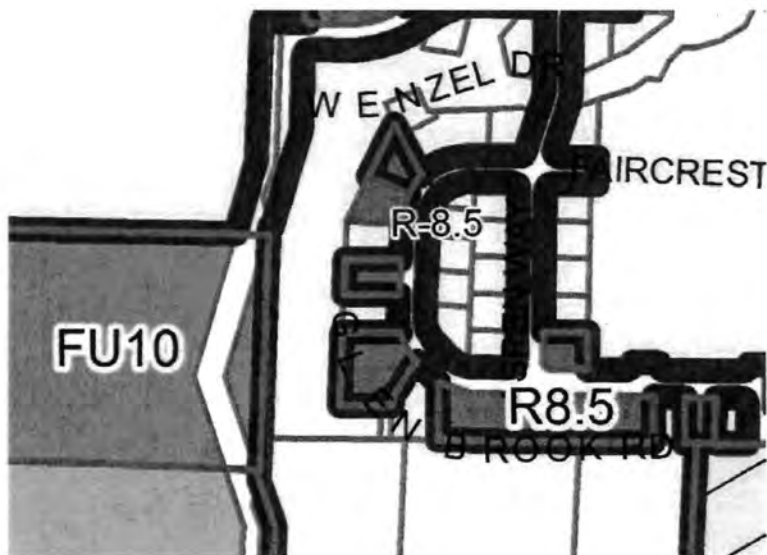
With the approval of this annexation file, pursuant to Subsection “A” above, Tax Lot 1200 will receive an equivalent city zoning designation per the city’s “conversion matrix”. Also, with the approval of this annexation file, per Subsection “B” above, Tax Lot 1300 will received three city zoning designations, as identified in the East Happy Valley Comprehensive Plan. As a result, if the proposed annexation is approved, an ordinance (Ordinance Number 452) to amend the City’s Comprehensive Plan Map/Zoning Map will be passed that reflects the zoning conversion of the subject properties from their current Clackamas County designations/zones to City of Happy Valley designations/zones. These criteria have been satisfied.

III. CONCLUSION AND RECOMMENDATION:

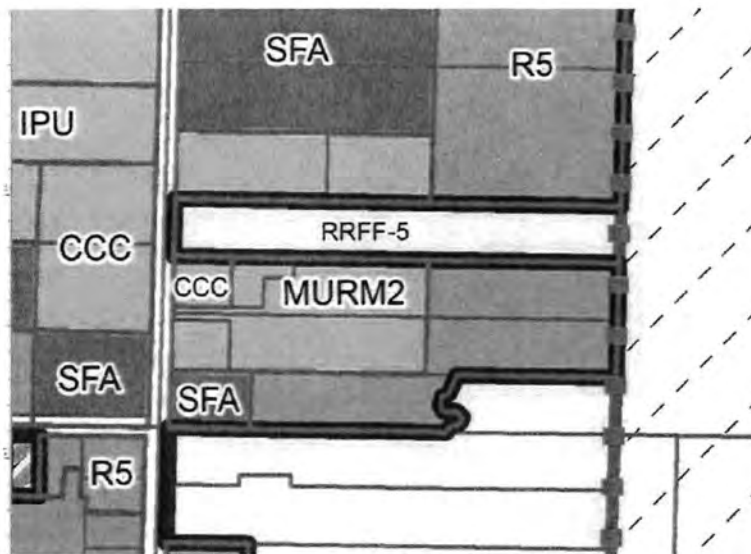
Staff has determined that the above findings demonstrate that the proposed annexation and zoning conversion of the subject properties satisfy the requirements of the Statewide Planning Goals, ORS, Metro Code 3.09, and City of Happy Valley Comprehensive Plan and LDC. **Staff, therefore, recommends that the City Council approve application ANN-04-14/LDC-07-14/CPA-07-14.**



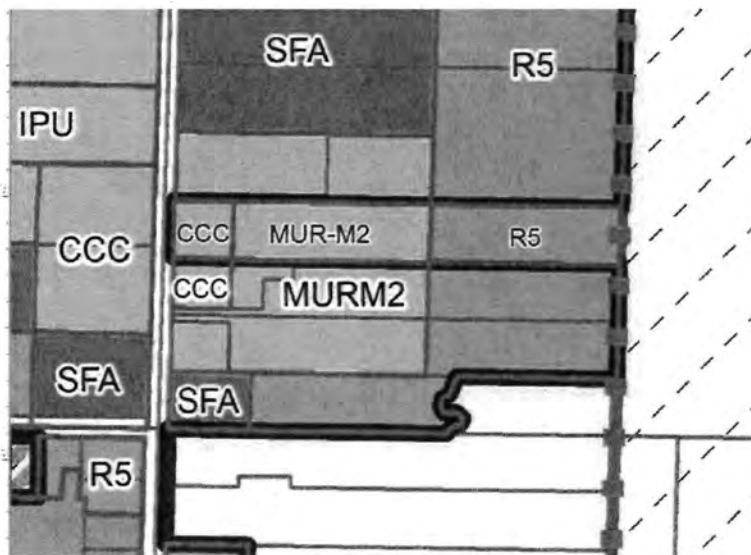
Existing Zoning - R-8.5



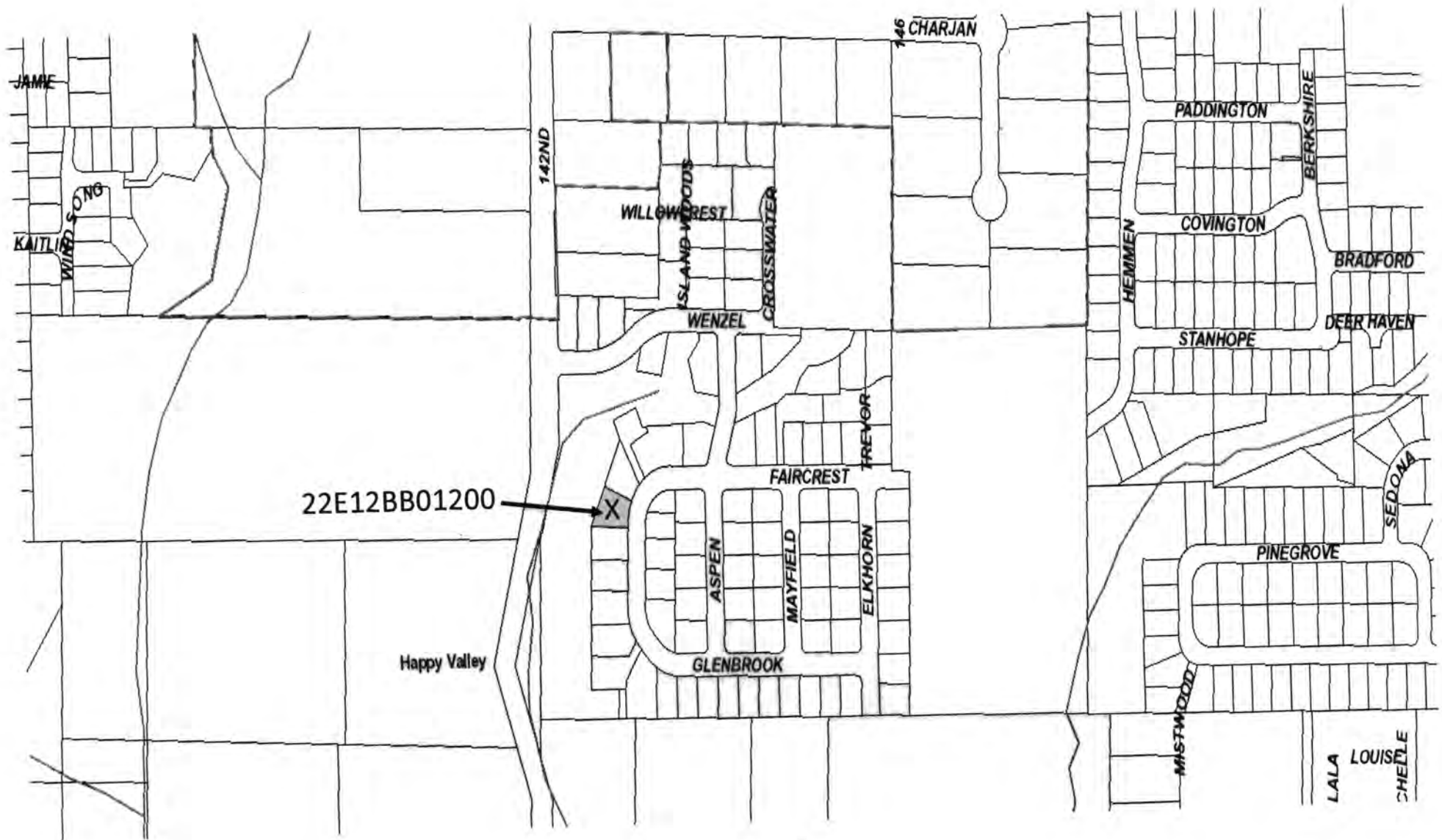
Proposed Zoning - R-8.5



Existing Zoning - RRFF-5

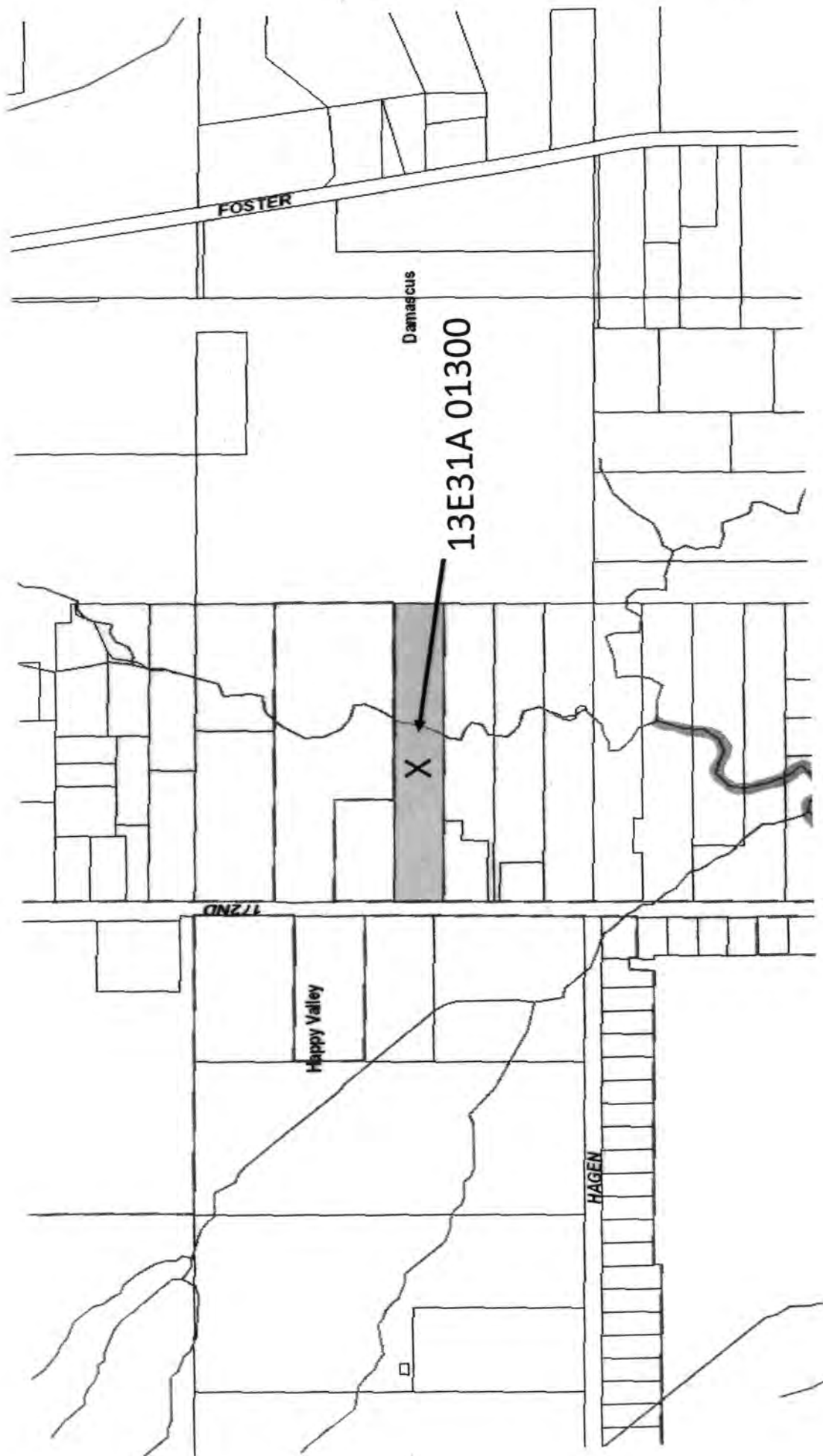


Proposed Zoning - CCC/MUR-M2/R-5



ANN-04-14

Mt. Scott LLC—Devan Cooper, Trustee



ANN-04-14

Roger & Beverly Kuchnka

	A	B	L	M	N
1	ANN-04-14	ANN-04-			
2	PROPERTY OWNER	TAX MAP/L#	PEOPLE	EXISTING ZONING	PROPOSED ZONE
3					
4	Mt Scott LLC Devin Cooper, Trustee	12E27AD00	0	R-20	R-20
5	Mt Scott LLC Devin Cooper, Trustee	12E26BC00	0	R-20	R-20
6	Mt Scott LLC Devin Cooper, Trustee	12E26BC00	0	R-20	R-20
7					
8	Roger & Beverly Kuchnka	13E31A013	2	RRFF-5	CCC/MUR-M2/R-5
9	Taliesin Homes NW	22E12BB01	0	R-8.5	R-8.5
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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:

14955 SE GLENBROOK AVE. CANTON, OR 97015
Street Address of Property (if address has been assigned)

Legal Description (Subdivision Name, Lot number(s))

22E-12BB-01200
Tax Map and Tax Lot Number

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

X 2 TE 6/25/14
Signature Owner Initial Voter Initial Date

Signature Owner Initial Voter Initial Date

Other Authorized Signature Owner Initial Voter Initial Date

Street Address

Home Phone

Work Phone

Mailing Address

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 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: _____

Types of housing units: _____ Single family _____ Multi-family _____ Mobile home or trailer

Number of people occupying these units: _____



CITY OF HAPPY VALLEY

16000 SE Misty Drive
Happy Valley, OR 97086
Phone: 503-783-3800 Fax: 503-658-5174

PETITION TO ANNEX

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

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:

11268 S.E. 172nd Ave.
Street Address of Property (if address has been assigned)

Legal Description (Subdivision Name, Lot number(s))

13E 31A 1300
Tax Map and Tax Lot Number

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

Roger W. Kuchlik
Signature

RWK
Owner Initial

RWK
Voter Initial

06-18-2014
Date

Beverly W. Kuchlik
Signature

BAK
Owner Initial

BAK
Voter Initial

06-18-2014
Date

Other Authorized Signature

Owner Initial

Voter Initial

Date

503-658-2427

Street Address

Home Phone

Work Phone

11268 SE 172nd Ave
Mailing Address

97089
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

Date

Signature

Date

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Number of housing unit on above lot: _____

Types of housing units: _____ Single family _____ Multi-family _____ Mobile home or trailer

Number of people occupying these units: _____

PPY VALLEY
LISTY DRIVE
OREGON 97086



UNITED STATES POSTAGE
PITNEY BOWERS
02 1P
\$ 002.00
0000017232 AUG 28 2014
MAILED FROM ZIP CODE 97001

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

DEPT OF

AUG 29 2014

LAND CONSERVATION
AND DEVELOPMENT