



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

May 22, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 003-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 8, 2007

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

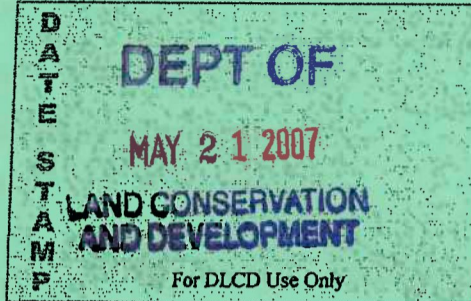
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Gaye Turner, City of Happy Valley

<paa> ya/

2 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: ANN-02-06
Date of Adoption: 5/15/07 Date Mailed: 5/17/07
Date original Notice of Proposed Amendment was mailed to DLCD: 2/01/07

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: ANNEXATION

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

9 PROPERTIES ANNEXED INTO CITY OF HAPPY VALLEY. APPROXIMATELY 28 ACRES.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: N/A to: N/A
Zone Map Changed from: SAME to: SAME
Location: VARIOUS, ATTACHED Acres Involved: +/- 28 ACRES
Specify Density: Previous: N/A New: N/A
Applicable Statewide Planning Goals: 1, 2, 10, 11, 12 & 14
Was and Exception Adopted? YES NO

DLCD File No.: 003-07 (15850)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

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

Local Contact: _____ Phone: (____) _____ - _____ Extension: _____
Address: _____ City: _____
Zip Code + 4: _____ - _____ Email Address: _____

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the 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 copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Mayor
HON. ROBERT
WHEELER

City Councilors
LORI DEREMER
MARKLEY DRAKE
TOM ANDRUSKO
KRISTEN MITCHELL



City of Happy Valley

12915 SE KING ROAD, HAPPY VALLEY, OREGON 97086
Telephone (503) 760-3325 ~ Fax (503) 760-9397
Web Site: www.ci.happy-valley.or.us

DATE May 17, 2007

File No. ANN-02-06

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 applications for annexation to the City of Happy Valley. The subject properties are listed on the attached form.

The City Council formally approved the subject applications/petitions based upon findings included within the Staff Report dated May 15, 2007, 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.

A handwritten signature in black ink, appearing to read 'Jason Tuck', written over a horizontal line.

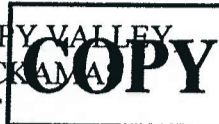
Jason Tuck, Economic and Community Development Director

cc: Petitioners
Necessary Parties
File

Our Mission is **Our Community**
Working with You to Preserve, Serve, and Enrich

**ORDINANCE NO. 357
CITY OF HAPPY VALLEY**

**AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY
OREGON, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT
AND DECLARING AN EMERGENCY**



WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100% of the owners of 100% of the properties with 100% of the assessed value of territory requesting annexation (File No. ANN-02-06); and

WHEREAS, the proposed annexation territory consists of 9 tax lots totaling 29.29 acres of land and right of way totaling less than .25 acres adjacent to existing City boundaries; and

WHEREAS, the City provided notice that the Planning Commission and City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) applicable provisions of Metro Code Chapter 3.09, (2) Section 2(d) of the Urban Growth Management Agreement dated June 19, 2001, 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, the Planning Commission considered the proposed annexation at its regularly scheduled meeting of April 24, 2007 and recommended that the City Council approve the annexation; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on May 15, 2007 under the applicable provisions of Chapter 3.09 of the Metro Code, the Happy Valley Comprehensive Plan, and the applicable Statewide Planning Goals and state laws; and

WHEREAS, the Council finds that the proposed annexation is consistent with the City's Urban Growth Management Agreement and the approval of the voters and the consents of affected property owners; and

WHEREAS, the Council deems it in the public interest to declare an emergency so that this ordinance take effect as specified below, prior to the expiration of the 30-day period specified in the City Charter, because regional planning for the affected property is underway and the jurisdiction over the affected property should be established as soon as possible to facilitate the regional planning effort, as required by Metro.

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

City of Happy Valley
Ordinance No. 357
Annexing Territory
ANN-02-06

Section 1. The City Council declares the territory described in Exhibit B, and depicted in Exhibit A is annexed to Happy Valley effective May 15, 2007

Section 2. The City Council adopts the Annexation Application No. 02-06 and the associated Staff Report to the City Council dated May 15, 2007

COPY

Section 3. The annexed territory is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective May 15, 2007

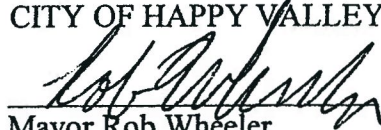
Section 4. The City Recorder is directed to:

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 5. An emergency is declared to exist and as provided by Section 32 of the Happy Valley City Charter this Ordinance takes effect on May 15, 2007

PASSED AND APPROVED THIS 15th day of May, 2007

CITY OF HAPPY VALLEY


Mayor Rob Wheeler

ATTEST:


Marylee Walden, City Recorder

**CITY OF HAPPY VALLEY
STAFF REPORT TO THE CITY COUNCIL
MAY 15, 2007**

ANNEXATION APPLICATION (File No. ANN-02-06)

I. GENERAL INFORMATION

PROPOSAL:

The applicant seeks approval of annexation (No. 02-06) of eleven (9) parcels of land totaling approximately 30 acres in size.

APPLICANT:

City of Happy Valley
12915 SE King Road
Happy Valley, OR 97086

PROPERTY OWNERS:

See Attached List – Exhibit D

EXHIBITS:

EXHIBIT A- Annexation Area Maps
EXHIBIT B- Legal Descriptions for Areas B, C, D, E, F, G, H, and I
EXHIBIT C- Annexation Application/Petition
EXHIBIT D- Property Owner Listing
EXHIBIT E- Copy of Resolution 05-13
EXHIBIT F- Affidavit of Mailing

APPLICABLE CRITERIA:

Applicable Objectives and Policies from the City of Happy Valley Comprehensive Plan; Title 16 (Development Code) of the City of Happy Valley Municipal Code, including Sections 16.40.020, 16.40.030, 16.40.040, 16.40.041, 16.40.060, 16.40.070, 16.40.100 (annexation to an existing city), Metro Code 3.09.045, and ORS 222.111, and 222.125.

BACKGROUND:

The City of Happy Valley mailed the petitions for annexation to property owners and has received signed petitions from property owners.

GENERAL DISCUSSION:

Annexation Proposal No. 02-06 was initiated by petitions signed by the owners of 100% of the property owners that represent 100% of the assessed value, and that represent 75% of the electors within the area being annexed. The petitions meet the requirements of Metro Ordinance No. 98-791, Chapter 3.09.045 and ORS 222.125.

The territory to be annexed is situated in eleven (11) different locations (Areas A, B, C, D, E, F, G, H, and I) adjacent to the existing City limits, as noted on Exhibit "A" attached. The legal descriptions for each of the areas are attached as Exhibit "B". The annexation application data forms (petitions) for the areas are attached as Exhibit "C".

The proposed annexation incorporates eleven (11) separate tax lots consisting of approximately 30 acres adjacent to the existing city limits of the City of Happy Valley. The desire to obtain city services in these areas has prompted these annexation requests.

This staff report outlines each of the eleven (11) areas as to its specific configuration, i.e. existing land uses, population, assessed value, vacant lands and other criteria for approval of boundary changes. (See attached Exhibit "B")

The proposed annexation boundaries have been drawn up to include only those properties represented by property owners or their representatives who signed petitions.

This proposed annexation complies with the present agreements the City has with the various urban service providers. Following the annexation approval, the property owners must annex their specific parcels to Clackamas County Service District No. 1 (CCSO #1) for sanitary sewer service. Some of the eleven (11) areas are within the boundaries of the other service providers, i.e. water, fire, streetlights, etc. In addition, all eleven (11) areas are directly adjacent to the city limits of the City of Happy Valley and are within the designated dual interest area of the City of Happy Valley and Clackamas County Urban Growth Management Agreement (UGMA). All eleven (11) areas associated with this annexation are consistent with the provisions of the UGMA.

CCSD #1 will be the provider of sanitary and storm water services. Prior to obtaining sanitary and storm water services for these parcels, the district must conduct a study to determine how the area will ultimately be served, i.e. size and location of lines and any necessary pump stations (for sanitary only), drainage basins and etc. These studies are currently underway and being coordinated by Clackamas County Water Environment Services (WES).

Both the planning and public facilities provisions are contained within the City of Happy Valley/Clackamas County UGMA. None of the eleven (11) areas being considered for annexation are subject to any additional agreements between the City and other agencies that would affect planning or urban services to these areas. Due to boundary annexation procedure changes, most of the eleven (11) areas will require annexation into Clackamas County Service District No.1 for sanitary sewer service as well as Clackamas County Service District No. 5 for street lighting. None of the eleven (11) properties are currently in the North Clackamas Parks and Recreation District and require annexation into that district upon completion of the annexation into the City.

Nine (9) of the eleven (11) subject parcels are abutting Happy Valley city limits and lie within the Urban Growth Boundary. Two (2) of the subject parcels are not abutting Happy Valley city limits and require right-of-way annexation along portions of SE 117th Avenue and SE Sunnyside Road to keep the city limits contiguous. The specific location of the right-of-way to be annexed is detailed in Exhibit "B" Legal Descriptions.

Happy Valley Comprehensive Plan Policies 3 through 8 address urbanization of lands from rural to urban uses. All annexation areas (one application) satisfy the applicable provisions of these policies by providing land for urban development that can be 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, 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 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 twenty (20) years. The approval of this annexation request will contribute land toward future urban-level uses at the densities specified in the functional plan.

The proposed boundary change will result in the withdrawal of some tax lots from the Enhanced Law Enforcement District. No other withdrawals from the urban service providers are proposed.

The newly annexed areas will be covered by the cities contract with the Clackamas County Sheriff's Department.

Any future development within the eleven (11) areas proposed for annexation will comply with all the applicable regional, County and City plans. The Clackamas County Comprehensive Plan designates the eleven (11) areas as FF10, R-10, RRFF-5, and RA2.

The City of Happy Valley Comprehensive Plan (1984) was prepared to cover only the territory within the city limits when the plan was adopted. The Comprehensive Plan does not provide for zoning designations on land outside the city limits. For lands outside of the City, the County's plan is the applicable plan until such time as the City's Comprehensive Plan is amended. ORS 215.130 provides that County land use and zoning ordinances shall apply to the boundaries of a City, unless or until the City has by ordinance or other provisions provided otherwise.

Four of the tax lots lie within the City's UGMA and are currently zoned R-10, RA-2, RRFF-5, and FF-10 through Clackamas County. This zoning designation will remain unchanged until the individual property owners apply for a zone change or are legislatively rezoned by the City of Happy Valley.

Seven of the properties proposed for annexation are within the newly expanded UGB area and the City is unable to apply City zoning designations to these parcels prior to the completion of the City's East Happy Valley Comprehensive Planning Process. As part of the process, which is currently underway, the City will apply urban level zoning designations on these properties proposed for annexation or zoning will be applied with subsequent zone change applications filed by individuals. The subject parcels will retain the county zoning designation until such time as the comprehensive planning process is complete.

FINDINGS

STATEWIDE PLANNING GOALS (DLCD)

"Goal1: 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 April 4th, 2007 (see Exhibit F – Affidavit of mailing). The notice stated that the process would be expedited therefore, this criterion has been met.

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 Development Code establishes provisions for the expedited annexation process. The 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:

Four of the properties already lie within the City's Urban Growth Management area. Zoning for these properties will be applied with subsequent zone change applications filed by individuals. These subject properties will retain the county zoning designation until such time as these applications are completed.

Seven of the properties being annexed are located within the newly expanded Urban Growth Boundary Area. As a requirement of the Metro Functional Plan, the areas brought into the UGB must be concept planned prior to urban zoning and

development. This is currently under way through implementation of the Damascus Boring Concept Plan and the Pleasant Valley Concept Plan into the East Happy Valley Comprehensive Plan. The Happy Valley Comprehensive Plan (1984) established a series of housing goals and policies to implement Goal 10, which was based on a vacant lands analysis and projected housing needs. Based on that analysis, the City established planned land uses through the Comprehensive Plan for a variety of uses including single-family and multi-family designations. As part of the planning process, the buildable lands will be inventoried and zoning will be planned to meet the housing needs for the next 20 years. Residential uses will provide for the projected population increases for the 20-year planning period and resulting housing needs within the Happy Valley UGB. The City will be updating its Comprehensive Plan to incorporate the results of the buildable lands inventory.

LCDC acknowledged the Happy Valley Comprehensive Plan (1984), as it provided housing goals, policies and residential densities consistent with Oregon land use goals for housing.

The most applicable policies to the proposed annexation are Policy 42 of the Happy Valley Comprehensive Plan that states: "To increase the supply of housing to allow for population growth and to provide for the housing needs of the citizens of Happy Valley;" and Policy 43: "To develop housing in areas that reinforce and facilitate orderly and compatible community development." The proposed annexation would provide additional land for residential development and for public parks adjacent to areas that have already developed as residential uses. The annexation would allow development to occur as planned in the Comprehensive Plan which requires development that reinforces and facilitates orderly and compatible community development. This is accomplished through continuation of existing public facilities to undeveloped parcels. The annexation is compliant with the City's acknowledged Comprehensive Plan and the UGMFP (see Compliance with Regional Goals) and therefore, this criterion has been met.

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.

As stated above, the parcels would generally remain within service areas already serving the area. However, most of the parcels are not currently within any sewer service area and would be required to annex to Clackamas County Service District #1, which provides sewer collection and treatment for Happy Valley. The Clackamas County Service District #1 would also provide stormwater services.

When annexed, the parcels would continue to be served by the Sunrise Water Authority, which provides water to the parcels with the exception of one. The one parcel not served by the Authority will need to annex into the district to receive service.

The majority of the parcels are not within a street lighting district. When annexed, the parcels would be added to the Clackamas County Service District #5, which would provide street lighting at the time of development.

This annexation proposal is consistent with Goal 11. Extending public services to the annexation area is already anticipated to occur because it is within the existing UGB. Planning for the extension of these services will occur as part of the East Happy Valley Comprehensive Plan process which is currently underway and is anticipated to be completed in 2007. Extension of the public services to the annexation area will occur with development of the area. This criterion has been met.

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:

As part of the East Happy Valley Comprehensive planning process for the expansion area, transportation infrastructure needs will be examined for vehicle as well as transit, pedestrian, and bicycle modes of travel. A comprehensive plan

will be developed for all modes of travel. The system will be designed to manage the increase in vehicular, pedestrian, transit and bicycle traffic while being safe, convenient and economical. Future site development will include traffic analysis for specific development plans.

The Happy Valley Transportation System Plan (TSP) does not extend to the majority of the area proposed for annexation. The Happy Valley TSP will be updated to include this area as part of the East Happy Valley Comprehensive Plan process. The TSP was adopted in December 1998; and amended in February of 2006. 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 annexed areas will include traffic impact analyses. Development plans will include various multi-modal transportation options for residents, blending with surrounding infrastructure. 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, the future East Happy Valley Comprehensive Plan and Comprehensive Plan and Development Ordinance. This criterion has been met.

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) 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 area from the current city limits to approximately SE 177th Avenue as the planned cap on limits of the city. Some of the properties proposed for annexation are within this identified area. The City is not proposing urban density zoning in the expansion area at this time. Zoning designations will be applied at the conclusion of the East Happy Valley Comprehensive planning process. There are four criteria identified in Goal 14 that describe when land can be converted from urbanizable land to urban uses within the UGB. These criteria will be applied when the properties are submitted for urban zoning.

The state has indicated minimum residential density allocation for new construction in Happy Valley to be 6 units to the acre. ORS 660-007-0035, **Minimum Residential Density Allocation for New Construction** indicates "*The following standards shall apply to those jurisdictions which provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing: (1) The Cities of Cornelius, Durham, Fairview, Happy Valley and Sherwood must provide for an overall density of six or more dwelling units per net buildable acre. These are relatively small cities with some growth potential (i.e. with a regionally coordinated population projection of less than 8,000, persons for the active planning area).*"

Happy Valley, as with the region, is expected to increase in population in the coming years, and will need to accommodate additional residential housing units. The proposed annexation would meet Metro's goals for increasing density while accommodating the anticipated future population and housing growth within the existing UGB by providing adequate vacant land for residential development. Residential development within the city limits has occurred rapidly as demand for housing in the area increases, reducing the supply of vacant buildable land within the city limits. As the availability of vacant buildable land decreases, urbanizable land outside of the city limits but within the existing UGB would be annexed to ensure an adequate supply of land for construction. Given the quick pace of development in Happy Valley, additional vacant buildable land, as proposed through this application for annexation, is justified.

This criterion has been met.

Oregon Revised Statues (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 nine property owners or their representatives who own property that is contiguous to the city limits of Happy Valley. The criterion has been met.

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 recommendation of the planning commission will move forward to the City Council for adoption by ordinance. The criterion has been met.

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 met.

(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 on April 4th, 2007 (see Exhibit F – Affidavit of mailing). The notice stated that the process would be expedited which meets the criterion.

(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:

This report, addressing the applicable criteria in Section 3.09.050 was available to the public on Wednesday, April 11, 2007, which meets the criterion.

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 parcels would generally remain within service districts already serving the area with the exception of those tax lots being removed from the Enhanced Law Enforcement District. However, all except for two of the parcels are currently within a sewer service district and would be required to annex to CCSD #1, which provides sewer collection and treatment for Happy Valley. CCSD #1 would also provide stormwater services.

With the exception of one property, the subject parcels are currently served by Sunrise Water Authority, which provides water to Happy Valley residents. The one parcel not currently served by Sunrise Water Authority would be required to annex to receive service.

The parcels that are not within a street lighting district, when annexed, would be added to the CCSD #5, which would provide street lighting upon development.

The criterion has been met.

- (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 (1984) and Land Development Code. The concept planning for the area is being accomplished through the East Happy Valley

Comprehensive Planning Process, which will address land use and transportation issues. See also responses to Goal 1, Goal 2, Goal 10, Goal 12, and Goal 14 below. The specific requirements of the Development Code can and will be met at the time zoning designations are applied and development takes place.

The criterion has been met.

(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 Development Code do not contain applicable standards or criteria for boundary changes. However, the proposed annexation does meet applicable Metro and statewide planning requirements as shown in this report. The criterion has been met.

(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 Urban Growth Management Functional Plan, which is discussed in the response to Goal 10 and Goal 14, below.

(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, as all facilities and services will be master planned as part of the East Happy Valley Comprehensive Planning Process and its service providers. Annexation of these areas will actually promote orderly and economic provision of public facilities, as the services will be extended to these areas as development occurs. The criterion has been met.

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

Response:

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

(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 shown in this report. The criterion has been met.

(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 eleven (11) properties which have petitions for annexation are within the existing Metro Urban Growth Boundary. The criterion has been met.

Happy Valley Development Code

“16.40 Amendments to the Comprehensive Plan, Land Use Map and Land Development Title of this Code

16.40.020 Initiation of a plan amendment

Any change in the text, map or implementing ordinance of adopted Happy Valley land use regulations may be initiated by the City, any resident of the city, property owners or authorized agent. ...A change in the map which involves properties and/or district boundaries must be initiated by at least seventy-five (75%) percent of the property owners or authorized agents who

own or represent at least seventy-five (75%) percent of the land area involved in the petition for change.

Response:

The City of Happy Valley has initiated this annexation application based on the submittal of petitions by 100% of the property owners who own 100% of the land area. The criterion has been met.

16.40.040 Public Hearing and Notice

Response:

The City provided notice to the Department of Land Conservation and Development 45 days prior to the first evidentiary hearing. The City also provided mailed notice to all properties within 300 feet of the subject sites and to all affected governmental agencies 20 days prior to the first meeting for consideration of adoption. Notice was also provided pursuant to Oregon State Statute. The criterion has been met.

16.40.41 Review Criteria

- 1. The proposed amendment is consistent with and promotes the objectives of the plan of the city;**

Objectives:

- 1) To preserve the character of the valley;**
- 2) To improve the quality of existing and future development areas;**
- 3) To provide a coordinated direction to the conservation and development of the valley.**

Response:

This application is consistent with promoting the objectives of the plan of the City in that by annexing these properties and developing them through the City process, the character of the valley is maintained through enforcement of City ordinances. The quality of the development is maintained through that same avenue. By annexing these properties, they will be developed within the City rather than in the County which will provide for a coordinated development process with the surrounding properties inside the City limits.

The criterion has been met.

2. There is a demonstrated public need for a change of the specific type proposed;

Response:

The City has an obligation to maintain appropriate housing opportunities pursuant to Goal 10 and the Metro Functional Plan and to provide for appropriate development opportunities within the UGB. The public need in this case is to develop residential, commercial and industrial areas within the City. The City can control the appearance, timing and character of the development by annexing it to the City. The City can find that there is a demonstrated public need in the form of encouraging and providing for appropriate development within the City rather than development adjacent to the City over which it has no control. The criterion has been met.

3. That need will be best served by the amendment as proposed compared with other alternatives;

Response:

Annexation of these properties best serves the public need as compared to other alternatives. No other alternatives exist with respect to encouraging development within the City and not adjacent to the City so that the City controls the appearance of the development and gains the benefit of development within the City. This is an appropriate area for development given its inclusion in the expanded UGB and ability for the City to provide sanitary sewer, water, and storm drainage to the area. Transportation issues, and needed improvements, will be studied and recommended during the East Happy Valley Comprehensive planning process which is currently underway. The criterion has been met.

4. The proposed amendment is consistent with the use and implementation of growth management mechanisms and capital improvement programs of the city.

Response:

The proposed amendment implements the growth management mechanism of annexation, which provides for City control of development adjacent to and around the City rather than allowing development outside the City and within unincorporated areas. Annexation is a well-recognized growth management mechanism, which provides for control, timing and appropriate development to land. Upon development, the properties will be required to participate in or contribute to the provision of Level 1 and Level 2 facilities which are part of the capital improvement program of the City.

The City of Happy Valley Comprehensive Plan establishes goals and policies to guide the quantity, type, costs, timing, and quality of development within the city. The applicable growth management mechanism policies related to the proposed annexation are Policies 97, 99, and 102.

Policy 97 states that the "City shall permit development on vacant buildable lands when all Level 1 facilities and services are available [including] sanitary sewer, water supply, storm drainage, fire protection, and streets and roads." Policy 99 is similar to Policy 97, although it refers to having adequate provisions for providing Level 2 services that include schools, police protection, parks and recreation, public transit, vector control, and city administrative services. Policy 102 requires city coordination with local service providers to ensure adequate services are available. Policy 102 states that the "city shall rely on a determination provided by the service providers and other affected agencies...Any determination shall be within the parameters of the providers' or agency's own standards, criteria, requirements or plans."

Generally, the parcels would remain within service districts currently serving the area. This includes the Sunrise Water Authority, Clackamas County Fire District #1, North Clackamas School District #12, Centennial School District, Metro, Tri-met, etc. However, annexation into Clackamas County Service District #1 (CCSD #1), which is the sanitary sewer and surface water management district, will be required for all of the parcels. The subject sites are within an area that is included in an urban service provider agreement between CCSD #1 and the City of Happy Valley that stipulates that CCSD #1 will provide service to the territory once it is annexed into the City. At the time of development, the property owners will be required to submit applications for annexation to CCSD#1 for provision of services. Similarly, none of the subject properties are presently within a street lighting district.

Therefore, annexation into Clackamas County Service District #5 will be required for those properties not already in the Clackamas County Service District #5, upon development, to provide street lighting for the area.

If the annexation requests are approved, future residential, commercial and industrial development would be required to meet local development standards set forth by the city and local service providers. The criterion has been met.

5. **The proposed amendment can be implemented by this land development title and all other applicable codes, ordinances and regulations. The applicant bears the entire burden of proof of establishing to the planning commission that the proposed amendment meets the above requirements.”**

Response:

Future development approval would require conformance with all applicable requirements of the codes, ordinances and regulations of the City of Happy Valley. The criterion has been met.

16.40.100 Annexation to the existing City

Response:

The appropriate petitions were filed with the City. A hearing was held before the Planning Commission on April 24, 2007, in which they recommended approval of ANN-02-06 be forwarded onto the City Council. A subsequent hearing will be held before the City Council on May 15, 2007, who will make the final decision on the application. The criterion has been met.

CONCLUSION:

Staff has determined that the above findings demonstrate that the proposed annexation satisfies the requirements of the City of Happy Valley Comprehensive Plan and Land Development Ordinance [Title 16], Metro Functional Plan, Metro Code 3.09, and Statewide Planning Goals.

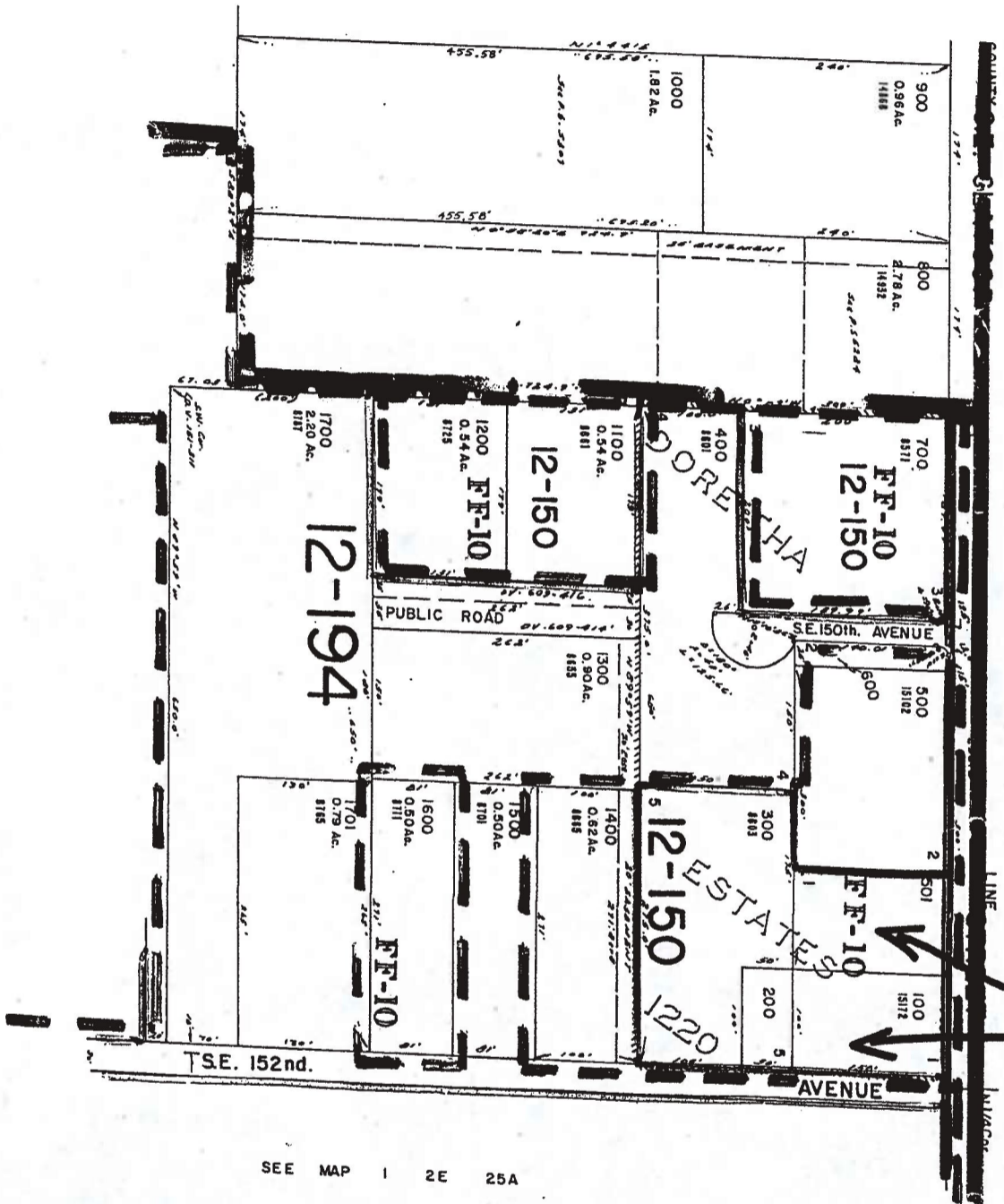
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SEE MAP 1 2E 25B

SEE MAP 1 2E 25A

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SE 1/4 SECTION 35 T.1S. R.2E. W.M.
CLACKAMAS COUNTY

1 2E 35D

13230

This map was prepared for
assessment purpose only.

1" = 200'

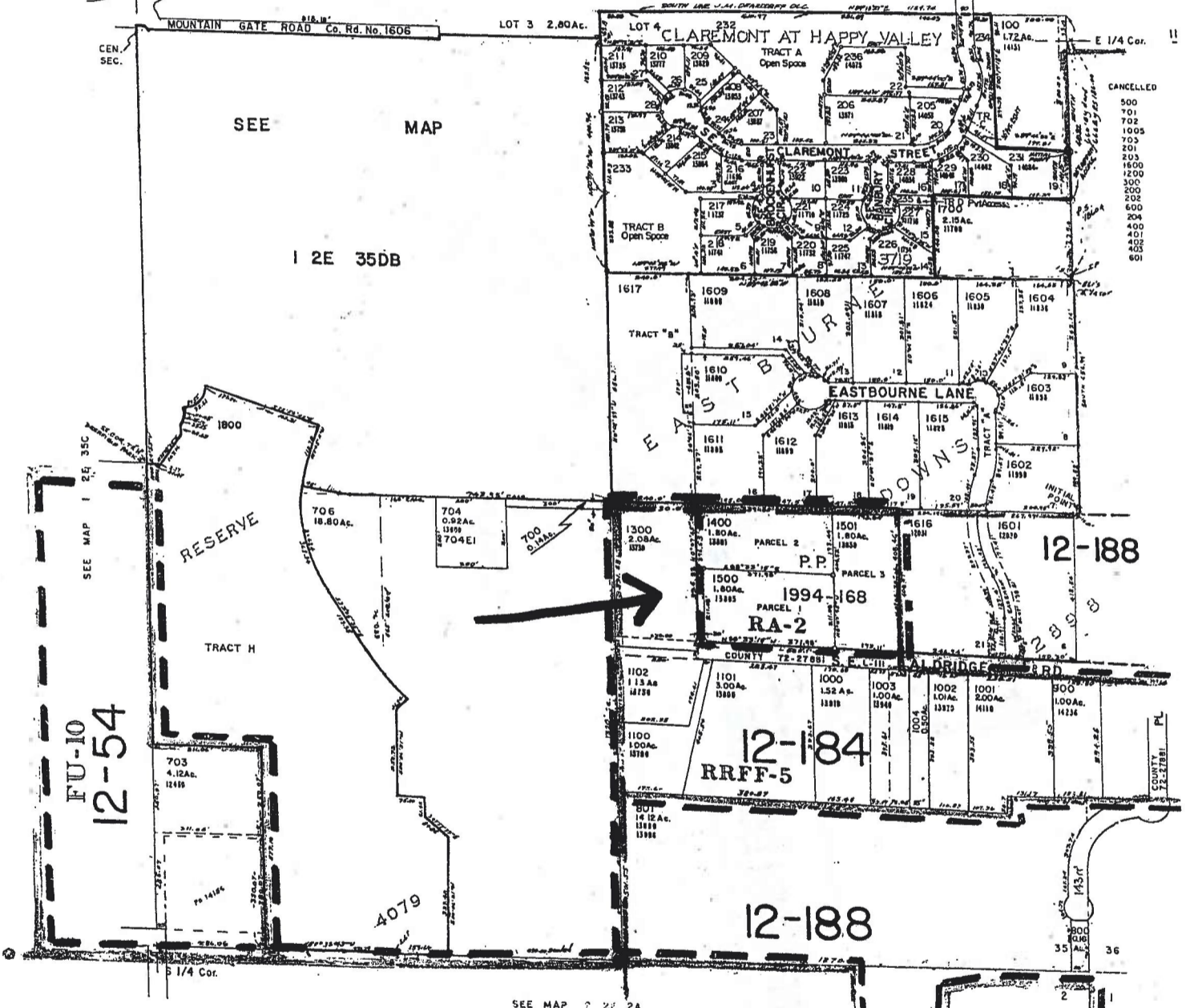
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SEE MAP 1 2E 35A

12-149

SEE MAP
1 2E 35DB



- CANCELLED
- 500
- 701
- 702
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SEE MAP 2 2E 2A

2E 35E
BOOK 4

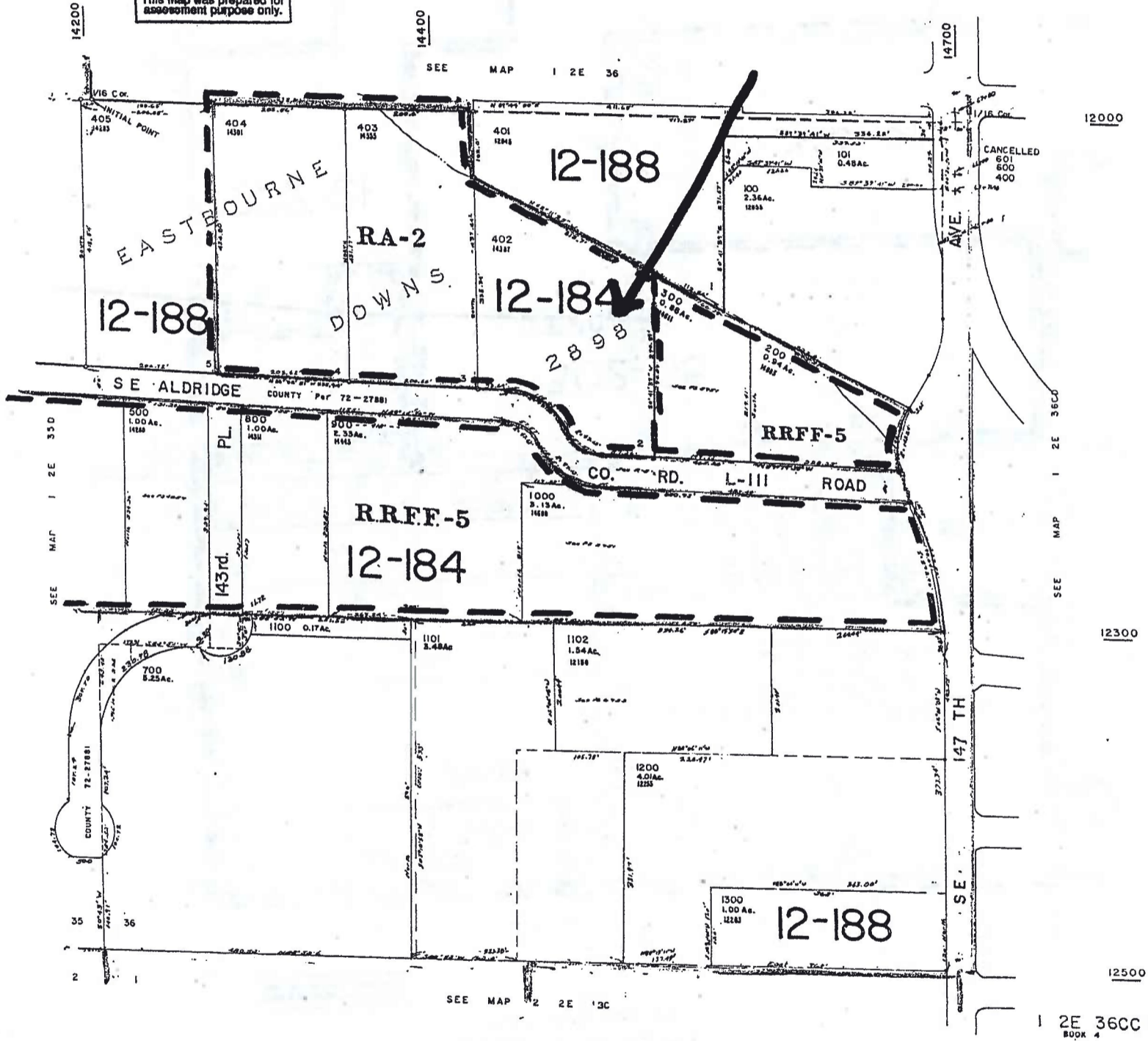
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SW 1/4 SW 1/4 SEC. 36 T.1S. R.2E. W.M.
CLACKAMAS COUNTY

1 2E 36CC

1"=100'

This map was prepared for
assessment purposes only.



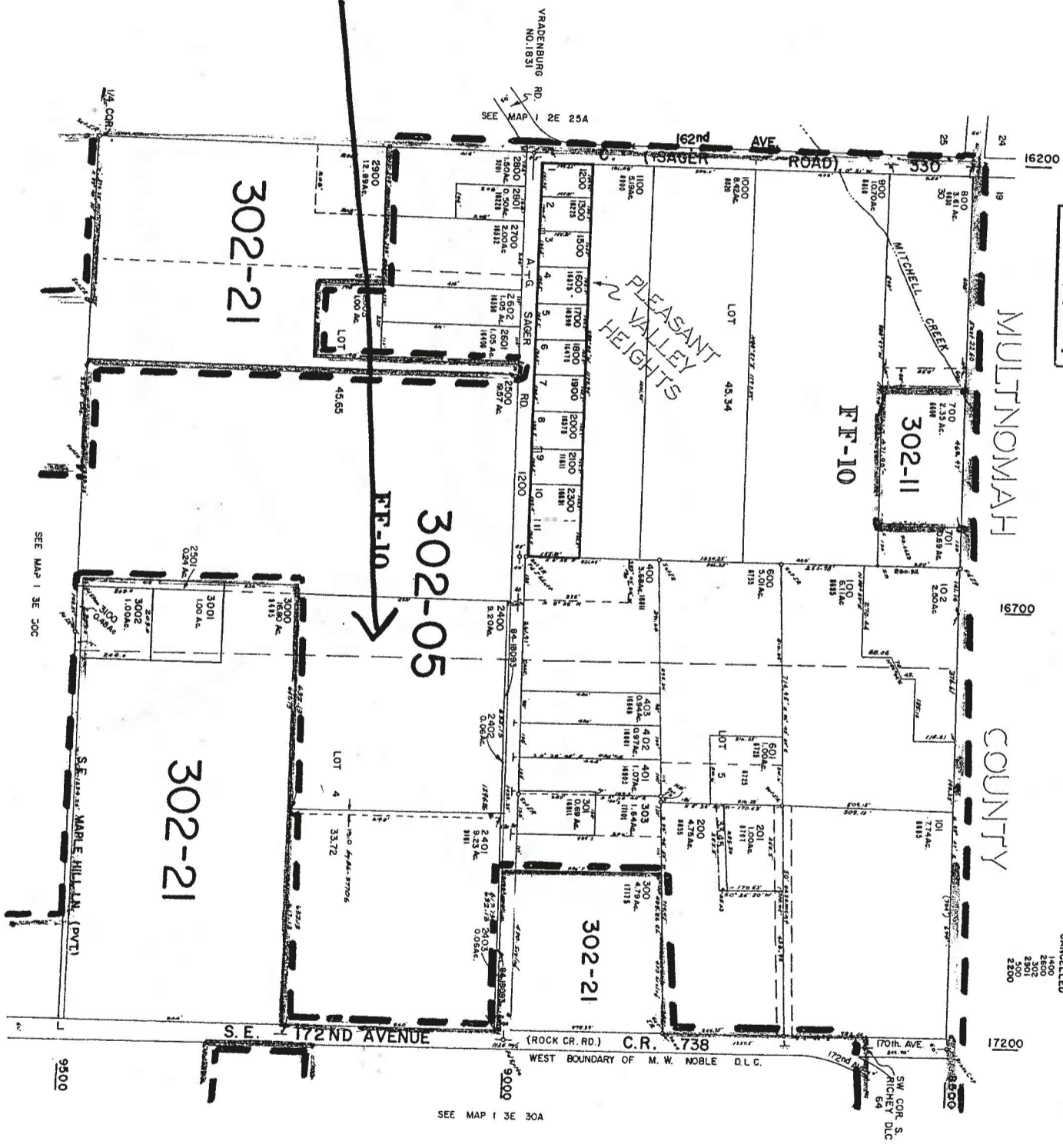
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This map was prepared for assessment purposes only.

NW/4 SEC.30 T.1S. R.3E.W.1M.
CLACKAMAS COUNTY
1"=200'

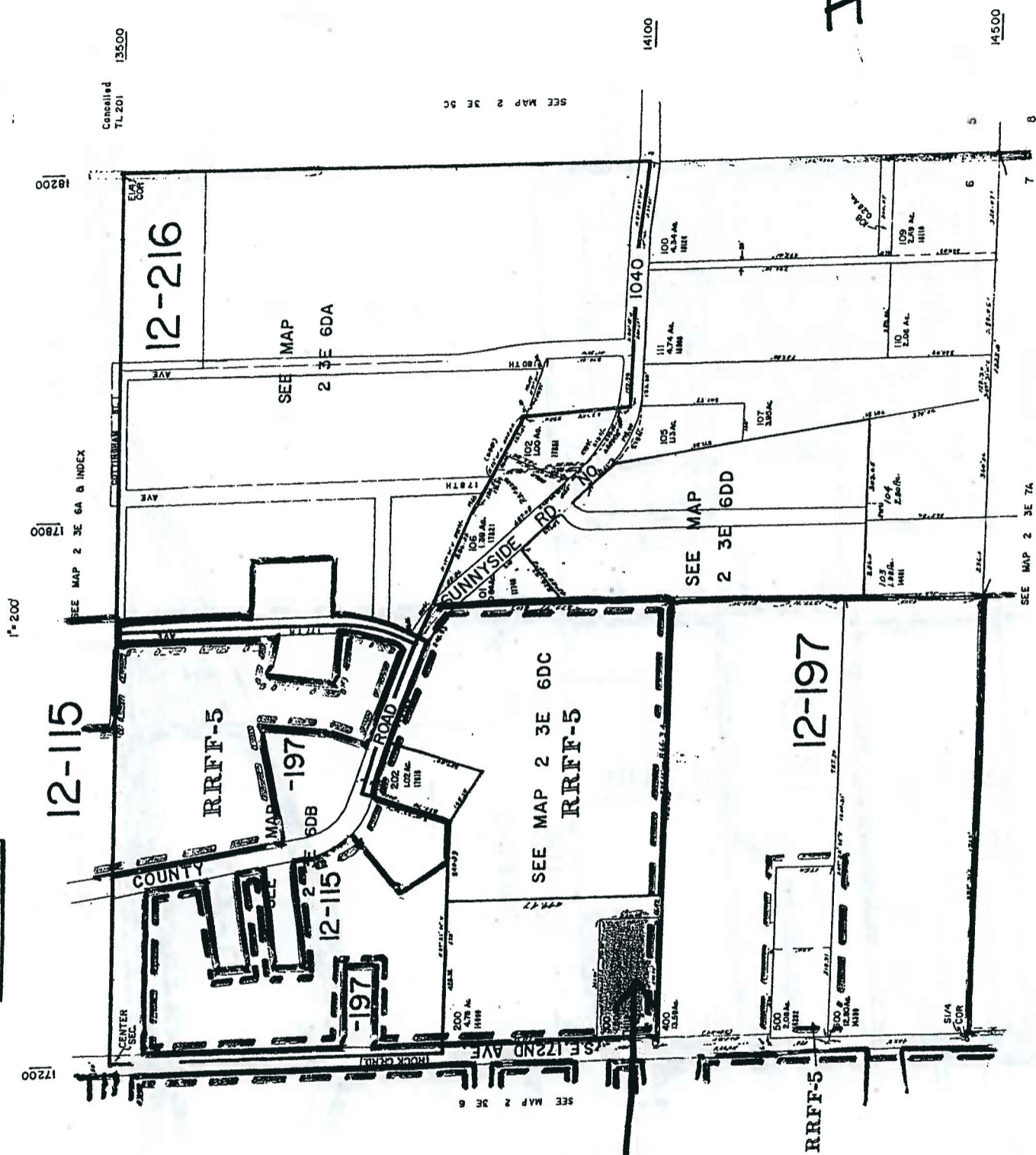
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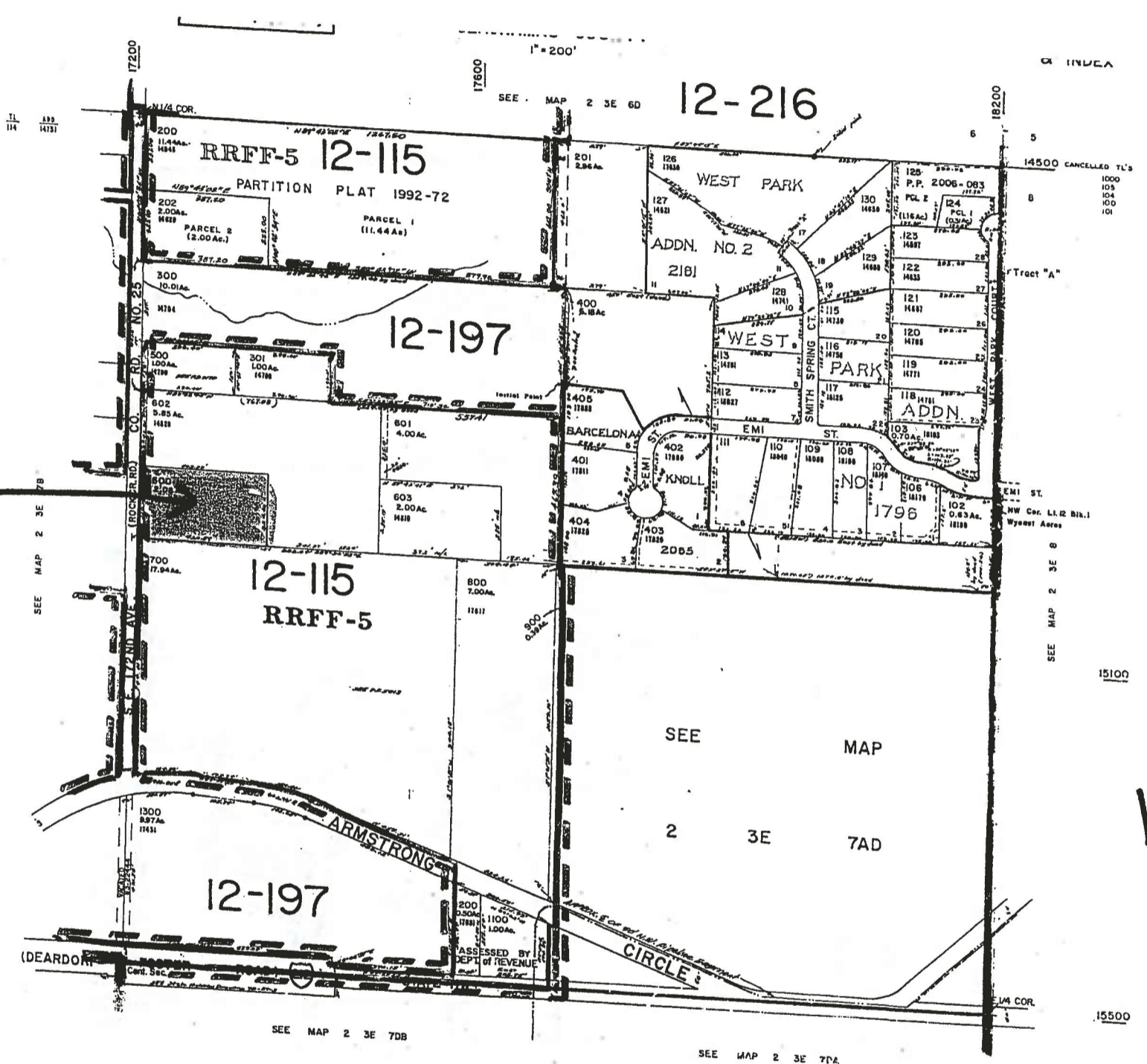
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assessment purpose only.



H

2 3E 6D
& INDEX
BOOK 20



H

BOOK 20
2 3E 7A

City of Happy Valley Annexation
(No. 02-06)
Area "A" Annexation
Legal Description

A tract of land situated in Section 25, T1S, R2E; W.M. Clackamas County Oregon and more particularly described as follows:

All of lot 1 of the plat of Doretha Estates, plat no. 1220

Exhibit "A"

Exhibit # B

City of Happy Valley Annexation
(No. 02-06)
Area "B" Annexation
Legal Description

A tract of land situated in Section 34, T1S, R2E; W.M. and Section 3, T2S, R2E. W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the southeast corner of lot 14, Block 2 in the plat of Ameron Heights, plat no. 2264;

1. Thence South $76^{\circ}57'02''$ East, 5 feet more or less to the most easterly portion of the west line of S.E. 117th Ave. (a 40 foot R/W to the south) and the northeast corner of a tract of land (12E34D 1600), as recorded in deed instrument no. 78-27969;
2. Thence South, along said west line, 20 feet more or less to the point of intersection with the westerly extension of the north line of a tract of land (12E34D 2200) as recorded in deed instrument no. 94-02370 and the true point of beginning;
3. Thence continuing South, along said west line, 313.4 feet more or less to an angle point in said west line;
4. Thence South $19^{\circ}30'$ West (assessors map vs South $19^{\circ}14'$ West in deed), along said west line, 40 feet more or less to an angle point in said west line;
5. Thence South, along said west line, 308.46 feet to the north line of said Section 3;
6. Thence East, along said north line, 5 feet more or less to the northeast corner of a tract of land (22E3AB00100), as recorded in deed instrument no. 2006-098394 (Parcel 1);
7. Thence South, along the east line of said tract and the west line of S.E. 117th Ave., 270 feet more or less to the north line of S.E. Sunnyside Rd. (a variable width R/W);
8. Thence West, along said north line, 180 feet more or less to a 4 foot (more or less) jog to the north in said line;
9. Thence North $19^{\circ}30'$ East, along said jog, 4 feet (more or less) to the east/west portion of said north line;

Exhibit "A"

10. Thence Westerly, along said north line, 20 feet more or less to a 50 foot (more or less) jog to the north in said north line and the east of line of a tract of land (22E3AB00200), as recorded in deed instrument no. 79-32747;
11. Thence North 19° 30' East, along said jog and east line, 50 feet more or less to the east/west portion of the north line of S.E. Sunnyside Rd.;
12. Thence Northwesterly, along said north line, 170 feet more or less to a 35 foot (more or less) jog to the south in said north line;
13. Thence Southerly, along said jog, 35 feet more or less to the east/west portion of said north line;
14. Thence Westerly, along said north line, 5 feet more or less to an angle point in said line;
15. Thence continuing Westerly, along said north line, 58 feet more or less to a 33 foot (more or less), jog to the north in said north line, and the west line of said tract recorded in deed instrument no. 79-32747;
16. Thence North, 18° 30' East, along said jog and west line, 33 feet more or less to the east/west portion of said north line;
17. Thence Westerly, along said north line, 520 feet more or less (scaled distance), to a point on the east line of a tract of land (12E34D 01602), as recorded in deed instrument no. 2000-024790;
18. Thence North 26° 38' East, 150 feet more or less (scaled distance) to the northeast corner of said tract;
19. Thence North 61° 28' West, along the north line of said tract and it's westerly extension, 260 feet to the northwest corner of a tract of land (12E34D 01601) as recorded in deed instrument no. 2000-04979 (Parcel 1);
20. Thence South 26° 33' West, along the west line of said tract and it's southerly extension, 300' feet more or less to a point on the south line of S.E. Sunnyside Rd. (a variable width R/W);
21. Thence Easterly, along said south line, 46 feet more or less to a point on the west line of a tract of land (22E3AB 00900), as recorded in deed instrument no. 2004-070544 (Parcel III);
22. Thence North 07° 15' East, along said west line, 10 feet more or less to the east/west portion of said south line;

Exhibit "A"

23. Thence Easterly, along said east/west portion of said south line, 195 feet more or less to an angle point in said line;
24. Thence continuing Easterly, along said south line, 130 feet more or less to the east line of a tract of land (22E3AB 00800), as recorded in deed instrument no. 2004-070544 Parcel II and a 11.9 foot jog to the south in said line;
25. Thence South 18° 15' West, along said jog and east line, 11.19 feet to the southwest corner of a tract of land (22E3AB 00701), as recorded in deed instrument no. 2004-070544 (Parcel IV paragraph 2 "Except the following tract");
26. Thence Easterly, along said south line, 253.75 feet to a point and a 12 foot jog to the south in said south line, said point being southerly and 44 feet in distance from the centerline of S.E. Sunnyside Rd.;
27. Thence South 16° 15' 20" West, along said jog, 12 feet to a point and the south line of said road and said point being southerly and 56 feet in distance from the centerline of said road;
28. Thence Southeasterly, and parallel with said centerline, along said south line, 328 feet more or less to a 7 foot jog to the north in said south line;
29. Thence North 16° East, along said jog, 7 feet to a point on the south line that is southerly and 49 feet in distance from the centerline of S.E. Sunnyside Rd.;
30. Thence Southeasterly, along said south line, 150 feet more or less to the northwest corner of parcel 2 of Partition Plat No. 1998-18, with said corner being southerly and 45 feet in distance from said centerline and said corner being the beginning of a 3229.05 foot radius curve to the right;
31. Thence Southeasterly, along said south line, the north line of said parcel and said curve to the right, 133.10 feet and the beginning of a offset spiral;
32. Thence South 56° 34' 49" East, along said south line and the north line of said parcel 2, 77.89 feet to the northeast corner of said parcel;
33. Thence Northerly, 120 feet more or less to the southwest corner of lot 137 in the plat of Sylvan Meadows, plat no. 2637 and the point of intersection of the east line of S.E. 117th Ave. with the north line of S.E. Sunnyside Rd.;
34. Thence North 0° 22' 59" East, along the west line of said lot and the east line of said S.E. 117th Ave., 267.49 feet to the northwest corner of said lot;

Exhibit "A"

35. Thence Northerly, along said east line, 669.03 feet to the northwest corner of a tract of land (12E34D 02200), as recorded in deed instrument no. 94-02370 and the existing city limits of the City of Happy Valley;
36. Thence North, 89° 46' West, along the westerly extension of the north line of said tract, 40 feet to the west line of S.E. 117th Ave. and 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"

City of Happy Valley Annexation
(No. 02-06)
Area "C" Annexation
Legal Description

A tract of land situated in Section 35, T1S, R2E; W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the northwest corner of Parcel 2, of Partition Plat No. 1994-168;

1. Thence South $0^{\circ}07'45''$ East, 421.32 feet to the centerline and terminus of S.E. Aldridge Rd. (a 50 foot R/W);
2. Thence North $88^{\circ}31'15''$ West, along the centerline of the vacated portion of S.E. Aldridge Rd, 230 feet;
3. Thence North, 416.53 feet to the southwest corner of tract "B" in the plat of Eastbourne Downs, plat no. 2898;
4. Thence South $89^{\circ}43'22''$ East, long the south line of said tract, 230.0 feet to the point of beginning.

Exhibit "A"

**City of Happy Valley Annexation
(No. 02-06)
Area "D" Annexation
Legal Description**

A tract of land situated in Section 36, T1S, R2E; W.M. Clackamas County Oregon and more particularly described as follows:

All of lot 2, in the plat of Eastbourne Downs, plat no. 2898

Exhibit "A"

City of Happy Valley Annexation
(No. 02-06)
Area "E" Annexation
Legal Description

A tract of land situated in Section 30, T1S, R3E; W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the southeast corner of lot 11, in the plat of Pleasant Valley Heights, said corner also being on the north line of A.G. Sager Rd. (a 45 foot R/W to the west and a 40 foot R/W to the east);

1. Thence South $0^{\circ}26'$ East, along the southerly extension of the east line of said lot, 45 feet to the south line of said road;
2. Thence East, along said south line 130 feet more or less to the northwest corner of a tract of land (13E30B02402) as recorded in deed instrument no. 84-18093 and the true point of beginning;
3. Thence South, along the west line of said tract and it's southerly extension, 640 feet to the southwest corner of a tract of land (13E30B2400) as recorded in deed instrument no. 2005-044971;
4. Thence East, along the south line of said tract, 632.13 feet to the southeast corner of said tract;
5. Thence North, along the east line of said tract and their northerly extension, 680 feet more or less to the north line of said road;
6. Thence West, along the north line of said road, 632 feet more or less, to the point of intersection with the northerly extension of the west line of said tracts recorded in deed instruments no. 84-18093 and 2005-044971;
7. Thence South, along said extension, 40 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"

City of Happy Valley Annexation
(No. 02-06)
Area "F" Annexation
Legal Description

A tract of land situated in Section 6, T2S, R3E; W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the southwest corner of Parcel 2 in Partition Plat No. 1993-16, said corner also being on the east/west centerline of said section;

1. Thence South $88^{\circ}57'39''$ West, along said centerline, 471.71 feet;
2. Thence North $0^{\circ}10'$ East, 522.07 feet;
3. Thence North $86^{\circ}08'$ East, 470.30 feet to the west line of said parcel 2;
4. Thence South, along said west line, 544.86 feet to the point of beginning.

Exhibit "A"

City of Happy Valley Annexation
(No. 02-06)
Area "G" Annexation
Legal Description

A tract of land situated in Section 6, T2S, R3E; W.M. Clackamas County Oregon and more particularly described as follows:

All of lot 4 in the plat of Little Ranch Estates, plat no. 1787.

Exhibit "A"

City of Happy Valley Annexation
(No. 02-06)
Area "H" Annexation
Legal Description

A tract of land situated in Section 6, T2S, R3E; W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the southwest corner of lot 9, in the plat of Sun Valley Estates, plat no. 1722;

1. Thence West, along the westerly extension of the south line of said plat, 66.42 feet to the true point of beginning;
2. Thence continuing West, 361.90 feet to the east line of S.E. 172nd Ave. (a 60 foot R/W);
3. Thence North 0°07' West, along said east line, 180 feet to the point of intersection with the north line of a tract of land (23E6D00300) as recorded in deed instrument no. 2006-074491;
4. Thence North 89°22'45" East, along the north line of said tract, 361.90 feet to the northeast corner of said tract;
5. Thence South 0°07' East, along the east line of said tract, 180 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"

City of Happy Valley Annexation
(No. 02-06)
Area "I" Annexation
Legal Description

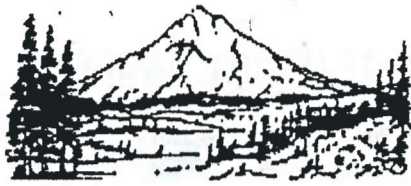
A tract of land situated in Section 7, T2S, R3E; W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the southwest corner of lot 3 in the plat of Barcelona Knoll, plat no. 2065;

1. Thence North $89^{\circ}34'53''$ West, 899.41 feet to the true point of beginning;
2. Thence continuing North $89^{\circ}34'53''$ West, 400.59 feet to the east line of S.E. 172nd Ave. (a 40 foot R/W);
3. Thence North, along said east line, 220.15 feet to the north line of a tract of land (23E7A 00600) as recorded in deed instrument no. 2006-079571;
4. Thence East, along the north line of said tract, 403.39 feet to the northeast corner of said tract;
5. Thence South, along the east line of said tract, 224.40 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"



CITY OF HAPPY VALLEY

12915 SE King Road
Portland, OR 97236
Phone: 503-760-3325

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:

SE SAGER RD.
Street Address of Property (if address has been assigned)

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

13E30B TL 2400
Tax Map and Tax Lot Number

RECEIVED BY
DEC 20 2006
HAPPY VALLEY

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

| | | | |
|------------------------|---------------|---------------|-----------------|
| <u>Scott L Paskett</u> | <u>AP</u> | <u>AP</u> | <u>11/5/06</u> |
| Signature | Owner Initial | Voter Initial | Date |
| <u>Deanne Paskett</u> | <u>AP</u> | <u>AP</u> | <u>11/5/06</u> |
| Signature | Owner Initial | Voter Initial | Date |
| <u>Rue R. Ward</u> | <u>RW</u> | <u>RW</u> | <u>11/21/06</u> |
| Signature | Owner Initial | Voter Initial | Date |

| | | | |
|------------------------|---------------|---------------|-----------------|
| <u>Bruce L Paskett</u> | <u>BP</u> | | <u>11/17/06</u> |
| Signature | Owner Initial | Voter Initial | Date |

| | | | |
|----------------------------|---------------|---------------|------|
| <u>BRUCE L PASKETT</u> | | | |
| Other Authorized Signature | Owner Initial | Voter Initial | Date |

| | | |
|----------------------------|---------------------|------------|
| <u>20856 NW YONCALA CT</u> | <u>503-645-4787</u> | |
| Street Address | Home Phone | Work Phone |

20856 NW YONCALA CT
Mailing Address

PORTLAND OREGON 97229
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

| | |
|------------------------|-----------------|
| <u>Bruce L Paskett</u> | <u>11/17/06</u> |
| Signature | Date |
| <u>Rue R. Ward</u> | <u>11/17/06</u> |
| Signature | Date |

| | |
|---------------------------|-----------------|
| <u>Deanne Paskett</u> | <u>11/20/06</u> |
| Signature | Date |
| <u>Allyson L. Paskett</u> | <u>11/20/06</u> |
| Signature | Date |



CITY OF HAPPY VALLEY

12915 SE King Road
Portland, OR 97236
Phone: 503-760-3325

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:

S.E. SAGER RD.

Street Address of Property (if address has been assigned)

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

13E30B TL 2400

Tax Map and Tax Lot Number

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

| | | | |
|----------------------------|---------------|---------------|----------------|
| <u>Scott Paskett</u> | <u>(S)</u> | <u>(S)</u> | <u>11/5/06</u> |
| Signature | Owner Initial | Voter Initial | Date |
| <u>Bert Paskett</u> | <u>(BP)</u> | <u>(BP)</u> | <u>11/9/06</u> |
| Signature | Owner Initial | Voter Initial | Date |
| Other Authorized Signature | Owner Initial | Voter Initial | Date |

Street Address Home Phone Work Phone

Mailing Address

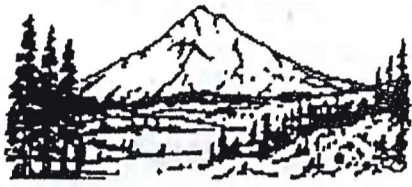
City, State and Zip Code

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 Scott Paskett 11/5/06
Signature Date

Bert Paskett 11/9/06
Signature Date



CITY OF HAPPY VALLEY
 12915 SE King Road
 Portland, OR 97236
 Phone: 503-760-3325
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:

11411 & 11451 SE Sunnyside Rd
 Street Address of Property (if address has been assigned)

Section 34 Township 15 Range 2E QTR D Tax lot 01601/
 Legal Description (Subdivision Name, Lot number(s))

Section 34 Township 15 Range 2E QTR D Tax lot 01602
 Tax Map and Tax Lot Number

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

[Signature] _____ [Initials] _____ [Initials] _____ 1/5/06
 Signature Owner Initial Voter Initial Date

 Signature Owner Initial Voter Initial Date

[Signature] _____ 1-6-06 _____
 Other Authorized Signature Owner Initial Voter Initial Date

14624 SE Sunnyside Rd 503-421-2109 _____
 Street Address Home Phone Work Phone

Clackamas, OR 97015
 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] _____ [Signature] _____
 Date Signature Date

RECEIVED BY

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 JAN 08 2007

CITY OF HAPPY VALLEY

*And needs to sign this
 NO charge
 4-6 mo.
 (12)*



CITY OF HAPPY VALLEY

12915 SE King Road
Portland, OR 97236
Phone: 503-760-3325

PETITION TO ANNEX

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NOV 29 2006
HAPPY VALLEY

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:

15172 SE Clatsop Happy Valley 97236
Street Address of Property (if address has been assigned)
Lot 1, Doretha estates, clackamas county, Oregon
Legal Description (Subdivision Name, Lot number(s))
12E25BA00501
12E25BA00100 taxlot 100-501
Tax Map and Tax Lot Number

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

[Signature] [Initials] [Initials] 11-27-06
Signature Owner Initial Voter Initial Date

Signature Owner Initial Voter Initial Date

Other Authorized Signature Owner Initial Voter Initial Date

P.O. Box 1587 503-631-3671 503-351-3690
Street Address Home Phone Work Phone

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] 11-27-06
Signature Date

Elizabeth Hartom 11-27-06
Signature Date



CITY OF HAPPY VALLEY

12915 SE King Road
Happy Valley, OR 97086
Phone: 503-760-3325

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:

14387 SE ALDRIDGE ROAD
Street Address of Property (if address has been assigned)

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

12E36CC 00402
Tax Map and Tax Lot Number

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

| | | | |
|--|-----------------------------|------------------------|--------------------------|
| <u><i>Norman Phm. A</i></u> Signature | <u>NTA</u> Owner Initial | _____ Voter Initial | <u>1/29/2007</u> Date |
|--|-----------------------------|------------------------|--------------------------|

| | | | |
|--------------------|------------------------|------------------------|---------------|
| _____ Signature | _____ Owner Initial | _____ Voter Initial | _____ Date |
|--------------------|------------------------|------------------------|---------------|

| | | | |
|-------------------------------------|------------------------|------------------------|---------------|
| _____ Other Authorized Signature | _____ Owner Initial | _____ Voter Initial | _____ Date |
|-------------------------------------|------------------------|------------------------|---------------|

| | | |
|---|-----------------------------------|-----------------------------------|
| <u>9472 SE Emerald Loop</u> Street Address | <u>503-760-6264</u> Home Phone | <u>503-724-2979</u> Work Phone |
|---|-----------------------------------|-----------------------------------|

Mailing Address

PDX, OR 97086
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 _____

| | | | |
|--|--------------------------|--------------------|---------------|
| <u><i>Norman Phm. A</i></u> Signature | <u>1/29/2007</u> Date | _____ Signature | _____ Date |
|--|--------------------------|--------------------|---------------|



CITY OF HAPPY VALLEY

12915 SE King Road
Portland, OR 97236
Phone: 503-760-3325

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:

14291 SE 172nd Avenue
Street Address of Property (if address has been assigned)

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

23E06C 07100
Tax Map and Tax Lot Number

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

X [Signature] X [Initials] X 1/29/07
Signature Owner Initial Voter Initial Date

X Ann M. Mayzirk X AMM X 01/29/07
Signature Owner Initial Voter Initial Date

Other Authorized Signature Owner Initial Voter Initial Date

X 14291 SE 172nd X 503 558 1124 X 503 572 0441
Street Address Home Phone Work Phone

X Same
Mailing Address

X 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

X Indefinitely or until _____

X [Signature] 1/29/07
Signature Date

X Ann M. Mayzirk 01/29/07
Signature Date

RECEIVED BY

FEB 1 2007

CITY OF HAPPY VALLEY



CITY OF HAPPY VALLEY

12915 SE King Road
Happy Valley, OR 97086
Phone: 503-760-3325

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:

13739 SE Aldridge Rd. Happy Valley, OR 97086
Street Address of Property (if address has been assigned)

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

12E35D 01300
Tax Map and Tax Lot Number

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

| | | | |
|---------------------------------|----------------------------|----------------------------|------------------------|
| <u>Ber R. J.</u> Signature | <u>BL</u> Owner Initial | <u>BL</u> Voter Initial | <u>2-02-07</u> Date |
| <u>Kevin Rudin</u> Signature | <u>HL</u> Owner Initial | <u>HL</u> Voter Initial | <u>2-2-07</u> Date |

| | | | |
|---|-----------------------------------|-----------------------------------|------|
| Other Authorized Signature | Owner Initial | Voter Initial | Date |
| <u>13739 SE Aldridge Rd</u> Street Address | <u>503-658-7042</u> Home Phone | <u>503-515-5025</u> Work Phone | |

Mailing Address
HAPPY VALLEY, OR 97086
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 _____

Ber R. J. 2-2-07
Signature Date

Kevin Rudin 2-2-07
Signature Date



CITY OF HAPPY VALLEY

12915 SE King Road
City of Happy Valley, OR 97086
Phone: 503-760-3325

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:

Street Address of Property (if address has been assigned)

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

23E06B 00900
Tax Map and Tax Lot Number

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

[Signature] MSK MSK 2/1/07
Signature Michael S. Kuenzi, Director Owner Initial Voter Initial Date
Clackamas County Service District No. 1

Signature Owner Initial Voter Initial Date

Other Authorized Signature Owner Initial Voter Initial Date

Street Address Home Phone Work Phone

9101 SE Sunnybrook Blvd., Suite 441
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] 2/1/07
Signature Michael S. Kuenzi, Director Date Signature Date
Clackamas County Service District No. 1



CITY OF HAPPY VALLEY
 1291 E King Road
 Portland, OR 97236
 Phone: 503-760-3325
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:

14110 SE 172ND
 Street Address of Property (if address has been assigned)

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

23E 06 D: TL 300
 Tax Map and Tax Lot Number

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

| | | | |
|--|-----------------------------------|-----------------------------------|-------------------------|
| <u><i>Mania Raduti</i></u> Signature | _____ Owner Initial | _____ Voter Initial | _____ Date |
| <u><i>Mania Raduti</i></u> Signature | _____ Owner Initial | _____ Voter Initial | _____ Date |
| <u>AUREL RADUTIU</u> Other Authorized Signature | _____ Owner Initial | _____ Voter Initial | <u>10-30-06</u> Date |
| <u>13137 S.E Spring Mtn Dr</u> Street Address | <u>503-698-3684</u> Home Phone | <u>503-209-2298</u> Work Phone | |

Mailing Address

Happy Valley OR 97086.
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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 NOV 3 2006
 CITY OF HAPPY VALLEY



CITY OF HAPPY VALLEY

12910 SE King Road
Portland, OR 97236
Phone: 503-760-3325

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:

14976 S.E. 172nd
Street Address of Property (if address has been assigned)
Legal Description (Subdivision Name, Lot number(s))
23E07A 00600
Tax Map and Tax Lot Number

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

Connie Mueller cm 10-26-06
Signature Owner Initial Voter Initial Date

J.M. Miller jm 10-26-06
Signature Owner Initial Voter Initial Date

Other Authorized Signature Owner Initial Voter Initial Date

28890 S.E. Hwy 212 503-502-6100 503-663-1144
Street Address Home Phone Work Phone

P.O. Box 279
Mailing Address

BORING OR 97009
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 _____.

Connie Mueller 10-26-06 J.M. Miller 10-26-06
Signature Date Signature Date

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RECEIVED BY

NOV 1 2006

HAPPY VALLEY

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

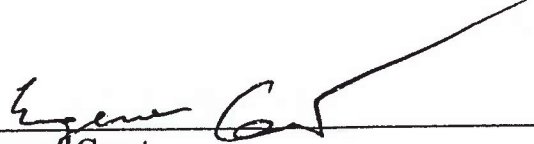
Exhibit # E

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

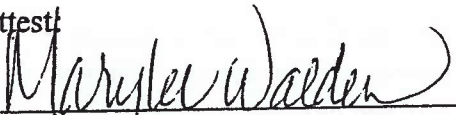
COPY

PASSED by City Council on this 7th day of June, 2005.

Approved by the Mayor on this 7th day of June, 2005.


Eugene Grant
Mayor

Attest:


Marylee Walden
City Recorder

Mayor
HON. EUGENE GRANT

City Councilors
CHUCK DALICH
LORI DEREMER
MARKLEY DRAKE
ROB WHEELER



City of Happy Valley

12915 SE KING ROAD, HAPPY VALLEY, OREGON 97236-6298
Telephone (503) 760-3325 ~ Fax (503) 760-9397
Web Site: www.ci.happy-valley.or.us

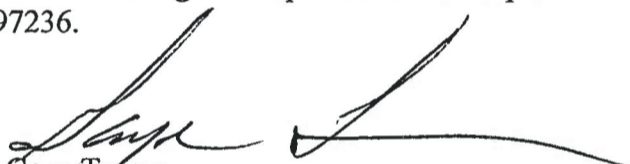
Affidavit of Mailing

State of Oregon)l

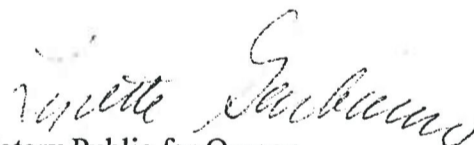
)ss: City of Happy Valley
County of Clackamas)

I, Gaye Turner, 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 upon interested persons, necessary parties and participating property owners by mailing to each person on Wednesday, April 4th, 2007, 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 12915 SE King Road, Happy Valley, Oregon, 97236.


Gaye Turner

Subscribed and sworn before me this 22nd day of November, 2006.


Notary Public for Oregon

My Commission Expires: May 14, 2008

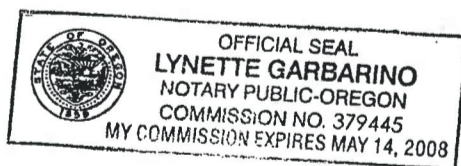


Exhibit # F

Our Mission is **Our Community**
Working with You to Preserve, Serve, and Enrich