



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

March 19, 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 009-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 2, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Michael Walter, 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: WOT-01-06
Date of Adoption: 3/06/07 Date Mailed: 3/08/07
Date original Notice of Proposed Amendment was mailed to DLCD: 12-27-06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: WITHDRAWAL OF TERRITORY

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

WITHDRAWAL OF TWO PROPERTIES, MAP 23E06C TAX LOT 05400 & MAP 23E06DB TAX LOT 01900. EXPEDITED PROCESS
METRO 3.09.045.

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: _____ to: _____
Zone Map Changed from: _____ to: _____
Location: MAP 23E06C TAX LOT 05400 & MAP 23E06DB TAX LOT 01900 Acres Involved: .86 ACRES
Specify Density: Previous: _____ New: _____
Applicable Statewide Planning Goals: 1 & 2
Was and Exception Adopted? YES NO

DLCD File No.: 009-06(15714)

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:

CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

Local Contact: MICHAEL WALTER Phone: (503) 760 3325 Extension: _____
Address: 12915 SE KING ROAD City: HAPPY VALLEY
Zip Code + 4: 97086 - Email Address: michaelw@ci.happy-valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the 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 **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 351
CITY OF HAPPY VALLEY

AN ORDINANCE DE-ANNEXING TERRITORY FROM THE CITY OF
HAPPY VALLEY, OREGON, REANNEXING THAT TERRITORY TO THE
CLACKAMAS COUNTY ENHANCED LAW ENFORCEMENT DISTRICT AND
DECLARING AN EMERGENCY

WHEREAS, under Metro Code Section 3.09.045, ORS 222.125 and 268.354 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 de-annexation (File No. WOT-01-06); and

WHEREAS, the proposed de-annexation territory consists of two legal lots of record totaling 0.86 acres adjacent to existing City boundaries; and

WHEREAS, the City provided notice that the Planning Commission and City Council would consider the de-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 de-annexation consistent with Metro Code Section 3.09.045; and

WHEREAS, the Planning Commission considered the proposed de-annexation at its regularly scheduled February 13, 2006 meeting, and recommended that the City Council approve the de-annexation; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled March 6, 2006 meeting 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.

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The City Council declare that the affected territory described in Exhibit A, depicted in Exhibit B and shown in Exhibit C is de-annexed from the City of Happy Valley effective March 6, 2007.
- Section 2. The City Council adopts the Withdrawal of Territory Application No. WOT-01-06 and its findings in support of this ordinance.
- Section 3. The affected territory is re-annexed to the Clackamas County Law Enforcement District effective March 6, 2007.

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: March 8, 2007

File No. WOT-01-06

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 Withdrawal of Territory from 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 March 6, 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.



Jason Luck, Economic and Community Development Director

cc: Petitioners
Necessary Parties
File WOT-01-06

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

Mayor
HON. EUGENE GRANT

City Councilors
CHUCK DALICH
LORI DEREMER
JONATHAN EDWARDS
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

**CITY OF HAPPY VALLEY
STAFF REPORT TO THE PLANNING COMMISSION
FEBRUARY 13, 2007**

WITHDRAWAL OF TERRITORY APPLICATION (File No. WOT-01-06)

I. GENERAL INFORMATION

PROPOSAL:

The proposal includes a request for the withdrawal of territory for two properties totaling approximately .86 acres. The request is made by two separate property owners for two separate legal lots of record. Applicants seek approval of withdrawal of territory (WOT-01-06) for one (1) legal lot of record each.

APPLICANTS:

Anne Middleton
17400 SE Sunnyside Road
Happy Valley, Oregon
James and Sharon Bisson
16760 SE Stoneybrook Court
Happy Valley, Oregon

PROPERTY OWNERS:

See Attached List – Exhibit D

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, 16.40.110 (deannexation of territory to an existing city), Metro Code 3.09.45, 3.09.050(d), and ORS 222.111, and 222.125.

EXHIBITS:

- A. Withdrawal of territory Area Maps
- B. Legal Descriptions for Areas
- C. Withdrawal of Territory Applications/Petitions
- D. Property Owner List
- E. Copy of Resolution 05-13
- F. Affidavit of Mailing

BACKGROUND:

Two property owners have requested withdrawal of territory. One parcel is located at 17400 SE Sunnyside Road, on the west side of Sunnyside Road just east of 172nd Avenue. The other parcel is located at 16760 SE Stoneybrook Court to the west of Sunnyside Road.

In 2004, both properties were annexed to the City of Happy Valley (File No. ANN-01-04). The 2004 annexation included annexation of approximately 170 parcels into the City of Happy Valley. At the hearing, these two property owners (the "applicant's") requested to be withdrawn or removed from the list of properties to be annexed. At the public hearing it was determined infeasible to remove the two parcels from the annexation list, without having to re-notice and restart the annexation process for all properties listed in the application. At the June 28, 2004 hearing it was determined that in order to move forward with annexing all parcels listed in ANN-01-04, the two parcels would be annexed that evening, but could request to be withdrawn from the city at a later date. Both applicants have cited financial burden of higher taxes as the reasoning for requesting the withdrawal from territory. The applicant's have requested a withdrawal of territory and have submitted required documentation to support the request. The City of Happy Valley mailed the petitions for withdrawal of territory to property owners and has received signed petitions from property owners as required by the development code.

GENERAL DISCUSSION:

Changes in the text, map or implementing ordinances of adopted Happy Valley land use regulations may be initiated by the city, any resident of the city, property owners or authorized agent. Changes 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 of change.

WOT-01-06 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 75 percent of the electors within the area being withdrawn. The petitions meet the

requirements of Metro Ordinance No. 98-791, Chapter 3.09.045 and ORS 222.125 and 268.354.

The territory to be withdrawn is noted on Exhibit "A" attached. The legal descriptions for each of the areas are attached as Exhibit "B". The withdrawal of territory application data forms (petitions) for the areas are attached as Exhibit "C".

The proposed withdrawal of territory incorporates two separate properties totaling approximately .86 acres. The proposed withdrawal of territory boundaries have been drawn up to include only those properties represented by property owners or their representatives who signed petitions.

This proposed withdrawal of territory complies with the present agreements the City has with the various urban service providers. Currently, the two parcels are included within the North Clackamas Parks and Recreation District (NCPRD). In order to withdraw from the NCPRD following the withdraw of territory approval, the applicants will need to file a petition with the Clackamas County Board of Commissioners (via the Clerk's office) as the boundary commission of Clackamas County and as the governing body of NCPRD to permit withdrawal from the District. Withdrawing from the District is a separate process from their withdrawal from Happy Valley. It is the applicant's responsibility to obtain information on petition requirements and filing of the petition.

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 withdrawal of territory request. The Framework Plan does speak to the issues of withdrawal of territory of properties to cities as appropriate to ensure adequate government jurisdiction and public facilities review and approvals. The proposed boundary change will result in the withdrawal of two tax lots from the Enhanced Law Enforcement District. No other withdrawals from the urban service providers are proposed. The newly withdrawn areas will not be covered by the cities contract with the Clackamas County Sheriff's Department.

The City of Happy Valley Comprehensive Plan (1984) was prepared to cover only the territory within the city limits when the plan was adopted. When the properties were adopted in 2004, the City's Comprehensive Plan did not provide zoning designations for land outside the city limits. When annexed in 2004, the County's zoning designation remained. Upon withdrawal of territory the parcels will be subject to Clackamas County zoning designation and applicable rules and regulations.

II. FINDINGS

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 percent of the property owners and 100 percent the electors within the affected territory. This criterion has been satisfied.

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

Response:

The City of Happy Valley provided notice to all interested parties; necessary parties and land owners within 300 feet on January 23, 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 Friday, January 26, 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 withdrawal of territory is consistent with ORS 195.065. As stated above, the parcels will remain within service districts already serving the area with the exception of the removal from the Enhanced Law Enforcement District. When withdrawn, the parcels will continue to be served by Sunrise Water Authority, which provides water to the greater area. This criterion has been satisfied.

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

Response:

The City of Happy Valley has planning jurisdiction for land use and transportation actions within city limits. The proposed withdrawal of territory is compliant with the Happy Valley Comprehensive Plan (1984) and Land Development Ordinance. This criterion has been satisfied.

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

Response:

The Happy Valley Comprehensive Plan and Development Code do not contain applicable standards or criteria for boundary changes. However, the proposed withdrawal of territory does meet applicable Metro and statewide planning requirements as shown in this report. This criterion has been satisfied.

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

Response:

The 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 withdrawal of territory application. The Framework Plan does speak to the issues of withdrawal of territory of properties to cities as appropriate to ensure adequate government jurisdiction and public facilities review and approvals.

The proposed boundary change will result in the withdrawal of two lots of record from the Enhanced Law Enforcement District. No other withdrawals from the urban service providers are proposed. The proposed withdrawal of territory is consistent with the Regional Framework Plan and the Urban Growth Management Functional Plan. This criterion has been satisfied.

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

Response:

The proposed withdrawal of territory would not interfere with the provision of public facilities and services. This criterion has been satisfied.

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

Response:

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

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

Response:

The proposed withdrawal of territory is consistent with applicable state, regional, and local land use laws, as shown in this report. This criterion has been satisfied.

(g) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be withdrawn 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 two (2) properties which have petitions for withdrawal of territory are within the existing Metro Urban Growth Boundary. This criterion has been satisfied.

STATEWIDE PLANNING GOALS (DLCD)

“Goal 2 Land Use Planning (660-015-0000(2))

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 withdrawal of territory. The staff report and findings demonstrate compliance with applicable policies and regulations of all local, regional, and state regulations. This criterion has been satisfied.

Oregon Revised Statutes (ORS)

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

Response:

This withdrawal of territory was the result of petitions filed by two property owners or their representatives who own property that is in the city limits of Happy Valley. The property owners cited financial hardship as the request for the withdrawal of territory. This 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 withdrawn and 100 percent of the electors in the territory to be withdrawn. The City Council is implementing said withdrawal by adoption of an ordinance. This criterion has been satisfied.

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 applicants have initiated the withdrawal of territory applications based on the submittal of petitions by 100 percent of the property owners who own 100 percent of the land area. This criterion has been satisfied.

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:

The request is to withdraw territory from the city limits. Said withdrawal will not create a negative impact on the City or negatively affect criteria listed in Section 16.40.41(1). This criterion has been satisfied.

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

Response:

The property owners have requested the boundary change citing financial hardship as the reason for the request. The boundary dispute between Happy Valley and Damascus has been tentatively resolved; and both parcels are small and do not have development potential, therefore annexation into the city is not required. Annexation into the city is required prior to developing. Properties directly adjacent to the subject parcels have not been annexed into the city. This criterion has been satisfied.

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

Response:

Withdrawal of territory will serve the need of the affected property owners as stated in their withdrawal request. The boundary change will not negatively impact any functions of the City of Happy Valley. Withdrawal of territory of these properties best serves the public need as compared to other alternatives. This criterion has been satisfied.

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

Response:

Approval of the withdrawal of territory request will not negatively affect future residential, commercial and industrial development. This criterion has been satisfied.

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:

The subject lots of record are relatively small in size, there is no future development potential of these properties. Properties that fall within city growth boundary limits that have development potential are required to annex prior to development. In this case the subject lots of record are not developable. In the future the area may be annexed into the city, but at this time, de-annexing will not create a negative impact on the City. This criterion has been satisfied.

16.40.110 Deannexation from the existing city.

For any proposed deannexation from the city, application shall be made directly to the city of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form the city shall schedule a public hearing before the planning commission, which shall make a recommendation to the city council.

Response:

The proceedings include a Staff Report to the Planning Commission, which is anticipated to make a recommendation to the City Council. This criterion has been satisfied.

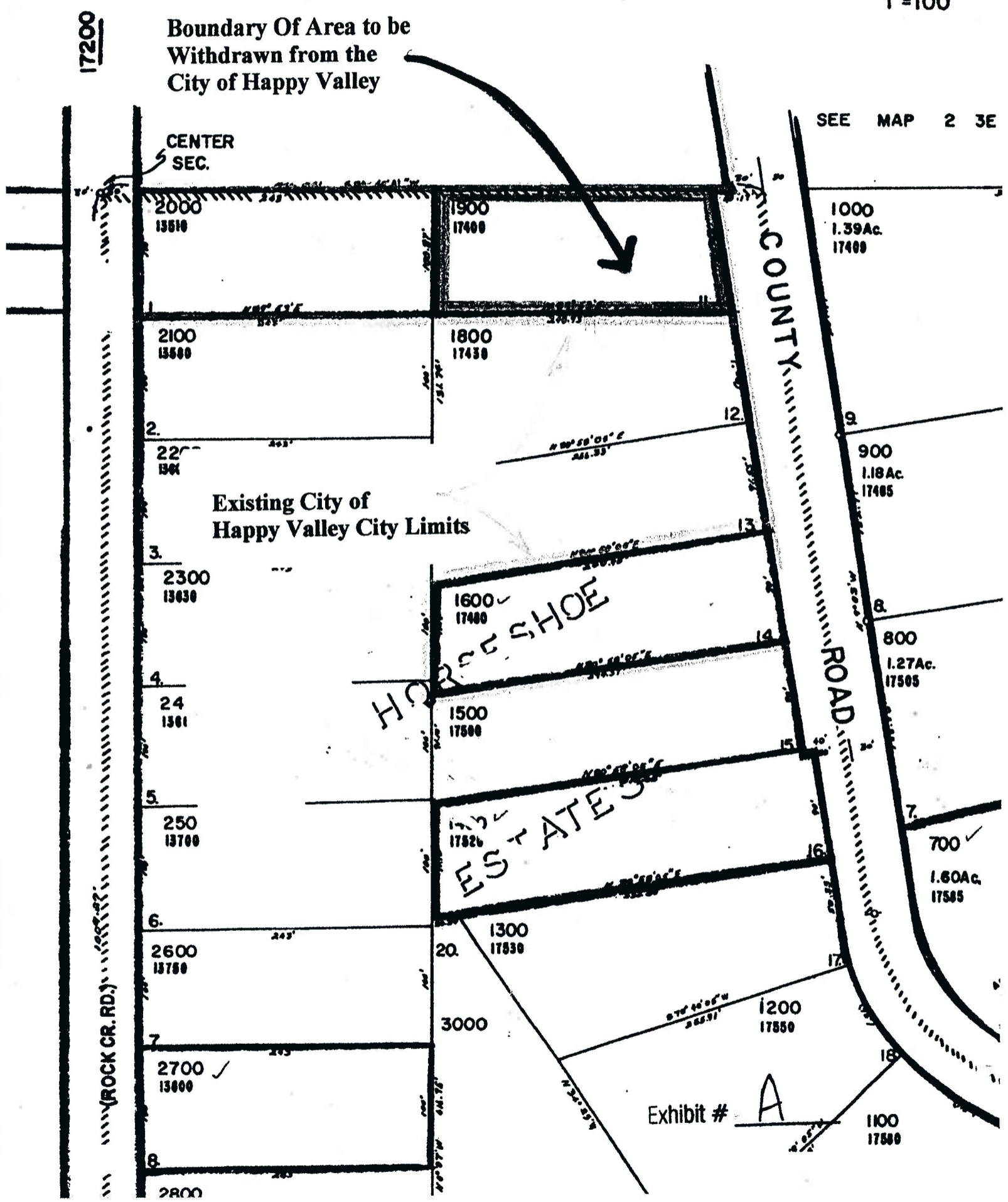
III. CONCLUSION:

Staff has determined that the above findings demonstrate that the proposed withdrawal of territory satisfies the requirements of the City of Happy Valley Comprehensive Plan and Development Code, Metro Functional Plan, Metro Code 3.09, and Statewide Planning Goals. Staff recommends that the Planning Commission forward a recommendation of approval onto the City Council authorizing the withdrawal of tax lots 23E06DB01900 and 23E06C05400 from the City of Happy Valley.

This map was prepared for
assessment of

NW 1/4 SE 1/4 SEC. 6 T
CLACKAMAS CO

1"=100



LEGAL DESCRIPTIONS

17400 SE Sunnyside Road

The Legal for 23E06DB Tax lot 1900 is as follows

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

All of Lot 11, of the Golden Horseshoe Estates.

16760 SE Stoneybrook Court

The Legal for 23E06C Tax lot 5400 is as follows

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

All of Lot 11, Rock Creek Green No. 2, Plat No. 1778

Exhibit # B



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

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 apply for withdrawal of said property from the City of Happy Valley.

The consent for withdrawal is for the following described property:

16760 SE Stoneybrook Court
 Street Address of Property (if address has been assigned)

23E06 C 05400
 Legal Description (Subdivision name and lot number)

 Tax Map and Tax Lot Number

Total Acreage of Property: .3

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

<u>x James A. Bisson</u> Signature	<u>x JAB</u> Owner Initial	<u>x JAB</u> Voter Initial	<u>x 11-16-2006</u> Date
<u>x Sharon Bisson</u> Signature	<u>x SB</u> Owner Initial	<u>x SB</u> Voter Initial	<u>x 11-16-2006</u> Date

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

x 16760 S.E. Stoney Brook Ct. 503-558-1777 N/A
 Street Address Home Phone Work Phone
x P.O. Box 1780
 Mailing Address
x Clackamas, Or 97015
 City, State and Zip Code

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

For staff use only:

File Number: _____ File Name: _____
 Property owner initiated Date Submitted/Received: _____
 City Initiated Fee: _____ Receipt # _____



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

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

Thank you!

I (we), the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby apply for withdrawal of said property from the City of Happy Valley.

The consent for withdrawal is for the following described property:

17400 SE Sunnyside Road
 Street Address of Property (if address has been assigned)

GARDEN HORSESHOE ESTATES, LOT 11 and 1/9th interest in lot 20
 Legal Description (Subdivision name and lot number)

23E06DB 01900
 Tax Map and Tax Lot Number

Total Acreage of Property: 0.56

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

Anne Middleton ✓ AM ✓ AM ✓ 12-21-06
 Signature (ANNE MIDDLETON) Owner Initial Voter Initial Date

 Signature Owner Initial Voter Initial Date

 Other Authorized Signature Owner Initial Voter Initial Date

✓ 17400 SE SUNNYSIDE RD ✓ 503-558-9676 ✓
 Street Address Home Phone Work Phone

✓ 17400 SE SUNNYSIDE RD
 Mailing Address

✓ DAMASCUS, OR 97089
 City, State and Zip Code

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

For staff use only:
 File Number: _____ File Name: _____
 Property owner initiated Date Submitted/Received: _____
 City Initiated Fee: _____ Receipt # _____

RECEIVED BY
 DEC 27 2006
 CITY OF HAPPY VALLEY

Exhibit # C

WITHDRAWAL OF TERRITORY
WOT-01-06

Property owner	Tax & Map	Mailing Address	City, State, Zip	Acreage	Zoning	Assessed Value
Bisson, Jim and Sharon	23E06C 05400	PO Box 1780	Clackmas, OR 97015	0.3	RRFF5	201,126
Middleton, Anne	23E06DB 01900	17400 SE Sunnyside Rd	Damascus, OR 97089	56	RRFF5	154,213

1
Exhibit #

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 1

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

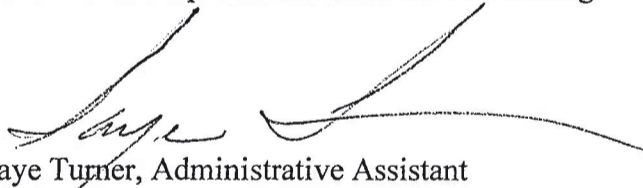
Affidavit of Mailing

State of Oregon)l

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

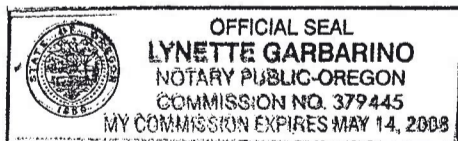
I, Gaye Turner, Planning Assistant for the City of Happy Valley, hereby provide the following affidavit:

I certify that the following notice was mailed, a copy of which is attached hereto as Exhibit A, on the applicants identified as Anne Middleton and James and Sharon Bisson, and upon the owners of record of property on the most recent tax assessment roll where such property is within a 300' radius of the property which is the subject of the notice, by mailing to each person on Monday, January 22, 2007, contained in a sealed envelope, with postage paid, addressed to each such person at his/her mailing address. The name 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, 97086.



Gaye Turner, Administrative Assistant

Subscribed and sworn before me this 22nd day of January, 2007.



Notary Public for Oregon

My Commission Expires:

May 14, 2008

Exhibit # F

CITY OF HAPPY VALLEY

12915 SE KING ROAD
HAPPY VALLEY, OREGON 97086
(503) 760-3325
FAX: (503) 760-9397

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission and City Council will consider a withdrawal of territory pursuant to the Expedited Decision process of Metro Code Chapter 3.09.045 in the City of Happy Valley Annex, 12915 SE King Road, in the City of Happy Valley, Oregon on the following dates/times:

Planning Commission	Tuesday, February 13, 2007	7:00 p.m.
City Council	Tuesday, February 20, 2007	7:00 p.m.

DOCKET
NUMBER
WOT-01-06

Withdrawal of Territory	
Map # 23E06DB Tax Lot # 1900	Approx. .56 acres
Map # 23E06C Tax Lot # 5400	Approx. .3 acres

The City Council intends to decide on the withdrawal of territory without a public hearing unless such a hearing is requested by a necessary party as that term is defined in Metro Code Chapter 3.09.020(j). The Council may approve or deny a withdraw of territory application in accordance with the applicable criteria of the City of Happy Valley Comprehensive Plan, and Articles 16.40.020, 16.40.030, 16.40.040, 16.40.041, 16.40.060, 16.12.070, of the City of Happy Valley Municipal Code, METRO code 3.09, and ORS 222.120 (3), 222.460, 222.465, 222.111, 222.125 and 222.170.

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

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 4:30 p.m. weekdays), please call for an appointment. For additional information, contact either, Jason Tuck, Community Development Director, or Michael D. Walter, Planning Services Manager at the above address and phone number.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 72 hours in advance by contacting Marylee Walden, City Recorder at the above phone number.



Jason Tuck, Community Development Director

Exhibit # F