



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## AMENDED NOTICE OF ADOPTED AMENDMENT

November 20, 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 011-07



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: December 4, 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.

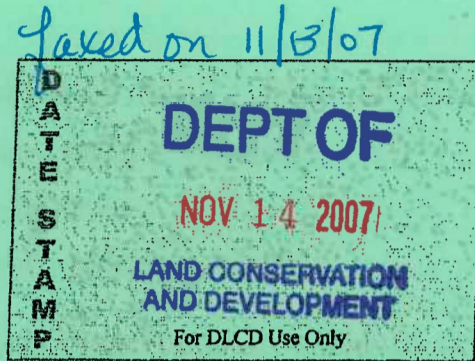
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Justin Popliek, 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-06-07  
Date of Adoption: 11/06/07 Date Mailed: 9/20/07  
Date original Notice of Proposed Amendment was mailed to DLCD: 2/01/07

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment    |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input type="checkbox"/> Zoning Map Amendment                |
| <input type="checkbox"/> New Land Use Regulation           | <input checked="" type="checkbox"/> Other: <u>ANNEXATION</u> |

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

Annexed into City of Happy Valley by expedited process Clackamas County Assessors map 12E25B tax lot 2400

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: 12E25B 02400 Acres Involved: 19.22 Acres

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

Applicable Statewide Planning Goals: 1, 2, 10, 12

Was an Exception Adopted?  YES  NO

DLCD File No.: 011-07 (16411)

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: Justin Popilek Phone: ( 503 ) 760 Extension: \_\_\_\_\_  
Address: 12915 S.E. King Road City: Happy Valley  
Zip Code + 4: 97086 - Email Address: justinp@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 [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

# FORM 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-06-07  
Date of Adoption: 11/06/07 Date Mailed: 9/20/07  
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".

Annexed into City of Happy Valley by expedited process Clackamas County Assessors map 12E25B tax lot 2400

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: 12E25B 02400 Acres Involved: 19.22 Acres

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

Applicable Statewide Planning Goals: 1, 2, 10, 12

Was an Exception Adopted?  YES  NO

DLCD File No.: 011-07 (16411)

**ORDINANCE NO. 367  
CITY OF HAPPY VALLEY**

**AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,  
OREGON AND THE NORTH CLACKAMAS PARKS AND RECREATION  
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-06-07); and

WHEREAS, the proposed annexation territory consists of One tax lot totaling 19.22 acres of land adjacent to existing City boundaries; and

WHEREAS, the City provided notice that the City Council would consider the annexation petition, 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 City Council considered the proposed annexation at its regularly scheduled City Council meeting on November 6<sup>th</sup>, 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 City 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 City 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:**

Section 1. The City Council declares the territory described in Exhibit B, and depicted in Exhibit A is annexed to Happy Valley effective November 6<sup>th</sup>, 2007

Section 2. The City Council adopts the Annexation Application No.06-07 and the associated Staff Report to the City Council dated November 6<sup>th</sup>, 2007

Section 3. The territory described in Exhibit B, and depicted in Exhibit A is annexed to the North Clackamas Parks and Recreation District effective November 6<sup>th</sup>, 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).

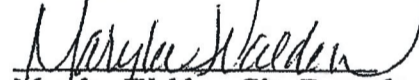
Section 5. An emergency is declared to exist and as provided by Section 32 of the Happy Valley City Charter this Ordinance takes effect on November 6<sup>th</sup>, 2007

PASSED AND APPROVED THIS 6<sup>th</sup> day of November, 2007

CITY OF HAPPY VALLEY

  
Mayor Rob Wheeler

ATTEST:

  
Marylee Walden, City Recorder

City of Happy Valley, City Council

**REPORT SUMMARY**

Meeting Date 11-6-07

Agenda Item No. \_\_\_\_\_  
(# To be assigned by Exec. Asst.)

<p><b><u>Item Title</u></b> Annexation Application (ANN-06-07)</p> <p><b><u>Prepared by</u></b> Justin Popilek</p> <p><b><u>Department</u></b> <i>ST</i> Planning</p> <p><b><u>Explanation</u></b> Expedited annexation of one property totaling approximately 19 acres.</p>
<p><b><u>Special Issues</u></b> One property located within the East Happy Valley Comprehensive Plan Update area.</p> <p><b><u>Financial Impact</u></b> N/A</p>
<p><b><u>Recommendation</u></b> Staff recommends the City Council adopt the expedited annexation ordinance.</p>
<p><b><u>Attachments</u></b> 1. Staff Report 2. Ordinance 367</p>

AGENDA SUMMARY MUST BE LIMITED TO ONE PAGE

**CITY OF HAPPY VALLEY  
STAFF REPORT TO THE CITY COUNCIL  
November 6, 2007**

ANNEXATION APPLICATION (File No. ANN-06-07)

**I. GENERAL INFORMATION**

**PROPOSAL:**

The applicant seeks approval of annexation File Number ANN-06-07 of one property totaling 19.22 acres in size.

**APPLICANT:**

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

**PROPERTY OWNER:**

Jeff Parker  
2020-C SW 8<sup>th</sup> #166  
West Linn, OR 97068

**EXHIBITS:**

EXHIBIT A- Annexation Area Map  
EXHIBIT B- Legal Descriptions  
EXHIBIT C- Annexation Application/Petition  
EXHIBIT D- Copy of Resolution 05-13  
EXHIBIT E- 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 16.40.080 and 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 petitions for annexation to area property owners and received a signed petition requesting annexation from the owner of the subject property.

**GENERAL DISCUSSION:**

Annexation Proposal No. 06-07 was initiated by a petition 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 petition meets the requirements of Metro Ordinance No. 98-791, Chapter 3.09.045 and ORS 222.125.

The territory to be annexed is located north of the Jackson Hills subdivision, east of SE Denali Drive, south of SE Clatsop Street, and west of SE 152nd Avenue. The property is further described as Clackamas County Assessor map number: 12E25B: Tax Lot: 2400, as shown in Exhibit "A". The legal description for the area to be annexed is attached as Exhibit "B" and the annexation application data form (petition) for the area is attached as Exhibit "C".

The proposed annexation incorporates one tax lot consisting of 19.22 acres adjacent to the existing city limits of the City of Happy Valley. The desire of the property owner to obtain city services and land use regulations for the subject property has prompted the annexation request.

This staff report outlines the subject property as to the specific configuration, i.e. existing land use, 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 the property represented by the property owner or his/her representative who signed the annexation petition.

This proposed annexation complies with the present agreements the City has with the various urban service providers. Following the annexation approval, the property owner must annex the subject property to Clackamas County Service District No.1 (CCSD #1) for sanitary sewer and stormwater service and Clackamas County Service District No. 5 (CCSD #5) for street lighting. Also, the property must be annexed into the North Clackamas Parks and Recreation District.

CCSD #1 will be the provider of sanitary and storm water services. Prior to obtaining sanitary and storm water services for the subject property, 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).

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

Happy Valley Comprehensive Plan Policies 3 through 8 address urbanization of lands from rural to urban uses. The annexation area (one application) satisfies 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 (UGB), but most are not directly applicable to this annexation application. The Framework Plan does speak to the issues of annexation of properties to cities as appropriate to ensure adequate government jurisdiction and public facilities review and approvals.

The Metro Urban Growth Management Functional Plan 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.

Any future development within the subject property proposed for annexation will comply with all the applicable regional, County and City plans. The Clackamas County Comprehensive Plan designates the subject property as Farm/Forest 10-acre (FF10).

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. The zoning designation of the subject property will remain unchanged until the individual property owner applies for a zone change or is legislatively rezoned by the City of Happy Valley. The property proposed for annexation is within the newly expanded UGB area and the City is unable to apply City zoning designations to this parcel prior to the completion of the City's East Happy Valley Comprehensive Planning Process. As part of this process, which is currently underway, the City will legislatively rezone both properties currently within the city limits and those proposed for annexation. For those properties that have not initiated the annexation process at the time of adoption of the East Happy Valley Comprehensive Plan zone change applications will need to be filed by these individual property owners to receive an urban zoning designation. The subject parcel will retain the county zoning designation until such time as the comprehensive planning process is complete.

## II. FINDINGS OF FACT

### 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 October 16, 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. This staff report and findings demonstrate compliance with applicable policies and regulations of all local, regional, and state regulations. This criterion has been satisfied.

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

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

**Response:**

The property being annexed is located within the expanded Urban Growth Boundary (UGB) Area. As a requirement of the Metro Functional Plan, the areas brought into the UGB must be comprehensively 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 via 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 subject property would generally remain within service areas currently serving the property. However, the subject property is not currently within any sewer service area and would be required to annex to CCSD#1, which provides sewer collection and treatment as well as stormwater services for Happy Valley. Also, the subject property is not currently within a street lighting district. When annexed, the property would be added to the Clackamas County Service District #5, which would provide street lighting at the time of development. In addition, the property must be annexed into the North Clackamas Parks and Recreation District.

Sunrise Water Authority (SWA) provides water to the City of Happy Valley. The subject property proposed for annexation currently receives service from SWA and would continue to after annexation into the City.

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 TSP has been updated to include the area where the subject site is as part of the East Happy Valley Comprehensive Plan process. The TSP was adopted in December 1998; and amended in 2001 and again 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 area will require a traffic impact analysis. Furthermore, 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 177<sup>th</sup> Avenue as the eastern limits of the city. The subject property proposed for annexation is 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.

Metro requires as part of its Functional Plan that areas added to the UGB be comprehensively planned for an average residential density of at least 10 units per net developable residential acre as stated in Section 3.07.1120 of the Metro Functional Plan.

***3.07.1120 Planning for Territory Added to the UGB***

***All territory added to the UGB as either a major amendment or a legislative amendment pursuant to Metro Code Chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:***

***[...]***

***C. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to Section 3.01.040 of the Urban Growth Management Functional Plan.***

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. These criteria have been met.

**Oregon Revised Statutes (ORS)**

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

**Response:**

This annexation was the result of a petition filed by the property owner or his/her representative who own property that is contiguous to the city limits of Happy Valley. The criterion has been 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 October 16, 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 Monday, October 22, 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 subject property would generally remain within service districts already serving the area. However, the subject property is currently not within a sewer service district and would be required to annex to CCSD #1, which provides sewer collection and treatment as well as stormwater services for Happy Valley. Also, the subject property is not currently within a street lighting district. When annexed, the property would be added to the Clackamas County Service District #5, which would provide street lighting at the time of development. In addition, the property must be annexed into the North Clackamas Parks and Recreation District.

Sunrise Water Authority (SWA) provides water to the City of Happy Valley. The subject property proposed for annexation currently receives service from SWA and would continue to after annexation into the City. This criterion has been satisfied.

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

**Response:**

The City of Happy Valley has planning jurisdiction for land use and transportation actions within city limits. The proposed annexation is compliant with the Happy Valley Comprehensive Plan (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. This criterion has been satisfied.

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

**Response:**

The proposed annexation would not interfere with the provision of public facilities and services, 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 the subject property 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 subject property having petitioned for annexation is 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  
[...]**

**16.40.80 Designation upon annexing to the City of Happy Valley**

*Whenever any property or area is annexed to the city, the action by the city council to annex the property or area shall also include an ordinance to amend the city’s comprehensive plan map/zoning map to reflect an appropriate designation of the city of Happy Valley, or to reflect the existing Clackamas County zoning which may serve as a “holding zone” until such time as a city comprehensive plan is in place for the annexed territory.*

**Response:**

The current Clackamas County zoning designation for the subject property is Farm/Forest 10-acre (FF-10) district. This designation will remain in place until the City completes the East Happy Valley Comprehensive Plan update. At that time, the subject property will be legislatively rezoned to an urban designation. This criterion has been satisfied.

**16.40.100 Annexation to the existing City**

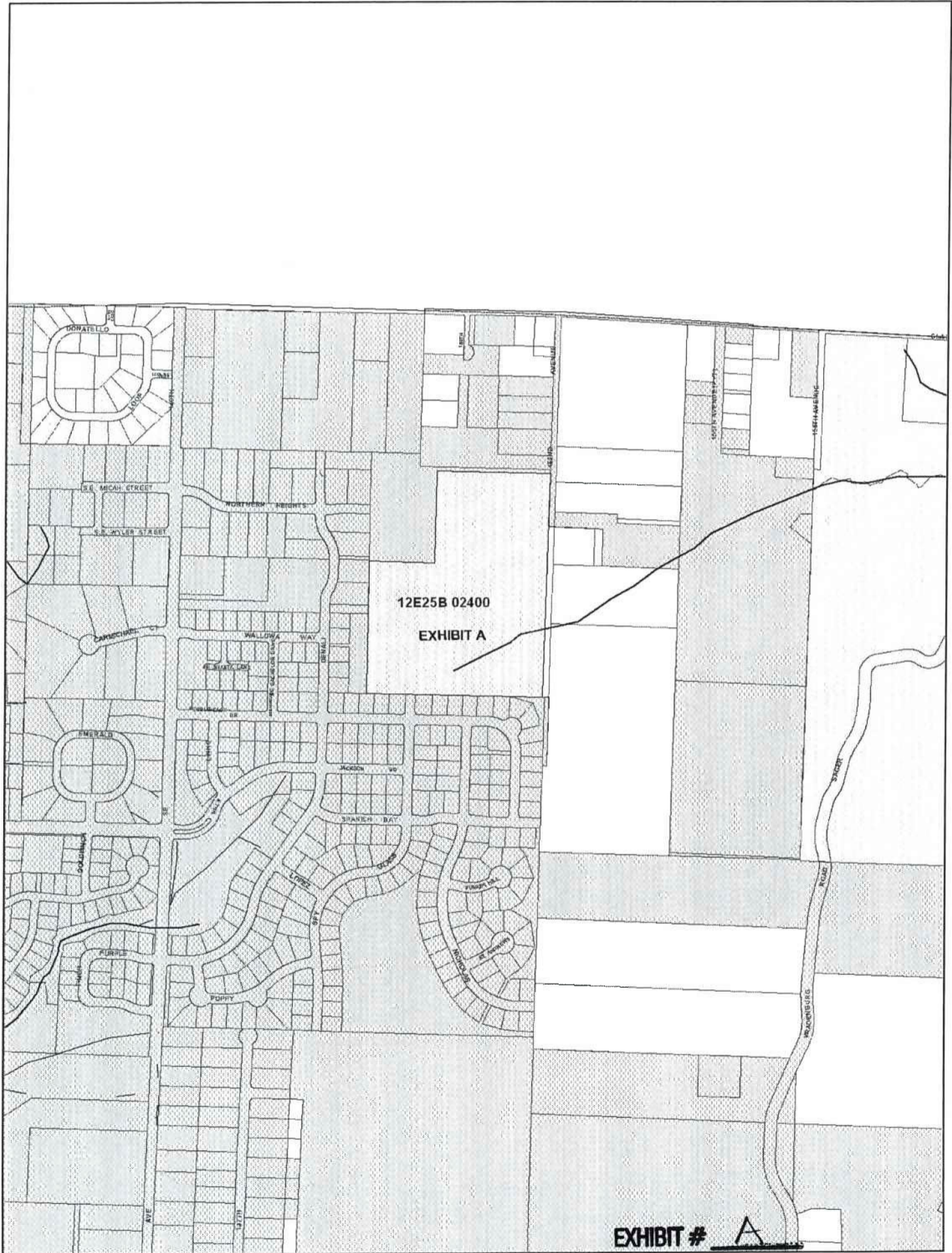
*For any proposed annexation to the city, application shall be made directly to the city of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form, the city shall schedule a public hearing before the planning commission, which shall make a recommendation to the city council. The city may utilize any lawful annexation process under state, regional or local law, including the expedited annexation process established in the Metro Code.”*

**Response:**

The appropriate petition was filed with the City. A public hearing regarding this request for annexation will be held before the City Council on November 6, 2007, who will make the final decision on the application. The criterion has been met.

**III. 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.



12E25B 02400  
EXHIBIT A

EXHIBIT #      **A**

Legal Description  
City of Happy Valley


Annexation No. 06-07

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

Beginning at the northeast corner of Tract I, in the plat of Jackson Hills No. 3, plat no. 4010, said corner also being on the west line of S.E. 152<sup>nd</sup> Avenue. (a 30 foot R/W);

1. Thence North  $88^{\circ}38'28''$  East, 20 feet to the east line of said right-of-way;
2. Thence North, along said East line, 845 feet more or less to a point on the existing city limits of the City of Happy Valley, said point being South, 1075.75 feet & South  $89^{\circ}17'49''$  East & 20 feet from the northwest corner of the northeast one quarter corner of said Section 25;
3. Thence North  $89^{\circ}17'49''$  West, along said city limits, 30 feet to the west line of said right-of-way;
4. Thence North, along said city limits & west line, 268 feet more or less to the most easterly southeast corner of a tract of land (12E25B 02300), as recorded in deed instrument no. 71-06957;
5. Thence North  $89^{\circ}59'$  West, 575 feet;
6. Thence South  $0^{\circ}02'$  West, 455 feet;
7. Thence North  $89^{\circ}59'$  West, along said city limits & the south line of said tract, 325 feet to the southwest corner of said tract & the east line of the plat of Northern Heights, plat no. 3991;
8. Thence South  $01^{\circ}46'19''$  East, along said city limits & east line 256.96 feet to the initial point of the plat of Monterra, plat no. 3543;

EXHIBIT # B



9. Thence South  $01^{\circ}45'15''$  East, along said city limits & the east line of the plat of Monterra, 396.89 feet to the southeast corner of said plat & the initial point & the north line of the plat of Jackson Hills No. 3;

10. Thence North  $88^{\circ}38'28''$  East, along said city limits & north line, 888.94 feet to the point of beginning.

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

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**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:

9115 SE 152nd

Street Address of Property (if address has been assigned)

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

12E25B 02400

Tax Map and Tax Lot Number

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

[Signature]  
Signature

[Initials]  
Owner Initial

[Initials]  
Voter Initial

8/17/08  
Date

Signature

Owner Initial

Voter Initial

Date

Other Authorized Signature

Owner Initial

Voter Initial

Date

Street Address

Home Phone

Work Phone

Mailing Address

City, State and Zip Code

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

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

Indefinitely, or until 8-17-07  
[Signature] Date

Signature Date

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

Number of housing unit: \_\_\_\_\_ Number of people residing in these units: \_\_\_\_\_

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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EXHIBIT #  D

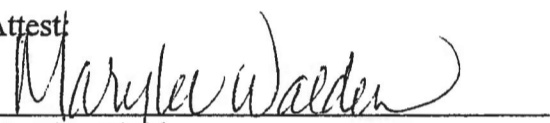
Section 4. This Resolution shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

**COPY**

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

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

  
\_\_\_\_\_  
Eugene Grant  
Mayor

Attest:  
  
\_\_\_\_\_  
Marylee Walden  
City Recorder

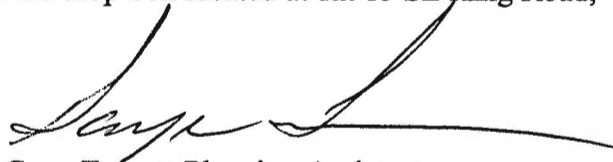
Affidavit of Mailing

State of Oregon )l

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

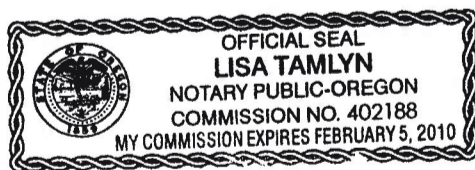
I, Gaye Turner, Planning Assistant for the City of Happy Valley, hereby provide the following affidavit:

I certify that the following notice was mailed, a copy of which is attached hereto as Exhibit A, on the property owners who have petitioned to annex to the City of Happy Valley under file number ANN-06-07, upon service providers, interested persons and upon the owners of record of property on the most recent tax assessment roll where such property is located within 300 feet of the property which is the subject of the notice, by mailing to each person on Tuesday, October 16, 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, 97086.



Gaye Turner, Planning Assistant

Subscribed and sworn before me this 16th Day of October, 2007.



Notary Public for Oregon

My Commission Expires: 02-05-10

EXHIBIT #  E

**ORDINANCE NO. 367**  
**CITY OF HAPPY VALLEY**

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,  
OREGON AND THE NORTH CLACKAMAS PARKS AND RECREATION  
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-06-07); and

WHEREAS, the proposed annexation territory consists of One tax lot totaling 19.22 acres of land adjacent to existing City boundaries; and

WHEREAS, the City provided notice that the City Council would consider the annexation petition, 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 City Council considered the proposed annexation at its regularly scheduled City Council meeting on November 6<sup>th</sup>, 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 City 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 City 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:

Section 1. The City Council declares the territory described in Exhibit B, and depicted in Exhibit A is annexed to Happy Valley effective November 6<sup>th</sup>, 2007

Section 2. The City Council adopts the Annexation Application No.06-07 and the associated Staff Report to the City Council dated November 6<sup>th</sup>, 2007

Section 3. The territory described in Exhibit B, and depicted in Exhibit A is annexed to the North Clackamas Parks and Recreation District effective November 6<sup>th</sup>, 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 November 6<sup>th</sup>, 2007

PASSED AND APPROVED THIS 6<sup>th</sup> day of November, 2007

CITY OF HAPPY VALLEY

ATTEST:

\_\_\_\_\_  
Mayor Rob Wheeler

\_\_\_\_\_  
Marylee Walden, City Recorder

### CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the described territory to the City of Happy Valley contains the names of the owner(s)\* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME: DAVID BEATTY  
DEPARTMENT: TAX AND ASSESSMENT  
COUNTY OF: CLACKAMAS  
DATE: 10-16-2007  
SIGNATURE: [Signature]

\*Owner means the owner to the title to real property or the contract purchaser of the real property.



### CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of described territory to the City of Happy Valley contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME: FLOYD THOMAS  
TITLE: DEPUTY CLERK  
DEPARTMENT: ELECTIONS  
COUNTY OF: CLACKAMAS  
DATE: 9-20-07  
SIGNATURE: [Signature]



CLACKAMAS COUNTY ELECTIONS  
825 PORTLAND AVENUE  
GLADSTONE, OR 97027

CITY OF HAPPY VALLEY  
12915 S.E. KING RD.  
HAPPY VALLEY, OREGON 97086-6204



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