



Oregon

Theodore R. Kubongski, 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

9/28/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 004-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Friday, October 09, 2009

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

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

***NOTE:** THE 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

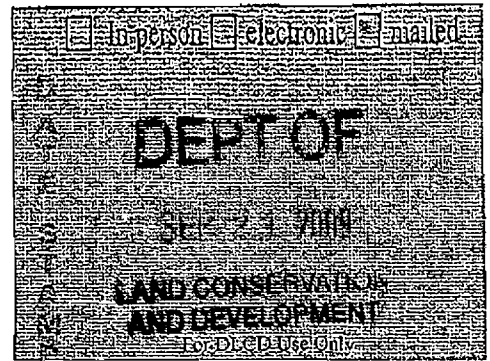
Cc: Justin Popilek, City of Happy Valley
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA

FORM 2

DLCD

Notice of Adoption



**THIS FORM MUST BE MAILED TO DLCD
 WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: CITY OF HAPPY VALLEY

Local file number: ANN-02-09

Date of Adoption: SEPTEMBER 15, 2009

Date Mailed: 9-17-09

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

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: ANNEXATION

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

ANNEXATION OF 11 PROPERTIES FROM UNINCORPORATED CLACKAMAS COUNTY TO THE CITY OF HAPPY VALLEY. ALL OF THESE PROPERTIES ARE WITHIN THE CITY'S EAST HAPPY VALLEY COMPREHENSIVE PLAN (EHVCP) AREA AND, AS PART OF THIS APPROVAL WERE LEGISLATIVELY REZONED FROM THE EXISTING CLACKAMAS COUNTY ZONING TO THE APPLICABLE CITY ZONES SET FORTH IN THE EHVCP.

Does the Adoption differ from proposal? Please select one

ORIGINAL PROPOSAL INCLUDED A COMPREHENSIVE PLAN AMENDMENT (CPA-06-09). HOWEVER IT WAS DETERMINED THAT THE RECENTLY REVISED MUNICIPAL CODE DOESN'T REQUIRE A CPA WHEN TERRITORY THAT IS LOCATED WITHIN A CURRENT COMPREHENSIVE PLAN AREA IS ANNEXED IN TO THE CITY LIMITS. ALL PROPERTIES PREPOSED FOR ANNEXATION WITH FILE ANN-02-09 ARE LOCATED WITHIN THE EHVCP AREA AND PER SECTION 16

Plan Map Changed from:

to:

Zone Map Changed from: RRF-5

to: R-7, R-10, EC

Location: SEVERAL LOCATIONS

Acres Involved: 4.9

Specify Density: Previous: 1 UNIT PER 5 ACRES

New: VARIOUS

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-09 (17665) [15723]

Mayor
Honorable Rob Wheeler



Interim City Manager
Jason Tuck

DATE: September 17, 2009

File No. ANN-02-09

NOTICE OF EXPEDITED DECISION

This is official notice of action taken by the Happy 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.

Pursuant to Section 16.67.070 of the Happy Valley Municipal Code, all 11 of the Tax Lots associated with this annexation application will be legislatively rezoned from Clackamas County to Happy Valley zoning designations, as set-forth in the East Happy Valley Comprehensive Plan. The previous and new zoning designations are listed on the attached form

The City Council formally approved the subject annexation application based upon findings included within the Staff Report dated September 15, 2009, 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 "Michael Walter", is written over a horizontal line.

Michael Walter, Planning Director

cc: Petitioners
Necessary Parties
File

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

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

ORDINANCE NO. 394
CITY OF HAPPY VALLEY

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

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100 percent of the owners of 100 percent of the properties with 100 percent of the assessed value of territory requesting annexation (ANN-02-09); and

WHEREAS, the proposed annexation territory consists of 11 tax lots totaling 4.9 acres of land adjacent to existing City boundaries; and

WHEREAS, the specific tax lots to be annexed include:

23E06C03800, 23E06C03900, 23E06C04000, 23E06C04100, 23E06C04200,
23E06DB02100, 23E06DB02200, 23E06DB02300, 23E07A00500, 23E06C07200
23E06C00100; and

WHEREAS, the City provided notice that the 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, pursuant to Section 16.67.070 of the Happy Valley Municipal Code, the 11 Tax Lots proposed for annexation will be rezoned from existing Clackamas County zones to the applicable city zoning designations per the City's Comprehensive Plan; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on September 15, 2009; 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

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 A, and depicted in Exhibit B is annexed to Happy Valley effective 30 days after approval of this ordinance.

Section 2. The City of Happy Valley declares through the legislative process that the following city zoning designations shall apply to the Tax Lots proposed for annexation, as pursuant to Section 16.67.070 of the Happy Valley Municipal Code:

23E06C03800-Low Density Residential (R-10)
23E06C03900-Low Density Residential (R-10)
23E06C04000-Low Density Residential (R-10)
23E06C04100-Low Density Residential (R-10)
23E06C04200-Low Density Residential (R-10)
23E06DB02100-Low Density Residential (R-10)
23E06DB02200-Low Density Residential (R-10)
23E06DB02300-Low Density Residential (R-10)
23E07A00500-Employment Center (EC)
23E06C07200-Low Density Residential (R-7)
23E06C00100-Low Density Residential (R-10)

Section 3. The City Council adopts the Annexation Application (ANN-02-09) and the associated Staff Report to the City Council dated September 15, 2009

Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby annexed to the North Clackamas Parks and Recreation District and is withdrawn from the Clackamas County Enhanced Law Enforcement District effective 30 days from the approval of this ordinance.

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

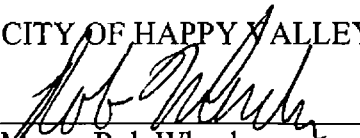
Section 6. The City Recorder is directed to:

1. File a copy of this Ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;

2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and
3. Mail a copy of this Ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).

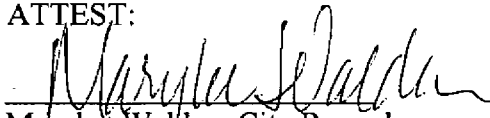
READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on September 15, 2009 and read for the second time on September 15, 2009, and adopted by a unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.

CITY OF HAPPY VALLEY



Mayor Rob Wheeler

ATTEST:



Marylee Walden, City Recorder

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

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley City Council will hold a public hearing and will consider annexation of territories pursuant to the Expedited Decision process of Metro Code Chapter 3.09.045 and the concurrent legislative conversion from the existing Clackamas County zoning designation to applicable City of Happy Valley zoning designation to the affected properties pursuant to Section 16.67.070 of the City's Municipal Code in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on Tuesday, August 18, 2009, at 7:00 p.m.

DOCKET NUMBER
ANN-02-09/CPA-06-09

Affected properties total approximately 4.89 acres of real property and include the following properties as listed by Clackamas County Assessor Map Number:

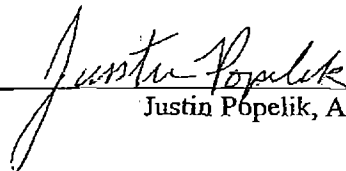
23E06C03800	23E06DB02200
23E06C03900	23E06DB02300
23E06C04000	23E07A00500
23E06C04100	23E06C07200
23E06C04200	23E06C00100
23E06DB02100	

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

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

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

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



Justin Popilek, Associate Planner

CITY OF HAPPY VALLEY

STAFF REPORT TO THE CITY COUNCIL

September 15, 2009

ANNEXATION APPLICATION (File No. ANN-02-09)

I. GENERAL INFORMATION

PROPOSAL:

The City seeks approval of the annexation of 11 properties totaling 4.9 acres in size and the legislative rezoning of the subject properties to the applicable designations set forth in the City's East Happy Valley Comprehensive Plan.

APPLICANT:

City of Happy Valley
16000 SE Misty Dr.
Happy Valley, OR 97086

PROPERTY OWNER:

See Attached List – Exhibit C

EXHIBITS:

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

APPLICABLE CRITERIA:

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

BACKGROUND:

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

GENERAL DISCUSSION:

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

The properties to be annexed are situated exclusively along SE 172nd Avenue, adjacent to the existing city limits, as noted on Exhibit "B". The legal descriptions for each of the areas proposed for annexation are attached as Exhibit "A". The annexation application data forms for the area are attached as Exhibit "C".

The proposed annexation incorporates 11 properties consisting of 4.9 acres adjacent to the existing city limits of the City of Happy Valley. The desire of property owners to obtain city services and land use regulations for the subject properties have prompted the proposed annexation requests.

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

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

This proposed annexation complies with the present agreements the City has with the various urban service providers. Following the annexation approval, the property owner must annex the subject property to Clackamas County Service District #1 (CCSD #1) for sanitary sewer and stormwater service and Clackamas County Service District #5 (CCSD #5) for street lighting. Also, the subject properties will be annexed into the North Clackamas Parks and Recreation District (NCPRD). All properties will need to be removed from the Enhanced Law Enforcement District.

CCSD #1 will be the provider of sanitary and stormwater services. Prior to obtaining sanitary and stormwater services for the subject properties, 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, etc. These studies are currently underway and being coordinated by Clackamas County Water Environment Services (WES).

The subject properties 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). The properties associated with this annexation are 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 properties being considered for annexation are 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 4 through 7 address urbanization of lands from rural to urban uses. The annexation areas satisfy the applicable provisions of these policies by providing land for urban development that can be, or currently is, adequately served with Level 1 services and facilities.

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

The Metro Urban Growth Management Functional Plan (UGMFP) contains population and household growth figures for each jurisdiction in the region, including the City of Happy Valley. These figures should be accommodated over the next 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 properties proposed for annexation will comply with all the applicable regional, County and City plans.

II. FINDINGS OF FACT

STATEWIDE PLANNING GOALS (DLCD)

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

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

Response:

The City of Happy Valley provided notice to all interested parties; necessary parties and land owners within 300 feet on July 15, 2009 (see Exhibit E – Affidavit of mailing). The notice stated that the process would be expedited. This criterion has been satisfied.

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

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

Response:

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

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

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

Response:

All of the properties being annexed are located within the expanded 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 was accomplished through the creation, adoption, and implementation of the East Happy Valley Comprehensive Plan, which applies to the subject properties proposed for annexation. The Happy Valley Comprehensive Plan contains a series of housing goals and policies (revised in 2009) to implement Goal 10. To ensure the East Happy Valley Comprehensive Plan was established in compliance with the City's goals and policies regarding Goal 10 the City performed a vacant lands analysis and projected future housing needs. Based on that analysis, the City established planned land uses through the East Happy Valley Comprehensive Plan for a variety of uses including single-family and multi-family designations.

The proposed annexation would provide additional land for residential development and for public parks adjacent to areas that have already established as residential uses. Furthermore, the proposed annexation would allow development to occur as planned in the East Happy Valley 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 Comprehensive Plan goals and policies pertaining to Goal 10 and the UGMFP (see Compliance with Regional Goals) and therefore, this criterion has been satisfied.

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

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

Response:

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

As stated above, the subject properties would generally remain within service areas currently serving the property. However, said properties that are currently not within CCSD#1, which provides sewer collection and treatment as well as stormwater services for Happy Valley, will be required to annex into the District. Also, the subject properties will be required to annex into CCSD #5, which would provide street lighting at the time of development. In addition, the properties proposed for incorporation must be annexed into the NCPRD.

Sunrise Water Authority (SWA) provides water to the City of Happy Valley. Many of the properties proposed for annexation are currently, and will continue to be, served by SWA. The existing and current supply needs of those properties not currently served by SWA will be evaluated and planned for by SWA.

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. Extension of the public services to the annexation area will occur with development of the area. This criterion has been satisfied.

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

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

Response:

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

Future development plans for the undeveloped annexed areas 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, and other applicable rules and regulations. This criterion has been satisfied.

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

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

Response:

The Happy Valley Comprehensive Plan (1984) and East Happy Valley Comprehensive Plan Update (2009) established a UGB based on the seven criteria outlined in Goal 14. UGB expansions are also regulated regionally through the Metro Regional Framework Plan and UGMFP. The Regional Framework Plan stipulates that cities plan for growth and utilize available land in a manner that is consistent with the regional goals contained in the plan. The City has identified an expansion area from the current city limits. The subject properties proposed for annexation are within this identified area and the East Happy Valley Comprehensive Plan boundary. Through the legislative process, the City is proposing to apply city zoning designations to the subject properties that will be consistent with the East Happy Valley Comprehensive Plan, which was established in compliance with Goal 14. Therefore, this proposal would implement the East Happy Valley Comprehensive Plan and work to promote the standards of Goal 14.

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. Zoning designations established with the East Happy Valley Comprehensive Plan are consistent with the Metro Functional Plan. This criterion has been satisfied.

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

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

Response:

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

REGIONAL LAND USE REQUIREMENT

“Metro Code 3.09.045 – Expedited Decisions

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

Response:

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

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

Response:

The City of Happy Valley provided notice to all interested parties; necessary parties and land owners within 300 feet of the subject properties on July 15, 2009 (see Exhibit F – Affidavit of Mailing). The notice stated that the process would be expedited. This criterion has been satisfied.

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

Response:

This report, addressing the applicable criteria in Section 3.09.050 was available to the public on Tuesday, September 8, 2009, this criterion has been satisfied.

Metro Code 3.09.050

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

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

Response:

The proposed annexation is consistent with ORS 195.065. As stated above, the subject properties would generally remain within service districts already serving the area. However, some of the subject properties are 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, some of the subject properties are not currently within a street lighting district. When annexed, the properties would be added to the CCSD #5, which would provide street lighting at the time of development. In addition, the properties will be annexed into the NCPRD.

Sunrise Water Authority (SWA) provides water to the City of Happy Valley. Many of the properties proposed for annexation are currently, and will continue to be, served by SWA. The existing and current supply needs of those properties not currently served by SWA will be evaluated and planned for by SWA. This criterion has been satisfied.

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

Response:

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

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

Response:

The Happy Valley Comprehensive Plan and Land 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 addressed in this report. The criterion has been satisfied.

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

Response:

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

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

Response:

The proposed annexation would not interfere with the provision of public facilities and services. Annexation of the subject properties 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 satisfied.

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

Response:

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

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

Response:

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

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

Response:

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

CITY OF HAPPY VALLEY COMPREHENSIVE PLAN

Comprehensive Plan Policies

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

Response:

The subject properties are all located along SE 172nd Avenue, just south of SE Sunnyside Road and adjacent to urban services. Those urban services that are not available at this time will soon become available with the completion of the SE 172nd Avenue Capital Improvement Project. This criterion has been satisfied.

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

Response:

The subject properties are located within the East Happy Valley Comprehensive Plan area. The East Happy Valley Comprehensive Plan was approved by the City Council after an extensive public involvement process. One facet of the public involvement process was determining, and subsequently creating a plan that preserves, resources that residents viewed as making Happy Valley a desirable place to live. This plan was created with preservation and enhancement of the identified resources as a goal. This criterion has been satisfied.

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

Response:

Compliance with this policy will be evaluated when/if individual proposals for development/construction are submitted to the City on the subject properties. This criterion has been satisfied.

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

Response:

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

CITY OF HAPPY VALLEY MUNICIPAL CODE

Happy Valley Land Development Code

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

16.67.070 Annexations.

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

Table 16.67.070-1 Land Designation Conversion Table

<i>Clackamas County Zone</i>	<i>City of Happy Valley Zone</i>
<i>Urban/Rural Residential</i>	
<i>R-2.5</i>	<i>SFA</i>

<i>R-5</i>	<i>R-5</i>
<i>R-7</i>	<i>R-7</i>
<i>R-8.5</i>	<i>R-8.5</i>
<i>R-10</i>	<i>R-10</i>
<i>R-15</i>	<i>R-15</i>
<i>R-20</i>	<i>R-20</i>
<i>MR-1</i>	<i>MUR-M1</i>
<i>MR-2</i>	<i>MUR-M2</i>
<i>HDR</i>	<i>MUR-M3</i>
<i>RA-2</i>	<i>R-15</i>
<i>FU-10</i>	<i>FU-10</i>
<i>Natural Resources</i>	
<i>EFU</i>	<i>EFU*</i>
<i>Commercial</i>	
<i>NC</i>	<i>MUE-NC</i>
<i>C-2</i>	<i>MCC</i>
<i>RCC</i>	<i>MCC</i>
<i>RCO</i>	<i>MUC</i>
<i>OC</i>	<i>CCC</i>
<i>RCHD</i>	<i>MUR-M2</i>
<i>OA</i>	<i>MUC</i>
<i>Industrial</i>	
<i>I-2</i>	<i>EC</i>
<i>I-3</i>	<i>IC</i>
<i>BP</i>	<i>EC</i>
<i>Special Districts</i>	
<i>OSM</i>	<i>IPU</i>
<i>Sunnyside Village</i>	
<i>VR-4/5</i>	<i>VR-4/5*</i>

VR-5/7	VR-5/7*
VCS	VCS*
VA	VA*
VO	VO
VTH	VTH
<p><i>*Annexation of these zoning districts would require the creation of a new Comprehensive Plan designation/zoning district within the City that would mirror the applicable Clackamas County designation/zone.</i></p>	

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

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

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

Response:

Pursuant to subsection B above, the subject properties associated with this annexation file will receive city zoning based on the designations established in the East Happy Valley Comprehensive Plan. These criteria have been satisfied.

III. CONCLUSION:

Staff has determined that the above findings demonstrate that the proposed annexation and zoning conversion of the subject properties satisfy the requirements of the City of Happy Valley Comprehensive Plan and Land Development Code, Metro Code 3.09, Oregon Revised Statutes and Statewide Planning Goals. Staff, therefore, recommends the City Council approve application ANN-02-09.

**CITY OF HAPPY VALLEY
ANNEXATION NO. ANN-02-09**

**AREA "A"
Legal Description**

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

All of lots 2, 3 & 4 in the plat of Golden Horseshoe Estates.

Exhibit "A"

**CITY OF HAPPY VALLEY
ANNEXATION NO. ANN-02-09**

**AREA "B"
Legal Description**

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

Tract No. 1

All of lots 1, 38, 39, 40, 41 & 42 in the plat of Rock Creek Green, plat no. 1623

Tract No. 2

All of lot 5 in the plat of Little Ranch Estates, plat no. 1787.

Exhibit "A"

**CITY OF HAPPY VALLEY
ANNEXATION NO. ANN-02-09**

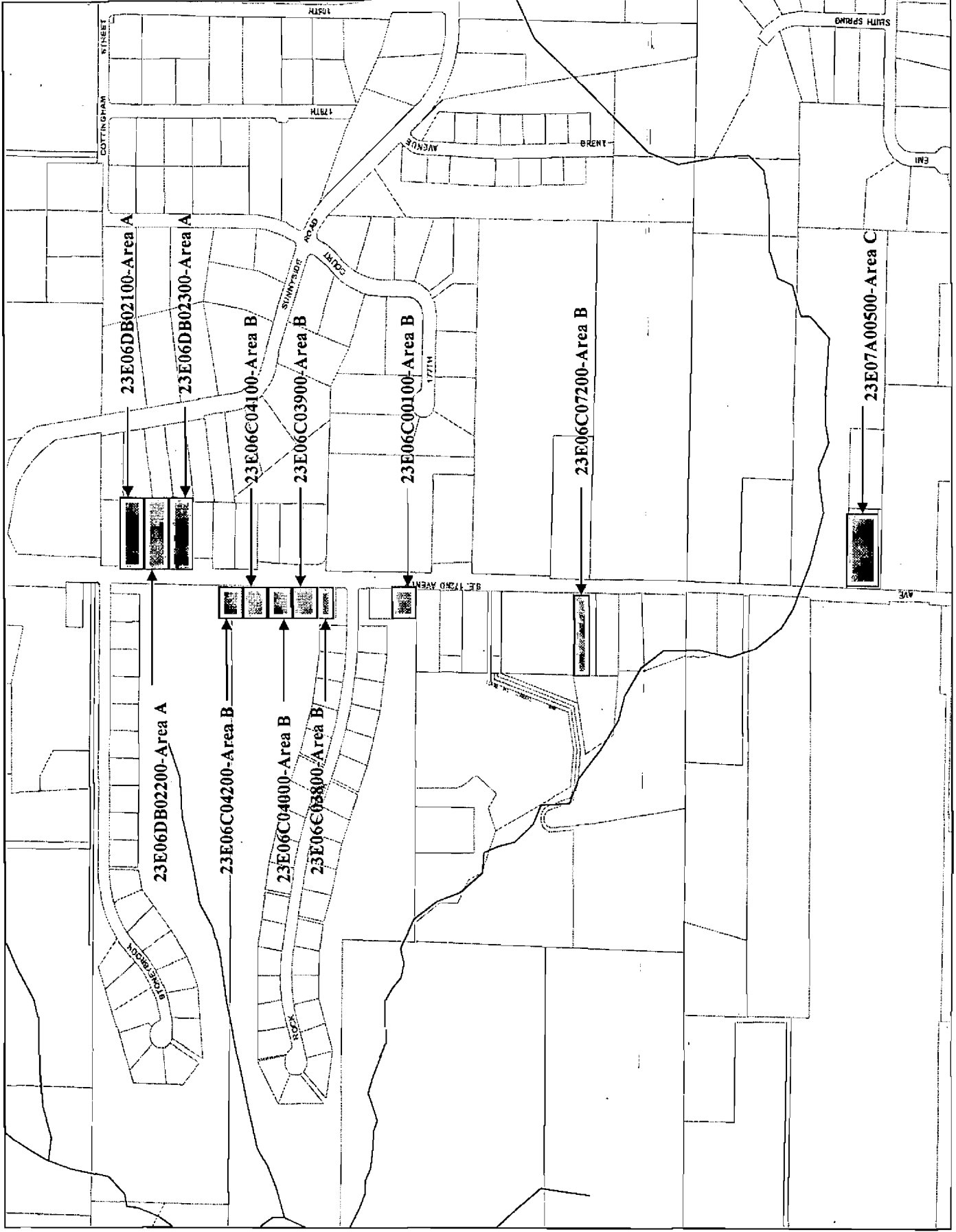
**AREA "C"
Legal Description**

A tract of land situated in section 7, T2S, R3E, W.M. Clackamas County Oregon & 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 $0^{\circ}43'$ East, along the West line of said plat, 467.39 feet;
2. Thence North $89^{\circ}22'45''$ West, 1000.40 feet to the true point of beginning;
3. Thence continuing North $89^{\circ}22'45''$ West, 290.40 feet to the East line of S.E. 172nd Ave. (a 40 foot R/W);
4. Thence North $0^{\circ}43'$ East, along said East line, 150 feet;
5. Thence South $89^{\circ}22'45''$ East, 290.40 feet;
6. Thence South $0^{\circ}43'$ West, 150 feet to the true point of beginning

Exhibit "A"



ANN-02-09 (Exhibit B)



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

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

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

The consent for annexation is for the following described property:

13901 SE 172nd
 Street Address of Property (if address has been assigned)

Lot 38 Rock Creek Green Plat # 1623
 Legal Description (Subdivision Name, Lot number(s))

2-3E 6C 3800
 Tax Map and Tax Lot Number

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

<u>William Garity</u> Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Other Authorized Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date

Clackamas Co DTD
150 Beaver Creek
 Street Address

Home Phone _____ Work Phone _____

Mailing Address _____

Oregon City OR 97045
 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 _____

William Garity _____ 5-26-09
 Signature Date Signature Date

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

Number of housing unit on above lot: 0

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

Number of people occupying these units: 0



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

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 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:

13871 SE 172nd
 Street Address of Property (if address has been assigned)

2 3E 6C T24 3900
 Legal Description (Subdivision Name, Lot number(s))

Rock Creek Green Plat# 1623 Lt# 39
 Tax Map and Tax Lot Number

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

<u>William Garty</u> Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Other Authorized Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date

Clackamas Co DTD _____
 Street Address Home Phone Work Phone

150 Beaver Creek _____
 Mailing Address

Oregon City OR 97045 _____
 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>William Garty</u> Signature	<u>5-26-09</u> Date	_____	_____
	Signature	Signature	Date

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

Number of housing unit on above lot: 0

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

Number of people occupying these units: 0



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

13821 SE 172nd Ave
 Street Address of Property (if address has been assigned)

Rock Creek Green Plat # 1623 Lt 40
 Legal Description (Subdivision Name, Lot number(s))

2-3E 06C 04000
 Tax Map and Tax Lot Number

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

<u>William Gandy</u> Signature	_____	_____	_____
Owner Initial	Voter Initial	Date	
_____ Signature	_____	_____	_____
Owner Initial	Voter Initial	Date	
_____ Other Authorized Signature	_____	_____	_____
Owner Initial	Voter Initial	Date	

Clackamas Co DTP
 Street Address

150 Beaver Creek Rd
 Mailing Address

Oregon City OR 97045
 City, State and Zip Code

_____ 503-742-4674 _____
 Home Phone Work Phone

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 _____

William Gandy 5-26-09
 Signature Date Signature Date

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

Number of housing unit on above lot: 0

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

Number of people occupying these units: 0



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 16000 SE Misty Drive
 Happy Valley, OR 97086
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PETITION TO ANNEX

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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:

13771 SE 172nd Ave
 Street Address of Property (if address has been assigned)

Lt A1 Rock Creek Green Plat# 1623
 Legal Description (Subdivision Name, Lot number(s))

2-3E 6C 34100
 Tax Map and Tax Lot Number

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

<u>Willie Gort</u> Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

Clackamas Co DTD
 Street Address

 Home Phone

 Work Phone

150 Beaver Creek Rd
 Mailing Address

Oregon City OR 97045
 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>Willie Gort</u> Signature	<u>5-26-09</u> Date	_____ Signature	_____ Date
---------------------------------	------------------------	--------------------	---------------

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Number of housing unit on above lot: 0

Types of housing units: 0 Single family 0 Multi-family 0 Mobile home or trailer

Number of people occupying these units: 0



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The consent for annexation is for the following described property:

13711 SE 172nd Ave
 Street Address of Property (if address has been assigned)

Z BE 06 L A200
 Legal Description (Subdivision Name, Lot number(s))

Rock Creek Green Plat 1623 Lot 42
 Tax Map and Tax Lot Number

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

<u>William Gentry</u> Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Other Authorized Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date

Clackamas Co DTD
 Street Address

150 Beaver Creek
 Mailing Address

Oregon City OR 97045
 City, State and Zip Code

Home Phone _____ Work Phone _____

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 _____

William Gentry _____
 Signature Date Signature Date

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

Number of housing unit on above lot: 0

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

Number of people occupying these units: 0



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

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

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

The consent for annexation is for the following described property:

13580 SE 172nd Ave
 Street Address of Property (if address has been assigned)

Golden Horseshoe Estates Plat Lot 2
 Legal Description (Subdivision Name, Lot number(s))

2 3E 06DB 02100
 Tax Map and Tax Lot Number

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

William Garity _____
 Signature Owner Initial Voter Initial Date

 Signature Owner Initial Voter Initial Date

 Other Authorized Signature Owner Initial Voter Initial Date

Clackamas Co DTD _____
 Street Address Home Phone Work Phone

150 Beaver Creek _____
 Mailing Address

Oregon City OR 97045 _____
 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 _____

William Garity _____ 5-05-09 _____
 Signature Date Signature Date

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

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



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The consent for annexation is for the following described property:

13600 SE 172nd Ave
 Street Address of Property (if address has been assigned)

Golden Horseshoe Estates Plat# Lot 3
 Legal Description (Subdivision Name, Lot number(s))

2 3E 06 DB 02200
 Tax Map and Tax Lot Number

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

<u>William Garity</u> Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Other Authorized Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date

Clackamas Co. DTD
 Street Address

150 Beaver Creek Rd
 Mailing Address

Oregon City OR 97045
 City, State and Zip Code

Home Phone _____ Work Phone _____

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 _____

William Garity _____
 Signature Date 5-05-09 Signature Date

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

Number of housing unit on above lot: 0

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

Number of people occupying these units: 0



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

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

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

The consent for annexation is for the following described property:

13630 SE 172nd Ave
 Street Address of Property (if address has been assigned)

Golden Horseshoe Estates Plat # Lot 4
 Legal Description (Subdivision Name, Lot number(s))

2 3E 06DB 02300
 Tax Map and Tax Lot Number

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

<u>William Gault</u> Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

Clackamas Co DTD
 Street Address

150 Beaver Creek Rd
 Mailing Address

Oregon City, OR 97045
 City, State and Zip Code

Home Phone _____ Work Phone _____

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 _____

William Gault 5-05-09
 Signature Date Signature Date

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

Number of housing unit on above lot: 0

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

Number of people occupying these units: 0



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

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

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

The consent for annexation is for the following described property:

14790 SE 172nd Ave
 Street Address of Property (if address has been assigned)

N.A.
 Legal Description (Subdivision Name, Lot number(s))

2 3E 07A 00500
 Tax Map and Tax Lot Number

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

<u>William Goady</u> Signature	_____	_____	_____
Signature	Owner Initial	Voter Initial	Date
_____	_____	_____	_____
Other Authorized Signature	Owner Initial	Voter Initial	Date

Clackamas Co DTD _____ 503-742-4674
 Street Address Home Phone Work Phone

150 Beaver Creek Rd
 Mailing Address

Oregon City OR 97045
 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 _____

William Goady 5-05-09
 Signature Date Signature Date

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

Number of housing unit on above lot: 2
 Types of housing units: Single family _____ Multi-family _____ Mobile home or trailer
 Number of people occupying these units: 0



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

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

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

The consent for annexation is for the following described property:

14341 SE 172nd Ave
 Street Address of Property (if address has been assigned)

Little Ranch Estates Plat* 1787 Lot 5
 Legal Description (Subdivision Name, Lot number(s))

T2S, R3E Sec 06 "C" T&L 07200
 Tax Map and Tax Lot Number

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

William Gentry _____
 Signature Owner Initial Voter Initial Date

 Signature Owner Initial Voter Initial Date

Other Authorized Signature Owner Initial Voter Initial Date

Clackamas Co DTD
150 Beaver Creek _____ 503-742-4674
 Street Address Home Phone Work Phone

 Mailing Address
Oregon City OR 97045
 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 _____

William Gentry 5-05-09
 Signature Date Signature Date

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

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



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

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

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

The consent for annexation is for the following described property:

14031 SE 172nd Ave
 Street Address of Property (if address has been assigned)

Rock Creek Green Plat # 1623 Lot 1
 Legal Description (Subdivision Name, Lot number(s))

23E 06C 00100
 Tax Map and Tax Lot Number

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

<u>William Garity</u> Signature	_____	_____	_____
Signature	Owner Initial	Voter Initial	Date
_____	_____	_____	_____
Other Authorized Signature	Owner Initial	Voter Initial	Date
_____	_____	_____	_____

Clackamas Co DTD _____ 503-742-4674
 Street Address Home Phone Work Phone

150 Beaver Creek Rd
 Mailing Address

Oregon City, OR 97045
 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 _____

William Garity _____ 5-05-09
 Signature Date Signature Date

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

Number of housing unit on above lot: 1

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

Number of people occupying these units: 0

ANN-02-09

<u>Property Owner</u>	<u>Tax/Map/Lot</u>	<u>Exhibit #</u>	<u>EHVCP</u>	<u>Site Address</u>	<u>City</u>	<u>State</u>	<u>Zoning (Old)</u>	<u>Zoning (New)</u>	<u>Acres</u>
Clackamas County	23E06C03800			13901 SE 172nd	Clackamas	OR	RRFF5		0.26
Clackamas County	23E06C03900			13871 SE 172nd	Clackamas	OR	RRFF5		0.26
Clackamas County	23E06C04000			13821 SE 172nd	Clackamas	OR	RRFF5		0.25
Clackamas County	23E06C04100			13771 SE 172nd	Clackamas	OR	RRFF5		0.25
Clackamas County	23E06C04200			13711 SE 172nd	Clackamas	OR	RRFF5		0.25
Clackamas County	23E06D802100			13580 SE 172nd	Clackamas	OR	RRFF5		0.56
Clackamas County	23E06D802200			13600 SE 172nd	Clackamas	OR	RRFF5		0.56
Clackamas County	23E06D802300			13630 SE 172nd	Clackamas	OR	RRFF5		0.56
Clackamas County	23E07A00500			14790 SE 172nd	Clackamas	OR	RRFF5		1
Clackamas County	23E06C07200			14341 SE 172nd	Clackamas	OR	RRFF5		0.69
Clackamas County	23E06C00100			14031 SE 172nd	Clackamas	OR	RRFF5		0.26
								Total	4.9

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

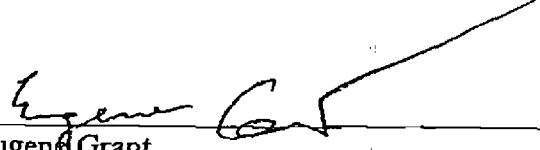
Exhibit # D

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

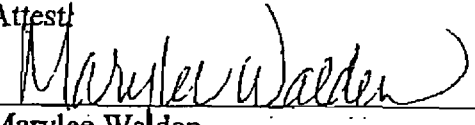
COPY

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

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



Eugene Grant
Mayor

Attest:


Marylee Walden
City Recorder

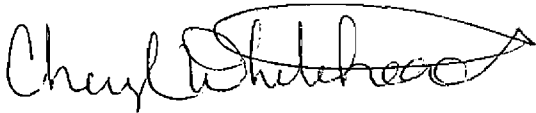
Affidavit of Mailing

State of Oregon)l

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

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

I certify that the following notice was mailed, a copy of which is attached hereto as Exhibit A, to all properties on the applicant identified as Clackamas County, 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 Wednesday, July 15, 2009, contained in a sealed envelope, with postage paid, addressed to each such person at his/her mailing address. The names of the persons to whom notice was mailed is set forth on Exhibit B which is attached hereto. The mailing was deposited at the drop box located at 16000 SE Misty Drive, Happy Valley, Oregon, 97086.



Cheryl Whitehead, Planning Assistant

State of OREGON
County of Clackamas

This instrument was acknowledged before me on July 15, 2009

by Lisa Tamlyn

Subscribed and sworn before me this 15th day of July, 2009

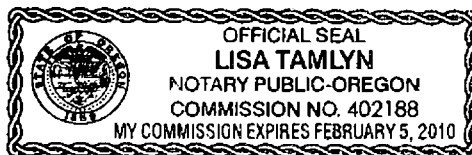


EXHIBIT # E

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

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley City Council will hold a public hearing and will consider annexation of territories pursuant to the Expedited Decision process of Metro Code Chapter 3.09.045 and the concurrent legislative conversion from the existing Clackamas County zoning designation to applicable City of Happy Valley zoning designation to the affected properties pursuant to Section 16.67.070 of the City's Municipal Code in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on Tuesday, August 18, 2009, at 7:00 p.m.

DOCKET NUMBER

ANN-02-09/CPA-06-09

Affected properties total approximately 4.89 acres of real property and include the following properties as listed by Clackamas County Assessor Map Number:

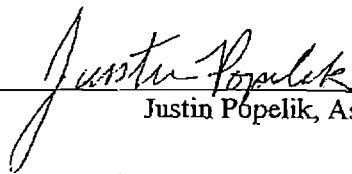
23E06C03800	23E06DB02200
23E06C03900	23E06DB02300
23E06C04000	23E07A00500
23E06C04100	23E06C07200
23E06C04200	23E06C00100
23E06DB02100	

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

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

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

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



Justin Popilek, Associate Planner

ORDINANCE NO. 394
CITY OF HAPPY VALLEY

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

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100 percent of the owners of 100 percent of the properties with 100 percent of the assessed value of territory requesting annexation (ANN-02-09); and

WHEREAS, the proposed annexation territory consists of 11 tax lots totaling 4.9 acres of land adjacent to existing City boundaries; and

WHEREAS, the specific tax lots to be annexed include:

23E06C03800, 23E06C03900, 23E06C04000, 23E06C04100, 23E06C04200,
23E06DB02100, 23E06DB02200, 23E06DB02300, 23E07A00500, 23E06C07200
23E06C00100; and

WHEREAS, the City provided notice that the 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, pursuant to Section 16.67.070 of the Happy Valley Municipal Code, the 11 Tax Lots proposed for annexation will be rezoned from existing Clackamas County zones to the applicable city zoning designations per the City's Comprehensive Plan; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on September 15, 2009; 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

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 A, and depicted in Exhibit B is annexed to Happy Valley effective 30 days after approval of this ordinance.

Section 2. The City of Happy Valley declares through the legislative process that the following city zoning designations shall apply to the Tax Lots proposed for annexation, as pursuant to Section 16.67.070 of the Happy Valley Municipal Code:

23E06C03800-Low Density Residential (R-10)
23E06C03900-Low Density Residential (R-10)
23E06C04000-Low Density Residential (R-10)
23E06C04100-Low Density Residential (R-10)
23E06C04200-Low Density Residential (R-10)
23E06DB02100-Low Density Residential (R-10)
23E06DB02200-Low Density Residential (R-10)
23E06DB02300-Low Density Residential (R-10)
23E07A00500-Employment Center (EC)
23E06C07200-Low Density Residential (R-7)
23E06C00100-Low Density Residential (R-10)

Section 3. The City Council adopts the Annexation Application (ANN-02-09) and the associated Staff Report to the City Council dated September 15, 2009

Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby annexed to the North Clackamas Parks and Recreation District and is withdrawn from the Clackamas County Enhanced Law Enforcement District effective 30 days from the approval of this ordinance.

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

Section 6. The City Recorder is directed to:

1. File a copy of this Ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;

2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and
3. Mail a copy of this Ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).

READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on September 15, 2009 and read for the second time on September 15, 2009, and adopted by a unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.

CITY OF HAPPY VALLEY

ATTEST:

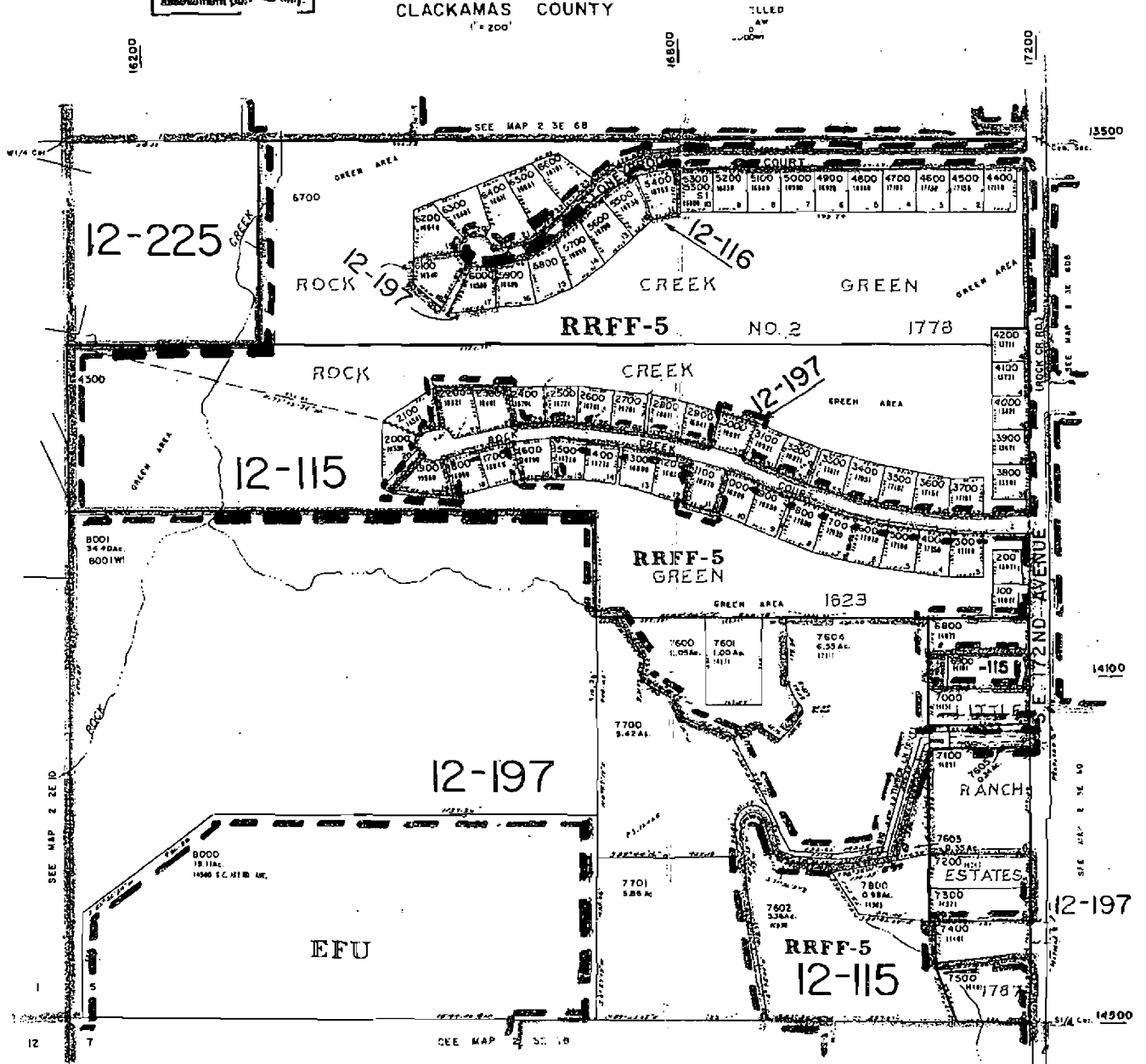
Mayor Rob Wheeler

Marylee Walden, City Recorder

This map was prepared for assessment purposes only.

SW 1/4 SEC. 6 T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

2 3E 6C

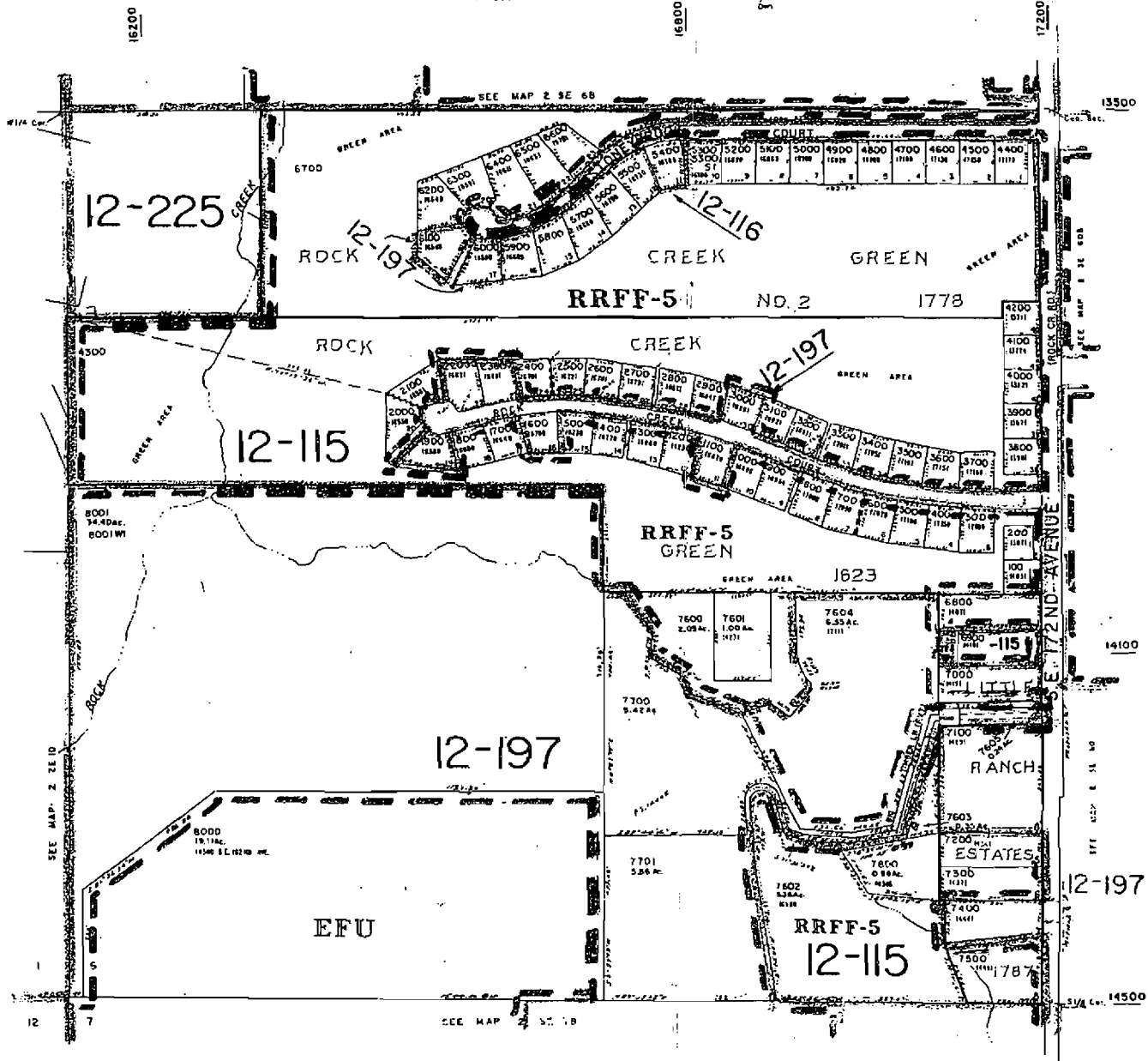


2 3E 6C
000' 20

This map was prepared for assessment purpose only.

SW 1/4 SEC. 6 T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

2 3E 6C

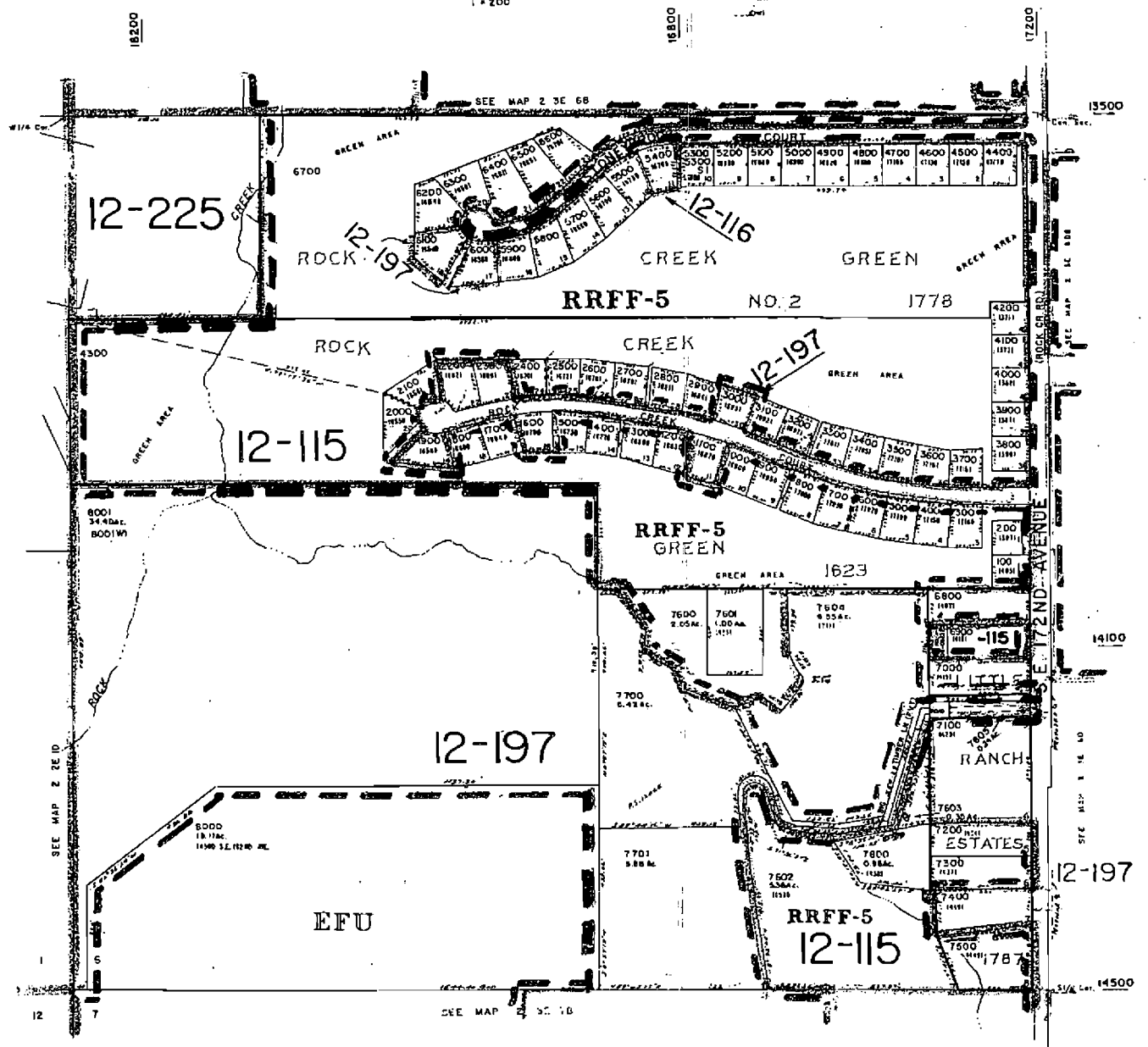


2 3E 6C
BOOK 80

This map was prepared for assessment purposes only.

SW 1/4 SEC. 6 T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

2 3E 6C

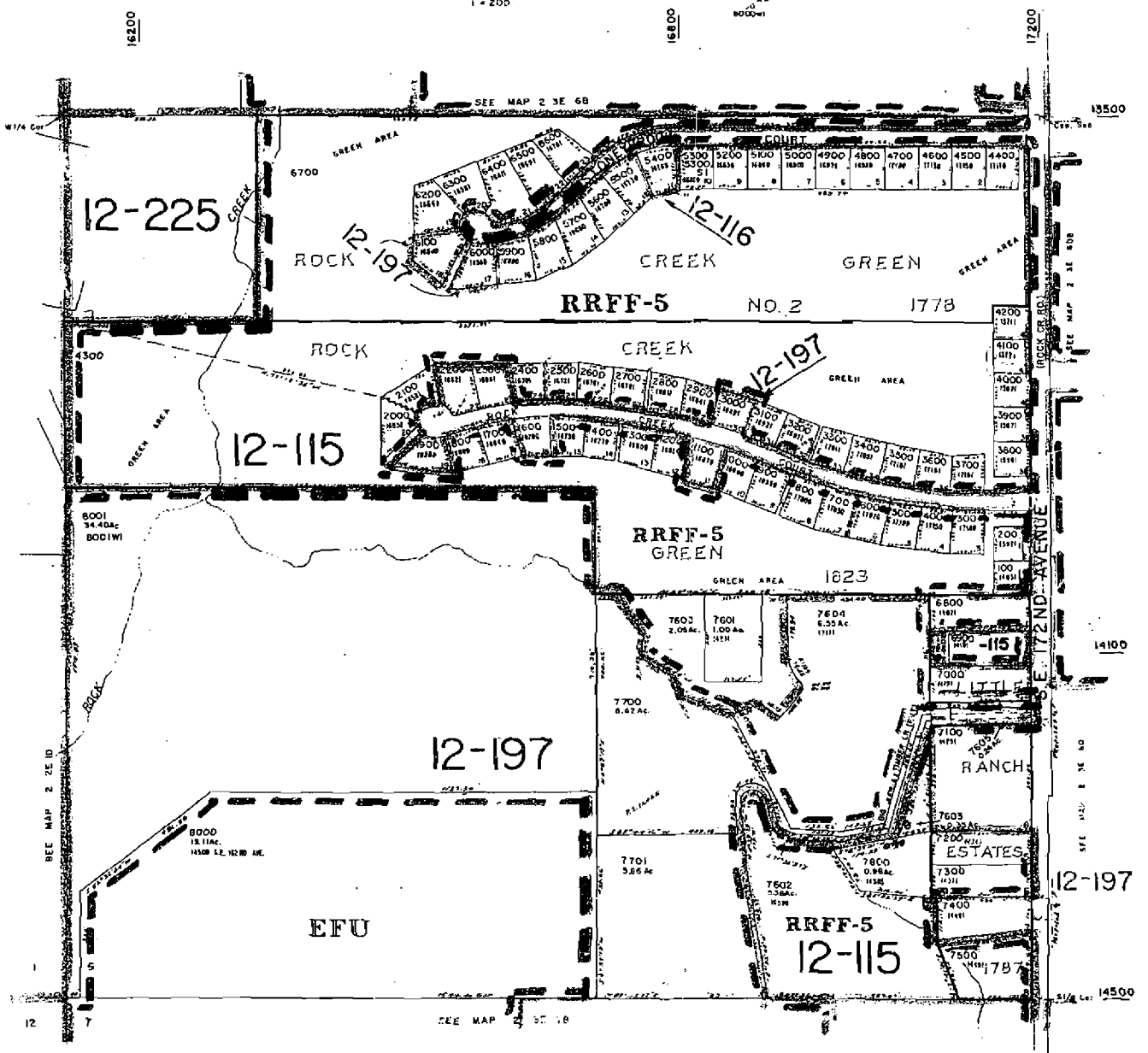


2 3E 6C
6004 80

This map was prepared for assessment purposes only.

SW 1/4 SEC. 6 T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

2 3E 6C



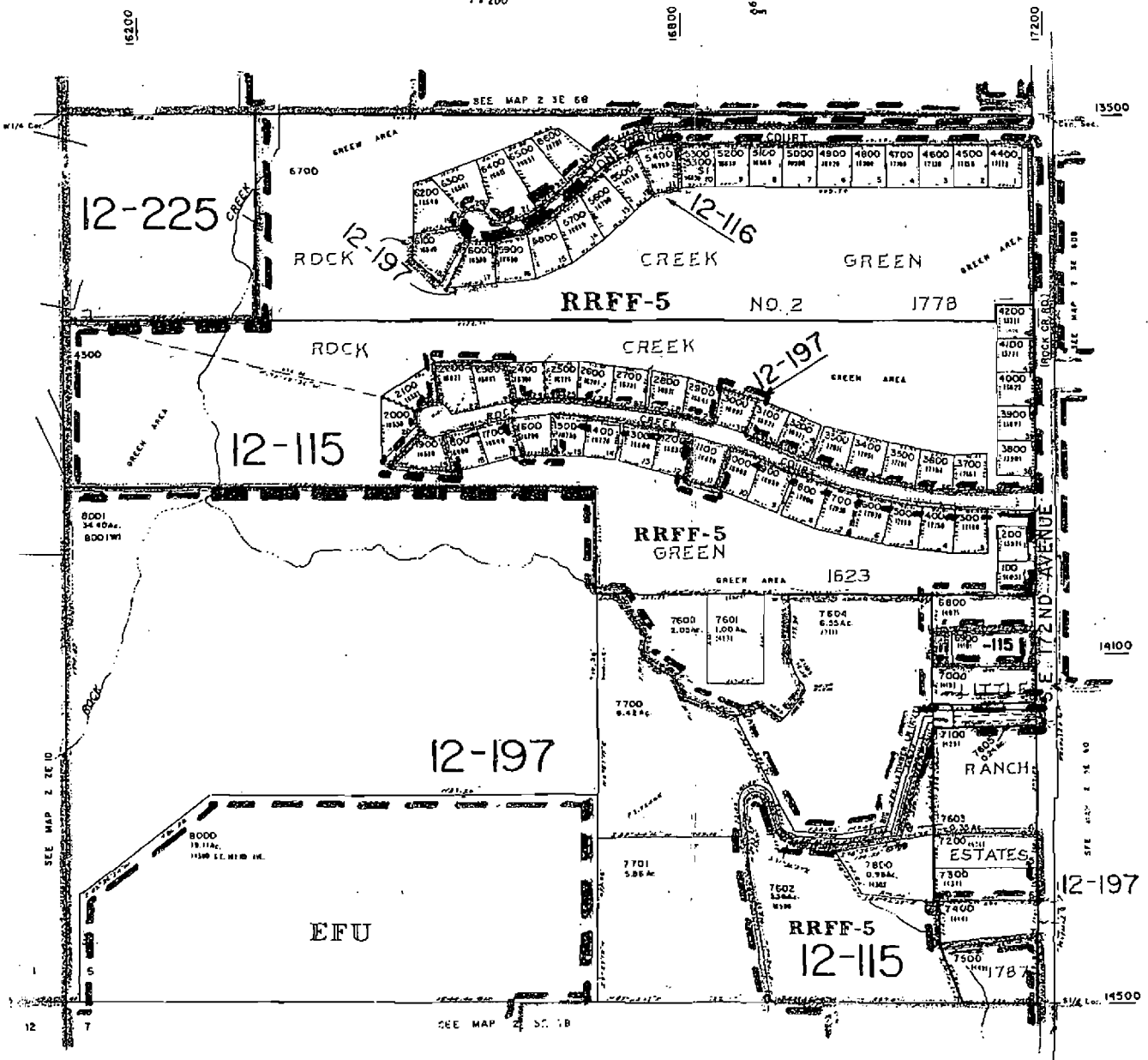
2 3E 6C
BOOK 20

This map was prepared for assessment purposes only.

SW 1/4 SEC. 6 T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

CELLED
247

2 3E 60

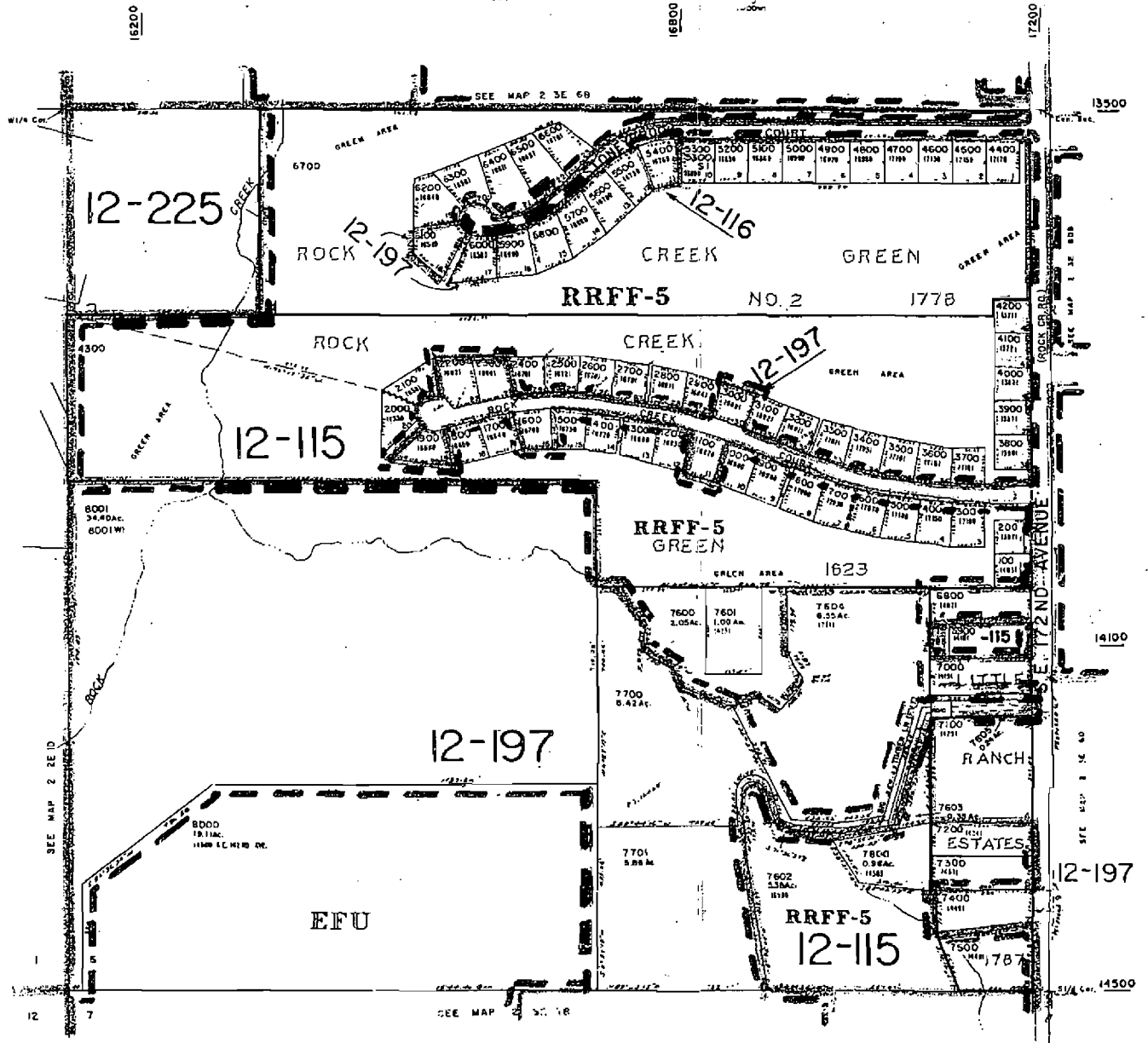


2 3E 60
LOOK TO

This map was prepared for assessment purposes only.

SW 1/4 SEC. 6 T2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

2 3E 6C

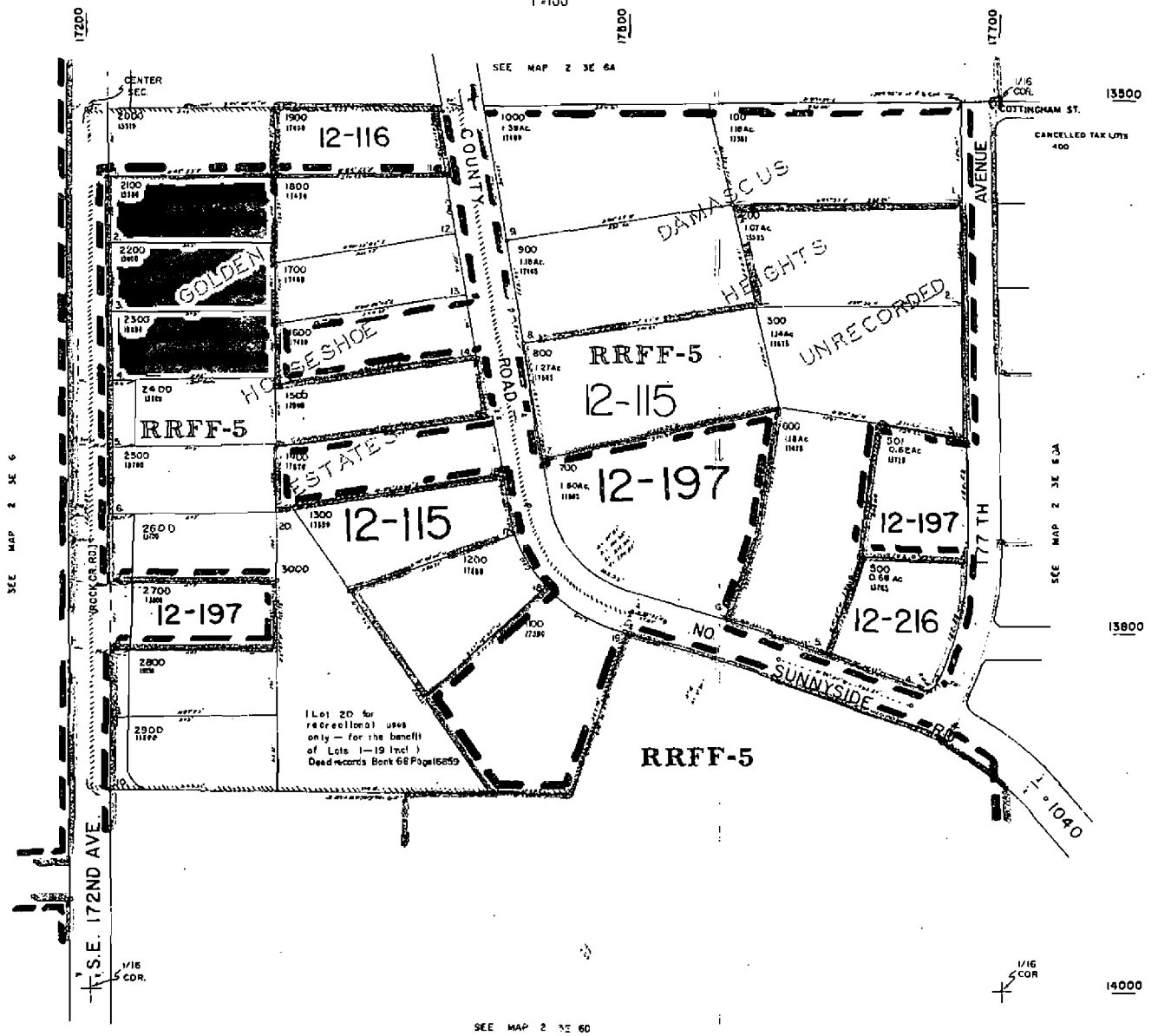


2 3E 6C
BOOK 20

This map was prepared for assessment purposes only.

NW1/4 SE 1/4 SEC. 6 T2S. R3E. W.M.
CLACKAMAS COUNTY

2 3E 6DB

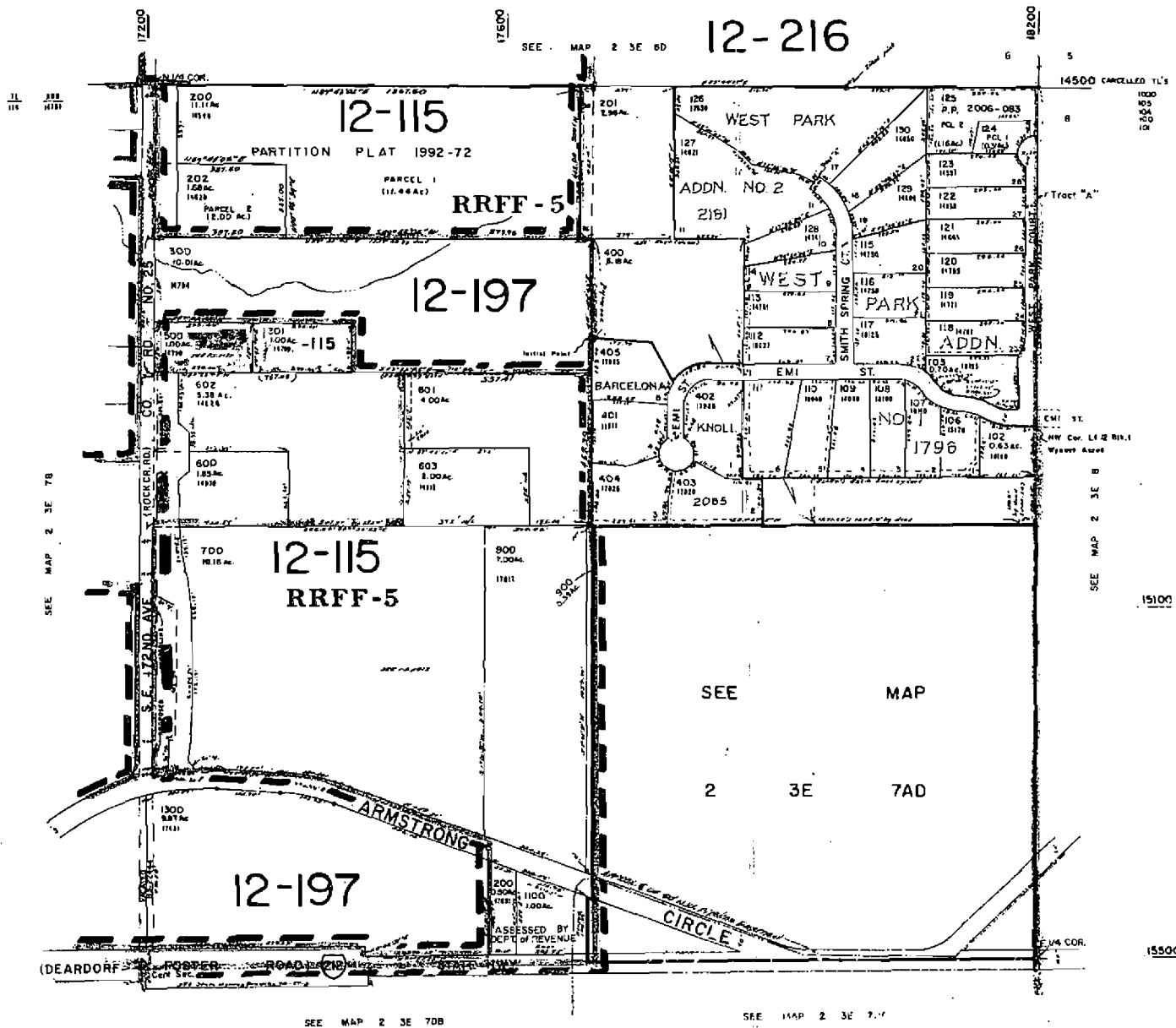


2100	2200	2300	2 3E 6DB
98-84068 007-93539	2003-92980 & 92981 2007-27909 2007-93254	98-39954 2007-93255	BOOK 68

NE 1/4 SEC. 7 T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

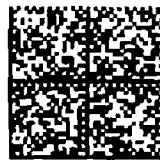
2 3E 7A
& INDEX

This map was prepared for assessment purposes.



96-22461
2008-81771

BOOK 10
2 3E 7A



UNITED STATES POSTAGE

02 1P

0003944642 SEP 18 2009

MAILED FROM ZIP CODE 97086



PITNEY BOWES

\$ 002.41⁰

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