



Oregon

Theodore R. Kubongoski, 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

5/14/2010

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 003-10

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: Thursday, May 27, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

MAY 07 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: City of Happy Valley

Local file number: ANN-02-10 / LDC-02-10

Date of Adoption: 5-4-2010

Date Mailed: 5-6-2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3-24-2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
The City annexed and applied City zoning to four properties totaling 5.16 acres.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: General Commercial/High Ind. to: MCC, IC & MUR-M1

Zone Map Changed from: Medium Density Residential to: MCC, IC & MUR-M1

Location: Varies Acres Involved: 5.16

Specify Density: Previous: Varies New: Varies

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 003-10 (18199) [16114]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro

Clackamas County

Local Contact: Justin Popilek
Address: 16000 SE Misty Drive
City: Happy Valley

Zip: 97086

Phone: (503)698-7810 Extension:
Fax Number: 503-658-5174
E-mail Address:
justinp@ci.happy-valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 - Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp, (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 400
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-02-10/LDC-02-10); and

WHEREAS, the proposed annexation territory consists of four tax lots totaling 5.16 acres of land adjacent to existing City boundaries; and

WHEREAS, the specific tax lots to be annexed include:

22E09DA09701, 22E10DB01000, 22E10DB01100, 22E12 00300; 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 four 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 May 4, 2010; 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:

22E09DA09701-Mixed Use Commercial (MUC)
22E10DB01000-Industrial Campus (IC)
22E10DB01100-Industrial Campus (IC)
22E12 00300-Mixed Use Residential-Multi-Family Low Density (MUR-M1)

Section 3. The City Council adopts the Annexation Application (ANN-02-10/LDC-02-10) and the associated Staff Report to the City Council dated May 4, 2010

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.

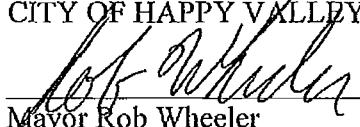
Section 5. As a condition for the annexation of each property in the territory described in Exhibit A and depicted in Exhibit B, the property owners, on behalf of themselves, their heirs, successors and assigns, waive their right(s) of remonstrance against the creation of any Local Improvement District 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).

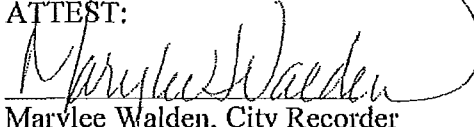
READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on May 4, 2010 and read for the second time on May 4, 2010, and adopted by a majority vote of the members of the City Council of the City of Happy Valley, Oregon.

CITY OF HAPPY VALLEY



Mayor Rob Wheeler

ATTEST:



Marylee Walden, City Recorder

Mayor
Honorable Rob Wheeler



City Manager
Jason Tuck

DATE: May 11, 2010

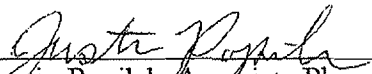
File No. ANN-02-10/LDC-02-10

NOTICE OF EXPEDITED DECISION

This is official notice of action taken by the Happy of Valley City Council pursuant to Metro Code 3.09.045 with regard to an application for annexation to the City of Happy Valley. The subject properties are described as Clackamas County Assessor Map Number 22E09DA09701, 22E10DB01000, 22E10DB01100, and 22E1200300.

The City Council formally approved the subject application/petition based upon findings included within the Staff Report dated May 4, 2010, 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.


Justin Popilek, Associate Planner

cc: Petitioner
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

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	ANN-01-09	ANN-02-10												
2	PROPERTY OWNER	TAX MAP/LOT	EXHIBIT #	EHVCP	SITE ADDRESS	CITY	MAILING ADDRESS	STATE	ZIP	ZONING	ACRES	ASSESED VALUE	# DU	# PEOPLE
3														
4	Terry Emmert	22E09DA09701			No Situs	Clackamas Cnty	11811 SE Hwy 212 Clackamas	OR	97015	C3	0.73	244,804.00		
5														
6	Terry Emmert	22E12 00300			No Situs	Clackamas Cnty	11811 SE Hwy 212 Clackamas	OR	97015	MR1 - FU	2.73	193,578.00		
7														
8	Terry Emmert	22E10DB01000			No Situs	Clackamas Cnty	11811 SE Hwy 212 Clackamas	OR	97015	I2	0.94	128,962.00		
9														
10	Terry Emmert	22E10DB01100			No Situs	Clackamas Cnty	11811 /se Hwt 212 Clackamas	OR	97015	I2	0.76	103,792.00		
11														
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23											5.16	671,136.00	3	0

Mayor
Honorable Rob Wheeler



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY
STAFF REPORT TO THE CITY COUNCIL

May 4, 2010

ANNEXATION APPLICATION (File Number: ANN-02-10/LDC-02-10)

I. GENERAL INFORMATION

PROPOSAL:

The City seeks approval of the annexation of four properties, with a cumulative area of approximately 5.16 acres, and the legislative rezoning of the subject properties to Happy Valley zoning designations, as set forth in Section 16.67.070 of the City's Land Development Code (LDC). The subject properties currently have residential, commercial, and industrial Clackamas County zoning designations. This proposal will rezone the subject properties from their existing zoning designations to equivalent Happy Valley zoning designations.

APPLICANT:

City of Happy Valley
16000 SE Misty Drive
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 Number 05-13
EXHIBIT E- Affidavit of Mailing/Public Notices

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

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 signed petitions requesting annexation from the owner of the subject properties.

GENERAL DISCUSSION:

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

The properties to be annexed are located along SE Highway 212/224 adjacent to the existing city limits, as noted on Exhibit "B". The legal descriptions for the areas proposed for annexation are attached as Exhibit "A" and the annexation application data forms for the areas to be annexed are attached as Exhibit "C".

The proposed annexation incorporates four properties consisting of 5.16 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 properties have prompted the proposed annexation request.

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

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

This proposed annexation complies with the present agreements the City has with various urban service providers. The subject properties are currently within Clackamas County Service District #1 (CCSD #1), which provides sanitary sewer and stormwater services to the City and other urbanized areas of Clackamas County. Subsequent to the approval of this application, the owner of the subject properties will be required to annex into Clackamas County Service District #5 (CCSD #5) for street lighting and the North Clackamas Parks and Recreation District (NCPRD). The subject properties will need to be removed from the Clackamas County Enhanced Law Enforcement District.

CCSD #1 will be the provider of sanitary and stormwater services. Two of the four subject properties are currently completely vacant, the other two properties are utilized for “house storage” (the property owner stores older, moved houses within the two properties) but public facilities (sewer, water, power) of a “permanent” nature to said homes does not exist and thus, these two properties are occupied by a “temporary use” that would provide for these properties to be considered “undeveloped”. Prior to the development of the subject properties, CCSD #1 will evaluate how to best serve these properties with sanitary and stormwater services (i.e. line capacity, drainage basins, etc). Efforts to provide sanitary and stormwater services to the aforementioned vacant properties will be 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 the subject properties.

Happy Valley Comprehensive Plan Policies 4 through 7 address urbanization of lands from rural to urban uses. The annexation area satisfies 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 address the issues of annexation of properties to cities as appropriate to ensure adequate government jurisdiction and public facilities review and approvals.

The Metro Urban Growth Management Functional Plan (UGMFP) contains population and household growth figures for each jurisdiction in the region, including the City of Happy Valley. These figures should be accommodated over the next 20 years. The approval of this annexation request will 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 April 9, 2010 (see Exhibit E– Affidavit of mailing). The notice stated that the process would be expedited. This criterion has been satisfied.

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

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

Response:

The City’s LDC establishes provisions for the 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:

The subject properties are located within an area that has already been comprehensively planned for by Clackamas County. The proposed annexation would provide additional land for residential development within the City that is adjacent to areas that have already been established as residential uses and public parks. The annexation is compliant with the City’s Comprehensive Plan goals and policies pertaining to Goal 10 and the UGMFP (see Compliance with Regional Goals) and therefore, this criterion has been satisfied.

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

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

Response:

Metro Code (3.09.045.d) requires that boundary change proposals meet minimum criteria that include addressing the capacity for urban services. Boundary changes must be consistent with ORS 195.065 and regional and statewide land use goals, including Goal 11.

The subject properties are currently within CCSD #1, which provides sanitary sewer and stormwater services to the City and other urbanized areas of Clackamas County. All of the subject properties are currently vacant. Prior to their development, WES will evaluate how to best provide sanitary and stormwater services to these undeveloped properties.

Sunrise Water Authority (SWA) provides water to the City of Happy Valley. The properties proposed for annexation are currently, and will continue to be, within the service area of SWA. The future water supply needs of the subject properties will be evaluated and planned for by SWA.

This annexation proposal is consistent with Goal 11. Public services to the annexation areas have already been planned for and anticipated to occur because it is within the existing UGB. Extension of the public services that are not currently available to the subject properties will occur with future development. 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 area 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). 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. Through the legislative process, the City is proposing to apply city zoning designations that are the equivalent of the existing Clackamas County zoning designations, to be consistent with the existing Clackamas County Comprehensive Plan. The Clackamas County Comprehensive Plan was established in compliance with Goal 14, therefore, this criterion has been satisfied.

Oregon Revised Statutes (ORS)

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

Response:

This annexation was the result of petitions filed by the property owners or their representatives who own properties that are contiguous to the city limits of Happy Valley. The criterion has been satisfied.

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

Response:

The application was initiated by petitions from owners of 100 percent of the land in the territory to be annexed and 50 percent of the electors in the territory to be annexed. The criterion has been satisfied.

REGIONAL LAND USE REQUIREMENT

“Metro Code 3.09.045 – Expedited Decisions

(a) The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

Response:

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

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

Response:

The City of Happy Valley provided notice to all interested parties necessary parties, and land owners within 300 feet of the subject properties on April 9, 2010 (see Exhibit F – Affidavit of Mailing). The notice stated that the process would be expedited. This criterion has been satisfied.

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

- (1) The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;***
- (2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and***
- (3) The proposed effective date of the boundary change.***

Response:

A brief report, addressing the applicable criteria in Section 3.09.045 was available to the public on Tuesday, April 27, 2010, this criterion has been satisfied.

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

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

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

Response:

The proposed annexation is consistent with ORS 195.065. As stated above, the subject properties would generally remain within service districts already serving the area. Two of the four subject properties are currently completely vacant, the other two properties are utilized for "house storage" (the property owner stores older, moved houses within the two properties) but public facilities (sewer, water, power) of a "permanent" nature to said homes does not exist and thus, these two properties are occupied by a "temporary use" that would provide for these properties to be considered "undeveloped". At the time of future development of these undeveloped properties, CCSD #1 will review how to best provide sanitary and stormwater services. Also, the subject properties will be required to annex into CCSD #5, which will provide street lighting at the time of development.

SWA provides water to the City of Happy Valley. The properties proposed for annexation are currently, and will continue to be, within the service area of SWA. The future water supply needs of the subject properties will be evaluated and planned for by SWA. This criterion has been satisfied.

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

Response:

The proposed annexation is consistent with the City's annexation plan. This criterion has been satisfied.

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

Response:

The proposed annexation is not in violation of any cooperative planning agreements the City has with other entities. 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 LDC. The criterion has been satisfied.

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

Response:

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

(E) Any applicable comprehensive plan; and

The Happy Valley Comprehensive Plan and LDC 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.

(2) Consider whether the boundary change would:

- (A) Promote the timely, orderly and economic provision of public facilities and services;*
- (B) Affect the quality and quantity of urban services; and*
- (C) Eliminate or avoid unnecessary duplication of facilities or services.*

Response:

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

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

Response:

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

CITY OF HAPPY VALLEY COMPREHENSIVE PLAN

Comprehensive Plan Policies

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

Response:

The subject properties are located along SE Highway 212/224, where most urban services are currently available. For the ~~two~~ four vacant subject properties, urban services will be required to be in place when development occurs. 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 an area that has been comprehensively planned for by Clackamas County. This plan was created with preservation and enhancement of physical 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 vacant 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>MR-1</i>	<i>MUR-M1</i>
<i>FU-10</i>	<i>FU-10</i>
<i>C-3</i>	<i>MCC</i>
<i>Industrial</i>	
<i>I-2</i>	<i>IC</i>

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

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

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

Response:

Pursuant to subsection “A” above, the properties associated with this annexation file will receive city zoning based on the designations established in Table 16.67.070-1 Land Designation Conversion Table. As a result, if the proposed annexation is approved, an ordinance to amend the City’s Comprehensive Plan map/zoning map will be passed that reflects the zoning conversion of the subject properties from their Clackamas County zoning designations to Happy Valley zoning designations. 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 LDC, Metro Code 3.09, Oregon Revised Statutes and Statewide Planning Goals. Staff, therefore, recommends the City Council approve application ANN-02-10/LDC-02-10.

**CITY OF HAPPY VALLEY
ANNEXATION NO. ANN-02-10
Legal Description**

AREA "A"

A tract of land situated in section 12, T2S, R2E, W.M. Clackamas County Oregon & more particularly described as follows:

All of Parcel 1 in Partition Plat No. 2009-002

Exhibit A

**CITY OF HAPPY VALLEY
ANNEXATION NO. ANN-02-10
Legal Description**

AREA "B"

A tract of land situated in Section 9, 10, & 11 T2S, R2E W.M. Clackamas County Oregon & more particularly described as follows;

Beginning at the center of Section 11, T2S, R2E, said center being on the north line of the Isaac Caaps DLC No. 52;

1. Thence East, along the north line of said DLC & the east/west centerline of said section, 1117.51 feet to the point of intersection with the north line of State Hwy 212/224 (Market Rd No. 16) & the most easterly corner of that tract of land (22E11AC03400), as recorded in deed instrument no. 2005-112944, as shown on Clackamas County recorded property survey no. 22418, said point also being true point of beginning;
2. Thence South 69° 42' 24" West, along the north line of said highway, 367.25 feet to a 15 foot (more or less) jog to the north in said north line & said jog being west of and 120 feet in distance from the north/south centerline of said section;
3. Thence North 0° 18' 01" East, along said jog 15 feet (more or less) to the east/west section of the north line of said highway;
4. Thence Westerly along said north line, 1120 feet more or less to the point of intersection with the east line of For-Mor Court (a 60 foot R/W);
5. Thence continuing Westerly, along said north line, 946.32 feet, to the point of intersection with the east line of S.E. 125th Court (a 50 foot R/W);
6. Thence continuing Westerly, along said north line, 750 feet more or less to the southeast corner of Partition Plat No. 1992-171;
7. Thence continuing West, along said north line, 1550 feet (more or less) to the southwest corner of a tract of land (22E10D01402) as recorded in deed instrument no. 96-034880;

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

Exhibit A

8. Thence continuing West, along said north line 480 feet (more or less) to a point on the east line of lot 8 in the plat of Imperial Plaza, Plat No. 2458, said point being south $0^{\circ}07'30''$ East and 170.72 feet in distance from the northeast corner of said lot 8;
9. Thence (leaving said north line), North $0^{\circ}07'30''$ west, along said east line of said plat, 381.44 feet to the northeast corner of lot 7 of said plat;
10. Thence North $89^{\circ}058'30''$ west, along the north line of said lot 7 & it's westerly extension, 253.50 feet to the west line of S.E 114th Ave (a 60 foot R/W);
11. Thence South $0^{\circ}07'30''$ East, along said west line, 381.44 feet to the point of intersection with the north line of State Hwy 212/224 (a 120 foot R/W);
12. Thence West, along said north line, 793.74 feet (as noted on assessors map 22E10DB) is 820 feet (scaled distance) (more or less) to the point of intersection with the west line of a 20 foot access easement;
13. Thence continuing West, along said north line 2220 feet (more or less) to the point of intersection with the east line of 102nd Ave. (Market Rd. No. 16) & an angle point in said east line;
14. Thence continuing West, across the right-of-way, of said 102nd Ave., 185 feet (more or less) to the point of intersection with the south line of lot 17, block 7 in the plat of Hollywood Gardens, Plat No. 501, said point of intersection being 40 feet (more or less), east of the southwest corner of said lot 17 & said point being on the north line of said Hwy 212/224;
15. Thence West, along said north line & the south line of said lot 17, 40 feet (more or less) to the southwest corner of said lot 17 & the east line of lot 20 of said block & plat; & a 8 foot (more or less) jog to the south in said north line;
16. Thence South along the east line of said lot 20, 8 feet (more or less) to the east/west section of the north line of said Hwy 212/224
17. Thence West, along said north line 407 feet (more or less) to the point of intersection with the southwest corner of lot 22, block 8, in the plat of Hollywood Gardens, Plat No. 501;
18. Thence South, 115 feet (more) or less to the northwest corner of a tract of land (22E09DA09701) as recorded in deed instrument no. 2000-009727 & as shown on Clackamas County recorded property survey no. 23847 & the south line of State Hwy 212/224;

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

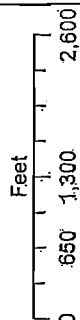
Exhibit A

19. Thence South $10^{\circ}46'30''$ West, 69.77 feet to the most westerly corner of said tract;
20. Thence South $49^{\circ}40'17''$ East, along the south line of said tract & it's southeasterly extension, 340.02 feet to the east line of S.E. Evelyn St. (a 81 foot R/W);
21. Thence Northeasterly, along the east line of said street 125 feet to the centerline of a 50 foot vacated right-of-way & an angle point in said east line.
22. Thence Northeasterly, along said east line, 155 feet more or less to the point of intersection with the north line of lot 5, block 19 of the plat of Hollywood Gardens, Plat No. 501 & a 30 foot jog to the northwest, in said east line;
23. Thence Northwesterly, along said north line & said jog, 30 feet to the most northerly corner of said lot 5;
24. Thence Northeasterly, along said east line of S.E. Evelyn St. & a 238.73 foot radius curve to the right, 210 feet more or less to the point of tangency with the south line of State Hwy 212/224;
25. Thence East, along the south line of said hwy, 5260 feet (more or less) to the point of intersection with the west line of S.E. 122nd Ave. (a 65 foot R/W)
26. Thence continuing East, across said right-of-way, 65 feet to the point of intersection with the east line of said SE 122nd Ave., said point being 20 feet (more or less) south & 15 feet east of the northwest corner of lot 6, block 1 in the plat of Ford Industrial Park, Plat No. 2599;
27. Thence continuing East, along said south right-of-way line of Hwy 212/224, 1905 feet (more or less) to the point of intersection with the west line of S.E. 130th Ave. (a variable width R/W);
28. Thence continuing East, across the S.E. 130th right-of-way, 120 feet (more or less) to the east line of said right-of-way;
29. Thence continuing East, along said south line, 1230 feet (more or less) to the existing city limits of the City of Happy Valley;
30. Thence Northerly along said city limits & perpendicular to the centerline of state Hwy 212/224, 120 feet (more or less) to the true 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.

Annexation 02-10 City of Happy Valley

- Parcels
- Proposed Annexations
- Happy Valley



Data Source: Clackamas County

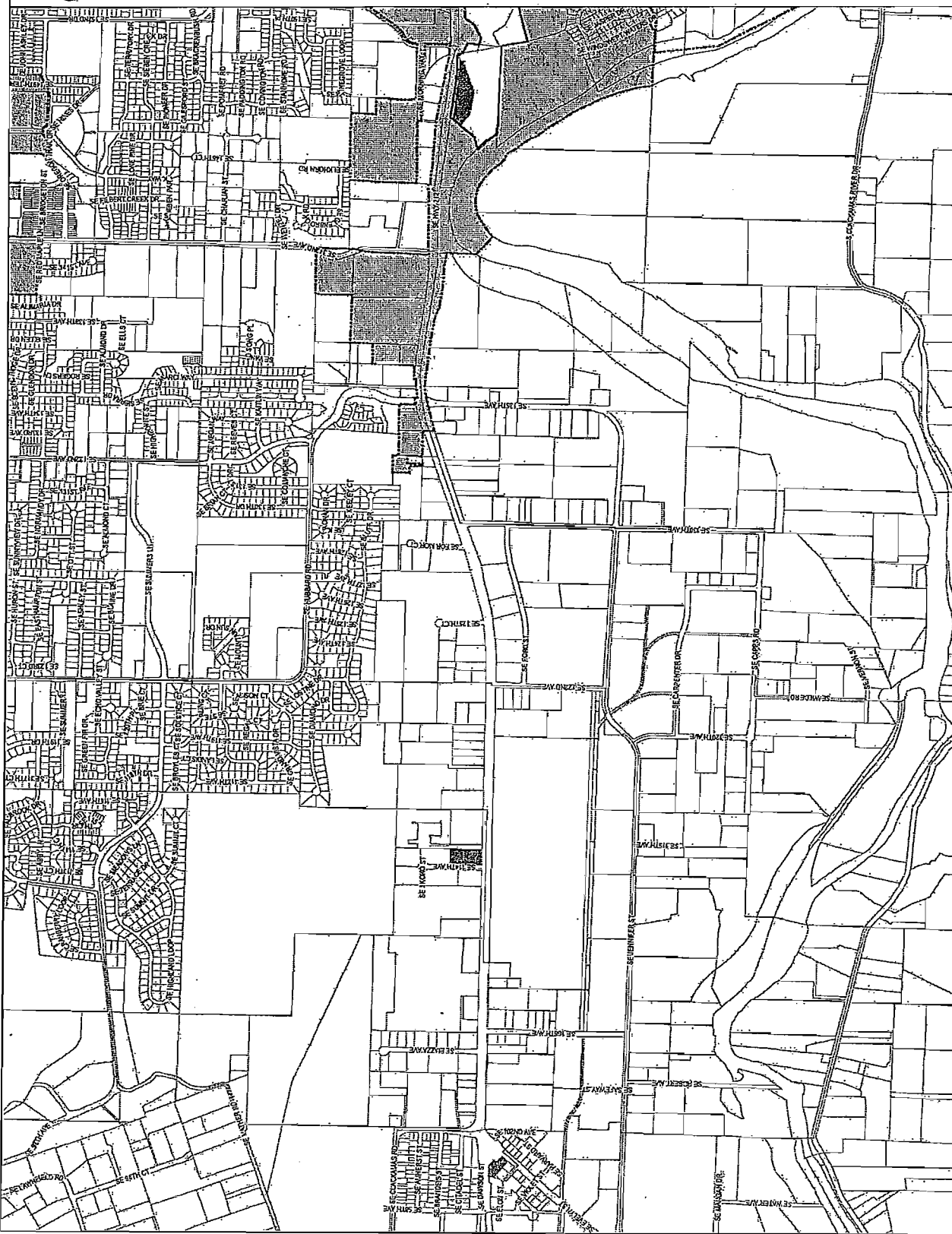


EXHIBIT # B



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:

No Address
 Street Address of Property (if address has been assigned)

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

22E09DA09701
 Tax Map and Tax Lot Number

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

<u>[Signature]</u>	Owner Initial	Voter Initial	Date
_____	_____	_____	_____
Other Authorized Signature	Owner Initial	Voter Initial	Date
_____	_____	_____	_____

503-655-7191 ext. 234

Street Address	Home Phone	Work Phone
<u>11811 SE Hwy 212</u>		
Mailing Address	A legal description and a copy of the assessor's map of the property must be submitted with this petition.	
<u>Clackamas OR 97015</u>		
City, State and Zip Code		

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>[Signature]</u>	Date	<u>[Signature]</u>	Date
	<u>2-20-10</u>		

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

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

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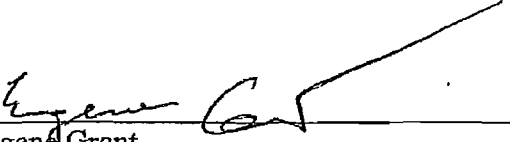
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Section 4. This Resolution shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

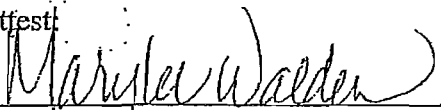
COPY

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

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 a Comprehensive Plan map/zoning map amendment (rezoning the property 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, May 4, 2010, at 7:00 p.m.**

DOCKET NUMBER
ANN-02-10/LDC-02-10

Affected properties total approximately 5.16 acres of real property and include the following properties as listed by Clackamas County Assessor Map Number:

22E09DA 09701 22E12 00300 22E10DB 01000 22E10DB01100

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 5:00 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.

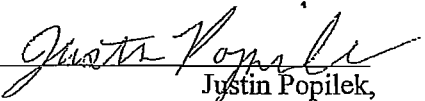

Justin Popilek,
Associate Planner

EXHIBIT # E

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 the owners of record of property on the most recent tax assessment roll where such property is located within 300 feet of the properties which is the subject of the notice, by mailing to each person on Friday, April 9, 2010 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

Cheryl Whitehead, Planning Assistant

State of OREGON
County of Clackamas

This instrument was acknowledged before me on April 9, 2010

by *Lisa Marie Tamlyn*



Notary Public-State of Oregon

ORDINANCE NO. 400
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-02-10/LDC-02-10); and

WHEREAS, the proposed annexation territory consists of four tax lots totaling 5.16 acres of land adjacent to existing City boundaries; and

WHEREAS, the specific tax lots to be annexed include:

22E09DA09701, 22E10DB01000, 22E10DB01100, 22E12 00300; 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 four 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 May 4, 2010; 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:

22E09DA09701-Mixed Use Commercial (MUC)
22E10DB01000-Industrial Campus (IC)
22E10DB01100-Industrial Campus (IC)
22E12 00300-Mixed Use Residential-Multi-Family Low Density (MUR-M1)

Section 3. The City Council adopts the Annexation Application (ANN-02-10/LDC-02-10) and the associated Staff Report to the City Council dated May 4, 2010

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 May 4, 2010 and read for the second time on May 4, 2010, and adopted by a majority 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

**CITY OF HAPPY VALLEY
ANNEXATION NO. ANN-02-10
Legal Description**

AREA "A"

A tract of land situated in section 12, T2S, R2E, W.M. Clackamas County Oregon & more particularly described as follows:

All of Parcel 1 in Partition Plat No. 2009-002

Exhibit A

**CITY OF HAPPY VALLEY
ANNEXATION NO. ANN-02-10
Legal Description**

AREA "B"

A tract of land situated in Section 9, 10, & 11 T2S, R2E W.M. Clackamas County Oregon & more particularly described as follows;

Beginning at the center of Section 11, T2S, R2E, said center being on the north line of the Isaac Caaps DLC No. 52;

1. Thence East, along the north line of said DLC & the east/west centerline of said section, 1117.51 feet to the point of intersection with the north line of State Hwy 212/224 (Market Rd No. 16) & the most easterly corner of that tract of land (22E11AC03400), as recorded in deed instrument no. 2005-112944, as shown on Clackamas County recorded property survey no. 22418, said point also being true point of beginning;
2. Thence South 69° 42' 24" West, along the north line of said highway, 367.25 feet to a 15 foot (more or less) jog to the north in said north line & said jog being west of and 120 feet in distance from the north/south centerline of said section;
3. Thence North 0° 18' 01" East, along said jog 15 feet (more or less) to the east/west section of the north line of said highway;
4. Thence Westerly along said north line, 1120 feet more or less to the point of intersection with the east line of For-Mor Court (a 60 foot R/W);
5. Thence continuing Westerly, along said north line, 946.32 feet, to the point of intersection with the east line of S.E. 125th Court (a 50 foot R/W);
6. Thence continuing Westerly, along said north line, 750 feet more or less to the southeast corner of Partition Plat No. 1992-171;
7. Thence continuing West, along said north line, 1550 feet (more or less) to the southwest corner of a tract of land (22E10D01402) as recorded in deed instrument no. 96-034880;

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

8. Thence continuing West, along said north line 480 feet (more or less) to a point on the east line of lot 8 in the plat of Imperial Plaza, Plat No. 2458, said point being south 0°07'30" East and 170.72 feet in distance from the northeast corner of said lot 8;
9. Thence (leaving said north line), North 0°07'30" west, along said east line of said plat, 381.44 feet to the northeast corner of lot 7 of said plat;
10. Thence North 89°058'30" west, along the north line of said lot 7 & it's westerly extension, 253.50 feet to the west line of S.E 114th Ave (a 60 foot R/W);
11. Thence South 0°07'30" East, along said west line, 381.44 feet to the point of intersection with the north line of State Hwy 212/224 (a 120 foot R/W);
12. Thence West, along said north line, 793.74 feet (as noted on assessors map 22E10DB) is 820 feet (scaled distance) (more or less) to the point of intersection with the west line of a 20 foot access easement;
13. Thence continuing West, along said north line 2220 feet (more or less) to the point of intersection with the east line of 102nd Ave. (Market Rd. No. 16) & an angle point in said east line;
14. Thence continuing West, across the right-of-way, of said 102nd Ave., 185 feet (more or less) to the point of intersection with the south line of lot 17, block 7 in the plat of Hollywood Gardens, Plat No. 501, said point of intersection being 40 feet (more or less), east of the southwest corner of said lot 17 & said point being on the north line of said Hwy 212/224;
15. Thence West, along said north line & the south line of said lot 17, 40 feet (more or less) to the southwest corner of said lot 17 & the east line of lot 20 of said block & plat; & a 8 foot (more or less) jog to the south in said north line;
16. Thence South along the east line of said lot 20, 8 feet (more or less) to the east/west section of the north line of said Hwy 212/224
17. Thence West, along said north line 407 feet (more or less) to the point of intersection with the southwest corner of lot 22, block 8, in the plat of Hollywood Gardens, Plat No. 501;
18. Thence South, 115 feet (more) or less to the northwest corner of a tract of land (22E09DA09701) as recorded in deed instrument no. 2000-009727 & as shown on Clackamas County recorded property survey no. 23847 & the south line of State Hwy 212/224;

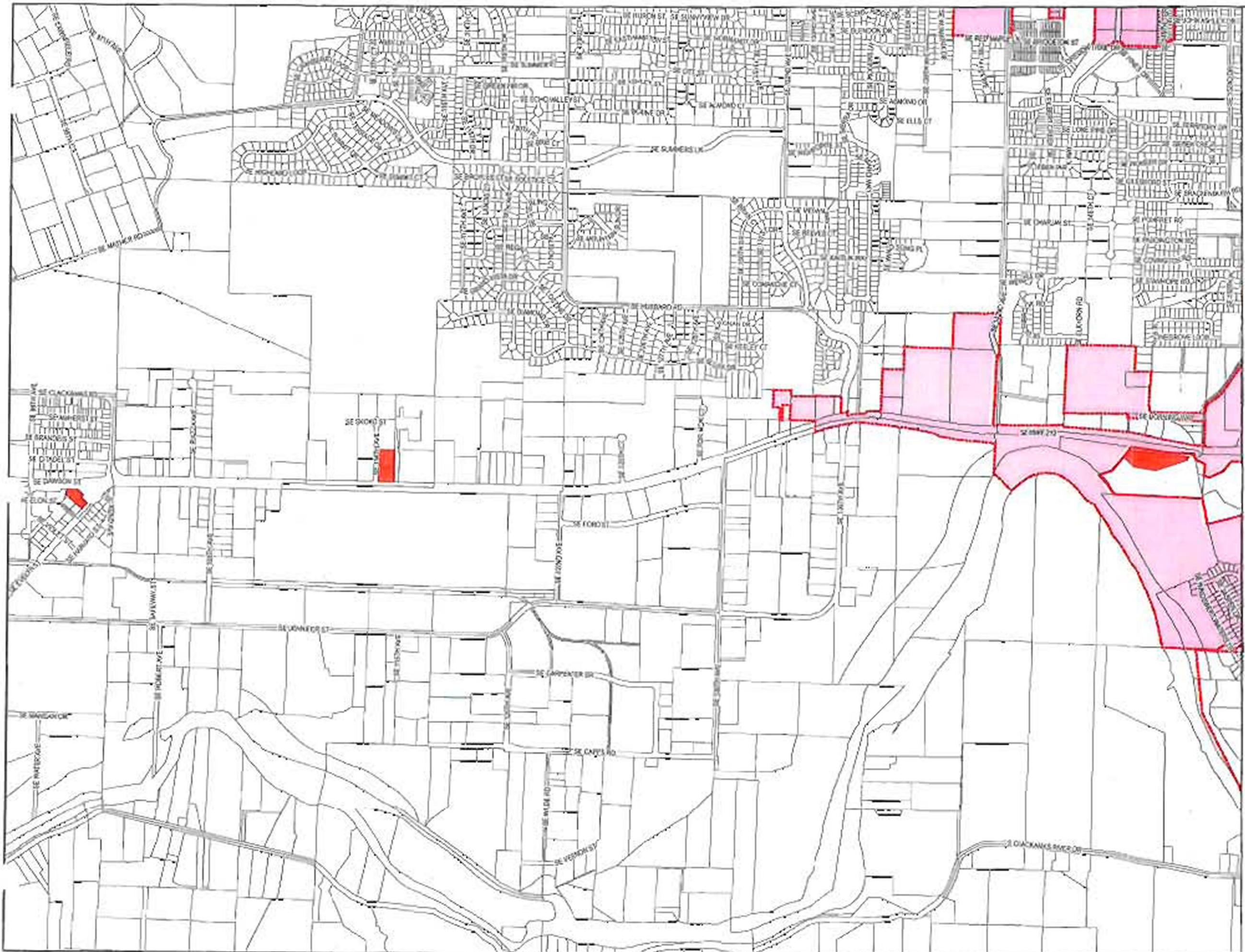
Note: All deed instrument numbers are Clackamas County records. All tax lot numbers are for reference only and are not to be considered part of the legal description.

19. Thence South $10^{\circ}46'30''$ West, 69.77 feet to the most westerly corner of said tract;
20. Thence South $49^{\circ}40'17''$ East, along the south line of said tract & it's southeasterly extension, 340.02 feet to the east line of S.E. Evelyn St. (a 81 foot R/W);
21. Thence Northeasterly, along the east line of said street 125 feet to the centerline of a 50 foot vacated right-of-way & an angle point in said east line.
22. Thence Northeasterly, along said east line, 155 feet more or less to the point of intersection with the north line of lot 5, block 19 of the plat of Hollywood Gardens, Plat No. 501 & a 30 foot jog to the northwest, in said east line;
23. Thence Northwesterly, along said north line & said jog, 30 feet to the most northerly corner of said lot 5;
24. Thence Northeasterly, along said east line of S.E. Evelyn St. & a 238.73 foot radius curve to the right, 210 feet more or less to the point of tangency with the south line of State Hwy 212/224;
25. Thence East, along the south line of said hwy, 5260 feet (more or less) to the point of intersection with the west line of S.E. 122nd Ave. (a 65 foot R/W)
26. Thence continuing East, across said right-of-way, 65 feet to the point of intersection with the east line of said SE 122nd Ave., said point being 20 feet (more or less) south & 15 feet east of the northwest corner of lot 6, block 1 in the plat of Ford Industrial Park, Plat No. 2599;
27. Thence continuing East, along said south right-of-way line of Hwy 212/224, 1905 feet (more or less) to the point of intersection with the west line of S.E. 130th Ave. (a variable width R/W);
28. Thence continuing East, across the S.E. 130th right-of-way, 120 feet (more or less) to the east line of said right-of-way;
29. Thence continuing East, along said south line, 1230 feet (more or less) to the existing city limits of the City of Happy Valley;
30. Thence Northerly along said city limits & perpendicular to the centerline of state Hwy 212/224, 120 feet (more or less) to the true point of beginning.

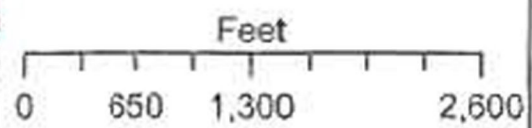
Note: All deed instrument numbers are Clackamas County records. All tax map & tax lot numbers are for reference only and are not to be considered part of the legal description.

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Annexation 02-10 City of Happy Valley



-  Parcels
-  Proposed Annexations
-  Happy Valley



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Data Source: Clackamas County

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Happy Valley, OR 97086

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Dept. of Land Conservation &
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Attn: Angela Houck

