



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/24/2012

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 005-12

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: Friday, June 08, 2012

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: Michael Walter, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst
Gary Fish, DLCD Transportation Planner

<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

DATE
MAY 21 2012
STAMP
DEPT OF
LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Happy Valley**
ANN0212/CPA0312/LDC0312

Local file number:

Date of Adoption: **5/15/2012**

Date Mailed: **5/18/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/5/2012

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".

Properties annexed to City. Comprehensive Plan Map Amendment/Zone Change from County MDR/FU-10 to City FU-10.

Does the Adoption differ from proposal? Please select one

Yes,

City will perform subsequent Comprehensive Plan Map Amendment/Zone Change, including TPR Compliant Traffic Impact Analysis.

Plan Map Changed from: **County, MDR**

to: **City, FU-10**

Zone Map Changed from: **County, FU-10**

to: **City, FU-10**

Location: **15252 SE Hwy 224/22E12D00900,980,990**

Acres Involved: **7.05**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD File No. 005-12 (19279) [17050]

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Clackamas Co., Metro, ODOT

Local Contact: **Michael D. Walter Eco. & Comm Dir** Phone: (503) 783-3839 Extension:
Address: **16000 SE Misty Drive** Fax Number: **503-658-5174**
City: **Happy Valley** Zip: **97086-** E-mail Address: **michaelw@ci.happy-**
valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Mayor
Honorable Lori DeRemer



City Manager
Jason Tuck

DATE: May 18, 2012

File No. ANN-02-12/LDC-03-12/CPA-03-12

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 an application for annexation to the City of Happy Valley. The subject properties are described as Clackamas County Assessor Map Numbers 22E12D 00900, 22E12D 00980 & 22E12D 00990..

The City Council formally approved the subject application/petition based upon findings included within the Staff Report dated May 15, 2012, 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 D. Walter".

Michael D. Walter, Economic & Community Development Director

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

ORDINANCE NO. 425
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,
OREGON, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, AND 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-02-12/LDC-03-12/CPA-03-12); and

WHEREAS, the proposed annexation territory consists of three tax lots totaling 7.46 acres of land adjacent to existing city boundaries; and

WHEREAS, the specific tax lots to be annexed are:

22E12D 00900, 22E12D 00980, and 22E12D 00990; and

WHEREAS, the City provided notice that the City Council would consider the annexation petition, consistent with the applicable notice requirements of (1) Section 16.60.050 of the City's Land Development Code, (2) applicable provisions of Metro Code Chapter 3.09, and (3) applicable state law requirements; and

WHEREAS, the City has adopted an expedited decision process for annexations consistent with Metro Code Chapter 3.09.045; and

WHEREAS, the tax lots proposed for annexation were proposed to be re-designated and re-zoned by the City from the existing Clackamas County designation/zone (FU-10) to City Community Commercial Center (CCC) to match the existing and long-held historical use of the subject properties, but the City received communications from the Oregon Department of Transportation (ODOT) requiring a Transportation Planning Rule (TPR)-compliant traffic impact analysis be performed prior to application of said commercial comprehensive plan designation/zoning district, and to which the City agrees to subsequently perform in a comprehensive plan map/zoning map amendment and therefore proposes a comprehensive plan map amendment/zone change to City FU-10 in conjunction with the annexation; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on May 15, 2012; 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 comprehensive plan designation and zoning district shall apply to the tax lots proposed for annexation, as pursuant to Section 16.67.070 of the Happy Valley Municipal Code:

22E12D 00900 – Future Urban 10-acre minimum lot size (FU-10)
22E12D 00980 – FU-10
22E12D 00990 – FU-10

Section 3. The City Council adopts the subject annexation application (ANN-02-12/LDC-03-12/CPA-03-12) consistent with the new comprehensive plan designation/zoning district of City FU-10 described in Section 2, above. In addition, the City Council adopts the associated Staff Report to the City Council dated May 15, 2012 to the extent consistent with the new comprehensive plan designation/zoning district described in Section 2, above.

Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective 30 days after 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 10 years from the effective date of the annexation.

Section 6. The City Recorder is directed to:

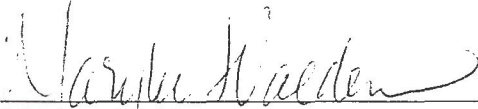
1. File a copy of this ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;
2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and

3. Mail a copy of this ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING: [May 15, 2012]


Lori DeRemer
Mayor

Adoption and date attested by:


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 territory pursuant to the Expedited Decision process of Metro Code Chapter 3.09.045 and a Comprehensive Plan Map/Zoning Map Amendment (to change the subject properties from the existing Clackamas County Comprehensive Plan designation/zoning district of MDR/FU-10 to a City of Happy Valley plan/zoning designation of CCC) 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 15, 2012, at 7:00 p.m.**

DOCKET NUMBER

ANN-02-12/LDC-03-12/CPA-03-12

The affected territory totals approximately 7.46 acres of real property and includes the following properties as listed by Clackamas County Assessor Map Number:

22E12D 00900, 22E12D 00980, and 22E12D 00990.

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/Zoning 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 said criteria, and may be appealed to the Oregon 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

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY

STAFF REPORT TO THE CITY COUNCIL

May 15, 2012

ANNEXATION APPLICATION (File Number: ANN-02-12/LDC-03-12/CPA-03-12)

“NATURE’S COUNTRY STORE”

I. GENERAL INFORMATION

PROPOSAL:

The City seeks approval of the annexation of three tax lots, with a cumulative area of approximately 7.46 acres, and the legislative amending of the City’s Comprehensive Plan Map/Zoning Map to convert the existing Clackamas County plan designation/zoning district for the subject properties to a Happy Valley plan designation/zoning district, as set forth in Section 16.67.070 of the City’s Land Development Code (LDC). All of the subject properties currently have a Clackamas County Comprehensive Plan designation of “Medium Density Residential” (MDR) and a zoning district of “Future Urban 10-acre District” (FU-10). To more accurately reflect their existing and likely future uses, staff recommends that the subject properties be assigned a City Comprehensive Plan designation/zoning district of “Community Commercial Center” (CCC). Staff has determined that the proposed annexation complies with the applicable requirements of the Statewide Planning Goals, Oregon Revised Statutes (ORS), Metro Code, and the City’s Comprehensive Plan and LDC. **Therefore, staff recommends the City Council APPROVE the proposed annexation subject to the findings and conclusions in this report.**

APPLICANT:

City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

PROPERTY OWNER:

See Attached List – Exhibit C

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

EXHIBITS:

Exhibit A - Annexation Legal Descriptions/Maps
Exhibit B - Annexation Area Map
Exhibit C - Property Data/Owner List
Exhibit D - Annexation Petition
Exhibit E - Ordinance No. 425

APPLICABLE CRITERIA:

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

BACKGROUND:

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

GENERAL DISCUSSION:

The proposed annexation was initiated by a petition signed by the parties that represent 100 percent of the property owners 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 adjacent to the existing city limits, as noted on Exhibit B. The legal description for the area proposed for annexation is attached as Exhibit A and the annexation application data form for the annexation area is attached as Exhibit C.

The proposed annexation incorporates three properties consisting of 7.46 acres located adjacent to the existing boundary 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 Exhibits B and C.

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

The three properties that are proposed for annexation are currently the location of the Nature's Country Store, a retail business that primarily sells produce and other agricultural products. The owners of Nature's Country Store have plans to expand their business operations and have opted to annex into Happy Valley to process the necessary building permits and land use applications to facilitate the business expansion. These expansion plans would not be allowed under the existing Clackamas County zoning/land use regulations.

The subject properties currently have a Clackamas County Comprehensive Plan designation of MDR, with a zoning district of FU-10. To better match the existing use of the subject properties and recognize their future viability as a location for a commercial use, staff has proposed to legislatively amend the City's Comprehensive Plan Map/Zoning Map, as part of Ordinance No. 425 (Exhibit E), to apply a City designation/zone of CCC to the subject properties.

This proposed annexation complies with the present agreements the City has with various urban service providers. One of the subject properties is currently located within Clackamas County Service District #1 (CCSD #1), which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. The two properties not currently within the District will be required to annex into CCSD #1 and connect to public sanitary sewer at the time of their further development. The subject properties are jointly located within the service areas for Sunrise Water Authority (SWA) and Clackamas River Water (CRW), the two service providers the City has for potable water. The future water needs of the properties will be evaluated by these two entities. The subject properties will need to be removed from the Clackamas County Enhanced Law Enforcement District and will be provided law enforcement services by the Happy Valley Police Department. Also, the subject properties are within Clackamas Fire District #1 (CFD #1) and North Clackamas Parks and Recreation District (NCPRD). The subject properties will continue to remain in CFD #1 and NCPRD following the approval of this annexation.

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 by 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. 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 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 may 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 of the subject properties. 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 5: Natural Resources, Scenic and Historic Areas, and Open Spaces (660-015-0000(5))

Goal 5 requires local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Response:

If approved, the subject annexation would add properties to the City that contain a natural resource, in the form of a riparian corridor. As a result, the onsite environmentally sensitive areas would be subject to the City's Natural Resource Overlay Zone, which would work to preserve and enhance the resource. An action that works to satisfy not only Goal 5, but several polices found within the City's Comprehensive Plan. Therefore, this criterion has been satisfied.

Goal 9: Economic Development (660-015-0000(9))

Goal 9 specifies that each city throughout the state must provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response:

City staff has proposed to amend the City's Comprehensive Plan Map/Zoning Map to reflect that the subject properties will receive a City plan designation/zoning district of CCC with the approval of this annexation application. Within CCC zone, uses such as office and commercial are permitted. The application of this zone to the subject properties would allow for the possibility of additional commercial or retail development to occur on the subject property. 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:

As previously mentioned, city staff has recommended that, with the adoption of Ordinance No. 425, the subject properties would receive a Happy Valley plan designation/zoning district of CCC. The proposed annexation has the potential to provide additional housing units within the City due to the proposed CCC zoning district containing provisions that allow for medium to high density residential uses. 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.

This proposed annexation complies with the present agreements the City has with various urban service providers. One of the subject properties is currently located within CCSD #1, which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. The two properties not currently within the District will be required to annex into CCSD #1 and connect to public sanitary sewer at the time of their further development. The subject properties are jointly located within the service areas for SWA and CRW, the two service providers the City has for potable water. The future water needs of the properties will be evaluated by these two entities. The subject properties will need to be removed from the Clackamas County Enhanced Law Enforcement District and will be provided law enforcement services by the Happy Valley Police Department. Also, the subject properties are within CFD #1 and NCPRD. The subject properties will continue to remain in CFD #1 and NCPRD following the approval of this annexation.

This annexation proposal is consistent with Goal 11. Public services to the annexation area 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 most likely 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, 2009 and 2010. 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 (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 are subject to the City’s Comprehensive Plan. Through the legislative process, the City is proposing to apply a city plan designation/zoning district to the subject properties that is in conformance with this plan, which 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 a petition filed by the property owner who owns 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 a petition from the owner 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. The City has received written consent in the form of a petition 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. 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, May 8, 2012, 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 and complies with the present agreements the City has with various urban service providers. One of the subject properties is currently located within CCSD #1, which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. The two properties not currently within the District will be required to annex into CCSD #1 and connect to public sanitary sewer at the time of their further development. The subject properties are jointly located within the service areas for SWA and CRW, the two service providers the City has for potable water. The future water needs of the properties will be evaluated by these two entities. The subject properties will need to be removed from the Clackamas County Enhanced Law Enforcement District and will be provided law enforcement services by the Happy Valley Police Department. Also, the subject properties are within CFD #1 and NCPRD. The subject properties will continue to remain in CFD #1 and NCPRD following the approval of this annexation. This criterion has been satisfied.

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

Response:

An applicable annexation plan adopted pursuant to ORS 195.205 does not exist. Therefore, this criterion does not apply.

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

Response:

An applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) does not exist. Therefore, this criterion does not apply.

(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. It should be noted that all urban services will be required to be in place if redevelopment is to occur on the subject properties that are not currently fully served. The criterion has been satisfied.

(E) Any applicable comprehensive plan; and

The Happy Valley Comprehensive Plan, Rock Creek Comprehensive Plan, and the City's 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. It should be noted that all urban services will be required to be in place if redevelopment is to occur on the subject properties that are not currently fully served. 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 where most urban services are currently available. However, all Level 1 services will be required to be in place if these properties are to redevelop. 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 properties proposed for annexation are subject to the City’s Comprehensive Plan. These plans were 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 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.

[...]

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 proposal will receive a city plan designation/zoning district. As a result, if the proposed annexation is approved, an ordinance (Exhibit E) to amend the City’s Comprehensive Plan Map/Zoning Map will be passed that reflects the zoning conversion of the subject properties from their current Clackamas County designation/zone to a City of Happy Valley designation/zone. 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 Statewide Planning Goals, ORS, Metro Code 3.09, and City of Happy Valley Comprehensive Plan and LDC. **Staff, therefore, recommends that the City Council approve application ANN-02-12/LDC-03-12/CPA-03-12.**

**ENGINEERING PLANNING
FORESTRY**
13910 S.W. Galbreath Dr., Suite 100
Sherwood, Oregon 97140
Phone: (503) 925-8799
Fax: (503) 925-8969



**LANDSCAPE ARCHITECTURE
SURVEYING**
AKS Group of Companies:
SHERWOOD, OREGON
SALEM, OREGON
VANCOUVER, WASHINGTON
www.aks-eng.com

EXHIBIT A
Legal Description
Annexation Parcel

A tract of land located in the Southwest One-Quarter and in the Southeast One-Quarter of Section 12, Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of Tract 'E' of the Plat of "Windswept Waters"; thence along the easterly line of Parcel 2 of Partition Plat Number 2009-002 and the City of Happy Valley City Limits North 12°30'00" West 25.07 feet to the southwesterly corner of Parcel 1 of Document Number 2005-113348 and the True Point of Beginning; thence continuing along said easterly line and the City of Happy Valley City Limits North 12°30'00" West 444.61 feet to the northwesterly corner Parcel 1 of Document Number 2005-113348, being on the southerly right-of-way line of Oregon State Highway 212 (variable width right-of-way); thence along said southerly right-of-way line and the City of Happy Valley City Limits South 65°49'46" East 139.14 feet to a point; thence continuing along said southerly right-of-way line and the City of Happy Valley City Limits South 04°39'43" West 135.95 feet to a point; thence South 76°13'46" East 68.26 feet in the centerline of Rock Creek; thence continuing along said centerline and said southerly right-of-way line and the City of Happy Valley City Limits North 63°37'14" East 178.50 feet to a point; thence North 38°04'17" East 145.00 feet to a point; thence south 89°57'22" East 275.00 feet to a point; thence South 58°00'01" East 150.00 feet to a point on the westerly right-of-way line of Oregon State Highway 224 (variable width right-of-way); thence along said westerly right-of-way line South 30°12'41" East 247.00 feet to the northeasterly corner of Document Number 93-003062; thence along the northerly line of said Deed South 29°44'14" West 173.34 feet to a point; thence North 63°15'46" West 148.10 feet to a point; thence South 47°54'14" West 270.00 feet to a point; thence North 66°20'46" West 202.00 feet to a point; thence North 35°40'46" West 170.00 feet to a point; thence South 63°19'14" West 177.96 feet to the True Point of Beginning.

The above described tract of land contains 7.46 acres, more or less.

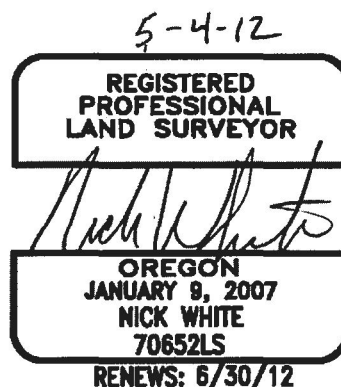


Exhibit A

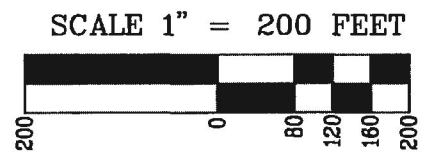
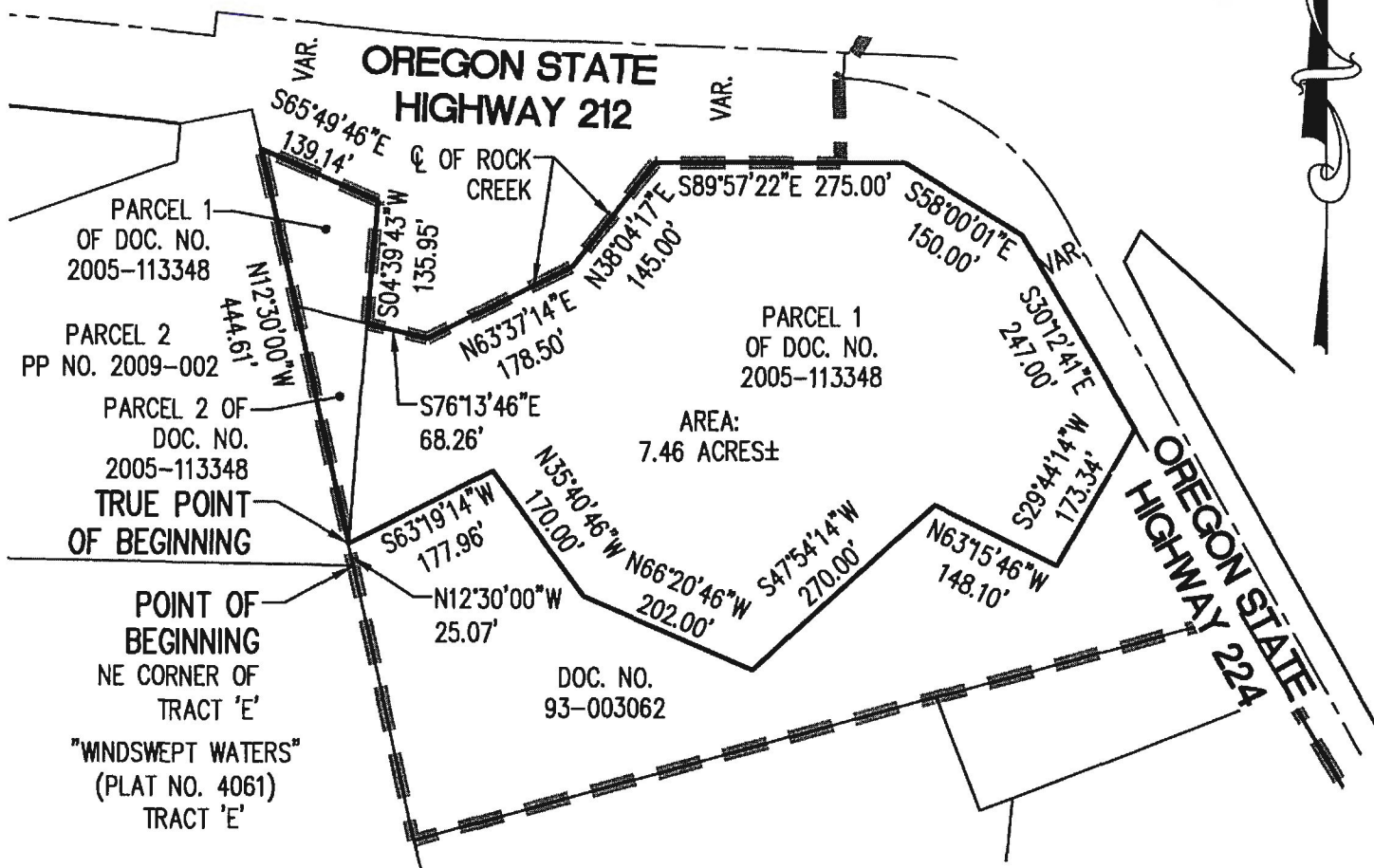
EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 AND IN THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

PREPARED FOR
CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OR 97086

LEGEND

--- HAPPY VALLEY CITY LIMITS



5-4-12

REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/12

JOB NAME: COHV ANNEX
JOB NUMBER: 2582
DRAWN BY: MSK
CHECKED BY: NSW
DWG NO.: 2582ANNEX

ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE
FORESTRY • SURVEYING

AKS
ENGINEERING & FORESTRY

LICENSED IN OR & WA

13910 SW GALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

Exhibit A



City of Happy Valley
15252 SE HWY 224

Legend

-  City of Happy Valley
-  Damascus

0 15 30 45 60 75 90 105 120
Feet



Source: Data from Clatsop County GIS (2012)
Map prepared by the City of Happy Valley GIS Department
Copyright © 2012 City of Happy Valley. All rights reserved.

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:

15252 SE Hwy 224 Damascus Or 97089
 Street Address of Property (if address has been assigned)

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

22E-12D-00980; 22E-12D-00900; AND, 22E-12D-00990
 Tax Map and Tax Lot Number

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

<input checked="" type="checkbox"/> <u>Paul Schuppert</u> Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
_____ Other Authorized Signature	_____	_____	_____
	Owner Initial	Voter Initial	Date
<u>14759 SE Hwy 132nd</u> Street Address	<u>(503)698-7373</u> Home Phone	_____	_____
<u>Clackamas Or 97015</u> Mailing Address			
_____ City, State and Zip Code			

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

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

Indefinitely, or until _____

Paul Schuppert 3/20/12
 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: _____
 Types of housing units: _____ Single family _____ Multi-family _____ Mobile home or trailer
 Number of people occupying these units: _____

Exhibit D

ORDINANCE NO. 425
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,
OREGON, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, AND 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-02-12/LDC-03-12/CPA-03-12); and

WHEREAS, the proposed annexation territory consists of three tax lots totaling 7.46 acres of land adjacent to existing city boundaries; and

WHEREAS, the specific tax lots to be annexed are:

22E12D 00900, 22E12D 00980, and 22E12D 00990; and

WHEREAS, the City provided notice that the City Council would consider the annexation petition, consistent with the applicable notice requirements of (1) Section 16.60.050 of the City's Land Development Code, (2) applicable provisions of Metro Code Chapter 3.09, 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 tax lots proposed for annexation will be re-designated and re-zoned from the existing Clackamas County designation/zone to the applicable city designation/zone per the City's Development Code; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on May 15, 2012; 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 comprehensive plan designation and zoning district shall apply to the tax lots proposed for annexation, as

pursuant to Section 16.67.070 of the Happy Valley Municipal Code:

22E12D 00900 - Community Commercial Center (CCC)
22E12D 00980 - Community Commercial Center (CCC)
22E12D 00990 - Community Commercial Center (CCC)

Section 3. The City Council adopts the subject annexation application (ANN-02-12/LDC-03-12/CPA-03-12) and the associated Staff Report to the City Council dated May 15, 2012.

Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective 30 days after 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 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).

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE
MEETING: [May 15, 2012]

Lori DeRemer
Mayor

Adoption and date attested by:

Marylee Walden
City Recorder

GON 97086



DEPT OF

MAY 21 2012

LAND CONSERVATION
AND DEVELOPMENT

Plan Amendment Specialist – Angela Houck
Dept. of Land Conservation & Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540