



# 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

10/01/2012

**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 007-12

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:** Tuesday, October 16, 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

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**SEP 27 2012**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

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

Jurisdiction: **City of Happy Valley**

Local file number:  
**ANN0412/CPA0712/LDC0712**

Date of Adoption: **9/18/2012**

Date Mailed: **9/24/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **7/12/2012**

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".

One property was annexed into the City of Happy Valley. The City converted the existing designation/zone of the subject property, described as Clackamas County Assesor Map Number 22E10D Tax Lot 1900 (0.56 acres), from Clackamas County Lt Industrial (I2) to City Industrial Campus (IC).

Does the Adoption differ from proposal? Yes, Please explain below:

The original application included two additional properties, County Assesor Map/Tax Lot Numbers 22E10D 00101 and 22E10C 01003. These two properties have been removed from the application. Also, the final evidentiary hearing regarding this applicatoin was held on September 18, 2012.

Plan Map Changed from: **Clackamas Co. Lt. Ind.** to: **City IC**

Zone Map Changed from: **Clackamas Co. I2** to: **City IC**

Location: **12128 SE Hwy 212 / 22E10D 1900**

Acres Involved: **0.56**

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

New: **N/A**

Applicable statewide planning goals:

- |                          |                                     |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                | <b>11</b>                | <b>12</b>                           | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <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. 007-12 (19422) [17191]

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

**Local Contact: Justin Popilek, Associate Planner**

**Phone: (503) 783-3810 Extension:**

**Address: 16000 SE Misty Drive**

**Fax Number: 503-658-5174**

**City: Happy Valley**

**Zip: 97086**

**E-mail Address: [justinp@ci.happy-valley.or.us](mailto:justinp@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](mailto:plan.amendments@state.or.us).

Mayor  
Honorable Lori DeRemer



City Manager  
Jason Tuck

DATE: September 24, 2012

File No. ANN-04-12/LDC-07-12/CPA-07-12

**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 property is described as Clackamas County Assessor Map Number 22E10D 01900.

On September 18, 2012 the City Council formally approved the subject application/petition based upon findings included within the Staff Report dated August 21, 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.

  
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](http://www.ci.happy-valley.or.us)

**ORDINANCE NO. 428**  
**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-04-12/LDC-07-12/CPA-07-12); and

WHEREAS, the proposed annexation territory consists of one tax lot totaling 0.56 acres of land adjacent to existing city boundaries; and

WHEREAS, the specific tax lot to be annexed is:

22E10D 01900; 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 lot proposed for annexation will be re-designated and re-zoned from the existing Clackamas County Comprehensive Plan designation/land use zoning district to an 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 August 21, 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 lot proposed for annexation, as pursuant to Section 16.67.070 of the Happy Valley Municipal Code:

22E10D 01900 – Industrial Campus (IC)

Section 3. The City Council adopts the subject annexation application (ANN-04-12/LDC-07-12/CPA-07-12) and the associated Staff Report to the City Council dated August 21, 2012.

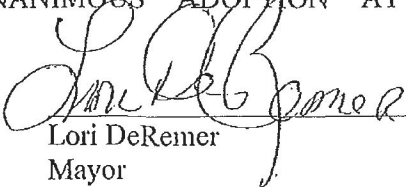
Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective 30 days after approval of this ordinance.

Section 5. As a condition for the annexation of the 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.

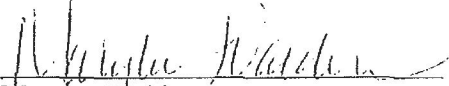
Section 6. The City Recorder is directed to:

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: [September 18, 2012]

  
Lori DeRemer  
Mayor

Adoption and date attested by:

  
Marylee Walden  
City Recorder

ENGINEERING PLANNING  
FORESTRY

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



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**EXHIBIT A**  
Legal Description  
Annexation Parcel

A tract of land located in Southeast One-Quarter of Section 10, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the east One-Quarter corner of Section 10; thence along the east line of said Section 10 South 00°00'00" East 958.73 feet to a point on the centerline of SE 122<sup>nd</sup> Avenue and the southerly right-of-way line of State Highway 212 (60.00 feet from centerline) and the City of Happy Valley City Limits; thence along said southerly right-of-way line and the City of Happy Valley City Limits South 89°38'15" West 18.88 feet to the True Point of Beginning; thence continuing along said southerly right-of-way line and the City of Happy Valley City Limits South 89°38'15" West 255.68 feet to the northeast corner of Document Number 2002-023109; thence along the east line of said Deed South 00°00'00" East 104.69 feet to the northwest corner of Document Number 2008-047535; thence along the north line of said Deed North 89°38'15" East 255.68 feet to a point on the westerly right-of-way line of SE 122<sup>nd</sup> Avenue (18.88 feet from centerline); thence along said westerly right-of-way line North 00°00'00" East 104.69 feet to the True Point of Beginning.

The above described tract of land contains 26,767 square feet, more or less.

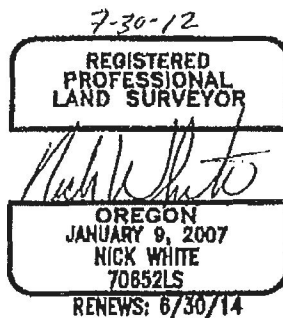
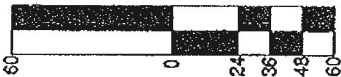


Exhibit A

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

SCALE 1" = 60 FEET



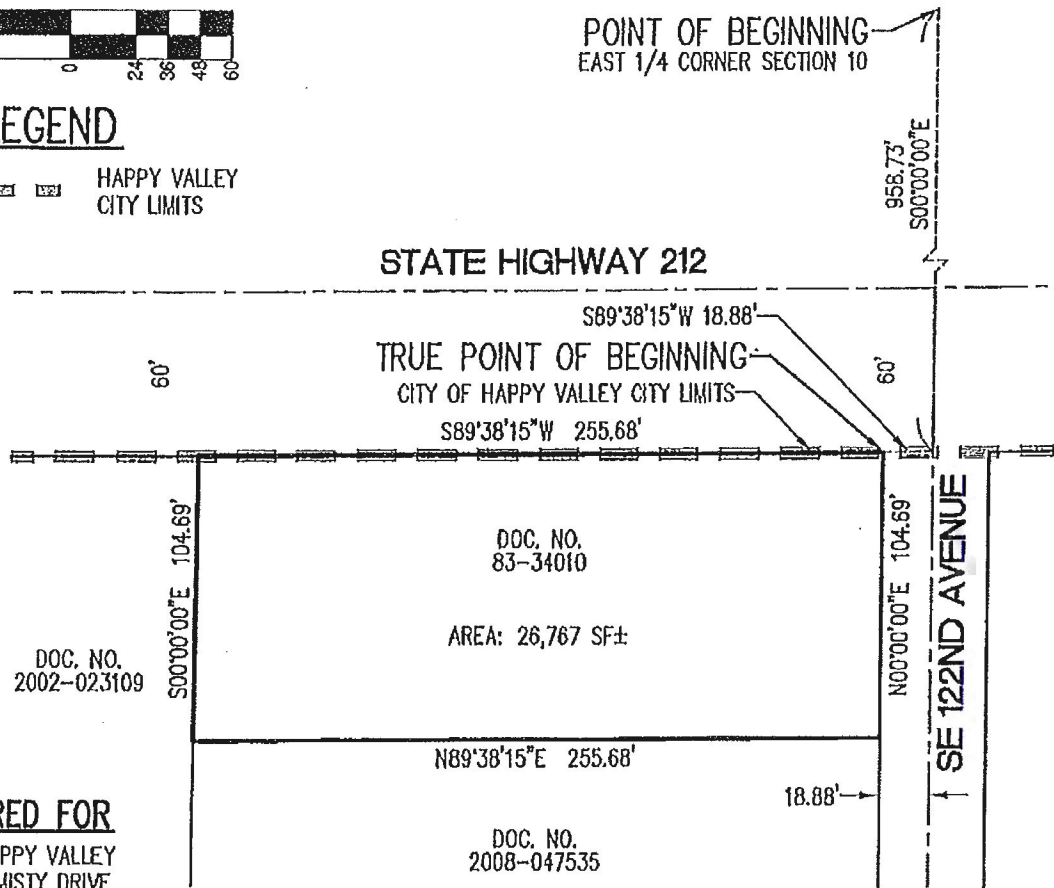
POINT OF BEGINNING  
EAST 1/4 CORNER SECTION 10

## LEGEND

HAPPY VALLEY CITY LIMITS



STATE HIGHWAY 212



DOC. NO.  
2002-023109

DOC. NO.  
83-34010

AREA: 26,767 SF±

N89°38'15"E 255.68'

DOC. NO.  
2008-047535

### PREPARED FOR

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

7-30-12

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/14

JOB NAME: COHV ANNEX

JOB NUMBER: 2582

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 2582ANNO111

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FORESTRY • SURVEYING



LICENSED IN OR & WA

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

OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

Exhibit B



Mayor  
Honorable Lori DeRemer



City Manager  
Jason A. Tuck

**CITY OF HAPPY VALLEY**  
**STAFF REPORT TO THE CITY COUNCIL**

**August 21, 2012**

ANNEXATION APPLICATION (File Number: ANN-04-12/LDC-07-12/CPA-07-12)

Highway 212/224 Industrial Properties

**I. GENERAL INFORMATION**

**PROPOSAL:**

The City seeks approval of the annexation of three properties, with a cumulative area of approximately 1.89 acres, and the legislative amending of the City's Comprehensive Plan Map/Zoning Map to convert the existing Clackamas County Comprehensive Plan designation/zoning district for the subject properties to an equivalent 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 County designation/zone of Light Industrial (I-2), which equates to a City designation/zone of Industrial Campus (IC). Staff has determined that the proposed annexation/zoning conversion 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 OWNERS:**

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](http://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 Petitions  
Exhibit E - Ordinance No. 428

**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 signed petitions requesting annexation from the owners of the subject properties.

**GENERAL DISCUSSION:**

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

The properties to be annexed are in three locations, adjacent to the existing city limits, as noted on Exhibit B (each labeled with the appropriate Clackamas County Assessor Map Number). 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 three properties consisting of 1.89 acres located adjacent to the existing boundary of the City of Happy Valley. The desire of the property owners to obtain city services and/or 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 owners or their representatives who signed the annexation petitions.

The properties proposed for annexation currently have a Clackamas County Comprehensive Plan designation/land use zone of I-2 and are the location of three automobile repair shops and a fence installation/repair business, all operated within several industrial-style buildings. With the approval of the proposed annexation, the subject properties will receive a City plan designation/zoning district of IC. The existing uses of the subject properties are permitted outright within the IC zone.

This proposed annexation complies with the present agreements the City has with various urban service providers. All of the subject properties are 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. All the subject properties are provided water service by Clackamas River Water (CRW), one of the City's service providers of potable water. CRW will continue to provide water services to the subject properties subsequent to the approval of this annexation. Also subsequent to the approval of this annexation, the owners of the subject properties will continue to be provided street lighting services by Clackamas County Service District #5 (CCSD #5). The subject properties are also currently within the North Clackamas Parks and Recreation District (NCPRD) and would continue to be with the approval of this annexation proposal. 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). CFD #1 provides the subject properties with fire protection and will continue to provide this service following the approval of this annexation.

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 work to provide employment opportunities to current and future residents of the City as specified in the functional plan.

## **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. 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 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:**

The subject properties are located within an area that has already been comprehensively planned for by Clackamas County. The subject properties were developed to house industrial/commercial operations, providing employment opportunities for residents of urbanized Clackamas County and adjacent cities. The proposed annexation meets the City's Comprehensive Plan policies pertaining to Goal 9 and the UGMFP (see Compliance with Regional Goals). Therefore, this criterion is 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.

Clackamas County has provided the comprehensive planning for public services in the area of the subject properties. Prior to the installation of infrastructure related to public services such as sanitary sewer, stormwater management, potable water, and transportation systems Clackamas County and their service providers provided analysis as to how the subject properties (along with other adjacent properties) would best be served by public services.

If the proposed annexation is approved, the subject properties will continue to be provided public services by many of the same agencies that currently serve the annexation area. The subject properties will continue to be provided sanitary sewer and stormwater management services by CCSD #1. Fire protection will continue to be provided to the subject properties by CFD #1. Also, CCSD #5 will continue to administer street lighting to the subject properties.

CRW provides water to areas located to the south and west of the City's current boundary. The properties proposed for annexation are currently, and will continue to be, within the service area of CRW. The current and future water supply needs of the subject properties will be evaluated and planned for by CRW. Therefore, this criterion is 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 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. Through the legislative process, the City is proposing to apply a city zoning designation that is the equivalent of the existing Clackamas County zoning designation, 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 is 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. 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. 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 Monday, August 13, 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. As stated above, the subject properties would generally remain within service districts already serving the area. All of the subject properties are currently located within CCSD #1, which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. All the subject properties are provided water service by CRW, one of the City's service providers of potable water. CRW will continue to provide water services to the subject properties subsequent to the approval of this annexation. The subject properties are also currently within the NCPRD and would continue to be with the approval of this annexation proposal. 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. CFD #1 provides the subject properties with fire protection and will continue to provide this service 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 areas where urban services have already been installed. This criterion has been satisfied.



***(E) Any applicable comprehensive plan; and***

Although a specific Comprehensive Plan does not exist for the subject site outside of the current Clackamas County Comprehensive Plan, if annexed, the subject property will be subject to the City's overall Comprehensive Plan, including all relevant policies. Therefore, this criterion is 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 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 where urban services are currently available. In fact, the subject properties currently are served by all Level 1 services. Therefore, this criterion is 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. Therefore, this criterion is 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***

<b><i>Clackamas County Zone</i></b>	<b><i>City of Happy Valley Zone</i></b>
<b><i>Industrial</i></b>	
<b><i>I-2</i></b>	<b><i>IC</i></b>
<b><i>I-3</i></b>	<b><i>IC</i></b>
<b><i>BP</i></b>	<b><i>EC</i></b>

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

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

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

**Response:**

Pursuant to subsection “B” above, the properties associated with this annexation proposal will receive an equivalent city zoning designation per the city’s “conversion matrix”. As a result, if the proposed annexation is approved, an ordinance (Exhibit F) 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 designations/zones to City of Happy Valley designations/zones. These criteria have been satisfied.

**III. CONCLUSION AND RECOMMENDATION:**

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-04-12/LDC-07-12/CPA-07-12.**

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](http://www.aks-eng.com)

Legal Description  
Annexation Parcel

A tract of land located in Southeast One-Quarter of Section 10, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the southwesterly corner of Parcel 3 of Partition Plat 1998-092, also being the northerly right-of-way line of State Highway 212 (60.00 feet from centerline) and the City of Happy Valley City Limits; thence along said northerly right-of way line and the City of Happy Valley City Limits North 89°50'43" East 96.74 feet to the southeasterly corner of said Parcel 3; thence along the easterly line of said Parcel 3 North 00°14'47" East 380.75 feet to the northeasterly corner of said Parcel 3; thence along the northerly line of said Parcel 3 South 89°51'02" West 96.74 feet to the northwesterly corner of said Parcel 3; thence along the westerly line of said Parcel 3 South 00°14'47" West 380.76 feet to the Point of Beginning.

The above described tract of land contains 36,833 square feet, more or less.

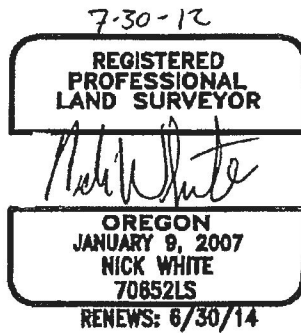


Exhibit A

**ENGINEERING PLANNING  
FORESTRY**

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



**LANDSCAPE ARCHITECTURE  
SURVEYING**

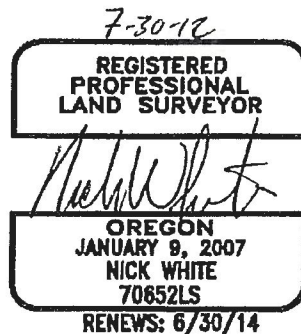
AKS Group of Companies:  
SHERWOOD, OREGON  
SALEM, OREGON  
VANCOUVER, WASHINGTON  
[www.aks-eng.com](http://www.aks-eng.com)

**Legal Description  
Annexation Parcel**

A tract of land located in Southwest One-Quarter of Section 10, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the west One-Quarter corner of Section 10, thence along the west line of said Section 10 South 00°00'00" East 945.06 feet to a point; thence North 90°00'00" East 194.72 feet to the southeast corner of Document Number 2003-046982 and the True Point of Beginning, on the northerly right-of-way line of State Highway 212 (60.00 feet from centerline) and the City of Happy Valley City Limits; thence along the east line of said Deed North 00°00'00" East 244.20 feet to the centerline of a Drainage Ditch; thence along said centerline North 83°24'21" East 100.67 feet to the northwest corner of Document number 2001-044090; thence along the west line of said Deed South 00°00'00" East 255.76 feet to a point on the said northerly right-of-way line and the City of Happy Valley City Limits; thence along said northerly right-of-way line and the City of Happy Valley City Limits South 90°00'00" West 100.00 feet to the True Point of Beginning.

The above described tract of land contains 24,998 square feet, more or less.



**Exhibit A**

**ENGINEERING PLANNING  
FORESTRY**

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



**LANDSCAPE ARCHITECTURE  
SURVEYING**

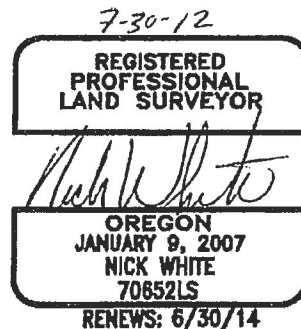
AKS Group of Companies:  
SHERWOOD, OREGON  
SALEM, OREGON  
VANCOUVER, WASHINGTON  
[www.aks-eng.com](http://www.aks-eng.com)

**Legal Description  
Annexation Parcel**

A tract of land located in Southeast One-Quarter of Section 10, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

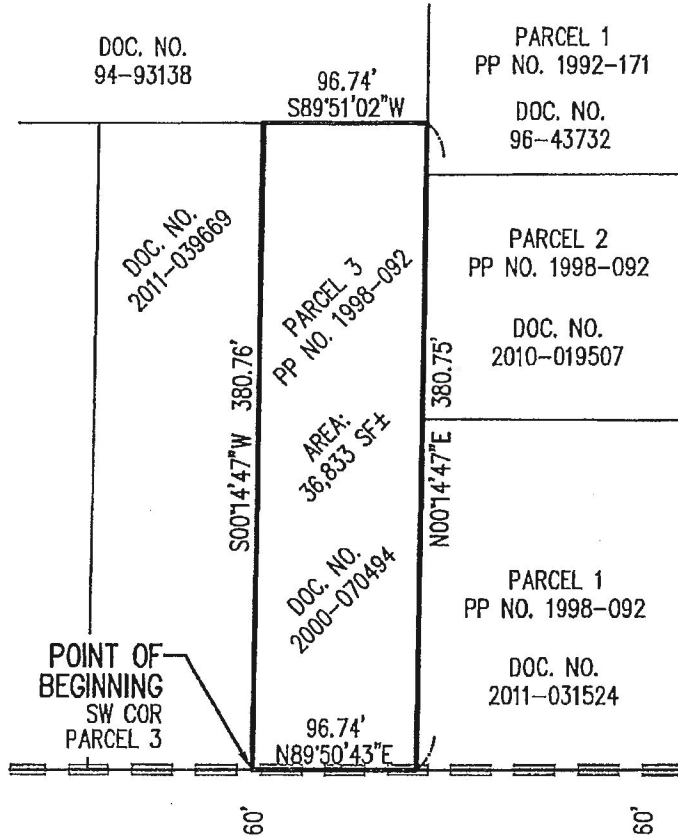
Beginning at the east One-Quarter corner of Section 10; thence along the east line of said Section 10 South 00°00'00" East 958.73 feet to a point on the centerline of SE 122<sup>nd</sup> Avenue and the southerly right-of-way line of State Highway 212 (60.00 feet from centerline) and the City of Happy Valley City Limits; thence along said southerly right-of-way line and the City of Happy Valley City Limits South 89°38'15" West 18.88 feet to the True Point of Beginning; thence continuing along said southerly right-of-way line and the City of Happy Valley City Limits South 89°38'15" West 255.68 feet to the northeast corner of Document Number 2002-023109; thence along the east line of said Deed South 00°00'00" East 104.69 feet to the northwest corner of Document Number 2008-047535; thence along the north line of said Deed North 89°38'15" East 255.68 feet to a point on the westerly right-of-way line of SE 122<sup>nd</sup> Avenue (18.88 feet from centerline); thence along said westerly right-of-way line North 00°00'00" East 104.69 feet to the True Point of Beginning.

The above described tract of land contains 26,767 square feet, more or less.



**Exhibit A**

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 10, 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



**STATE HIGHWAY 212**

SCALE 1" = 100 FEET



7-30-12

REGISTERED PROFESSIONAL LAND SURVEYOR

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/14

JOB NAME: COHV ANNEX

JOB NUMBER: 2582

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 2582ANN0111

ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE  
FORESTRY • SURVEYING



LICENSED IN OR & WA

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

OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

Exhibit A

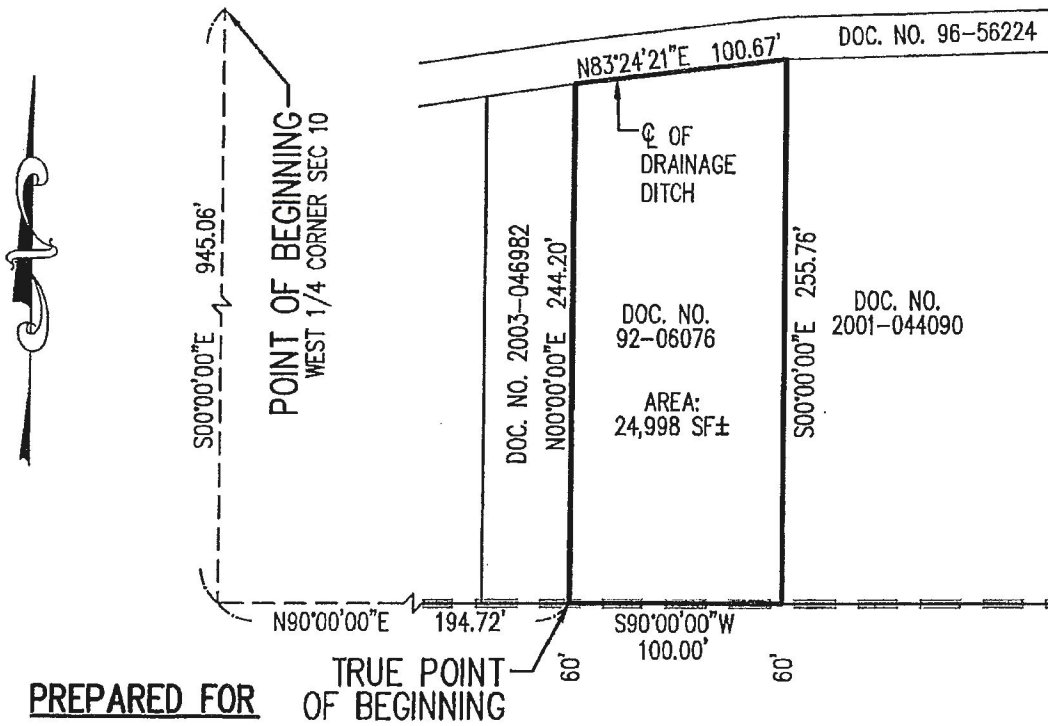
A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

SCALE 1" = 80 FEET



**LEGEND**

HAPPY VALLEY CITY LIMITS



**PREPARED FOR**

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

TRUE POINT OF BEGINNING

STATE HIGHWAY 212

7-30-12

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/14

JOB NAME: COHV ANNEX

JOB NUMBER: 2582

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 2582ANN0111

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LICENSED IN OR & WA

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

OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

Exhibit A



A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

SCALE 1" = 60 FEET



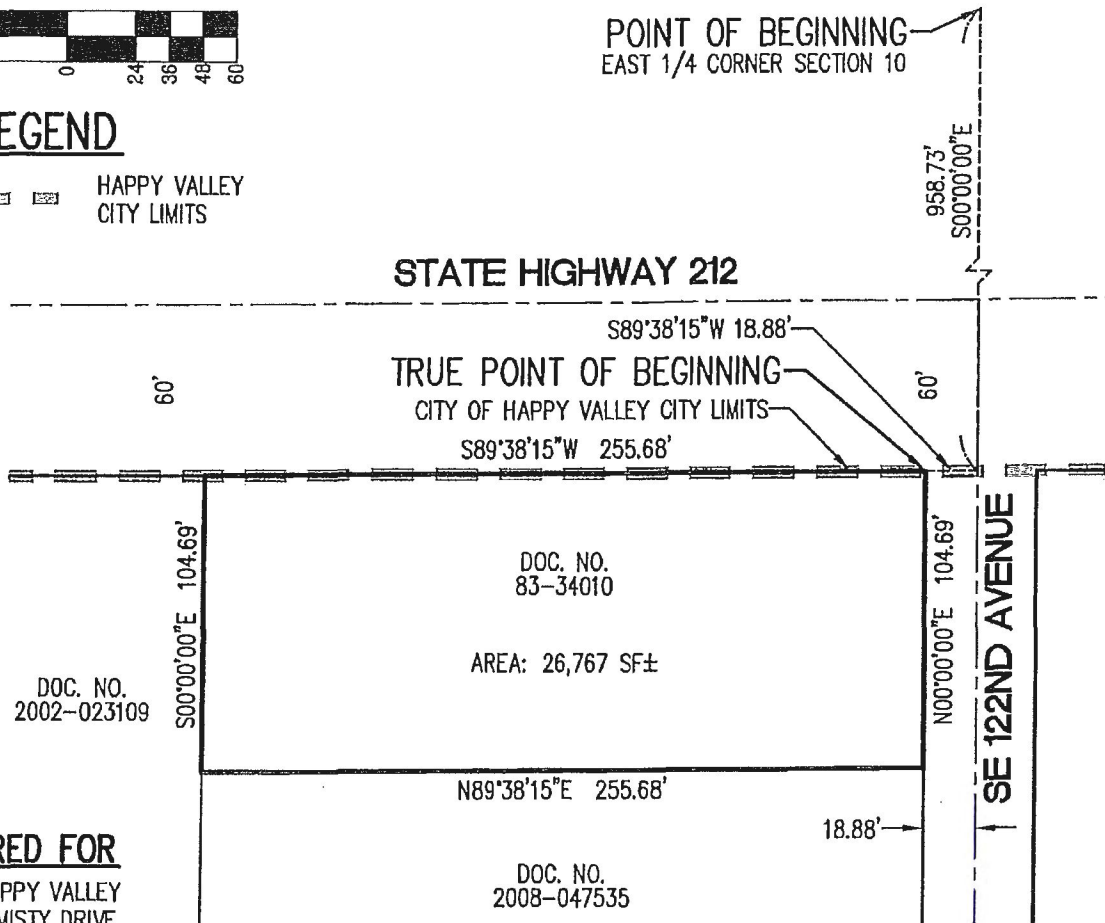
POINT OF BEGINNING  
EAST 1/4 CORNER SECTION 10

**LEGEND**

HAPPY VALLEY CITY LIMITS



STATE HIGHWAY 212



DOC. NO.  
2002-023109

DOC. NO.  
83-34010

AREA: 26,767 SF±

N89°38'15\"/>

DOC. NO.  
2008-047535

**PREPARED FOR**

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

7-30-12

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/14

JOB NAME: COHV ANNEX

JOB NUMBER: 2582

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 2582ANNO111

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LICENSED IN OR & WA

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

OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

Exhibit A

ANN-04-12 - HWY 212/224 Properties

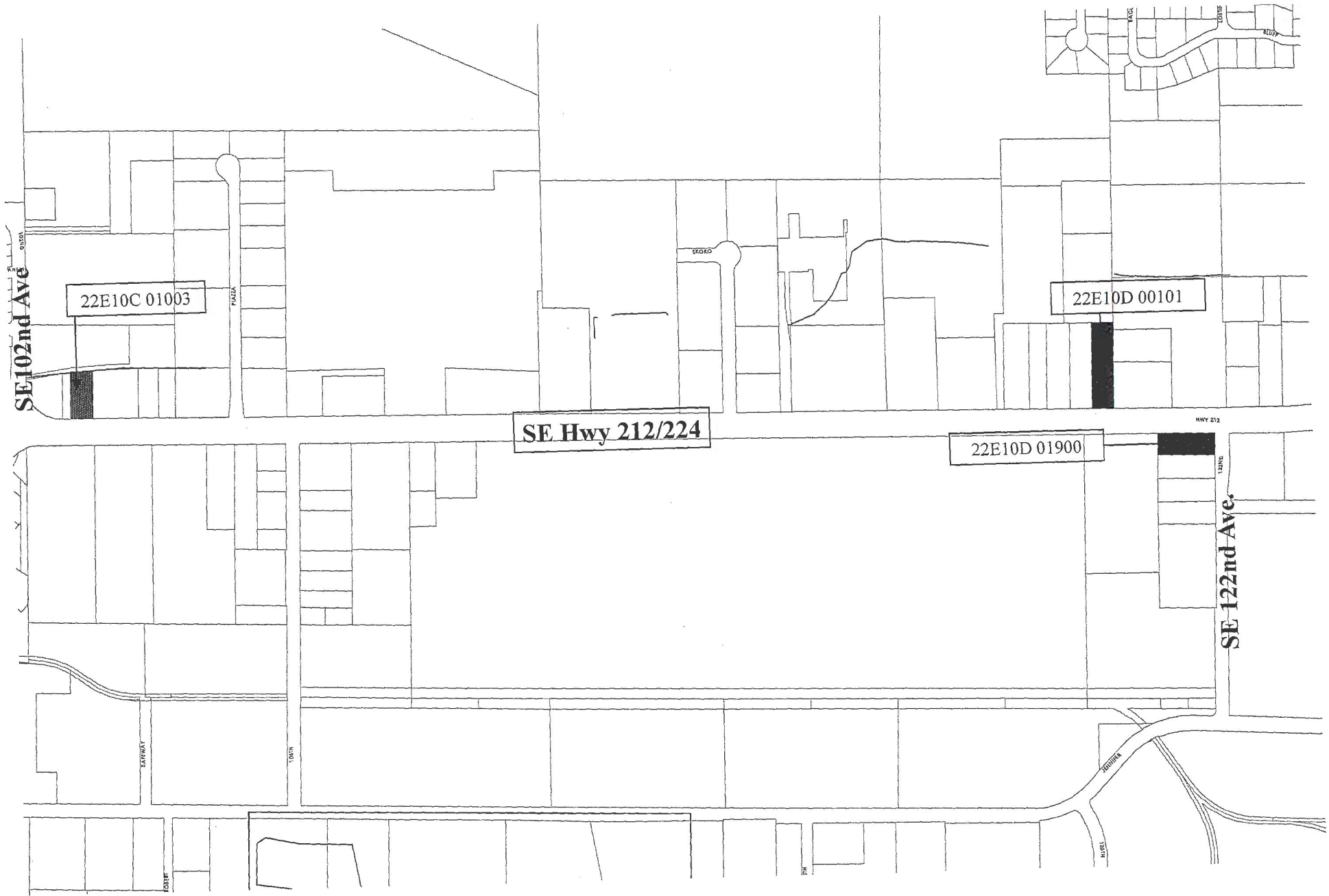


Exhibit B



	J	K	L	M	N	O	P
1							
2	<b>ZIP</b>	<b>ZONING</b>	<b>ACRES</b>	<b>ASSESED VALUE</b>	<b># DU</b>	<b># PEOPLE</b>	<b>PROPOSED ZONE</b>
3							
4	97015	I-2	0.56	181,736.00			
5	97015	I-2	0.85	429,914.00			
6	97015	I-2	0.48	237,452.00			
7							
8							
9							
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31		<b>TOTAL</b>	<b>1.89</b>	<b>849,102.00</b>			
32							
33							
34	<b>Exhibit C</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:**

12128 S.E HWY 212  
 Street Address of Property (if address has been assigned)

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

22E10D 01900  
 Tax Map and Tax Lot Number

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

<u>[Signature]</u> Signature	<u>AK 11</u> Owner Initial	<u>AK 11</u> Voter Initial	<u>June 11-12</u> Date
<u>[Signature]</u> Signature	<u>CM&amp;N</u> Owner Initial	<u>CM&amp;N</u> Voter Initial	<u>June 11-2012</u> Date

_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
<u>150 Narainct</u> Street Address	<u>503 887-1431</u> Home Phone	<u>503 657-7339</u> Work Phone	

same  
Mailing Address

oregon city Oregon 97045  
City, State and Zip Code

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

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

_____ 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**



**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:

11985 SE Hwy 912  
 Street Address of Property (if address has been assigned)

22E 100 00101  
 Legal Description (Subdivision Name, Lot number(s))

↑  
 Tax Map and Tax Lot Number

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

[Signature]      TS      5-22-12  
 Signature      Owner Initial      Voter Initial      Date

[Signature]      TS      \_\_\_\_\_  
 Signature      Owner Initial      Voter Initial      Date

\_\_\_\_\_  
 Other Authorized Signature      Owner Initial      Voter Initial      Date

503-632-8611      503-806-0814

\_\_\_\_\_  
 Street Address      Home Phone      Work Phone

10475 TASAN DR  
 Mailing Address

Oregon City, OR  
 City, State and Zip Code      97045

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 \_\_\_\_\_

[Signature]      5-22-12      \_\_\_\_\_      \_\_\_\_\_  
 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**



**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:**

10315 SE Hwy 212 CLACKAMAS, OR 97015  
 Street Address of Property (if address has been assigned)

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

22E - 10C 010003  
 Tax Map and Tax Lot Number

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

<u>Jacqueline Cammarone</u> Signature	<u>JEC</u> Owner Initial	<u>JEC</u> Voter Initial	<u>6-7-12</u> Date
_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

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

<u>18929 S. Redmond Rd.</u> Street Address	<u>503-631-3104</u> Home Phone	<u>503-655-2644</u> Work Phone
---	-----------------------------------	-----------------------------------

Same  
Mailing Address

OR, Oregon 97045  
City, State and Zip Code

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

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

<u>Jacqueline Cammarone</u> Signature	<u>6-7-12</u> 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: \_\_\_\_\_

**ORDINANCE NO. 428**  
**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-04-12/LDC-07-12/CPA-07-12); and

WHEREAS, the proposed annexation territory consists of three tax lots totaling 1.89 acres of land adjacent to existing city boundaries; and

WHEREAS, the specific tax lots to be annexed are:

22E10C 01003, 22E10D 00101, and 22E10D 01900; 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 Comprehensive Plan designation/land use zoning district 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 August 21, 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:

**Exhibit E**



22E10C 01003 – Industrial Campus (IC)  
22E10D 00101 – Industrial Campus (IC)  
22E10D 01900 – Industrial Campus (IC)

Section 3. The City Council adopts the subject annexation application (ANN-04-12/LDC-07-12/CPA-07-12) and the associated Staff Report to the City Council dated August 21, 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: [August 21, 2012]

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Lori DeRemer  
Mayor

Adoption and date attested by:

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Marylee Walden  
City Recorder



EGON 97086



DEPT OF

SEP 27 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