AMENDED NOTICE OF ADOPTED AMENDMENT

December 28, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 013-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 16, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.850(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
    Meg Fernekees, DLCD Regional Representative
    Sarah Muszynski, City of Happy Valley
### Notice of Adoption

**Jurisdiction:** CITY OF HAPPY VALLEY  
Local file number:  
Date of Adoption: __-__-__  Date Mailed: __-__-__  
Date original Notice of Proposed Amendment was mailed to DLCD: __-__-__

- Comprehensive Plan Text Amendment  
- Land Use Regulation Amendment  
- New Land Use Regulation  
- Other: ANNEXATION

**Summary:** The adopted amendment. Do not use technical terms. Do not write "See Attached".

142 properties annexed into City of Happy Valley. Approximately 462 acres

**Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".**

This file originally began under an expedited process in accordance with Metro Code Chapter 3.09.045. It was later learned that the "island" properties are not eligible to be processed under the expedited procedure. As a result, staff separated out the "island" properties from the properties that have original petitions for annexation. The "island" properties were processed under ORS 222.120 regulations and the properties that the City has signed petitions for were processed under the expedited process. All properties remain under the same file number (ANN-X-U/), but have separate ordinance numbers for adoption.

<table>
<thead>
<tr>
<th>Plan Map Changed from:</th>
<th>N/A</th>
<th>to:</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td>Zone Map Changed from:</td>
<td>SAME</td>
<td>to:</td>
<td>SAME</td>
</tr>
<tr>
<td>Location:</td>
<td>N/A, SEE ATTACHED</td>
<td>Area Involved:</td>
<td>862</td>
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<tr>
<td>Specify Density:</td>
<td>N/A</td>
<td>New</td>
<td></td>
</tr>
<tr>
<td>Applicable Statewide Planning Goals:</td>
<td>1, 2, 10, 11, 12 &amp; 14</td>
<td></td>
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<tr>
<td>Was an Exception Adopted?</td>
<td>YES</td>
<td>NO</td>
<td></td>
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DLCD File No.: 013-07 (16451)
Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment?  

☐ Yes  ☐ No  

Forty-five (45) days prior to first evidentiary hearing?  

☐ Yes  ☐ No  

If no, do the statewide planning goals apply?  

☐ Yes  ☐ No  

If no, did Emergency Circumstances require immediate adoption?  

☐ Yes  ☐ No  

Affected State or Federal Agencies, Local Governments or Special Districts:  

Local Contact: SARAH MIZEJEWSKI  
Phone: (503) 378-3325  
Address: 1901 SE KING ROAD  
City: HAPPY VALLEY  
Zip Code: 97086  
Email Address: sarahfn@ci.happy-valley.or.us  

ADOPTION SUBMITAL REQUIREMENTS  

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR. Chapter 660 - Division 18.  

1. Send this Form and TWO (2) copies of the Adopted Amendment to:  

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

2. Submit TWO (2) copies of the adopted material, if copies are bounded please submit TWO (2) complete copies of documents and maps.  

3. Please Note: Adopted materials must be sent to DLCD not later than FIVE (5) working days following the date of the final decision on the amendment.  

4. Submission of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.  

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within TWENTY-ONE (21) days of the date, the Notice of Adoption is sent to DLCD.  

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.  

7. Need More Copies? You can copy this form on to 8-1/2x11 green paper only, or call the DLCD Office at (503) 378-6350; or Fax your request to (503) 378-6351; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.
WHEREAS, Metro Code Chapter 3.09.045 authorizes cities to establish an expedited decision process for annexations that are supported by the written consent of at least 100 percent of the property owners and 50 percent of the electors of the proposed annexation territory; and

WHEREAS, it is the current policy of the City of Happy Valley to only annex residential properties of consenting land owners; and

WHEREAS, the City wishes to have the option to annex territories pursuant to Metro Code Chapter 3.09.045; and

WHEREAS, there are no impediments to taking advantage of the expedited decision process in the City of Happy Valley Municipal Code.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HAPPY VALLEY:

Section 1. The City shall, when it deems appropriate, conduct annexations pursuant to the expedited decision process outlined in Metro Code Chapter 3.09.045.

Section 2. The City reserves the right not to utilize the expedited decision process of Metro Code Chapter 3.09.045.
Section 4. This Resolution shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

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

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

Eugene Grant
Mayor

Marilyn Walker
City Recorder
NOTICE OF DECISION

This is official notice of action taken by the City Council in compliance with ORS 222.750 with regard to annexation to the City of Happy Valley. The subject properties are listed on the attached form.

The City Council formally approved the subject annexation petition based on findings included in the Staff Report dated December 18, 2007, and deliberations of the City Council.

This action of the City Council is subject to appeal to the Oregon Land Use Board of Appeals (LUBA) by any necessary party. An appeal of this decision must be filed within 21 days of the mailing of this Notice of Decision. City Planning Department staff (503-760-3325) can provide information regarding forms, fees, and the appeal process. Issues on appeal to LUBA must be submitted in writing, accompanied by appropriate filing fees prior to the expiration period. Issues must be raised with sufficient specificity to enable LUBA to respond. Any appeal must be filed by Wednesday, January 9, 2008 at 5:00 p.m.

Jason Pack, Economic and Community Development Director

cc: Petitioners
Necessary Parties
File ANN-04-07
ORDINANCE NO. 370
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY, OREGON AND THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT, AND WITHDRAWING THE TERRITORY FROM THE CLACKAMAS COUNTY ENHANCED LAW ENFORCEMENT DISTRICT

WHEREAS, under ORS 222.750, as amended by 2007 Oregon Laws Chapter 654, the City of Happy Valley initiated annexation of territory surrounded by the corporate boundaries of the City (File No. ANN-04-07); and

WHEREAS, the proposed annexation territory is all zoned and used as residential real property and consists of 10 tax lots totaling 35 acres of land all surrounded by and adjacent to existing City boundaries, and

WHEREAS, the specific tax lots to be annexed include:
12E24A002600, 12E35D00900, 12E35D01001, 12E35D01102, 12E35D01500, 12E35D01400, 12E35D00300, 12E36CB05400, 12E36CC00500, 12E25A02300

WHEREAS, the City provided notice that the City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) applicable provisions of Metro Code Chapter 3.09, (2) Section 2(d) of the Urban Growth Management Agreement dated June 19, 2001, and (3) applicable provisions of ORS 222.111 and 222.120, and ORS 222.750; and

WHEREAS, the City Council considered the proposed annexation and held a public hearing at its regularly scheduled City Council meeting on December 18, 2007; and

WHEREAS, the Council finds that the proposed annexation is consistent with the City's Urban Growth Management Agreement and the approval of the prior approval of City voters and does not required the consents of owners of the affected real properties.

NOW, THEREFORE, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The City Council declares the territory described in Exhibit B, and depicted in Exhibit A is annexed to Happy Valley effective December 18, 2010. If the ownership of any lot annexed is transferred prior to that date, the lot is immediately annexed to the City.

City of Happy Valley
Ordinance No. 370
Annexing Territory
ANN-04-07
Section 3. The annexed territory is withdrawn from the Clackamas County Enhanced Law Enforcement District effective December 18, 2007. If the ownership of any lot annexed is transferred prior to that date, the lot is immediately withdrawn from the District.

Section 4. The territory described in Exhibit B, and depicted in Exhibit A is annexed to the North Clackamas Parks and Recreation District effective December 18, 2007. If the ownership of any lot annexed is transferred prior to that date, the lot is immediately annexed to the District.

Section 5. The City Recorder is directed to:

1. Provide the notice and file a copy of this Ordinance to annexation consistent with ORS 222.180 and ORS 222.750;

2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and

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

Section 6. The Council declares that this ordinance takes effect 30 days from its adoption by the Council and that all territory is annexed to the City effective three years from this adoption date as provided by ORS 222.750(5). If the ownership of any lot annexed is transferred prior to that date, the lot is immediately annexed to the City as provided by ORS 222.750(6).

PASSED AND APPROVED THIS 18th day of December, 2007

CITY OF HAPPY VALLEY

City of Happy Valley
Ordinance No. 370
Annexing Territory
ANN-04-07
NOTICE OF EXPEDITED DECISION

This is official notice of action taken by the Happy of Valley City Council pursuant to Metro Code 3.09.045 with regard to applications for annexation to the City of Happy Valley. The subject properties are listed on the attached form.

The City Council formally approved the subject application/petition based upon findings included within the staff report dated December 18, 2007, 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.

[Signature]
Jason Park, Economic and Community Development Director

cc: Petitioners

Necessary Parties

File

Our Mission is Our Community
Working with You to Preserve, Serve, and Enrich
ORDINANCE NO. 369
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY, OREGON AND THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS COUNTY ENHANCED LAW ENFORCEMENT DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100% of the owners of 100% of the properties with 100% of the assessed value of territory requesting annexation (File No. ANN-04-07); and

WHEREAS, the proposed annexation territory consists of 132 tax lots totaling 447 acres of land adjacent to existing City boundaries; and

WHEREAS, the specific tax lots to be annexed include:

WHEREAS, the City provided notice that the City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) applicable provisions of Metro Code Chapter 3.09, (2) Section 2(d) of the Urban Growth Management Agreement dated June 19, 2001, and (3) applicable state law requirements; and

WHEREAS, the City provided notice that the City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) applicable provisions of Metro Code Chapter 3.09, (2) Section 2(d) of the Urban Growth Management Agreement dated June 19, 2001, and (3) applicable state law requirements; and

City of Happy Valley
Ordinance No. 369
Annexing Territory
ANN-04-07
WHEREAS, the City has adopted an expedited decision process for annexations consistent with Metro Code Chapter 3.09.045; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on December 18, 2007; and

WHEREAS, the Council finds that the proposed annexation is consistent with the City’s Urban Growth Management Agreement and the approval of the voters and the consents of affected property owners; and

WHEREAS, the Council deems it in the public interest to declare an emergency so that this ordinance take effect as specified below, prior to the expiration of the 30-day period specified in the City Charter, because regional planning for the affected property is underway and the jurisdiction over the affected property should be established as soon as possible to facilitate the regional planning effort, as required by Metro.

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The City Council declares the territory described in Exhibit B, and depicted in Exhibit A is annexed to Happy Valley effective December 18, 2007.

Section 2. The City Council adopts the Annexation Application No.04-07 and the associated Staff Report to the City Council dated December 18, 2007.

Section 3. The annexed territory is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective December 18, 2007.

Section 4. The territory described in Exhibit B, and depicted in Exhibit A is annexed to the North Clackamas Parks and Recreation District effective December 18, 2007.

Section 5. 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

City of Happy Valley
Ordinance No. 369
Annexing Territory
ANN-04-07
3. Mail a copy of this Ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).

Section 5. An emergency is declared to exist and as provided by Section 32 of the Happy Valley City Charter this Ordinance takes effect on December 18, 2007

PASSED AND APPROVED THIS 18th day of December, 2007

CITY OF HAPPY VALLEY

Mary K. Walker
Mayor

ATTORNEY:

Marylee Skvla, City Recorder
This letter is to inform you that the map and description for your PLANNED annex to City of Happy Valley (ANN-04-07) in Clackamas County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted in final form before March 31, 2008 per ORS 308.225.

If you have any questions please contact Carolyn Sunderman, 503-945-8882
Facsimile Transmittal

To:  MCR
From: Gaye Turner
Re:  ANA-04-07 ANA-04-07

Date:  12/26/2007
Pages:  52

Urgent  □ For review  □ Please comment  □ Please reply

NOTE:
A packet was mailed on Friday the 21st. With the holiday, I thought maybe I
should fax as well. I mailed 2 sets.

Thanks,

Gaye Turner
Planning Assistant
503.595.6166
gayet@ci.happy-valley.or.us

Our Mission is Our Community
Working with You to Preserve, Serve, and Enrich