Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
Theodore R. Kulongoski, Governor

## NOTICE OF ADOPTED AMENDMENT

October 31, 2008
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 007-07

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: November 20, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10) Please call LUBA at 503-373-1265, if you have questions about appeal procedures.
*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE 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 Jennifer Donnelly, DLCD Regional Representative Justin Popilek, City of Happy Valley

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


| Jurisdiction: ${ }^{\text {CITY OF HAPPY VALLEY }}$ | Local file number:ANN-03-07 |
| :---: | :---: |
| Date of Adoption: 8/07/07 | te Mailed. 8/10/07 |
| Date original Notice of Proposed Amendment was mailed to DLCD: 5/16/07 |  |
| Comprehensive Plan Text Amendment | $\square$ Comprehensive Plan Map Amendment |
| Land Use Regulation Amendment | Zoning Map Amendment |
| $\square$ New Land Use Regulation | 区 Other: ANNEXATION |

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

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

| SAME |  |
| :---: | :---: |
|  |  |
|  |  |
|  |  |
| Plan Map Changed from: | to: |
| Zone Map Changed from: |  |
| Location: Several (see attached list) | Acres Involved: 187.14 Acres |
| Specify Density: Previous: | New: |
| Applicable Statewide Plamning Goals: $1,2,10,11,12$ \& 14 |  |
| Was and Exception Adopted? $\square$ YES [X] NO |  |

DLCD File No.: 007-07 (16113)
Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment......

\[\)|  Forty-five (45) days prior to first evidentiary hearing?  | $\boxed{X} \text { Yes }$ | $\square \text { No }$ |
| :--- | :--- | :--- |
|  If no, do the statewide planning goals apply?  | $\square \text { Yes }$ | $\square \text { No }$ |
|  If no, did Emergency Circumstances require immediate adoption?  | $\square \text { Yes }$ | $\square \text { No }$ |

\]

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

| CITY OF HAPPY VALLEY, CLACKAMAS COUNTY |  |
| :---: | :---: |
| Local Contact:Justin Popilek | Phone: $\left\{^{603}\right]^{7603325}$ Extension: |
| Address: 12915 SE KING ROAD | City: HAPPY VALLEY |
| Zip Code + 4: ${ }^{\text {97086 }}$ = | Email Address: justinp@ci.happy-valley.or.us |

## ADOPTION SUBMITTAL REQUIREMENTS

This form must be malled 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 LANB CONSERVATION AND DEVELOPMENT 635 CAPFTOL STREET NE, SUITE 150 SALEM, OREGON 97301-2540

2. Submit TWO (2) copies 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. Submittal 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 $8-1 / 2 \times 11$ green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

Mayor
Hon. Robert
Wheeler
City Councilors
Lori DeRemer
Markley Drake
TOM ANDRUSKO
Kristen Mitchell


City of Happy Valley
12915 SE King Road, Happy Valley, Oregon 97086
Telephone (503) 760-3325 ~ Fax (503) 760-9397
Web Site: www.ci.happy-valley.or.us

## 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 applications/petitions based upon findings included within the Staff Report dated July 17, 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.


## ANN-03-07

| PROPERTY OWNER | TAX MAP/LOT | PROPERTY ADDRESS | MAILING ADDRESS | CITY | ZIP | ZONING | ACRES |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Kurtz, Richard L Trustee | 12E25A 02000 | 15302 Clatsop | 12020 SE 222ND | DAMASCUS | 97089 | FF-10 | 9.38 |
| Cook, Asakel \& Patsy | 12E25A 02201 |  | 8888 SE 152ND | HAPPY VALLE | 97086 |  | 0.02 |
| Goldingow/Otis | 12E25BA00100 | 15172 Clatsop | 4314 N. MISSISSIPPI | PORTLAND | 97217 | FF-10 | 0.34 |
| Goldingow/Otis | 12E25BA00501 | 15172 Clatsop | 4314 N. MISSISSIPPI | PORTLAND | 97217 | FF-10 | 0.34 |
| Andrusko, Tom \& Kimberly | 12E28DB02300 | 9549 SE Idleman | P.O. BOX 1675 | GRESHAM | 97030 | R-15 | 0.37 |
| Toops, Karen Ann Trustee | 12E35D 01101 |  | 13800 SE ALDRIDGE | HAPPY VALL | 97086 | RRFF-5 | 3.01 |
| Troen, Diane | 12E36CA00500 |  | 11560 SE 147TH | CLACKAMAS | 97086 | RRFF-5 | 0.66 |
| Hawkes, Barbara | 13E30B 02500 | No Situs | 31757 SW VILLAGE CRE | WILSONVILLE | 97070 | FF-10 | 20.01 |
| Gierke, Patricia | 13E30C 00701 |  | 9905 SE 172ND | CLACKAMAS | 97086 | RRFF-5 | 2 |
| Brown, William \& Gracie | 13E30D 02600 |  | 9930 SE 172ND | CLACKAMAS | 97086 | RRFF-5 | 4.8 |
| McGill, Paula L Trustee | 13E31A 00600 |  | 10712 SE 172ND | CLACKAMAS | 97086 | RRFF-5 | 4.68 |
| Noble, David \& Catherine | 13E31A 01001 |  | 10954 SE 172ND | DAMASCUS | 97089 | RRFF-5 | 2.01 |
| McGill, Paula L Trustee | 13E31A 01400 |  | 11360 SE 172ND | CLACKAMAS | 97086 | RRFF-5 | 3.89 |
| Varga, Peter | 13E31B 00300 |  | 16059 SE 172ND | HAPPY VALLE | 97086 | RRFF-5 | 5.33 |
| Varga, Peter | 13E31B 00301 |  | 10707 SE 172ND | HAPPY VALL | 97086 | RRFF-5 | 4.44 |
| Western Oregon Conferen | 13E31B 01500 | 11125 SE 172nd | 19800 OATFIELD RD | GLADSTONE | 97027 | RRFF-5 | 3.24 |
| Gurnsey, Garrold \& Sally | 13E31D 01501 | 12300 SE 172nd | 14674 SE SUNNYSIDE | CLACKAMAS | 97015 | RRFF-5 | 11.65 |
| Gurnsey, Garrold \& Sally | 13E31D 01801 | 12300 SE 172nd | 14674 SE SUNNYSIDE 5 | CLACKAMAS | 97015 | RRFF-5 | 8.27 |
| Wells, Charles \& Joyce | 22E02A 00201 |  | 12155 SE 143RD PLACE | HAPPY VALLE | 97086 | FF-10 | 4.24 |
| Goche, Claudia J. Trustee | 22E02A 00202 |  | 12455 SE 143rd PI | HAPPY VALLE | 97086 | FF-10 | 7.51 |
| Walter, Calvin \& Nancy | 22E03AA00131 |  | 12140 SE TIMBER VALL | HAPPY VALL 1 | 97086 | R-10 | 0.16 |
| Sunrise Water | 23E06B 01200 | No Situs | 10602 SE 129TH | HAPPY VALLE | 97086 | RRFF-5 | 0.88 |
| Campbeli, David | 23E06C 02000 |  | 16550 SE ROCK CREEK | CLACKAMAS | 97015 | RRFF-5 | 0.03 |
| Dulong, James \& Louise | 23E06C 06900 |  | 14101 SE 172ND | CLACKAMAS | 97015 | RRFF-5 | 0.07 |
| Smith, Dean \& Diane | 23E06C 07300 |  | 14371 SE 172ND | CLACKAMAS | 97015 | RRFF-5 | 0.69 |
| Aurel and Maria Radutiu | 23E06D-00300 |  | 13137 SE Spring Mtn-Df | HAPPY VALL | 87086 | RRFFF | 1.5 |
| Jenkins, Lance \& Patricia | 23E06DB00300 |  | 13675 SE 177TH | BORING | 97009 | RRFF-5 | 1.12 |
| McDonald, Andrew \& Sylvi | 23E06DB00800 |  | 17505 SE Sunnyside Rd | HAPPY VALLE | 97089 | RRFF-5 | 1.27 |
| Achatz, Thomas \& Mary | 23E06DB01300 |  | 17530 SE SUNNYSIDE | DAMASCUS | 97089 |  | 0.75 |
| Obrist, Dixie | 23E07A 00200 |  | 14548 SE 172ND | CLACKAMAS | 97015 | RRFF-5 | 11.45 |
| Obrist, Robert \& Connie | 23E07A 00202 |  | 14620 SE 172ND | CLACKAMAS | 97015 | RRFF-5 | 2 |
| Martin, Shephen | 23E07A 00301 | 14700 SE 172nd | 14674 SE Sunnyside Rd. | CLACKAMAS | 97086 | RRFF-5 |  |
| Sunrise Water | 23E07A 00700 | No Situs | 10602 SE 129TH | HAPPY VALLE | 97086 | RRFF-5 | 17.94 |
| Herbert, Randol G. Trustee | 23E07B 00406 |  | 15025 SE 172ND | CLACKAMAS | 97015 | RRFF-5 | 4.94 |
| Schlimpert, Charles \& Patr | 23E07B 00407 | 14721 SE 172nd | P.O. BOX 1689 | CLACKAMAS | 97015 | RRFF-5 | 9.81 |



# AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY, OREGON AND THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT, WITHIDRAWING 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-03-07); and

WHEREAS, the proposed annexation territory consists of 43 tax lots totaling 187.14 acres of land and right of way totaling less than one acre adjacent to existing City boundaries; and

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

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

WHEREAS, the Planning Commission considered the proposed annexation at its regularly scheduled meeting of July 10,2007 and recommended that the City Council approve the annexation; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on July 17, 2007, and continued the proposal until August 7, 2007 under the applicable provisions of Chapter 3.09 of the Metro Code, the Happy Valley Comprehensive Plan, and the applicable Statewide Planning Goals and state laws; 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 CTTY 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 August 7, 2007

Section 2. The City Council adopts the Annexation Application No.03-07 and the associated Staff Report to the City Council dated July 17, 2007

Section 3. The annexed territory is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective August 7, 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 August 7, 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
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 August 7, 2007

PASSED AND APPROVED THIS 7th day of August, 2007



City of Happy Valley

# CITY OF HAPPY VALLEY 

12915 SE KING ROAD
PORTLAND, OREGON 97086
(503) 760-3325

FAX: (503) 760-9397

## NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley Planning Commission and City Council will consider an annexation of territory pursuant to the Expedited Decision process of Metro Code Chapter 3.09.045 in the City Hall Annex, 12915 SE King Road, in the City of Happy Valley, Oregon on the following dates/times:

| Planning Commission | Tuesday, July 10, 2007 | 7:00 p.m. |
| :--- | :--- | :--- |
| City Council | Tuesday, July 17, 2007 | 7:00 p.m. |

## DOCKET

NUMBER
ANN-03-07
Annexation of 42 properties totaling approximately 188 acres of real property
Area 1- 12E25A 02000, 12E25A 02201
Area 2- $\quad$ 12E25BA 00100, 12E25BA 00501
Area 3- 12 E 28 DB 02300
Area 4 - 13E31D 01501, 13E31D 01801
Area 5- 22E02A 00201, 22E02A 00202
Area 6- 22E03AA 00131
Area 7 - 22E06B 01200
Area 8 - $\quad 23 \mathrm{E} 06 \mathrm{C} 02000,23 \mathrm{E} 06 \mathrm{C} 06900,23 \mathrm{E} 06 \mathrm{C} 07300$
Area 9 - $\quad 23 E 06 \mathrm{DB} 00300,23 \mathrm{E} 06 \mathrm{DB} 00800,23 \mathrm{E} 06 \mathrm{DB} 01300$
Area $10-\quad 23 \mathrm{E} 07 \mathrm{~A} 00200,23 \mathrm{E} 07 \mathrm{~A} 00202,23 \mathrm{E} 07 \mathrm{~A} 00301,23 \mathrm{E} 07 \mathrm{~A} 00700$
Area 11- 23E07B 00406, 23E07B 00407, 23E07B 00414, 23E07B 00416, 23E07B 00418,
23E07B 00501, 23E07B 00600, 23E07B 00601, 23E07B 00602, 23E07B 00802
Area 12- 12E35D 01101
Area 13- 12E36CA 00500
Area 14- 13E30B 02500
Area 15- 13E30C 00701
Area 16- 13E30D 02600
Area 17- 13E31A 00600, 13E31A 01001, 13E31A 01400
Area 18- 13E31B 00300, 13E31B 00301, 13E31B 01500
The City Council intends to decide on the annexation without a public hearing unless such a hearing is requested by a necessary party as that term is defined in Metro Code Chapter $3.09 .020(\mathrm{j})$. The Council may approve or deny an annexation application in accordance with the applicable criteria of the City of Happy Valley Comprehensive Plan, and Articles $16.40 .020,16.40 .030,16.40 .040,16.40 .041,16.40 .060$, 16.12.070, of the City of Happy Valley Municipal Code, METRO code 3.09, and ORS 222.111, 222.125 and 222.170.

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

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours ( $8: 00$ a.m. to $4: 30$ p.m. weekdays), please call for an appointment. For additional information, contact, Jason Tuck, Community Development Director, or Michael D. Walter, Planning Services Manager at the above address and phone number.

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



























