



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/21/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 005-14

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, July 31, 2014

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

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

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Justin Popilek, City of Happy Valley
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Happy Valley

Local file no.: ANN-02-14/CPA-04-14/LDC-03-14

Date of adoption: 7-1-14

Date sent: 7/10/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 4-25-14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Justin Popilek

Phone: 503 783-3810

E-mail: justinp@happyvalleyor.gov

Street address: 16000 SE Misty Drive

City: Happy Valley

Zip: 97086-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from R-10/OA	to City R-10/MUC	2.99 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): Various, see attached maps

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Clackamas Co. R-10/OA to City, R-10/MUC Acres: 2.99
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Clackamas Co. & Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The City approved the annexation of one (1) property, totaling 2.99 acres, and the conversion of the existing Clackamas County Comprehensive Plan designations/zoning districts to "equivalent" City of Happy Valley Comprehensive Plan

Mayor
Honorable Lori DeRemer

City Manager
Jason Tuck



DATE: July 10, 2014

File No. ANN-02-14/LDC-03-14/CPA-04-14

NOTICE OF DECISION

This is official notice of action taken by the Happy Valley City Council pursuant to Section 16.67.070 of the City's Land Development Code with regard to an application for annexation to the City of Happy Valley. The subject properties are described as Clackamas County Assessor Map Numbers: 22E03AA: Tax Lot600

On July 1, 2014 the City Council formally approved the subject application/petition based upon findings included within the Staff Report dated June 3, 2014, and deliberations of the City Council.

Persons with standing may appeal this decision to the Oregon Land Use Board of Appeals ("LUBA"). All appeals must comply with ORS 197.830 and LUBA's rules at OAR Chapter 660, division 10 and be filed no later than 21 days of the mailing of this Notice of Decision.

A handwritten signature in blue ink, reading 'Justin Popilek', is written over a horizontal line.

Justin Popilek
Senior Planner

cc: Petitioner
Participants of Record
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

ORDINANCE NO. 450
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, AMENDING OFFICIAL
MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND DEVELOPMENT
ORDINANCE NO. 97, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100 percent of the owners of 100 percent of the properties with 100 percent of the assessed value of territory requesting annexation (ANN-02-14/LDC-03-14/CPA-04-14); and

WHEREAS, the proposed annexation territory consists of a single Lot of Record, totaling approximately 2.99 acres of land, located near the City's existing boundary; and

WHEREAS, the specific tax lot to be annexed is:

22E03AA00600; and

WHEREAS, the City provided notice that the City Council would consider the annexation petition, consistent with the applicable notice requirements of (1) Section 16.61.040 of the City's 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 City's Development Code, the tax lot proposed for annexation will be re-designated and re-zoned from its existing Clackamas County plan designations/zones to equivalent city plan designations/zones; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on June 3, 2014; 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 July 1, 2014.

Section 2. The City of Happy Valley declares that the following city Comprehensive Plan designations and zoning districts shall apply to the tax lots proposed for annexation, as pursuant to Section 16.67.070 of the City's Development Code:

22E03AA00600 – Low Density Residential (R-10) and Mixed Use Commercial (MUC)

Section 3. The City Council adopts the subject annexation application (ANN-02-14/LDC-03-14/CPA-04-14) and the associated Staff Report to the City Council dated June 3, 2014.

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 July 1, 2014.

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.

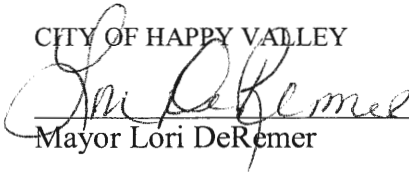
Section 6. The City Recorder is directed to:

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).

Section 7. An emergency is declared to exist and as provided by Section 17 of the Happy Valley City Charter this ordinance takes effect on July 1, 2014.

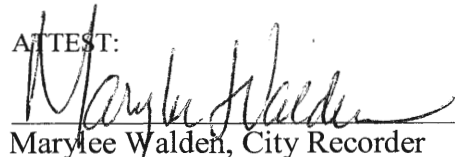
READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on June 3, 2014; read for the second time on July 1, 2014; and, second reading of amended Ordinance No. 450 adopted by a 4-0 vote of the members of the City Council of the City of Happy Valley, Oregon.

CITY OF HAPPY VALLEY



Mayor Lori DeRemer

ATTEST:



Marylee Walden, City Recorder

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

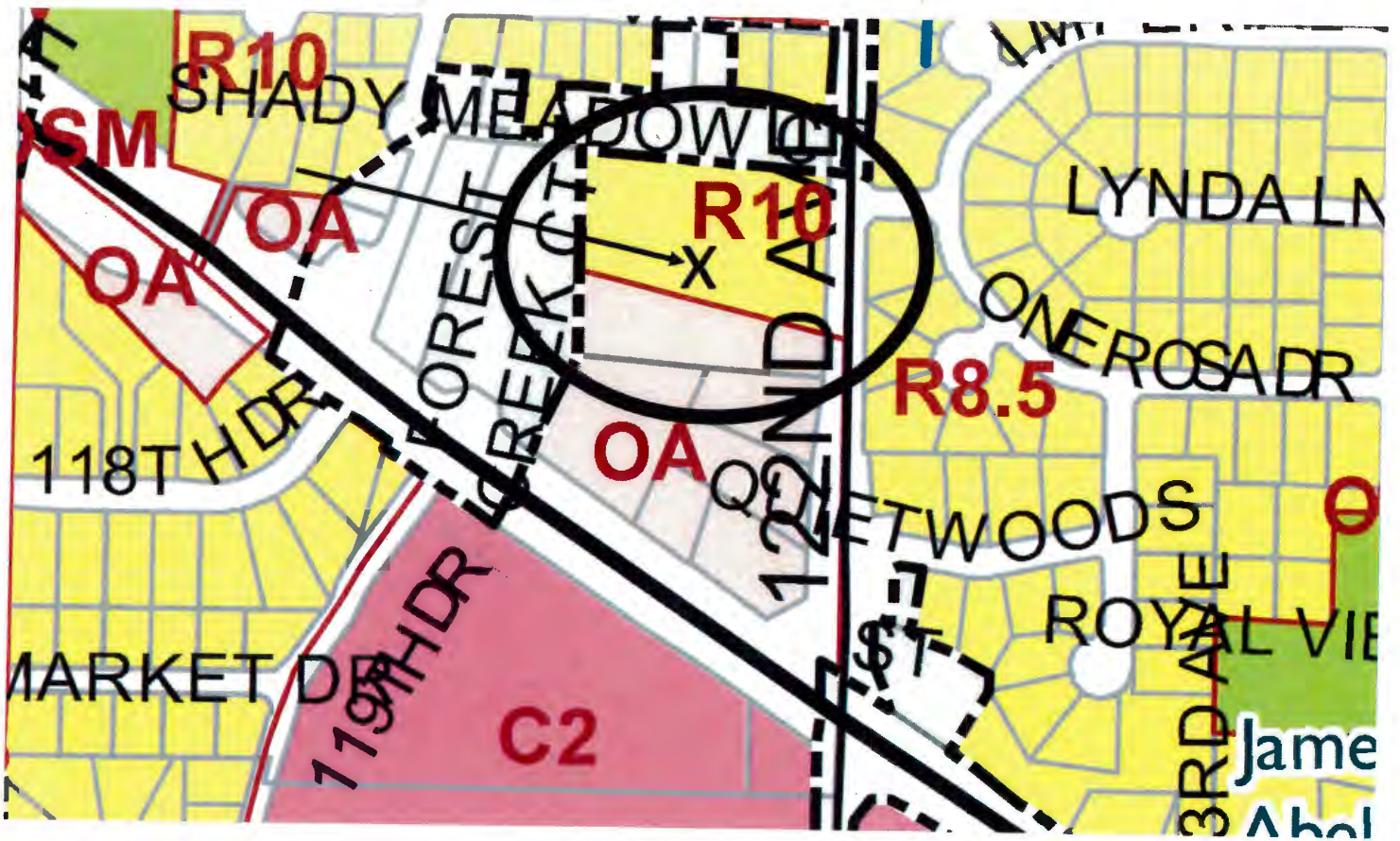
TO: Affected Property Owners
FROM: Happy Valley Planning Division
DATE: May 19, 2014
SUBJECT: Public Notice/Supplemental Materials

Approximately one week ago, the City's Planning Division mailed you a public notice pertaining to an annexation and zoning conversion on properties located northwest of the intersection of SE 122nd Avenue and SE Sunnyside Road. Enclosed you'll find an exhibit that illustrates the existing and proposed zoning designations for the subject properties. The proposed zoning represents a conversion from the existing Clackamas County zones to equivalent City of Happy Valley zones.

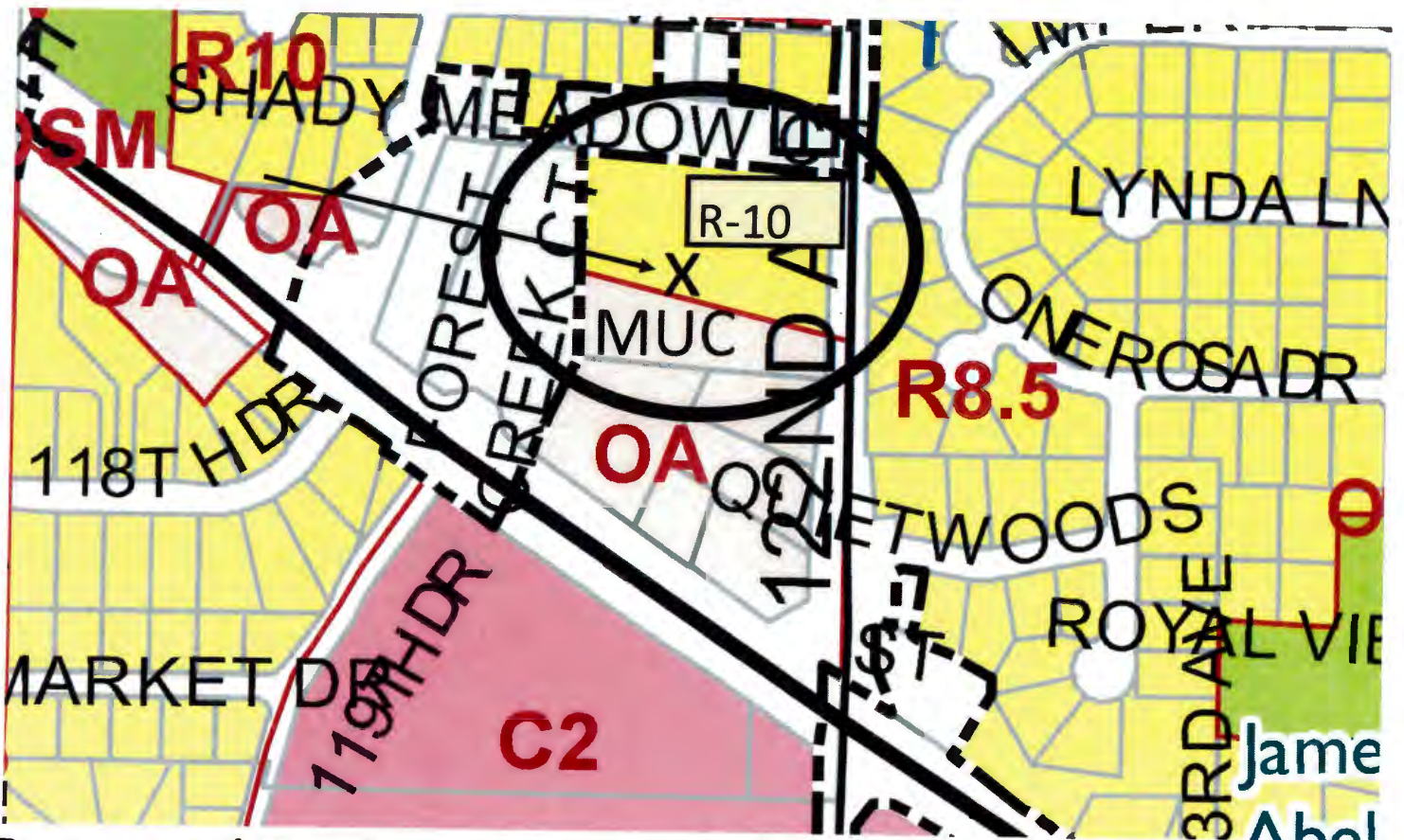
If you should have any questions or concerns regarding this annexation and zoning conversion, please contact Justin Popilek, Senior Planner, at (503) 783-3810.

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

Preserving and enhancing the safety, livability and character of our community



Existing Zoning—County R-10/Office Apartment



Proposed Zoning—City R-10/Mixed Use Commercial

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OREGON 97086
PH. 503.783.3800
FAX 503.658.5174

NOTICE

NOTICE IS HEREBY GIVEN that the Happy Valley City Council will hold a public hearing to consider the annexation of territories and a Comprehensive Plan Map/Zoning Map Amendment (rezoning the subject property from the existing Clackamas County plan designations/zoning districts to equivalent City of Happy Valley plan designations/zoning districts) to the affected property pursuant to Section 16.67.070 of the City's Municipal Code in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on **Tuesday, June 3, 2014, at 7:00 p.m.**

DOCKET NUMBER

ANN-02-14/CPA-04-14/LDC-03-14

The affected areas total approximately 2.99 acres of real property and includes the following properties as listed by Clackamas County Assessor Map Number:

22E03AA00600.

The City Council intends to decide on the application for annexation and rezoning of the above property at the public hearing. The Council may approve or deny an application for annexation and the associated comprehensive plan map/zone map amendments in accordance with the applicable criteria of the City of Happy Valley Comprehensive Plan, and Section 16.67.070 of the City of Happy Valley Municipal Code, METRO code 3.09, and ORS 222.111, 222.125 and 222.170.

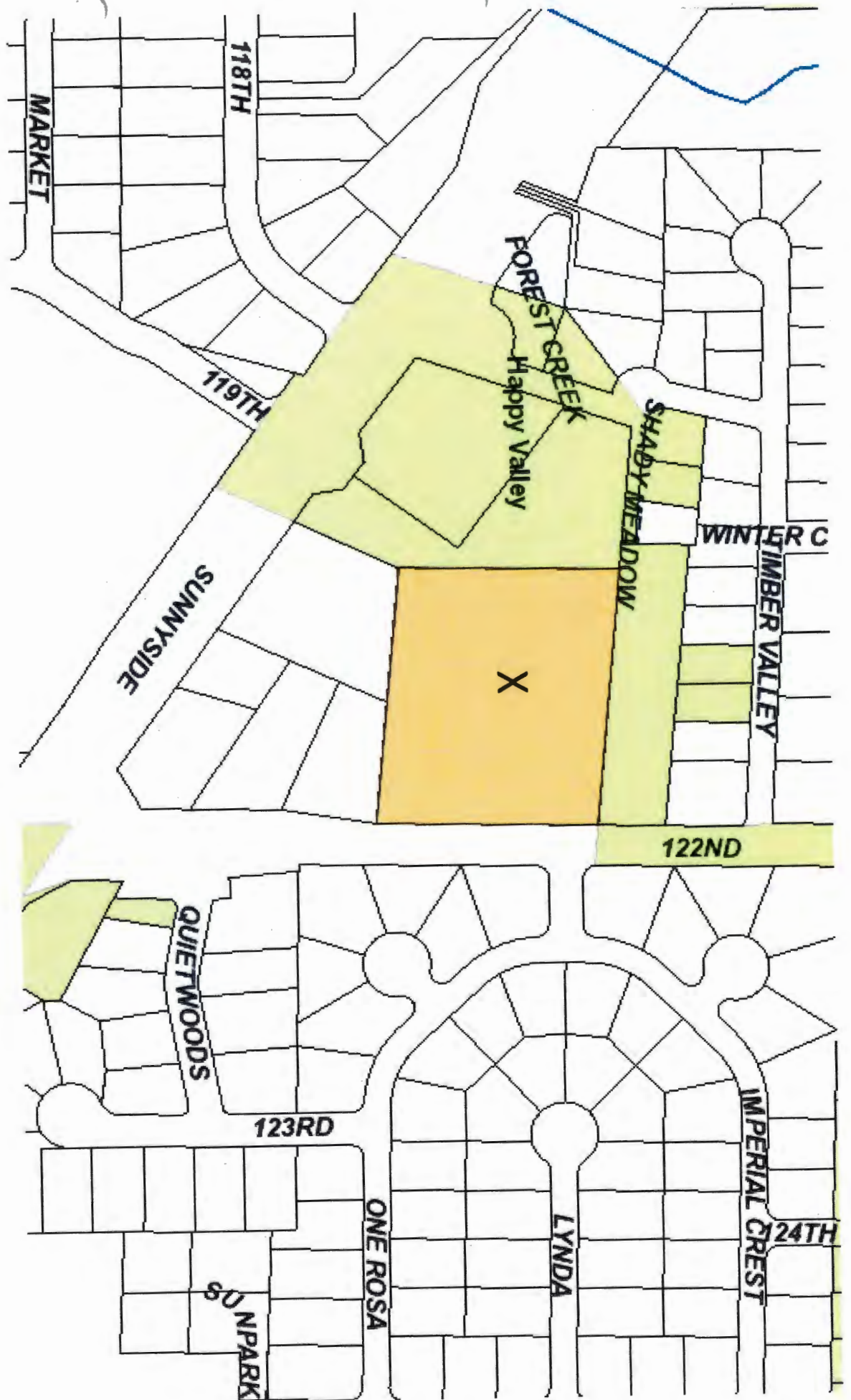
The decision will be made in accordance with the said criteria, and may be appealed to the Land Use Board of Appeals.

The decision-making criteria, application, and records concerning this matter are available at the City of Happy Valley City Hall at the above address during working hours (8:00 a.m. to 5:00 p.m. weekdays), please call for an appointment. For additional information, contact Justin Popilek, Senior Planner at the above address and phone number.

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



Justin Popilek
Senior Planner



Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY

STAFF REPORT TO THE CITY COUNCIL

June 3, 2014

ANNEXATION APPLICATION (File Number: ANN-02-14/LDC-03-14/CPA-04-14)

One Property Totaling 2.99 Acres

I. GENERAL INFORMATION

PROPOSAL:

The City seeks approval of the annexation of one property, approximately 2.99 acres in size, and the amending of the City's Comprehensive Plan Map/Zoning Map to convert the existing Clackamas County Comprehensive Plan designations/zoning districts for the subject property to equivalent Happy Valley plan designations/zoning districts, as set forth in Section 16.67.070 of the City's Land Development Code (LDC). 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 B

16000 SE Misty Drive, Happy Valley, Oregon 97086-4288
Telephone: (503) 783-3800 Fax: (503) 658-5174
happyvalleyor.gov

EXHIBITS:

Exhibit A - Annexation Area Map
Exhibit B - Property Data/Owner List
Exhibit C - Annexation Petitions
Exhibit D - Zoning Exhibit

APPLICABLE CRITERIA:

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

BACKGROUND:

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

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 property proposed to be annexed is located in an area that is adjacent to the existing city limits, as noted on Exhibit A. The legal description for the area proposed for annexation is included as an exhibit to the ordinance accompanying this file (Ordinance Number 450) and the annexation application data form for the area to be annexed is attached as Exhibit B.

The proposed annexation incorporates one property consisting of 2.99 acres located adjacent to the existing boundary of the City of Happy Valley. The desire of the property owner to obtain city services/permit review and/or land use regulations for the subject property has prompted the proposed annexation request.

This staff report outlines the subject property as its specific configuration, existing land use, population, assessed value and other criteria for approval of boundary changes. See attached Exhibits A, B and C.

The proposed annexation boundaries have been drawn up to include only the property represented by the property owner or their representatives who signed the annexation petition and applicable public right-of-way.

The subject property that is being proposed for annexation is a Lot of Record located at the northwest corner of Sunnyside Road and 122nd Avenue and encompasses approximately 2.99 acres. The subject property currently has two Clackamas County plan designations/zones of “Office Apartment” (OA) and “Low Density Residential” (R-10). If the proposed annexation is approved, the portion of the subject property that currently has a county designation/zone of R-10 would convert to a City designation/zone of “Low Density Residential” (R-10). The remaining portion of the subject site that currently has a county plan designation/zone of OA would convert to a City plan designation/zone of “Mixed Use Residential” (MUC) with the approval of this annexation file. Staff has provided an exhibit that illustrates the existing and proposed zoning configuration (Exhibit D).

This proposed annexation complies with the present agreements the City has with various urban service providers. The subject property is currently located within Clackamas County Service District #1 (CCSD #1), which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. The subject property is provided water service by Sunrise Water Authority (SWA), one of the City’s service providers of potable water. SWA will continue to provide water services to the subject property subsequent to the approval of this annexation. Also subsequent to the approval of this annexation, the owner of the subject property will continue to be provided street lighting services by Clackamas County Service District #5 (CCSD #5). The subject property is 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 property 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 property is within Clackamas Fire District #1 (CFD #1). CFD #1 provides the subject property 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 housing and 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. 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 annexation process and county to city zoning conversion. This staff report and findings demonstrate compliance with applicable policies and regulations of all local, regional and state regulations. This criterion has been satisfied.

Goal 10: Housing (660-015-0000(10))

Goal 10 specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Response:

The subject property is located within an area that has already been comprehensively planned for by Clackamas County. The proposed annexation could provide additional lots for residential construction within the City that would be located near areas that are currently utilized for residential purposes and public parks. The annexation is compliant with the City's Comprehensive Plan goals and policies pertaining to Goal 10 and the UGMFP (see Compliance with Regional Goals) and therefore, this criterion has been satisfied.

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

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

Response:

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

Clackamas County has provided the comprehensive planning for public services in the area of the subject property. 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 property (along with other adjacent properties) would best be served by public services.

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

The subject property is provided water service by SWA, one of the City's service providers of potable water. SWA will continue to provide water services to the subject property subsequent to the approval of this annexation. 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 areas 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. The City is proposing to apply city zoning designations to the subject property that are equivalent to the existing Clackamas County zoning designations, to be consistent with the existing Clackamas County Comprehensive Plan. The Clackamas County Comprehensive Plan was established in compliance with Goal 14. Therefore, this criterion 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 property. 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 Friday, May 23, 2014, 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 property would generally remain within service districts already serving the annexation area. The subject property is currently located within CCSD #1, which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. The subject property is provided water service by SWA, one of the City's service providers of potable water. SWA will continue to provide water services to the property subsequent to the approval of this annexation. The subject property is also currently within NCPRD and would continue to be with the approval of this annexation proposal. The subject property 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 property is within CFD #1. CFD #1 provides the subject property 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 property is located in an area 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 property 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 property is 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 property having petitioned for annexation is 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 property is located where urban services are currently available. In fact, the subject property is currently 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 property is 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

<i>Clackamas County Zone</i>	<i>City of Happy Valley Zone</i>
<i>Urban/Rural Residential</i>	
<i>R-2.5</i>	<i>SFA</i>
<i>R-5</i>	<i>R-5</i>
<i>R-7</i>	<i>R-7</i>
<i>R-8.5</i>	<i>R-8.5</i>

<i>R-10</i>	<i>R-10</i>
<i>R-15</i>	<i>R-15</i>
<i>R-20</i>	<i>R-20</i>
<i>MR-1</i>	<i>MUR-M1</i>
<i>MR-2</i>	<i>MUR-M2</i>
<i>HDR</i>	<i>MUR-M3</i>
<i>RA-2</i>	<i>R-15</i>
<i>FU-10</i>	*
<i>Natural Resources</i>	
<i>EFU</i>	*
<i>Commercial</i>	
<i>NC</i>	<i>MUE</i>
<i>C-2</i>	<i>MCC</i>
<i>C-3</i>	<i>MCC</i>
<i>RCC</i>	<i>MCC</i>
<i>RCO</i>	<i>MUC</i>
<i>OC</i>	<i>CCC</i>
<i>RCHD</i>	<i>MUR-M2</i>
<i>OA</i>	<i>MUC</i>
<i>PMU-6</i>	<i>RCMU</i>
<i>Industrial</i>	
<i>I-2</i>	<i>IC</i>
<i>I-3</i>	<i>IC</i>
<i>BP</i>	<i>EC</i>
<i>Special Districts</i>	
<i>OSM</i>	<i>IPU</i>
<i>Sunnyside Village</i>	
<i>VR-4/5</i>	<i>R-5</i>
<i>VR-5/7</i>	<i>R-5</i>
<i>VCS</i>	<i>IPU</i>
<i>VA</i>	<i>MUR-M1</i>
<i>VO</i>	<i>VO</i>
<i>VTH</i>	<i>VTH</i>
*Annexation of these zoning districts would require the creation of a new Comprehensive Plan designation/zoning district within the City that would be determined by the Planning Official based on surrounding Comprehensive Plan designations/zoning districts and a Transportation Planning Rule-compliant Traffic Impact Analysis.	

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 property 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 (Ordinance Number 450) to amend the City’s Comprehensive Plan Map/Zoning Map will be passed that reflects the zoning conversion of the subject property from its current Clackamas County designations/zones (OA/R-10) to City of Happy Valley designations/zones (MUC/R-10). 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 property satisfy the requirements of the Statewide Planning Goals, ORS, Metro Code 3.09, and City of Happy Valley Comprehensive Plan and LDC. **Staff, therefore, recommends that the City Council approve application ANN-02-14/LDC-03-14/CPA-04-14.**



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #2582

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM, OR

EXHIBIT A

Legal Description Annexation Parcel

A tract of land located in the Northeast One-Quarter of Section 3, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the northwest corner of Lot 1 of the Plat of "Kellers Korner", being a point on the easterly line of Document Number 2013-083849, also being on the City of Happy Valley city limits, thence along the east line of said Deed and the City of Happy Valley city limits North 00°20'00" East 329.70 feet to a point on the south line of Document Number 2012-000896; thence along said south line and the easterly extension thereof, and the City of Happy Valley city limits, South 85°32'20" East 455.72 feet to a point on the easterly right-of-way line of SE 122nd Avenue (30.00 feet from centerline); thence along said easterly right-of-way line South 00°20'00" West 330.01 feet to a point on the easterly extension of the north line of said Lot 1; thence along said easterly extension and the north line of said Lot 1 North 85°30'00" West 247.87 feet to the northwest corner of Document Number 2006-092637; thence along the westerly line of said Deed South 23°48'00" West 77.32 feet to the northwest corner of Lot 2 of said Plat; thence along the northerly line of said Lot 2 South 66°38'00" East 215.16 feet to a point on the westerly right-of-way line of SE 122nd Avenue (50.00 feet from centerline); thence South 89°40'00" East 92.77 feet to a point on the easterly right-of-way line of said Street (variable width right-of-way); thence along said easterly right-of-way line Southerly 467 feet, more or less, to a point on the northerly right-of-way line of SE Sunnyside Road (56.00 feet from centerline); thence along said northerly right-of-way line and the northwesterly extension thereof, and the City of Happy Valley city limits North 56°32'58" West 138.06 feet to a point on the northerly extension of the westerly right-of-way line of SE 122nd Avenue (33.00 feet from centerline); thence along said northerly extension and the City of Happy Valley city limits South 00°20'00" West 170.58 feet to a point on the southerly right-of-way line of SE Sunnyside Road (variable width right-of-way); thence along said southerly right-of-way line Northwesterly 646 feet, more or less, to a point on the southwesterly extension of the west line of said Lot 1; thence along said southwesterly extension and the westerly line thereof and the City of Happy Valley city limits North 24°41'00" East 285.61 feet to the Point of Beginning.

The above described tract of land contains 8.27 acres, more or less.

05/28/2014

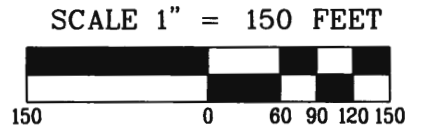
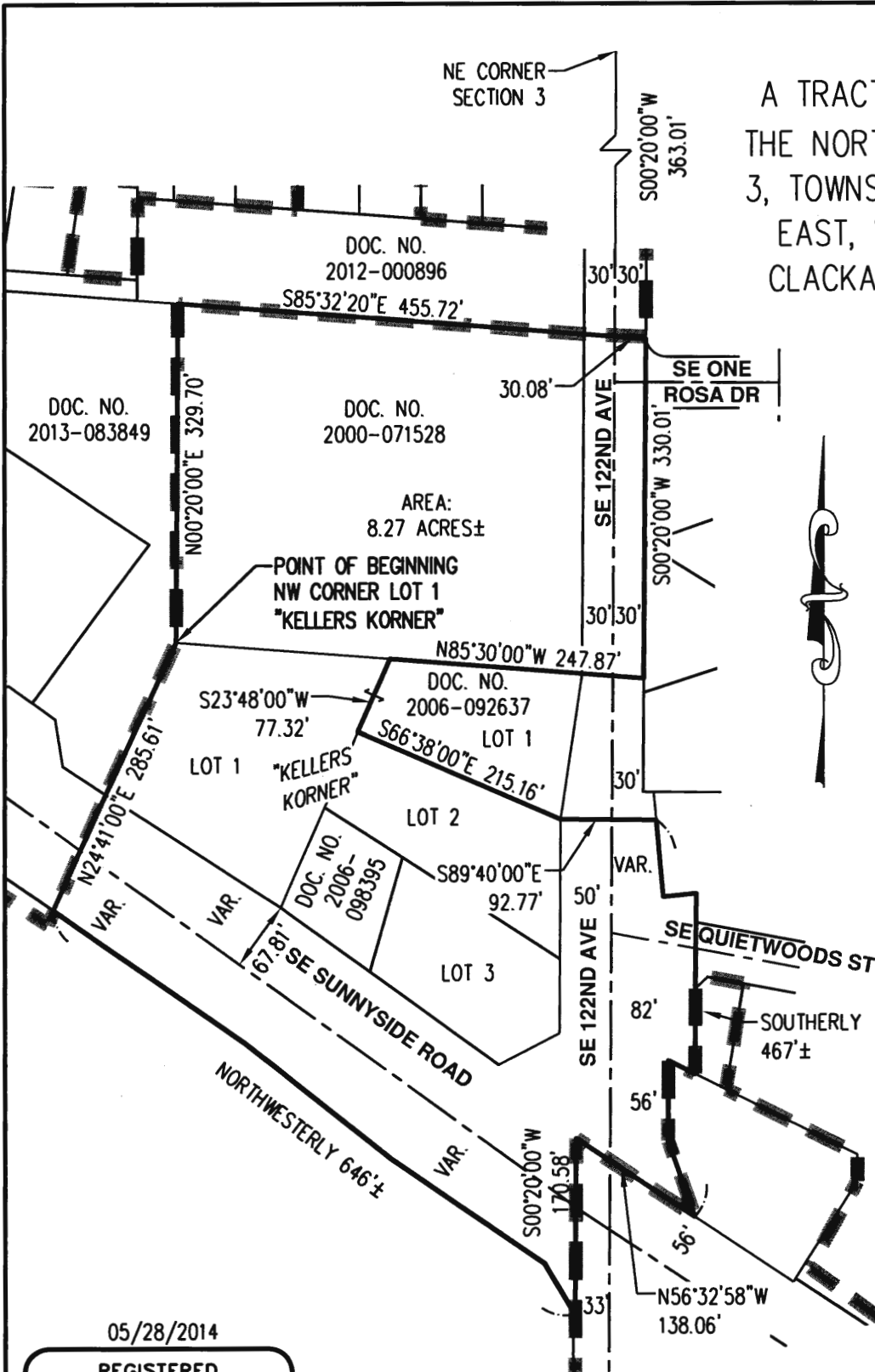
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWES: 6/30/16

EXHIBIT B

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



LEGEND

- HAPPY VALLEY CITY LIMITS
- VAR. VARIABLE WIDTH

PREPARED FOR

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

05/28/2014

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/16

HAPPY VALLEY ANNEXATIONS

DRAWN BY: MSK | CHECKED BY: NSW | DWG: 20140521 2582 ANNEX | JOB: 2582
AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD SUITE 100
TUALATIN, OR 97062 www.aks-eng.com
PHONE: 503.563.6151 FAX: 503.563.6152





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:

12675 SE 122nd
 Street Address of Property (if address has been assigned)

22E 03AA 00600
 Legal Description (Subdivision Name, Lot number(s))

22E 03AA 00600
 Tax Map and Tax Lot Number

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

Coral A. Mather C.M. C.M. 1/6/14
 Signature Owner Initial Voter Initial Date

 Signature Owner Initial Voter Initial Date

 Other Authorized Signature Owner Initial Voter Initial Date

12675 S.E. 122nd
 Street Address Home Phone Work Phone

 Mailing Address

Happy Valley - 97086
 City, State and Zip Code

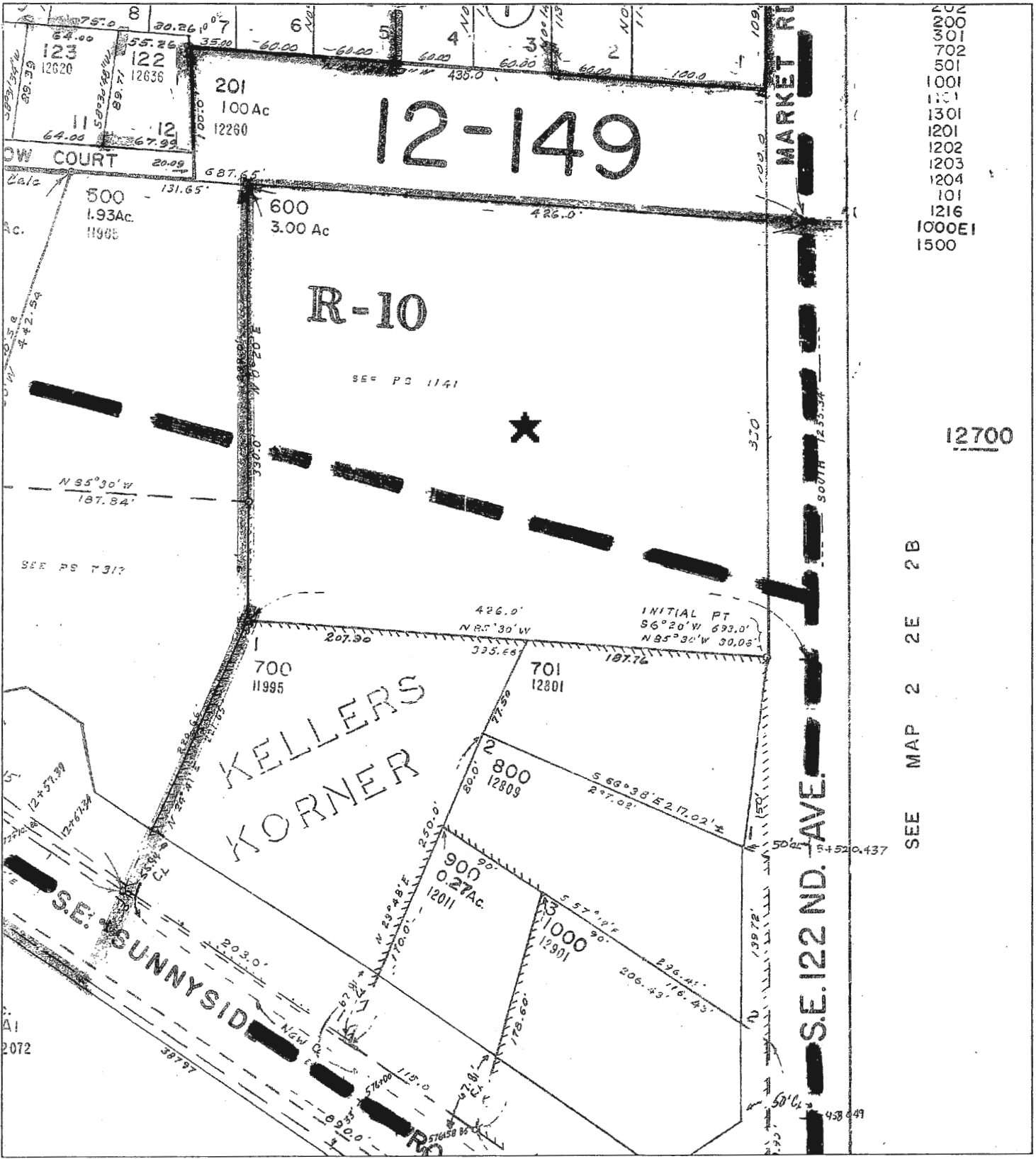
A legal description and a copy of the assessor's map of the property must be submitted with this petition.

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 _____

Coral A. Mather 1/6/14
 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: 1
 Types of housing units: Single family Multi-family Mobile home or trailer
 Number of people occupying these units: _____



1200
1201
1202
1203
1204
101
1216
1000E1
1500

12700

SEE MAP 2 2E 2B

Map No. 22E03AA00600

CHICAGO TITLE COMPANY
10135 S.E. SUNNYSIDE ROAD Suite 200
CLACKAMAS, OREGON 97015



"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon."

20
11-20

Scanned

BARGAIN AND SALE DEED	
Alvin John Mather and Carol Ann Mather, Co-Trustees 12675 SE 122nd Clackamas, Oregon 97236	Grantor
Alvin John Mather, Trustee 12675 SE 122nd Clackamas, Oregon 97236	Grantee
After recording return to: Joseph J. Hanna, Jr. 1300 SW 6th Ave, #300 Portland, OR 97201	
Until a change is requested, all tax statements shall be sent to the following address: Alvin and Carol Mather 12675 SE 122nd Clackamas, OR 97236	

RECORDED IN CLACKAMAS COUNTY
JOHN KAUFFMAN, COUNTY CLERK

2000-071528



\$31.00

11/02/2000 12:49:56 PM

DD - 1 - 2 TRISH
\$10.00 \$11.00 \$10.00

BARGAIN AND SALE DEED - STATUTORY FORM

Alvin John Mather and Carol Ann Mather, Trustees of the Alvin John Mather and Carol Ann Mather Trust, Grantor, conveys to Alvin John Mather, Trustee of the Alvin J. Mather Trust dated October 23, 2000, Grantee, the following described real property situated in Clackamas County, Oregon, to-wit:

See Attached Exhibit A.

The true consideration for this conveyance is: \$ 0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

DATED this 23rd day of October, 2000.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Alvin Mather
ALVIN JOHN MATHER, Co-Trustee

Carol Ann Mather
CAROL ANN MATHER, Co-Trustee

State of Oregon)
County of Multnomah) ss.

Personally appeared the above named ALVIN JOHN MATHER and CAROL ANN MATHER and acknowledged the foregoing to be their voluntary act and deed, as Co-Trustees.

Before me this 23rd day of October, 2000.



Heather A. Kmetz
Notary Public in and for Oregon
My Commission Expires: September 16, 2002

HAK/rw:0386d010z023.wpd

EXHIBIT A

A part of Section 3, T.2S., R.2E., of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of Section 3, T.2S., R.2E., W.M.; thence South $0^{\circ} 20'$ West along the East line of said Section, 363.0 feet to the true point of beginning; thence North $85^{\circ} 30'$ West along the North line of the Keller Tract 426.0 feet; thence South $0^{\circ} 20'$ West parallel to the East line of the aforesaid Section 3, 330.0 feet; thence South $85^{\circ} 30'$ East 426.0 feet to the East line of said Section 3, thence North $0^{\circ} 20'$ East along the East line of Section 3, 330.0 feet to the true point of beginning: EXCEPTING the East 30.0 feet which lies in the Mather Road.

Commonly known as 12675 SE 122nd Avenuc, Clackamas, OR 97015

Trs/zw/0385/d007x023

2



22E03AA00600

ANN-02-14

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	ANN-02-14	ANN-02-14											
2	PROPERTY OWNER	TAX MAP/LOT	SITE ADDRESS	CITY	MAILING ADDR	STATE	ZIP	ACRES	ASSESED VALUE	# DU	# PEOPLE	EXISTING ZONING	PROPOSED ZONE
3													
4	MATHER ALVIN JOHN TRUSTEE	22E03AA00600	12675 SE 122ND AVE	Clackamas	Same	OR	97086	2.99	366,722.00	0	0	R-10/OA	R-10/MUC
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OF HAPPY VALLEY
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UNITED STATES
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0000017232 JUL 10 2014
MAILED FROM ZIP CODE 97086

DEPT OF
JUL 14 2014
LAND CONSERVATION
AND DEVELOPMENT

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