



# 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

06/17/2014

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 006-14

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: Wednesday, July 02, 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-03-14/CPA-05-14/LDC-04-14

Date of adoption: 6-3-14

Date sent: 6/10/2014

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:

**Tax lots 7300 and 8800 were removed from this annexation.**

Local contact (name and title): Justin Popilek, Senior Planner

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 Clackamas Co. R-8.5	to City R-8.5	6.00 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-8.5 to City R-8.5 Acres: 6.00  
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 thirty (30) properties, totaling 6.00 acres, and the conversion of the existing Clackamas County comprehensive plan designation/zoning district to an "equivalent" City of Happy Valley comprehensive plan designation/zoning district.

**ORDINANCE NO. 451**  
**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-30-14/CPA-05-14/LDC-04-14); and

WHEREAS, the proposed annexation territory consists of 30 lots totaling 6.0 acres adjacent to existing city boundaries; and

WHEREAS, the specific lots to be annexed are:

22E12BB07100, 22E12BB07200, 22E12BB07400, 22E12BB07500, 22E12BB07600,  
22E12BB07700, 22E12BB07800, 22E12BB07900, 22E12BB08000, 22E12BB08100,  
22E12BB08200, 22E12BB08300, 22E12BB08400, 22E12BB08500, 22E12BB08600,  
22E12BB08700, 22E12BB08900, 22E12BB09000, 22E12BB09100, 22E12BB09200,  
22E12BB09300, 22E12BB09400, 22E12BB09500, 22E12BB09600, 22E12BB09700,  
22E12BB09800, 22E12BB09900, 22E12BB10000, 22E12BB10100, 22E12BB10200; 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 its existing Clackamas County plan designation/zone to the applicable city plan 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 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 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 designations and zoning districts shall apply to the tax lots proposed for annexation, as pursuant to Section 16.67.070 of the Happy Valley Municipal Code:

Low Density Residential (R-8.5)

Section 3. Any future home construction that occurs on the subject lots shall utilize the following minimum setback requirements:

Front: 20 feet	Interior Side: 3 feet
Rear: 10 feet	Street Side: 15 feet

Section 4. The City Council adopts the subject annexation application (ANN-03-14) and the associated Staff Report to the City Council dated June 3, 2014 and adopts Clackamas County Final Order - Casefile No. Z0632-10-SL (Sun Ridge), included as Exhibit C. Where the County approval conflicts with the City's Municipal Code, the County Final Order shall prevail.

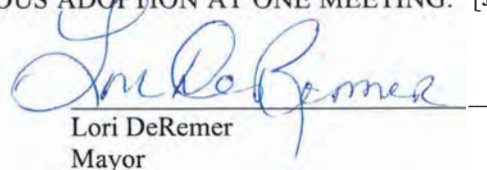
Section 5. The territory described in Exhibit A, and depicted in Exhibit B is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective 30 days after approval of this ordinance.

Section 6. 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.

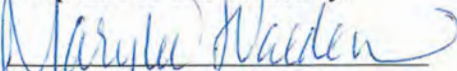
Section 7. The City Recorder is directed to:

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: [June 3, 2014]

  
Lori DeRemer  
Mayor

Adoption and date attested by:

  
Marylee Walden  
City Recorder

Mayor  
Honorable Lori DeRemer

City Manager  
Jason Tuck



DATE: June 10, 2014

File No. ANN-03-14/LDC-04-14/CPA-05-14

### **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:

22E12BB07100, 22E12BB07200, 22E12BB07400, 22E12BB07500, 22E12BB07600, 22E12BB07700,  
22E12BB07800, 22E12BB07900, 22E12BB08000, 22E12BB08100, 22E12BB08200, 22E12BB08300,  
22E12BB08400, 22E12BB08500, 22E12BB08600, 22E12BB08700, 22E12BB08900, 22E12BB09000,  
22E12BB09100, 22E12BB09200, 22E12BB09300, 22E12BB09400, 22E12BB09500, 22E12BB09600,  
22E12BB09700, 22E12BB09800, 22E12BB09900, 22E12BB10000, 22E12BB10100, 22E12BB10200

On June 3, 2014 the City Council formally approved the subject application/petitions 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, appearing to read 'Justin Popilek', is written over a horizontal line.

Justin Popilek,  
Senior Planner

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)



**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 properties from the existing Clackamas County plan designations/zoning districts to equivalent City of Happy Valley plan designations/zoning districts) to the affected properties pursuant to Section 16.67.070 of the City's Municipal Code in the City Hall Council Chambers, 16000 SE Misty Drive, Happy Valley, Oregon on **Tuesday, June 3, 2014, at 7:00 p.m.**

DOCKET NUMBER

ANN-03-14/CPA-05-14/LDC-04-14

The affected areas total approximately six (6) acres of real property and includes the following properties as listed by Clackamas County Assessor Map Number:

22E12BB07100, 22E12BB07200, 22E12BB07300, 22E12BB07400, 22E12BB07500,  
22E12BB07600, 22E12BB07700, 22E12BB07800, 22E12BB07900, 22E12BB08000,  
22E12BB08100, 22E12BB08200, 22E12BB08300, 22E12BB08400, 22E12BB08500,  
22E12BB08600, 22E12BB08700, 22E12BB08800, 22E12BB08900, 22E12BB09000,  
22E12BB09100, 22E12BB09200, 22E12BB09300, 22E12BB09400, 22E12BB09500,  
22E12BB09600, 22E12BB09700, 22E12BB09800, 22E12BB09900, 22E12BB10000,  
22E12BB10100 and 22E12BB10200.

The City Council intends to decide on the application for annexation and rezoning of the above properties at the public hearing. The Council may approve or deny an application for annexation and the associated 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



142ND



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-03-14/CPA-05-14/LDC-04-14)

30 Lots within the “Wenzel Park Estate” Subdivision

**I. GENERAL INFORMATION**

**PROPOSAL:**

The City seeks approval of the annexation of 30 lots within the “Wenzel Park Estates” subdivision, 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 properties 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 Petition  
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 owner of the subject properties (Exhibit C).

**GENERAL DISCUSSION:**

The proposed annexation was initiated by petitions signed by 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 proposed to be annexed are existing subdivision lots located in "Wenzel Park Estates," adjacent to several previously annexed lots within the same subdivision and that are adjacent to the existing city limits, as noted on Exhibit A. The legal descriptions for the areas proposed for annexation are included as exhibits to the ordinance accompanying this file (Ordinance Number 451) and the annexation application data forms for the areas to be annexed are attached as Exhibit B.

The proposed annexation incorporates 30 lots consisting of approximately 6.0 acres, located adjacent (which includes "reachable" by annexation via public right-of-way) 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 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 A, 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 and applicable public right-of-way.

All of the properties proposed for annexation are Lots of Record that currently have a Clackamas County plan designation/zone of "Urban Low Density Residential" (R-8.5), which would convert to a City plan designation/zone of "Low Density Residential" (R-8.5) with the approval of this

file. The subject lots are either lots buildable with a one detached single-family residence per lot or currently are the location of one single-family detached residence.

Those lots which are not presently developed with a single-family residence are under common ownership and it is the desire of the property owner to annex into the City to process future construction documents and building permits through the City's Economic and Community Development Department. As the setback standards associated with the County's approval of "Wenzel Park Estates" differ from those associated with the City's R-8.5 zone, staff recommends that the adoption ordinance (Ordinance Number 451) include provisions for setbacks specific to the annexed lots and that the Ord. No. 451 specifically include the Clackamas County land use approval and conditions of approval that "run with the land", so that they may be administered by the City of Happy Valley. For example, that minimum 20-foot front yard setbacks (20-foot minimum setback to the garage), minimum 20-foot rear yard setbacks, minimum 3-foot interior yard setbacks and minimum 15-foot street side yard setbacks be applied to the subject properties.

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 of the subject properties are 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 these 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 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. The notice stated that the process would be expedited. This criterion has been satisfied.

#### **Goal2: 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 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 properties are located within an area that has already been comprehensively planned for by Clackamas County. The proposed annexation will 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 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.

All of the subject properties are provided water service by SWA, one of the City's service providers of potable water. SWA will continue to provide water services to these properties 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 properties that are equivalent to 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 owner or their representative 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 owner of 100 percent of the land in the territory to be annexed and 50 percent of the electors in the territory to be annexed. The criterion has been satisfied.

***REGIONAL LAND USE REQUIREMENT***

***“Metro Code 3.09.045 – Expedited Decisions***

***(a) The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.***

**Response:**

The City of Happy Valley established an expedited decision process through the adoption of Resolution Number 05-13. The City has received written consent in the form of 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, May 26, 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 properties would generally remain within service districts already serving the annexation areas. 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 of the subject properties are provided water service by SWA, one of the City's service providers of potable water. SWA will continue to provide water services to these properties subsequent to the approval of this annexation. The subject properties are also currently within 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 properties outside of the current Clackamas County Comprehensive Plan, if annexed, the subject properties 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>Clackamas County Zone</b>	<b>City of Happy Valley Zone</b>
<b>Urban/Rural Residential</b>	
R-2.5	SFA
R-5	R-5
R-7	R-7
R-8.5	R-8.5
R-10	R-10
R-15	R-15
R-20	R-20
MR-1	MUR-M1
MR-2	MUR-M2
HDR	MUR-M3
RA-2	R-15
FU-10	*
<b>Natural Resources</b>	
EFU	*
<b>Commercial</b>	
NC	MUE
C-2	MCC
C-3	MCC
RCC	MCC
RCO	MUC
OC	CCC
RCHD	MUR-M2
OA	MUC
PMU-6	RCMU
<b>Industrial</b>	
I-2	IC
I-3	IC
BP	EC
<b>Special Districts</b>	
OSM	IPU
<b>Sunnyside Village</b>	
VR-4/5	R-5
VR-5/7	R-5
VCS	IPU
VA	MUR-M1
VO	VO
VTH	VTH
<p><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.</i></p>	



***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 (Ordinance Number 451) 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-03-14/CPA-05-14/LDC-04-14.**



**ANN-03-14**

**Property Map**

	A	B K	L	M
1	<b>ANN-03-14</b>	<b>ANN-03</b>		
2	<b>PROPERTY OWNER</b>	<b>TAX MAP/PEOPLE</b>	<b>EXISTING ZONING</b>	<b>PROPOSED ZONE</b>
3				
4	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
5	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
6	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
7	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
8	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
9	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
10	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
11	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
12	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
13	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
14	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
15	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
16	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
17	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
18	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
19	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
20	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
21	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
22	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
23	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
24	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
25	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
26	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
27	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
28	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
29	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
30	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
31	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
32	Sun Ridge Construction	22E12BB0 0	R-8.5	R-8.5
33	Sun Ridge Construction	22E12BB1 0	R-8.5	R-8.5
34	Sun Ridge Construction	22E12BB1 0	R-8.5	R-8.5
35	Sun Ridge Construction	22E12BB1 0	R-8.5	R-8.5
36				
37		0		



**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:

NA  
 Street Address of Property (if address has been assigned)  
Wenzel Park Estates 2 lots 45-76 (32 lots)  
 Legal Description (Subdivision Name, Lot number(s))  
22E 12 BB 7100 Thru 10200 (See Attached)  
 Tax Map and Tax Lot Number

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

<u>Rody M. Sauer, Pres.</u> Signature	<u>R.S.</u> Owner Initial	<u>R.S.</u> Voter Initial	<u>4-22-14</u> Date
<u>Sun Ridge Cmty. Inc.</u> Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

503-658-6440

\_\_\_\_\_  
Street Address  
13005 SE Hacienda Dr.  
 Mailing Address  
Damascus, OR 97089  
 City, State and Zip Code

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

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

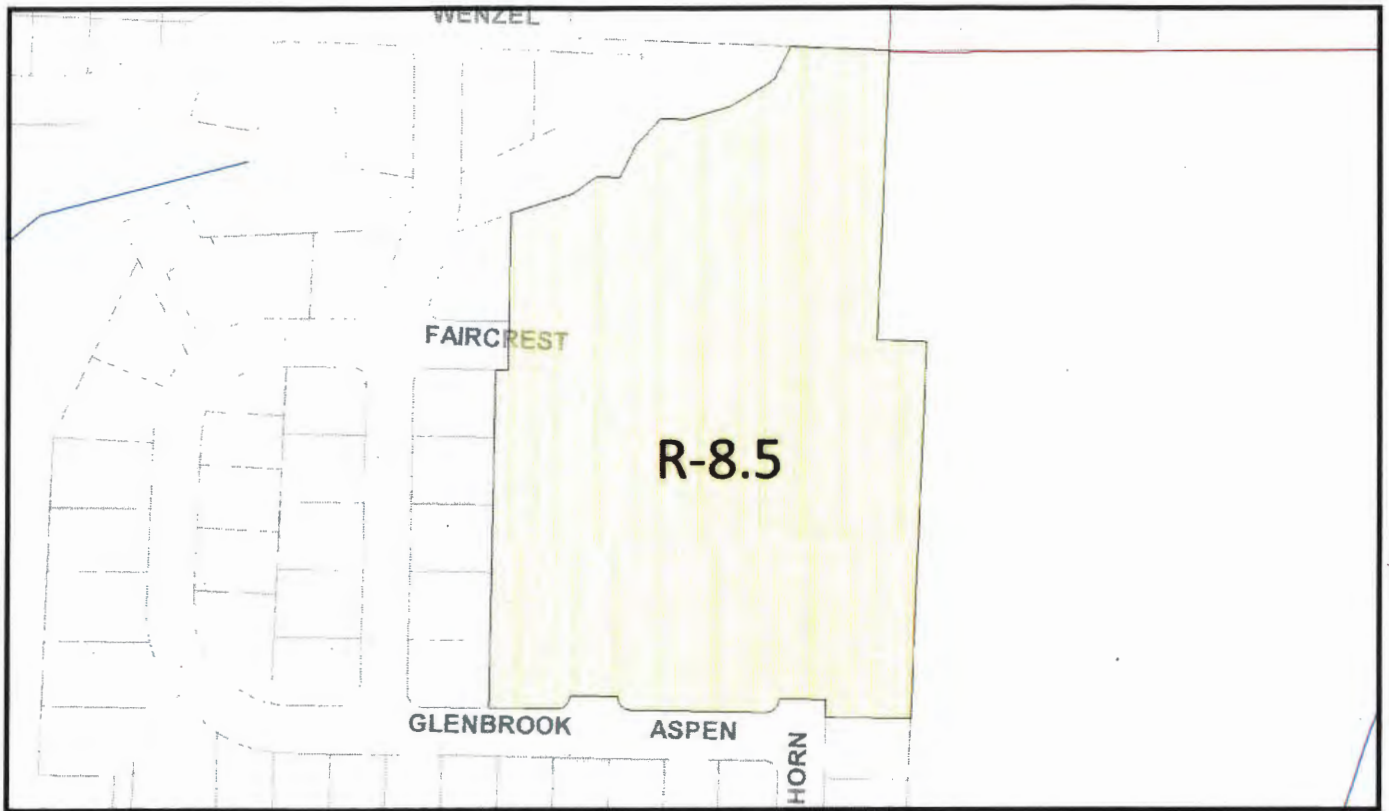
We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than a year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be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

Indefinitely, or until \_\_\_\_\_

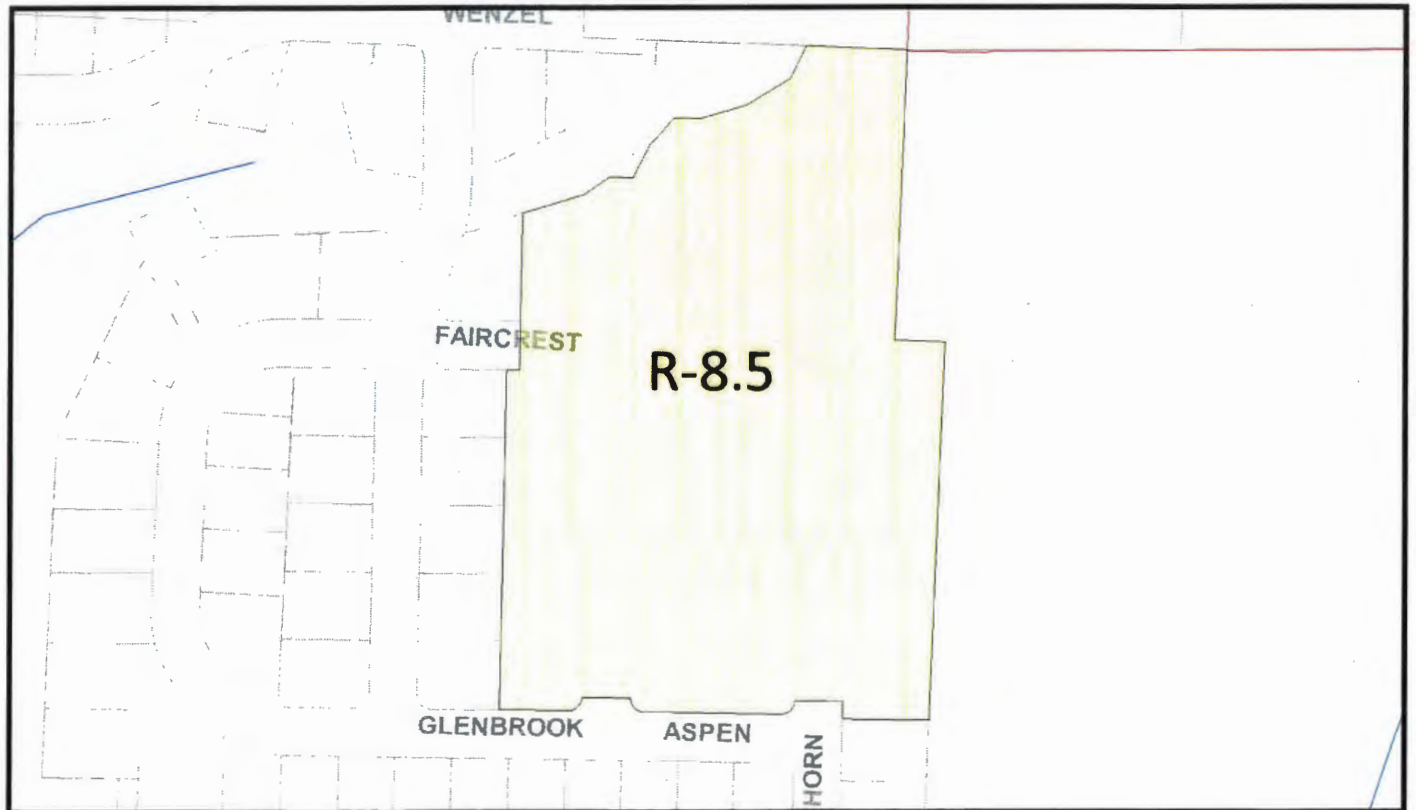
<u>Rody M. Sauer</u> Signature	<u>4-22-14</u> Date	_____ Signature	_____ Date
-----------------------------------	------------------------	--------------------	---------------

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: Lots only  
 Types of housing units:  Single family \_\_\_\_\_ Multi-family \_\_\_\_\_ Mobile home or trailer  
 Number of people occupying these units: N/A



**Existing Zoning**



**Proposed Zoning**



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

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



UNITED STATES POSTAGE  
PITNEY BOWES  
02 1P  
0000017232 JUN 11 2014  
MAILED FROM ZIP CODE 97086  
**\$ 003.080**

DEPT OF  
JUN 13 2014  
LAND CONSERVATION  
AND DEVELOPMENT