



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

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www.oregon.gov/LCD



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

Date: July 15, 2015
Jurisdiction: City of Happy Valley
Local file no.: ANN-01-15
DLCD file no.: 009-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/13/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

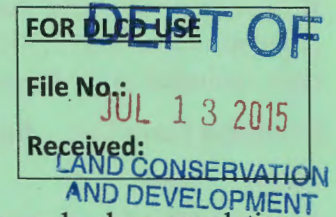
DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

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-01-15/CPA-02-15/LDC-03-15

Date of adoption: 7-7-15

Date sent: 7/9/2015

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): 6-2-15

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): Michael D. Walter, Economic & Community Development

Phone: 503 783-3839

E-mail: michaelw@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 NA	to NA	28 acres.	A goal exception was required for this change.
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

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

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 NA	to NA	Acres: 28
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:
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Location of affected property (T, R, Sec., TL and address): Various

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

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.

Mayor
Honorable Lori DeRemer

City Manager
Jason Tuck



DATE: July 8, 2015

File No. ANN-01-15/LDC-03-15/CPA-02-15

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:

23E07AD00801, 23E07AD00800, 23E07AD00802, 23E07AD00700,
23E07AD00600, 23E07A 00900 & 23E07A 00400

On July 7, 2015 the City Council formally approved the subject application/petition based upon findings included within the Staff Report dated July 7, 2015, 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 black ink, appearing to read 'Michael D. Walter', is written over a horizontal line.

Michael D. Walter, AICP
Economic & Community Development Director

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. 476
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 a petition 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-01-15/CPA-08-15/LDC-09-15); and,

WHEREAS, the proposed annexation territory consists of six Tax Lots and a portion of a seventh Tax Lot, totaling approximately 28 acres of land, located near the City's existing boundary; and,

WHEREAS, the specific Tax Lots to be annexed include:

23E-07A-00400 (Partial); 23E-07A-00900; 23E-07AD-00600; 23E-07AD-00700; 23E-07AD-00802; 23E-07AD-00800; and, 23E-07AD-00801; and,

WHEREAS, the City provided notice that the City Council would consider the annexation petitions, 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 existing plan designations/land use zones for the subject tax lots will remain as they currently are subsequent to the adoption of this Ordinance; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on July 7, 2015; 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 7, 2015.

Section 2. The City Council adopts the subject annexation application (ANN-01-15/CPA-08-15/LDC-09-15) and the associated Staff Report to the City Council dated July 7, 2015.

Section 3. The territory described in Exhibit A, and depicted in Exhibit B is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective July 7, 2015.

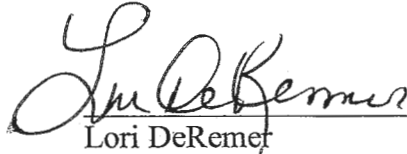
Section 4. As a condition for the annexation of the property in the territory described in Exhibit A and depicted in Exhibit B, the property owners, on behalf of themselves, their heirs, successors and assigns, waive their right(s) of remonstrance against the creation of any Local Improvement District created consistent with ORS Chapter 223 and/or Happy Valley Municipal Code Chapter 3.12 for a period of 10 years from the effective date of the annexation.

Section 5. The City Recorder is directed to:

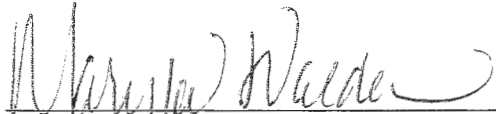
1. File a copy of this ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;
2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and
3. Mail a copy of this ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).

Section 6. An emergency is declared to exist and as provided by Section 17 of the Happy Valley City Charter this Ordinance takes effect on July 7, 2015.

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING: [July 7, 2015]


Lori DeRemer
Mayor

Adoption and date attested by:


Marylee Walden
City Recorder

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 territory 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, July 7, 2015, at 7:00 p.m.**

DOCKET NUMBER
ANN-01-15

The affected area consists of six tax lots and a portion of a seventh tax lot that total approximately 28 acres of real property. The properties are generally located north of Hwy. 212; east of 172nd Avenue; south of Emi Street; and, west of WyEast Avenue and are further described as Clackamas County Assessor Map Number:

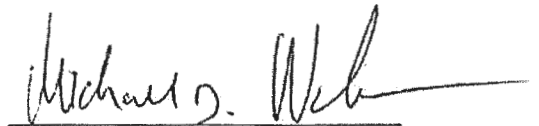
23E07A 00400, 23E07A 00900, 23E07AD00600, 23E07AD00700, 23E07AD00802, 23E07AD00800 and 23E07AD00801.

The City Council intends to decide on the application for annexation of the above property at the public hearing. The Council may approve or deny an application for annexation 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 Michael D. Walter, AICP 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.



Michael D. Walter, AICP
Economic & Community Development Director

Mayor
Honorable Lori DeRemer

City Manager
Jason A. Tuck



CITY OF HAPPY VALLEY

STAFF REPORT TO THE CITY COUNCIL

July 7, 2015

ANNEXATION APPLICATION (Local File No. ANN-01-15/CPA-08-15/LDC-09-15)

I. GENERAL INFORMATION

PROPOSAL:

The applicants seek approval of the annexation of six Tax Lots and a portion of a seventh Tax Lot totaling approximately 28 acres in size. In addition, the amendment of the City's Comprehensive Plan Map/Zoning Map to include the subject properties within the city limits of the City of Happy Valley

APPLICANTS/PROPERTY OWNERS:

GDI NEW HORIZONS (GDI)
13895 Fir Street
Oregon City, OR 97045

Alfred Wetzel (Wetzel)
17955 SE Emi Street
Damascus, OR 97089

EXHIBITS:

- Exhibit A - Annexation Area Description and Maps
- Exhibit B - Property Data/Owner List
- Exhibit C - Annexation Petitions
- Exhibit D - Public Notice

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

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:

With the passage of Senate Bill 4029, select property owners located within the City of Damascus had the option to de-annex from Damascus, including the Wetzel property. However, the Wetzel property is divided in nature (separated geographically) and a portion was annexed to the City on March 17, 2015, the second portion has been non-contiguous and not reachable by public right-of-way (until combined with the GDI annexation petition). GDI attempted to de-annex through the auspices of Senate Bill 4029 but was denied such right by the past actions of the City of Damascus and a court decision. Subsequently, the City of Damascus changed their policy toward approval of de-annexation requests and allowed GDI to de-annex from the City of Damascus. The City of Happy Valley received signed annexation petitions from the applicants requesting annexation of the subject properties (Exhibit C). The City has evaluated these annexation petitions and have determined that they are able to be annexed and thus has commenced with the processing of said petitions.

GENERAL DISCUSSION:

The proposed annexations are initiated by petitions signed by parties that represent 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 located in one general area that are not immediately adjacent to the existing city limits, but may be reached by public right-of-way, as noted on Exhibit A. The legal descriptions for the areas proposed for annexation are included as an Exhibit to the Ordinance accompanying this file (Ordinance Number 476) and the annexation application data form for the areas to be annexed is attached as Exhibit B.

The proposed annexation incorporates seven properties consisting of approximately 28 acres of land located adjacent to the existing boundary of the City of Happy Valley vis-à-vis expansion via public right-of-way. The desire of the owners of the subject properties to obtain city services and land use regulations has prompted the proposed annexation requests.

This staff report outlines the subject properties as to their specific configuration, existing land uses, population, assessed value and other criteria for approval of boundary changes. See attached Exhibits A and B.

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, which does not create an "island" of properties being separated from each other within the city limits of the City of Damascus.

The subject properties consists of six Tax Lots and a portion of a seventh Tax Lot, located just to the east of the current city limits of the City of Happy Valley. The properties currently have Clackamas County Comprehensive Plan designations/land use zones of “Rural Residential Farm Forest – 5 acre minimum” (RRFF-5), see Exhibit B, and are either vacant or contain single-family detached residences/accessory structures. With the approval of the proposed annexation, the current zoning for the subject properties would remain in place.

This proposed annexation complies with the present agreements the City has with various urban service providers. The subject properties are outside of the district boundaries of Clackamas County Service District #1 (CCSD #1), which provides sanitary sewer and stormwater management services to Happy Valley and other urbanized areas of Clackamas County. Subsequent annexation to CCSD#1 will be required in order to receive sewer services. 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 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 Dedicated Law Enforcement Service Levy. 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 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 (though not applicable in this circumstance, as no Comprehensive Plan exists for the subject properties). 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 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.

The comprehensive planning for public services in the area of the subject properties has not been started, due to the fact that the envisioned land use designations for the subject properties have not been established via the adoption of a Comprehensive Plan. Subsequent to the approval of this annexation and prior to any development occurring on the subject properties, the City of Happy Valley intends to work with affected governmental entities and utility service providers to analyze how the subject properties (along with other adjacent properties) would best be served by public services such as sanitary sewer, stormwater management, potable water, and transportation systems.

As noted above, 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 and whose services are covered by existing Intergovernmental Agreements (IGA's) with the City of Happy Valley. 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:

Similar to the public services that were addressed in the previous staff response, the comprehensive planning for transportation services in the area of the subject properties has not been addressed at this point. Subsequent to the approval of this annexation and prior to any development occurring on the subject properties, the City of Happy Valley intends to work with affected governmental entities (Oregon Department of Transportation, Clackamas County Department of Transportation and Development, City of Damascus, etc.) to analyze how the transportation system in the vicinity of the subject properties would need to be improved to best serve the area. 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 Comprehensive Plans in the existing/expanded 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 allow the existing Clackamas County land use plan designations and zones for the subject properties to remain “in place”. Prior to the development of the subject properties, the City of Happy Valley will work Metro and the State of Oregon Department of Land Conservation and Development to adopt an acknowledged Comprehensive Plan/Post Acknowledgment Plan Amendment (PAPA) for the area including that of the subject properties. Therefore, this criterion is satisfied.

Oregon Revised Statutes (ORS)

“ 195.020 Special district planning responsibilities; agreements with local governments and metropolitan service district. (1) Special districts shall exercise their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use, including a city or special district boundary change as defined in ORS 197.175 (1), in accordance with goals approved pursuant to ORS chapters 195, 196 and 197.

(2) A county assigned coordinative functions under ORS 195.025 (1), or the metropolitan service district, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 195.025 (1), shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of the county or the metropolitan district. A county or the metropolitan service district may enter into a cooperative agreement with any other special district operating within the boundaries of the county or the metropolitan district.

(3) The appropriate city and county and, if within the boundaries of the metropolitan service district, the metropolitan service district, shall enter into a cooperative agreement with each

special district that provides an urban service within an urban growth boundary. The appropriate city and county, and the metropolitan service district, may enter into a cooperative agreement with any other special district operating within an urban growth boundary.

(4) The agreements described in subsection (2) of this section shall conform to the requirements of paragraphs (a) to (d), (f) and (g) of this subsection. The agreements described in subsection (3) of this section shall:

(a) Describe how the city or county will involve the special district in comprehensive planning, including plan amendments, periodic review and amendments to land use regulations;

(b) Describe the responsibilities of the special district in comprehensive planning, including plan amendments, periodic review and amendments to land use regulations regarding provision of urban services;

(c) Establish the role and responsibilities of each party to the agreement with respect to city or county approval of new development;

(d) Establish the role and responsibilities of the city or county with respect to district interests including, where applicable, water sources, capital facilities and real property, including rights of way and easements;

(e) Specify the units of local government which shall be parties to an urban service agreement under ORS 195.065;

(f) If a metropolitan service district is a party to the agreement, describe how the metropolitan service district will involve the special district in the exercise of the metropolitan service district's regional planning responsibilities; and

(g) Contain such other provisions as the Land Conservation and Development Commission may require by rule.

(5) Agreements required under subsections (2) and (3) of this section are subject to review by the commission. The commission may provide by rule for periodic submission and review of cooperative agreements to insure that they are consistent with acknowledged comprehensive plans.

[...]

195.085 Compliance deadlines. *(1) No later than the first periodic review that begins after November 4, 1993, local governments and special districts shall demonstrate compliance with ORS 195.020 and 195.065.*

(2) The Land Conservation and Development Commission may adjust the deadline for compliance under this section when cities and counties that are parties to an agreement under ORS 195.020 and 195.065 are scheduled for periodic review at different times.

(3) Local governments and special districts that are parties to an agreement in effect on November 4, 1993, which provides for the future provision of an urban service shall demonstrate compliance with ORS 195.065 no later than the date such agreement expires or the second periodic review that begins after November 4, 1993, whichever comes first.

Response:

Per the provisions of RES-15-15 to be adopted by the Happy Valley City Council on July 7, 2015 and mirrored by the City of Damascus, the Settlement Agreement between the City of Happy Valley has been amended to have a new "Agreement Line", but the Agreement remains an "Urban Service Agreement". Therefore, 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 and whose services are covered by existing IGA's with the City of Happy Valley. This criterion has been satisfied.

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 property that is contiguous to the City Limits of Happy Valley. Therefore, this 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. Therefore, this 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:

This staff report and associated materials, addressing the applicable criteria in Section 3.09.045 was available to the public seven days prior to the anticipated City Council decision. Therefore, 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:

Per the provisions of RES-15-15 to be adopted by the Happy Valley City Council on July 7, 2015 and mirrored by the City of Damascus, the Settlement Agreement between the City of Happy Valley and City of Damascus is to be amended so as to adjust the “Agreement Line” per the Settlement Agreement, which has been, and continues to be, an “Urban Service Agreement”. Therefore, 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 and whose services are covered by existing IGA’s with the City of Happy Valley. 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. If the subject properties were to develop subsequent to the approval of this annexation, the City will be required to establish a Comprehensive Plan for the area that would include provisions to ensure the timely and orderly extension of public services. 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, as the subject properties are only being annexed at this time. If the subject properties were to develop subsequent to annexation, the City will be required to have an established Comprehensive Plan for the area that would include provision to ensure the timely and orderly extension of public services. 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 or may be extended. However, the City’s Comprehensive Plan presently limits development to areas of the City that have or can be provided timely extension of Level 1 services and facilities. This restriction will apply to the subject properties, as well. 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

Clackamas County Zone	City of Happy Valley Zone
Urban/Rural Residential	
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	*
Natural Resources	
EFU	*
Commercial	
NC	MUE
C-2	MCC
C-3	MCC
RCC	MCC
RCO	MUC
OC	CCC
RCHD	MUR-M2
OA	MUC
PMU-6	RCMU
Industrial	
I-2	IC
I-3	IC
BP	EC
Special Districts	
OSM	IPU
Sunnyside Village	
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.

[...]

Response:

As discussed above, the subject properties are located east of the existing East Happy Valley Comprehensive Plan area. As such, the properties will retain their existing Clackamas County zoning until such time as the City adopts an acknowledged Comprehensive Plan/PAPA for these lands. Therefore, these criterion are not currently applicable.

III. CONCLUSION AND RECOMMENDATION:

Staff has determined that the proposed annexation 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. Staff, therefore, recommends that the City Council approve application ANN-01-15/CPA-08-15/LDC-09-15.**



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-KEIZER, OR

EXHIBIT A

Legal Description

A tract of land located in the Northeast One-Quarter of Section 7, Township 2 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the southwest corner of Lot 3 of the plat "Barcelona Knoll"; thence along the south line of Document Number 2015-012116 South 89°27'15" West 16.00 feet to the northeast corner of Document Number 95-074911; thence along the easterly line of said Document Number South 00°02'30" West 1059.10 feet to the northerly right-of-way line of Armstrong Circle (30.00 feet from centerline); thence along said right-of-way line North 69°48'30" West 302.88 feet to a point on the City of Happy Valley city limits line; thence along said city limits line South 00°02'30" West 63.91 feet to a point on the southerly right-of-way line of Armstrong Circle (30.00 feet from centerline); thence along said right-of-way line South 69°48'30" East 319.93 feet to a point on the southerly extension of the west line of Document Number 2005-119679; thence along said southerly extension North 00°02'30" East 63.91 feet to a point on the northerly right-of-way line of Armstrong Circle (30.00 feet from centerline); thence along said right-of-way line South 69°48'30" East 161.90 feet to the southwest corner of Document Number 85-27118; thence along westerly line of said Document Number North 00°02'30" East 159.86 feet to the northwest corner of said Document Number; thence along the northerly line of said Document Number North 89°27'15" East 178.00 feet to a point on the westerly line of Parcel I of Document Number 2005-119677; thence along said westerly line South 00°02'30" West 227.00 feet to the northerly right-of-way line of Armstrong Circle (30.00 feet from centerline); thence along said right-of-way line South 69°48'30" East 253.63 feet to a point; thence along a curve to the left with a Radius of 256.48 feet, Delta of 15°27'28", Length of 69.20 feet, and a Chord of South 77°32'14" East 68.99 feet to a point on the northerly right-of-way line of State Highway 212 (30.00 feet from centerline); thence along said right-of-way line North 89°12'33" East 100.31 feet to a point; thence continuing said right-of-way line on the arc of a spiral curve to the left with a Chord of North 86°34'10" East 175.02 feet (centerline spiral S=19°36', a=5.0) to a point; thence along the easterly line of Parcel I of Document Number 2005-119677 North 00°02'30" East 1285.71 feet to the northwesterly corner of Parcel 2 of Document Number 97-078961; thence along the northerly line of said Parcel 2 North 89°27'15" East 412.12 feet to a point on the westerly line of the plat of "Wy East Acres"; thence along said westerly line North 00°05'30" East 140.24 feet to the southeasterly corner of Document Number 2011-039107; thence along the southerly line of said Document Number and the plat of "West Park Addition No. 1" South 89°27'15" West 806.48 feet to the northeasterly corner of Lot 2 of the plat "Barcelona Knoll"; thence along the easterly line of said Lot 2 South 00°01'15" East 140.24 feet to the southeasterly corner of said Lot 2; thence along the southerly line said Lot 2 and Lot 3 South 89°27'15" West 516.42 feet to the Point of Beginning.

The above described tract of land contains 28.08 acres, more or less.

6/4/2015

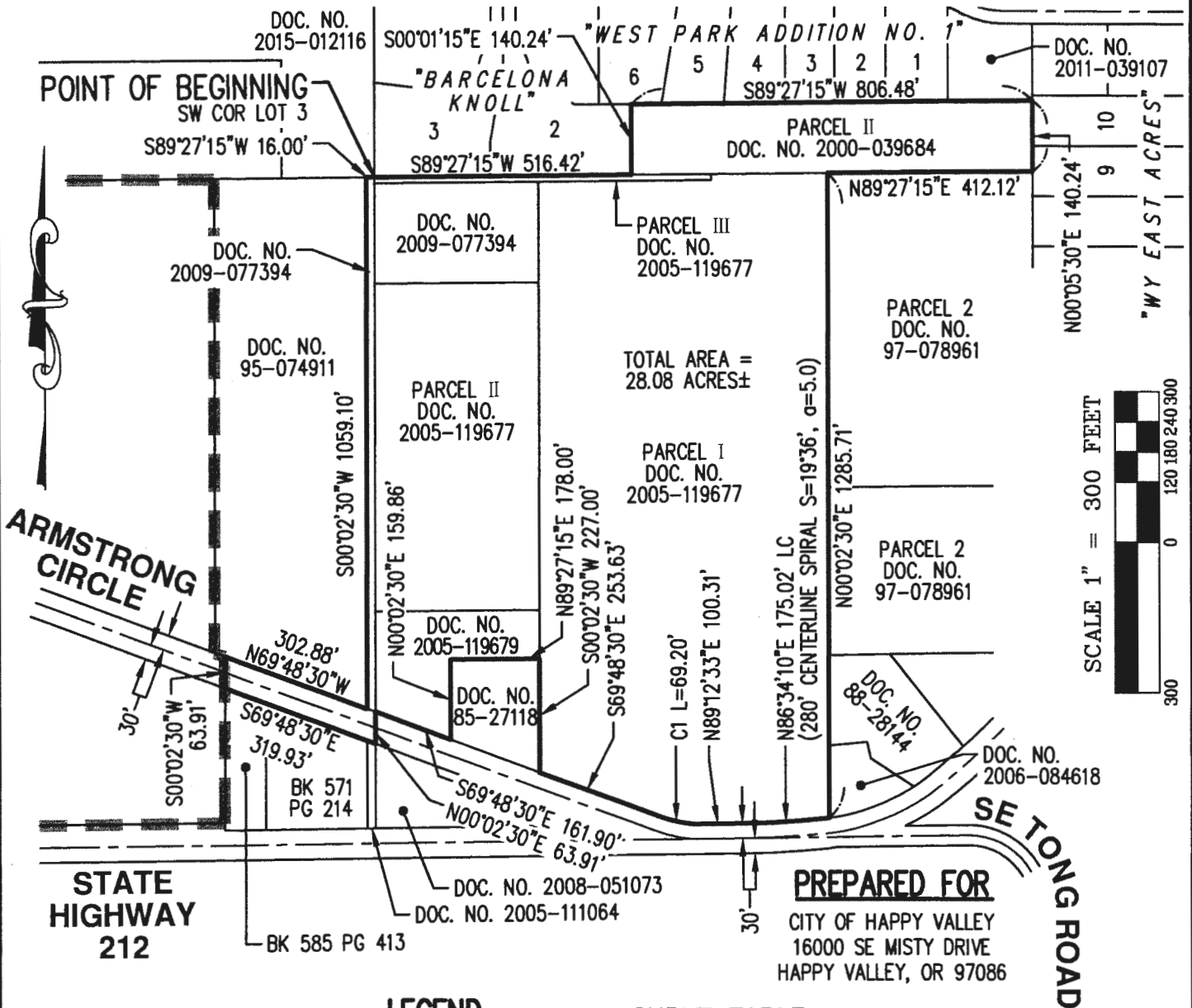
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 7,
TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



LEGEND

--- HAPPY VALLEY CITY LIMITS

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	256.48'	15°27'28"	69.20'	S77°32'14"E 68.99'

6/4/2015

REGISTERED PROFESSIONAL LAND SURVEYOR

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

CITY OF HAPPY VALLEY ANNEXATIONS		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: WCB CHKD: NSW AKS JOB: 2582



This map was prepared for assessment purposes only.

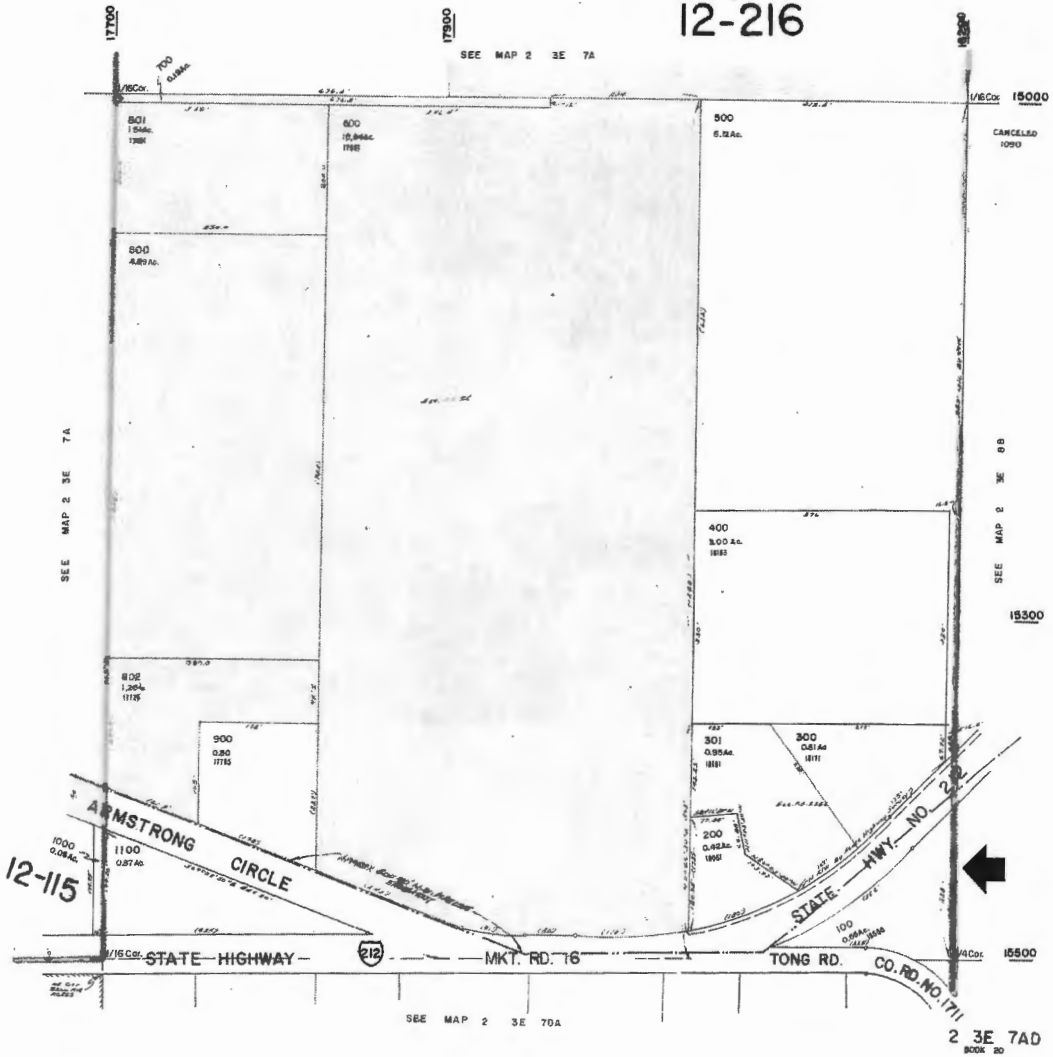
S.E.1/4 N.E.1/4 SEC. 7 T.2S. R.3E. W.M.
CLACKAMAS COUNTY

2 3E 7AD

1"=100'

12-216

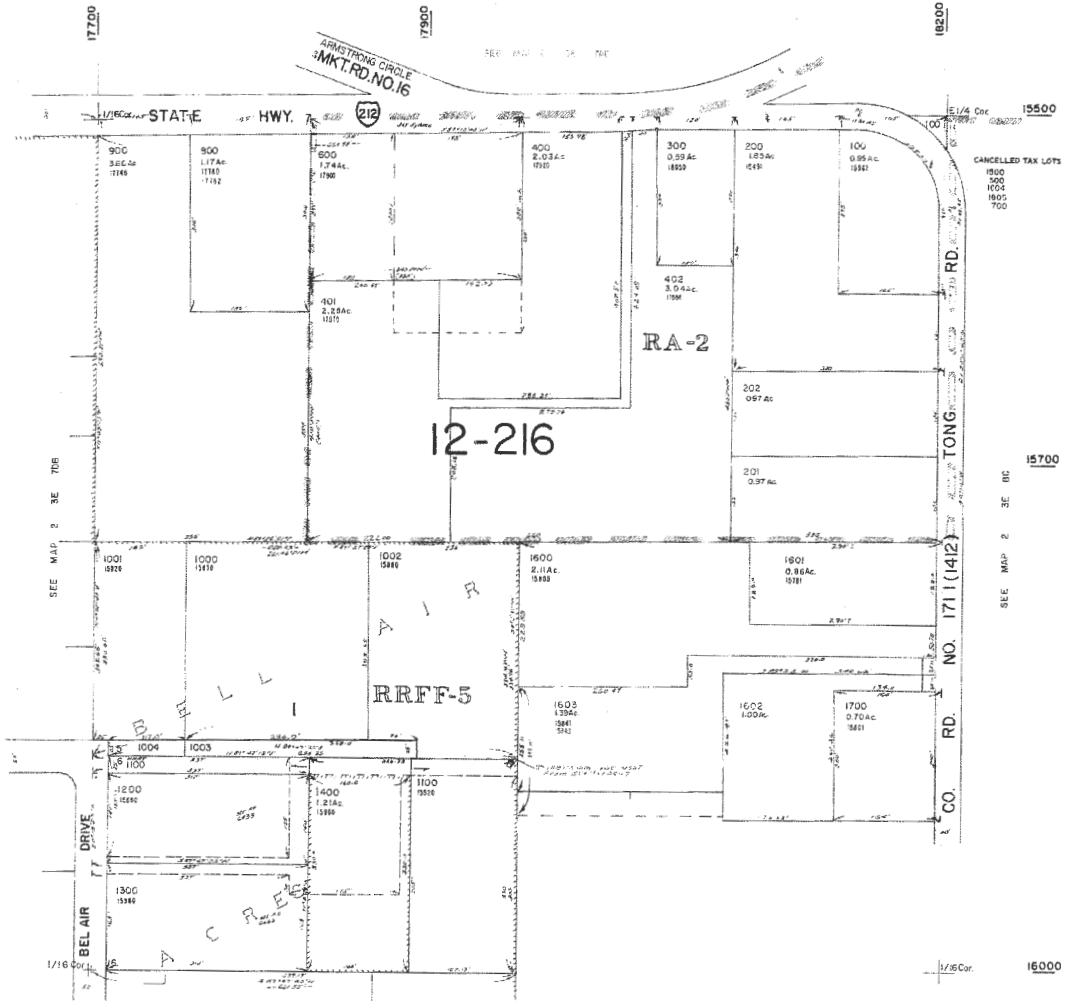
SEE MAP 2 3E 7A



This map was prepared for assessment purpose only.

NE. 1/4 SE. 1/4 SEC. 7 T2S. R3E. WM.
CLACKAMAS COUNTY
1"=100'

2 3 E 7DA



SEE MAP 2 3E 7DA

2 3 E 7DA



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:

17955 SE EMI CT
 Street Address of Property (if address has been assigned)

Legal Description (Subdivision Name, Lot number(s))
(SEE ATTACHED)

Tax Map and Tax Lot Number

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

Alfred N. Wetzel A.N. A.N. 09/19/14
 Signature Owner Initial Voter Initial Date

 Signature Owner Initial Voter Initial Date

 Other Authorized Signature Owner Initial Voter Initial Date

17955 SE EMI CT
 Street Address

DAMASCUS, OR 97089
 Mailing Address

Home Phone Work Phone

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

City, State and Zip Code

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

Alfred N. Wetzel 09/19/14
 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: _____
 Types of housing units: ___ Single family ___ Multi-family ___ Mobile home or trailer
 Number of people occupying these units: _____



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:
 17651 and 17725 S.E. Armstrong Circle

 Street Address of Property (if address has been assigned)
 Clackamas, Oregon 97015

 Legal Description (Subdivision Name, Lot number(s)) (See Attachments)
 T2S, R3E, Sec. 7
 23E-07 AD, Tax lots 600, 700, 800, 801, 802

 Tax Map and Tax Lot Number
 Also includes tax lot 900 in T2S, R3E, Sec 7A

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

<u>Charles A. Fick III</u>	<u>CAF</u>		<u>9-9-2014</u>
Signature	Owner Initial	Voter Initial	Date
GDI New Horizons, LLC			
By: <u>CHARLES A. FICK III</u>			
Signature	<u>MEMBER</u>	Owner Initial	Voter Initial
			Date

Other Authorized Signature	Owner Initial	Voter Initial	Date
	<u>503.557.4300</u>		<u>503.819.7723</u>
GDI New Horizons, LLC	Home Phone	Work Phone	
Street Address			

13895 Fir Street
 Mailing Address
Oregon City, OR 97045
 City, State and Zip Code

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

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

<u>Charles A. Fick III</u>	<u>9/9/2014</u>		
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: 0
 Types of housing units: _____ Single family N/A Multi-family N/A Mobile home or trailer
 Number of people occupying these units: N/A

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	ANN-01-15	ANN-01-15												
2	PROPERTY OWNER	TAX MAP/LOT	SITE ADDRESS	CITY	MAILING ADDR	MAILING CITY	STATE	ZIP	ACRES	ASSESED VALUE	# DU	# PEOPLE	EXISTING ZONING	PROPOSED ZONE
3														
4														
5	GDI NEW HORIZONS	23E07AD00801	17651 SE Armstrong Cir	Damascus	13895 Fir St	Oregon City	OR	97045	2	250,501.00			RRFF-5	RRFF-5
6	GDI NEW HORIZONS	23E07AD00800	No Situs	Damascus	13895 Fir St	Oregon City	OR	97045	5	157,863.00	1		RRFF-5	RRFF-5
7	GDI NEW HORIZONS	23E07AD00802	17225 SE Armstrong Cir	Damascus	13895 Fir St	Oregon City	OR	97045	1	202,870.00	1		RRFF-5	RRFF-5
8	GDI NEW HORIZONS	23E07AD00700	No Situs	Damascus	13895 Fir St	Oregon City	OR	97045		2,465.00	0	0	RRFF-5	RRFF-5
9	GDI NEW HORIZONS	23E07AD00600	17981 SE Hwy 212	Damascus	13895 Fir St	Oregon City	OR	97045	16	298,372.00	1		RRFF-5	RRFF-5
10	GDI NEW HORIZONS	23E07A 00900	No Situs	Clackamas	13895 Fir St	Oregon City	OR	97045	0.25	6,749.00		0	RRFF-5	RRFF-5
11	ALFRED G. WETZEL TRUSTEE	233E07A 00400	Portion (No Situs)	Clackamas	17955 SE Emi St	Damascus	OR	97086	3.8	N/A	0	0	RRFF-5	RRFF-5
12														
13														
14														
15														
16														
17														
18									28.05	918,820.00				

OF HAPPY VALLEY
000 SE MISTY DRIVE
VALLEY, OREGON 97086



DEPT OF

JUL 13 2015

LAND CONSERVATION
AND DEVELOPMENT

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