

Final Documents
for
Annexation to
Happy Valley

CL1211
Ordinance/Resolution: 417

DOR: 3-1925-2011
Secretary of State: AN 2011-0083
Secretary of State Effective Date: 11/10/2011

OFFICE OF THE SECRETARY OF STATE

KATE BROWN
SECRETARY OF STATE

BARRY PACK
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR
800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701
Facsimile (503) 378-4118

November 10, 2011

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of the date below, the following records annexing territory to the following:

Ordinance/ Resolution Number(s)	Date	Our File Number
417 (Happy Valley)	11/ 10/ 2011	AN 2011-0083

For your records please verify the effective date through the applicable ORS.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad
Official Public Documents

Cc: Department of Revenue
ODOT
Population Research Center

Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Happy Valley
Planning Dept.
16000 SE Misty Drive
Happy Valley, OR 97086

**Description and Map Approved
November 2, 2011
As Per ORS 308.225**

Description Map received from: Justin Popilek
On: 10/12/2011

This is to notify you that your boundary change in Clackamas County for

Annexation into City of Happy Valley and withdrawal from Clackamas Co. Enhanced Law
Enforcement Dist

Ordinance No. 417

has been: Approved 11/2/2011
 Disapproved

Notes:

Department of Revenue File Number: 3-1925-2011

Prepared by: Barbara Callahan 503-945-8303

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Mayor
Honorable Lori DeRemer



City Manager
Jason Tuck

DATE: October 10, 2011

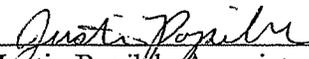
File No. ANN-03-11/LDC-03-11/CPA-06-11

NOTICE OF EXPEDITED DECISION

This is official notice of action taken by the Happy Valley City Council pursuant to Metro Code 3.09.045 with regard to an application for annexation to the City of Happy Valley. The subject properties are described as Clackamas County Assessor Map Numbers 12E36CC00800 and 13E31C02400.

The City Council formally approved the subject application/petition based upon findings included within the Staff Report dated October 4, 2011, and deliberations of the City Council.

Per Metro Code 3.09.045 decisions made pursuant to an expedited process are not subject to appeal by a necessary party pursuant to Section 3.09.070.


Justin Popilek, Associate Planner

cc: Petitioner
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. 417
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,
OREGON AND THE NORTH CLACKAMAS PARKS AND RECREATION
DISTRICT, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, AMENDING OFFICIAL
MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND DEVELOPMENT
ORDINANCE NO. 97, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100 percent of the owners of 100 percent of the properties with 100 percent of the assessed value of territory requesting annexation (ANN-03-11/LDC-03-11/CPA-06-11); and

WHEREAS, the proposed annexation territory consists of two tax lots totaling 1.38 acres of land adjacent to existing city boundaries; and

WHEREAS, the specific tax lots to be annexed include:

12E36CC00800 and 13E31C02400; and

WHEREAS, the City provided notice that the City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) Section 16.60.050 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 lots proposed for annexation will be re-designated and re-zoned from existing Clackamas County zones to the applicable city zoning designations per the City's Development Code; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on October 4, 2011; and

WHEREAS, the City Council deems it in the public's interest to declare an emergency so that this ordinance takes effect as specified below, prior to the expiration of the 30-day period specified in the City Charter.

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 October 4, 2011.

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:

12E36CC00800 - Very Low Density Residential (R-15)

13E31C02400 - Medium Density Residential (R-5)

Section 3. The City Council adopts the subject annexation application (ANN-03-11/LDC-03-11/CPA-06-11) and the associated Staff Report to the City Council dated October 4, 2011.

Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby annexed to the North Clackamas Parks and Recreation District and is withdrawn from the Clackamas County Enhanced Law Enforcement District effective October 4, 2011.

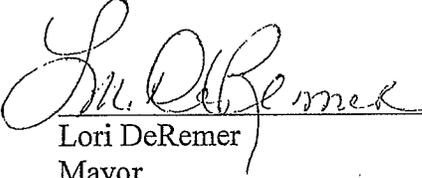
Section 5. As a condition for the annexation of each property in the territory described in Exhibit A and depicted in Exhibit B, the property owners, on behalf of themselves, their heirs, successors and assigns, waive their right(s) of remonstrance against the creation of any Local Improvement District created consistent with ORS Chapter 223 and/or Happy Valley Municipal Code Chapter 3.12 for a period of 10 years from the effective date of the annexation.

Section 6. The City Recorder is directed to:

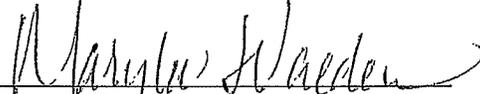
1. File a copy of this ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;
2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and
3. Mail a copy of this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

Section 7. An emergency is declared to exist and as provided by Section 17 of the Happy Valley City Charter this ordinance takes effect on October 4, 2011:

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE
MEETING: [October 4, 2011]


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 and will consider annexation of territories pursuant to the Expedited Decision process of Metro Code Chapter 3.09.045 and a Comprehensive Plan Map/Zoning Map amendment (rezoning the subject properties from the existing Clackamas County zoning designations to applicable City of Happy Valley zoning designations) 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, October 4, 2011, at 7:30 p.m.**

DOCKET NUMBER

ANN-03-11/LDC-03-11/CPA-03-11

The affected property totals approximately 1.38 acres of real property and includes the following properties as listed by Clackamas County Assessor Map Number:

12E36CC00800 and 13E31C02400

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 legislative 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, Associate 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,
Associate Planner

NOTICE OF PUBLIC HEARING

CITY OF HAPPY VALLEY

CITY COUNCIL

THIS IS TO NOTIFY YOU THAT THE CITY OF HAPPY VALLEY PROPOSES A PLAN AND/OR LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES.

This notice is provided in order to comply with Ballot Measure 56 - approved by Oregon voters on November 3, 1998. Ballot Measure 56 requires the City to print the following sentence: "The City has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property."

Notice is hereby given that the

**HAPPY VALLEY CITY COUNCIL will hold a
PUBLIC HEARING on
TUESDAY, OCTOBER 4, 2011 at 7:30 p.m.**

The hearings will be held at the Happy Valley City Hall
16000 SE Misty Drive,
Happy Valley, OR, 97086

The purpose of these hearings is to consider public testimony on:

ANNEXATION OF TERRITORY CURRENTLY IN UNINCORPORATED CLACKAMAS COUNTY AND AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN MAP/ZONING MAP
On OCTOBER 4, 2011, the City of Happy Valley will hold a public hearing regarding the proposed annexation of territory into the City and amendments to the City's Comprehensive Plan Map/Zoning Map (File No. ANN-03-11/LDC-03-11/CPA-03-11). The City will legislatively rezone the properties proposed for annexation from their existing Clackamas County zoning designations to an "equivalent" city zoning designation, set forth in the City's Comprehensive Plan. The following language is required of Measure 56 notices: *The City of Happy Valley has determined that adoption of this plan may affect the permissible uses of your property, and other properties in the affected area, and may change the value of your property.* These land use files are available for inspection at the City of Happy Valley City Hall located at 16000 SE Misty Drive, Happy Valley, OR 97086. **All written comments must be received by Friday, September 9, 2011 at the above address.** For additional information concerning the file, please contact Justin Popilek, Associate Planner at 503-783-3810, or write to justinp@ci.happy-valley.or.us. The City Council is the final local review authority and will consider the Annexation, Comprehensive Plan Map/Zoning Map amendment, and an Ordinance at the public hearing. Applicable criteria for this review are generally set forth in:

- Happy Valley Comprehensive Plan Policies;
- Happy Valley Land Development Code
- Metro Urban Growth Management Functional Plan; and,
- Oregon Statewide Planning Goals and Statutes.

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if requested at least 72 hours prior to the meeting. To obtain such services, please contact Marylee Walden, City Recorder, at 503.783.3800

City of Happy Valley, City Council

AGENDA STATEMENT

Meeting Date October 4, 2011

Item Title

Annexation File: ANN-03-11/LDC-03-11/CPA-06-11

Prepared by

Justin Popilek

Department

Community Development

Explanation

File Number ANN-03-11/LDC-03-11/CPA-06-11 proposes to annex and apply city zoning to two tax lots, totaling approximately 1.38 acres in size.

Special Issues

The approval of this annexation would apply city zoning designations to the subject properties that would create the potential for future land division, resulting in additional buildable residential lots within the City.

Financial Impact

Increased tax revenue for each annexed property versus future services to each property.

Recommendation

Staff recommends approval of ANN-03-11/LDC-03-11/CPA-06-11.

Planning Commission Recommendation

N/A

Attachments

1. Staff Report (ANN-03-11/LDC-03-11/CPA-06-11)
2. Ordinance #417

Mayor
Honorable Lori DeRemer



City Manager
Jason A. Tuck

CITY OF HAPPY VALLEY
STAFF REPORT TO THE CITY COUNCIL

October 4, 2011

ANNEXATION APPLICATION (File Number: ANN-03-11/LDC-03-11/CPA-06-11)

I. GENERAL INFORMATION

PROPOSAL:

The City seeks approval of the annexation of two properties, with a cumulative area of approximately 1.38 acres, and the legislative amending of the Comprehensive Plan designation/zoning district of the subject properties to Happy Valley as set forth in Section 16.67.070 of the City's Land Development Code (LDC). The subject properties currently have residential Clackamas County Comprehensive Plan designations and zoning districts, which will be converted to residential Happy Valley designations/districts.

APPLICANT:

City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086

PROPERTY OWNER:

See Attached List – Exhibit B

EXHIBITS:

Exhibit A- Legal Description
Exhibit B- Annexation Area Map/Property Owner List
Exhibit C- Annexation Application/Petition

16000 SE Misty Drive
Happy Valley, Oregon 97086
Telephone: (503) 783-3800 Fax: (503) 658-5174
Website: www.ci.happy-valley.or.us

APPLICABLE CRITERIA:

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

BACKGROUND:

The City of Happy Valley makes available petitions for annexation to area property owners and received signed petitions requesting annexation from the owners of the subject properties.

GENERAL DISCUSSION:

The proposed annexation was initiated by petitions signed by the owners of 100 percent of the property owners that represent 100 percent of the assessed value, and that represent at least 50 percent of the electors within the area being annexed. The petition meets the requirements of Metro Ordinance Number 98-791, Chapter 3.09.045, and ORS 222.125.

The properties to be annexed are in two locations, adjacent to the existing city limits, as noted on Exhibit "B". The legal descriptions for the areas proposed for annexation are attached as Exhibit "A" and the annexation application data forms for the areas to be annexed are attached as Exhibit "C".

The proposed annexation incorporates two properties consisting of 1.38 acres located adjacent to the existing boundary of the City of Happy Valley. The desire of the property owners to obtain city services and 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 Exhibit "A".

The proposed annexation boundaries have been drawn up to include only the properties represented by the property owner or his representative who signed the annexation petitions.

The subject properties are existing Lots of Record, each containing one single-family residence. Both of the properties proposed for annexation are subject to the City's Rock Creek Comprehensive Plan, which designates the properties as Low Density Residential (2-4 dwelling units per net acre). With the approval of this annexation proposal, the subject properties will receive Happy Valley zoning designations that will create the potential for future land division. Tax Lot 800 is approximately 42,500 square feet in size and Tax Lot 2400 is approximately 17,500 square feet in size, these properties will receive city zoning designations of R-15 and R-5, respectively.

This proposed annexation complies with the present agreements the City has with various urban service providers. One of the subject properties is in the process of annexing to Clackamas County Service District #1 (CCSD #1), which provides sanitary sewer and stormwater management services to the City and other urbanized areas of Clackamas County. The subject 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 the subject properties subsequent to the approval of this annexation. Also subsequent to the approval of this annexation, the owners of the subject properties will be required to annex into Clackamas County Service District #5 (CCSD #5) for street lighting and the North Clackamas Parks and Recreation District (NCPRD). 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 owner of Tax Lot 800 is in the process of annexing into CCSD #1 and connecting his existing house to public sanitary sewer. The residence on Tax Lot 2400 is currently operating on a septic system, with no connection to public sanitary sewer readily available at this time. The owner of Tax Lot 2400 will be required to annex to CCSD #1 at the time the existing residence is connected to public sanitary sewer. As previously discussed, the subject properties have the potential to develop as a residential subdivision or partition. Prior to the development of these properties, CCSD #1 will evaluate how to best provide sanitary and stormwater services.

Happy Valley Comprehensive Plan Policies 4 through 7 address urbanization of lands from rural to urban uses. The annexation area satisfies the applicable provisions of these policies by providing land for urban development that can be, or currently is, adequately served by Level 1 services and facilities.

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. 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 contribute land toward future urban-level uses at the densities specified in the functional plan.

Any future development within the subject properties proposed for annexation will comply with all the applicable regional, County and City plans.

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 the City of Happy Valley. The proposed annexation has the potential to 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.

One of the subject properties is in the process of annexing to CCSD #1 and the second property will be required to annex to CCSD #1 at the time the existing residence is connected to public sanitary sewer. Subsequent to the approval of this application, the owners of the subject properties will be required to annex into CCSD #5 for street lighting and NCPRD. 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. Fire protection will be provided to the subject properties by CFD #1.

SWA provides potable water to the City of Happy Valley. The properties proposed for annexation are currently, and will continue to be, within the service area of SWA. The future water supply needs of the subject properties will be evaluated and planned for by SWA.

This annexation proposal is consistent with Goal 11. Public services to the annexation areas have already been planned for and anticipated to occur because it is within the existing UGB. Extension of the public services that are not currently available to the subject properties will most likely occur with future development. This criterion has been 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 area 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 has identified an expansion area from the current city limits. The subject properties proposed for annexation are within this identified area and are subject to the City's Rock Creek Comprehensive Plan. Through the legislative process, the City is proposing to apply city zoning designations to the subject properties that are in conformance with the Rock Creek Comprehensive Plan. This plan was established in compliance with Goal 14, therefore, this criterion has been satisfied.

Oregon Revised Statutes (ORS)

"ORS 222.111 – [...] (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed."

Response:

This annexation was the result of petitions filed by the property owners or their representatives who own properties that are contiguous to the city limits of Happy Valley. The criterion has been satisfied.

ORS 222.125 - Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Response:

The application was initiated by petitions from owners of 100 percent of the land in the territory to be annexed and 50 percent of the electors in the territory to be annexed. The criterion has been satisfied.

REGIONAL LAND USE REQUIREMENT

“Metro Code 3.09.045 – Expedited Decisions

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

Response:

The City of Happy Valley established an expedited decision process through the adoption of Resolution Number 05-13. The City has received written consent in the form of petitions from 100 percent of the property owners and 50 percent the electors within the affected territory. The criterion has been satisfied.

(b) The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.

Response:

The City of Happy Valley provided notice to all interested parties, necessary parties and land owners within 300 feet of the subject 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 Tuesday, September 27, 2011, 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 area. One of the subject properties is in the process of annexing to CCSD #1 and the second property will be required to annex to CCSD #1 at the time the existing residence is connected to public sanitary sewer. Subsequent to the approval of this application, the owners of the subject properties will be required to annex to CCSD #5 for street lighting and NCPRD. The subject properties will need to be removed from the Clackamas County Enhanced Law Enforcement District and will be served by the Happy Valley Police Department. Fire protection will be provided to the subject properties by CFD #1. SWA provides potable water to the City of Happy Valley. The properties proposed for annexation are currently, and will continue to be, within the service area of SWA. The future water supply needs of the subject properties will be evaluated and planned for by SWA. 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 an area where most urban services have already been installed. The criterion has been satisfied.

(E) Any applicable comprehensive plan; and

The Happy Valley Comprehensive Plan, Rock Creek Comprehensive Plan, and the City's LDC do not contain applicable standards or criteria for boundary changes. However, the proposed annexation does meet applicable Metro and statewide planning requirements as addressed in this report. The criterion has been 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 most 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 most urban services are currently available. However, all Level 1 services will be required to be in place if any development activity is to occur on these properties. This criterion has been 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 properties proposed for annexation are subject to the City’s Rock Creek Comprehensive Plan. This plan was created with preservation and enhancement of physical resources as a goal. This criterion has been satisfied.

Policy 6: To assure that the development of properties is commensurate with the character and physical limitations of the land in the Happy Valley area as determined by the available base information and the Composite Development Suitability analysis.

Response:

Compliance with this policy will be evaluated when/if individual proposals for development/construction are submitted to the City on the subject properties. This criterion has been 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.

[...]

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 city zoning designations per the applicable city comprehensive plan. As a result, if the proposed annexation is approved, an ordinance 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 zoning designations to Happy Valley zoning designations. These criteria have been satisfied.

III. CONCLUSION:

Staff has determined that the above findings demonstrate that the proposed annexation and zoning conversion of the subject properties satisfy the requirements of the City of Happy Valley Comprehensive Plan and LDC, Metro Code 3.09, Oregon Revised Statutes and Statewide Planning Goals. Staff, therefore, recommends the City Council approve application ANN-03-11/LDC-03-11/CPA-06-11.



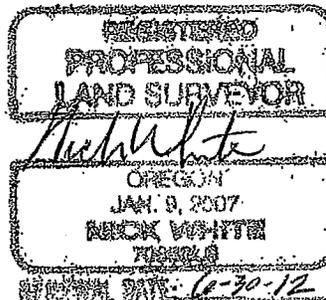
AKS ENGINEERING & FORESTRY, LLC
ENGINEERING / SURVEYING / PLANNING / FORESTRY
LANDSCAPE ARCHITECTURE / ARBORICULTURE

EXHIBIT A
Legal Description
Annexation Parcel

A tract of land located in the Southwest One-Quarter of Section 36, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the northwest corner of Lot 44 of Plat "Esmeralda"; thence along the northerly line of Document Number 2005-118663 and the northerly line of said Plat North 88°15'59" West 679.29 feet to the southwest corner of Document Number 2007-024081 and the True Point of Beginning; thence along the northerly right-of-way line of SE Badger Creek Road and the City of Happy Valley City Limits North 88°15'59" West 135.23 feet to southwest corner of Document Number 2011-034128; thence North 87°54'19" West 50.01 feet to the southeast corner of Document Number 2001-033885; thence along the westerly right-of-way line of SE 143rd Place (25.00 feet from centerline) and the City of Happy Valley City Limits North 02°54'40" East 329.62 feet to the northeast corner of Document Number 2001-033885, also being the southerly right-of-way line of SE Aldridge Road (25.00 feet from centerline); thence along the southerly line of said right-of-way and the City of Happy Valley City Limits South 86°22'50" East 180.64 feet to the northwest corner of Document Number 2007-024081; thence along the westerly line of said Document and the City of Happy Valley City Limits South 02°06'08" West 323.93 feet to the True Point of Beginning.

The above described tract of land contains 59,792 square feet, more or less. The Basis of Bearings is the Plat of "Esmeralda", Clackamas County Survey Records.



SHERWOOD, OR
503.925.8799
FAX: 503.925.8969
13910 SW GALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97140

VANCOUVER, WA
12011 NE 99TH STREET, SUITE 1530
VANCOUVER, WA 98682

REDMOND, OR
P.O. BOX #1459
REDMOND, OR 97756



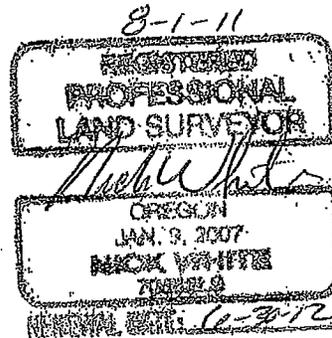
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EXHIBIT A
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 Annexation Parcel

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Beginning at the northwest corner of Lot 34 of the Plat "Pleasant Valley Golf Estates", being on the southerly right-of-way line of SE Hagen Road (30.00 feet from centerline); thence along the southerly line of said right-of-way and City of Happy Valley City Limits North 89°52'53" West 100.00 feet to the northeast corner of Lot 32 of the Plat "Pleasant Valley Golf Estates"; thence along the easterly line of said Lot 32 South 00°07'07" West 175.02 feet to a point on the northerly line of Document Number 94-056075; thence along the northerly line of said Document and City of Happy Valley City Limits South 89°48'33" East 100.00 feet to the southwest corner of said Lot 34; thence along the westerly line of said Lot 34 and the City of Happy Valley City Limits North 00°07'07" East 175.14 feet to the Point of Beginning.

The above described tract of land contains 17,507 square feet, more or less. The Basis of Bearings is the Plat of "Pleasant Valley Golf Estates", Clackamas County Survey Records.



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REDMOND, OR
 P.O. Box #1459
 REDMOND, OR 97756



Proposed Annexation Properties

- Proposed Annexation Properties
- Major Arterial
- Minor Arterial
- Collector
- Neighborhood
- Unincorporated Clackamas County
- Happy Valley City Boundary
- Damascus

Source: Data from Clackamas County GIS (2010)
 0 575 250 750 1,000 1,250 Feet
 City of Happy Valley, Clackamas County, Oregon
 This map is a representation of the information contained herein and is not intended to be used for any purpose other than that for which it was prepared. It is not a warranty, representation, or agreement of any kind, and it is not to be used for any purpose other than that for which it was prepared. It is not to be used for any purpose other than that for which it was prepared. It is not to be used for any purpose other than that for which it was prepared.

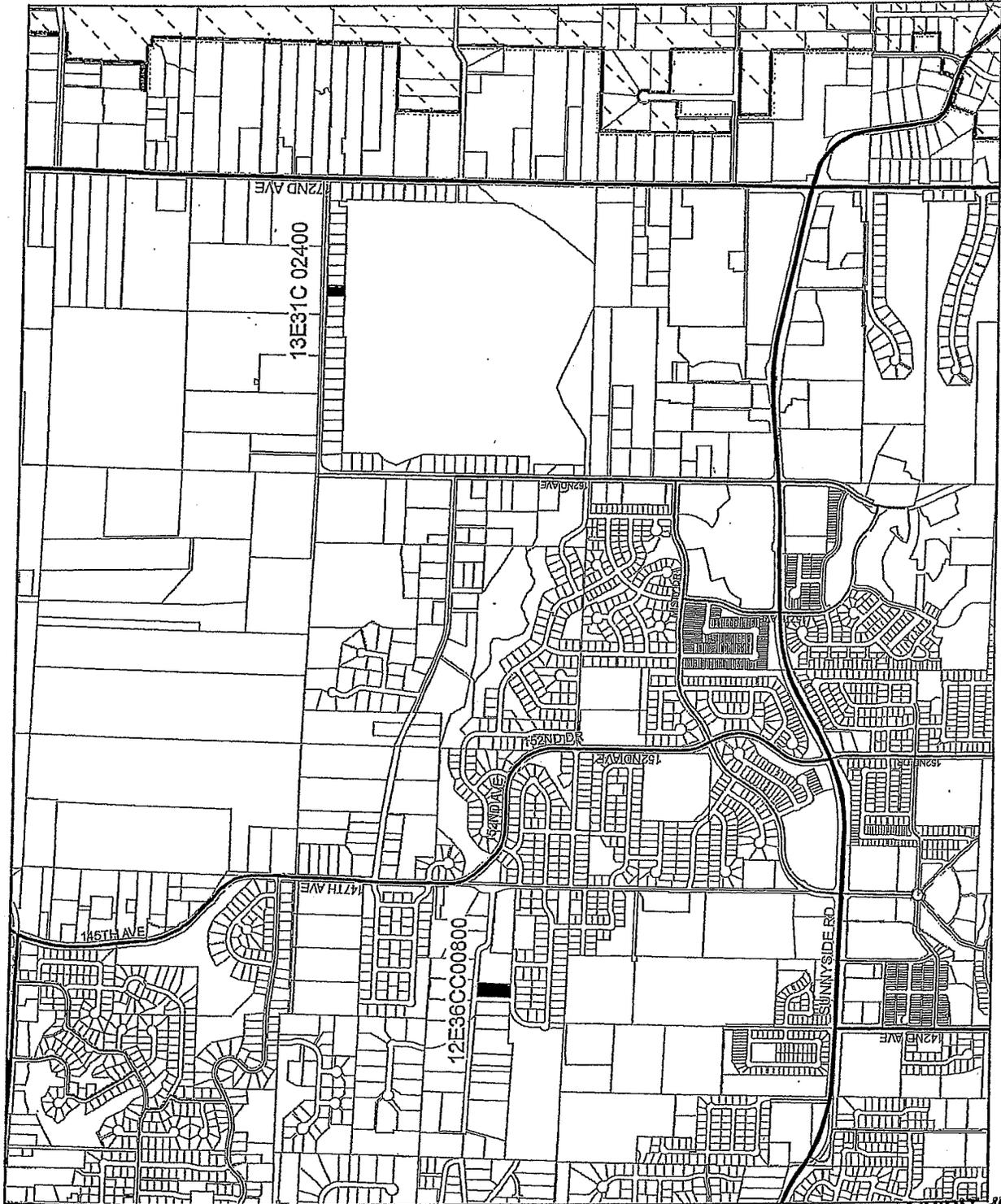
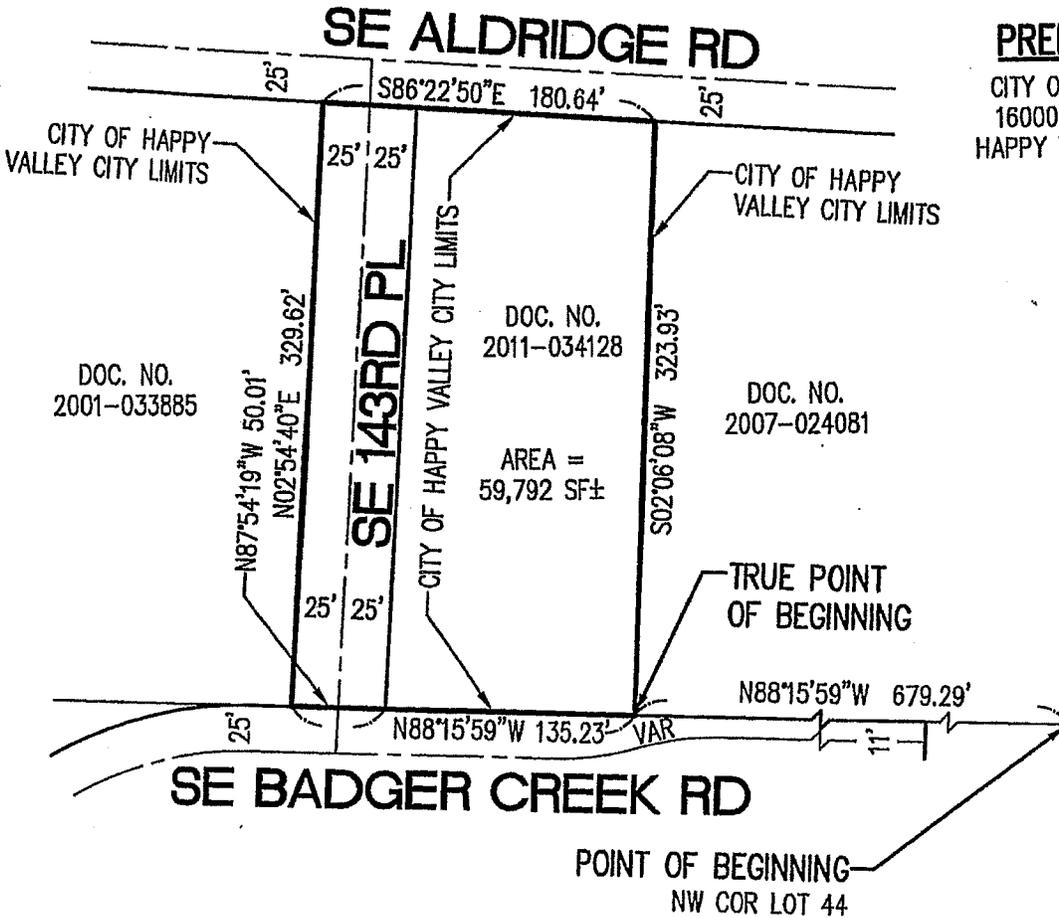


EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



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

DOC. NO.
2001-033885

DOC. NO.
2011-034128

DOC. NO.
2007-024081

AREA =
59,792 SF±

TRUE POINT
OF BEGINNING

POINT OF BEGINNING
NW COR LOT 44

SCALE 1" = 100 FEET



THE BASIS OF BEARINGS IS PER PLAT NUMBER 4197, CLACKAMAS COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/12

JOB NAME: COHV ANNEX

JOB NUMBER: 2582

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 2582ANNO111

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OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

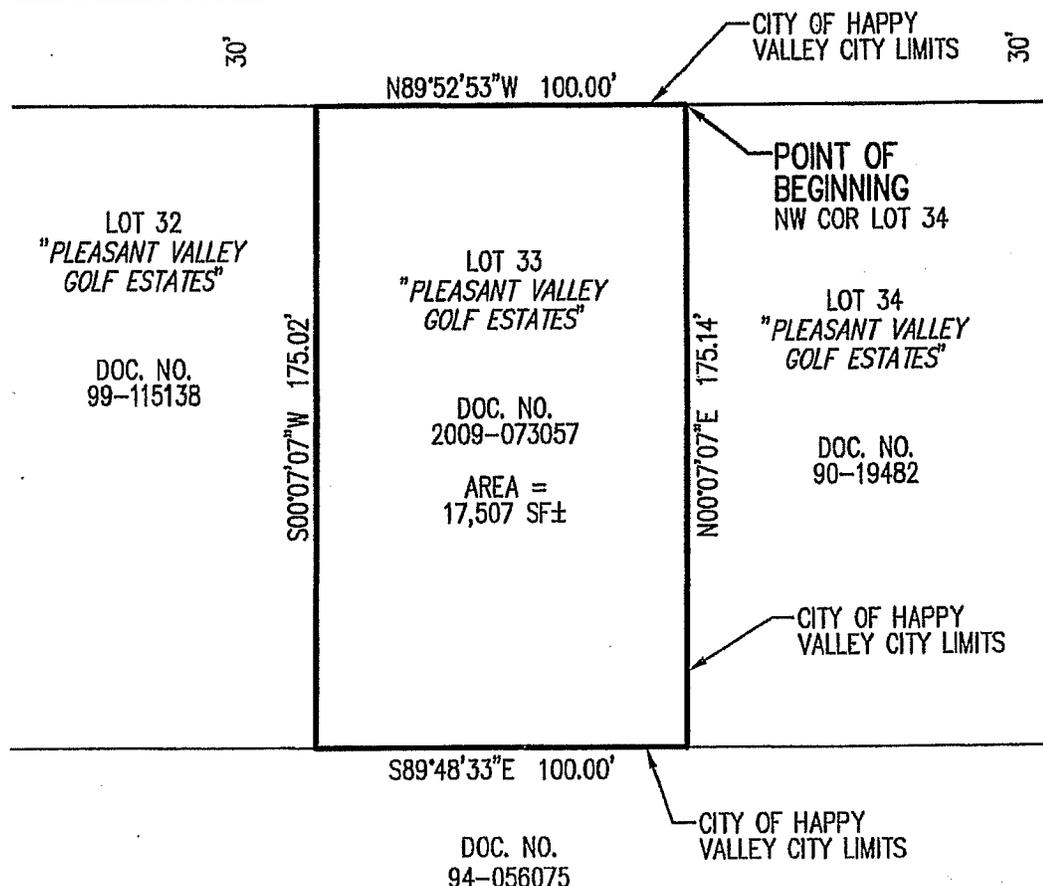
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SE HAGEN RD

PREPARED FOR

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



SCALE 1" = 100 FEET



THE BASIS OF BEARINGS IS PER PLAT NUMBER 1355, CLACKAMAS COUNTY SURVEYOR'S OFFICE.

8-1-11
REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/12

JOB NAME: COHV ANNEX

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OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA



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:

14311 SE Aldridge Road Happy Valley, OR. 97086
 Street Address of Property (if address has been assigned)

Legal Description (Subdivision Name, Lot number(s))
12E36CC0800

Tax Map and Tax Lot Number

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

Jeffrey J. Bender
 Signature

Cherissa Bender
 Signature

<u>JB</u>	<u>JB</u>	<u>6-13-11</u>
Owner Initial	Voter Initial	Date
<u>JB</u>	<u>JB</u>	<u>6-13-11</u>
Owner Initial	Voter Initial	Date

Other Authorized Signature

<u>503-260-6903</u>	<u>503-260-6903</u>
Home Phone	Work Phone

14311 SE Aldridge Road
 Street Address

14311 SE Aldridge Road
 Mailing Address

Happy Valley, Or. 97086
 City, State and Zip Code

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

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

Indefinitely, or until

Jeffrey J. Bender 6-13-11
 Signature Date

Cherissa Bender 6-13-11
 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:

16886 SE Hagen Rd, Happy Valley
 Street Address of Property (if address has been assigned)

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

1 3e 31c 02400
 Tax Map and Tax Lot Number

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

<u>[Signature]</u> Signature	<u>[Initials]</u> Owner Initial	<u>[Initials]</u> Voter Initial	<u>7/20/10</u> Date
<u>[Signature]</u> Signature	<u>[Initials]</u> Owner Initial	<u>[Initials]</u> Voter Initial	<u>7/20/10</u> Date

Other Authorized Signature _____
16886 SE Hagen
 Street Address

Owner Initial	Voter Initial	Date
<u>503 855 9811</u>		<u>Same</u>

Home Phone _____ Work Phone _____

Mailing Address _____
Happy Valley OR 97086
 City, State and Zip Code

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

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

indefinitely, or until _____

<u>[Signature]</u> Signature	<u>7/19</u> Date	<u>[Signature]</u> Signature	<u>7/20/2010</u> Date
---------------------------------	---------------------	---------------------------------	--------------------------

The Population Research Center at Portland State University compiles population estimates which they report to the State of Oregon on an annual basis. The State of Oregon then uses these estimates to determine the City's Fair Share of state funds. Please help us with this effort by indicating below the number of housing units on the above indicated tax lots and the number of people residing in these housing units. THANK YOU!

Number of housing unit on above lot: 1
 Types of housing units: 1 Single family ___ Multi-family ___ Mobile home or trailer
 Number of people occupying these units: 2

Diana Starr

ORDINANCE NO. 417
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,
OREGON AND THE NORTH CLACKAMAS PARKS AND RECREATION
DISTRICT, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, AMENDING OFFICIAL
MAP EXHIBIT 11 OF THE CITY OF HAPPY VALLEY LAND DEVELOPMENT
ORDINANCE NO. 97, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100 percent of the owners of 100 percent of the properties with 100 percent of the assessed value of territory requesting annexation (ANN-03-11/LDC-03-11/CPA-06-11); and

WHEREAS, the proposed annexation territory consists of two tax lots totaling 1.38 acres of land adjacent to existing city boundaries; and

WHEREAS, the specific tax lots to be annexed include:

12E36CC00800 and 13E31C02400; and

WHEREAS, the City provided notice that the City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) Section 16.60.050 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 lots proposed for annexation will be re-designated and re-zoned from existing Clackamas County zones to the applicable city zoning designations per the City's Development Code; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on October 4, 2011; and

WHEREAS, the City Council deems it in the public's interest to declare an emergency so that this ordinance takes effect as specified below, prior to the expiration of the 30-day period specified in the City Charter.

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 October 4, 2011.

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:

12E36CC00800 - Very Low Density Residential (R-15)
13E31C02400 - Medium Density Residential (R-5)

Section 3. The City Council adopts the subject annexation application (ANN-03-11/LDC-03-11/CPA-06-11) and the associated Staff Report to the City Council dated October 4, 2011.

Section 4. The territory described in Exhibit A, and depicted in Exhibit B is hereby annexed to the North Clackamas Parks and Recreation District and is withdrawn from the Clackamas County Enhanced Law Enforcement District effective October 4, 2011.

Section 5. As a condition for the annexation of each property in the territory described in Exhibit A and depicted in Exhibit B, the property owners, on behalf of themselves, their heirs, successors and assigns, waive their right(s) of remonstrance against the creation of any Local Improvement District created consistent with ORS Chapter 223 and/or Happy Valley Municipal Code Chapter 3.12 for a period of 10 years from the effective date of the annexation.

Section 6. The City Recorder is directed to:

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

Section 7. An emergency is declared to exist and as provided by Section 17 of the Happy Valley City Charter this ordinance takes effect on October 4, 2011.

COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE
MEETING: [October 4, 2011]

Lori DeRemer
Mayor

Adoption and date attested by:

Marylee Walden
City Recorder



AKS ENGINEERING & FORESTRY, LLC
ENGINEERING / SURVEYING / PLANNING / FORESTRY
LANDSCAPE ARCHITECTURE / ARBORICULTURE

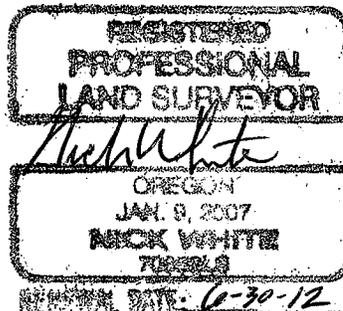
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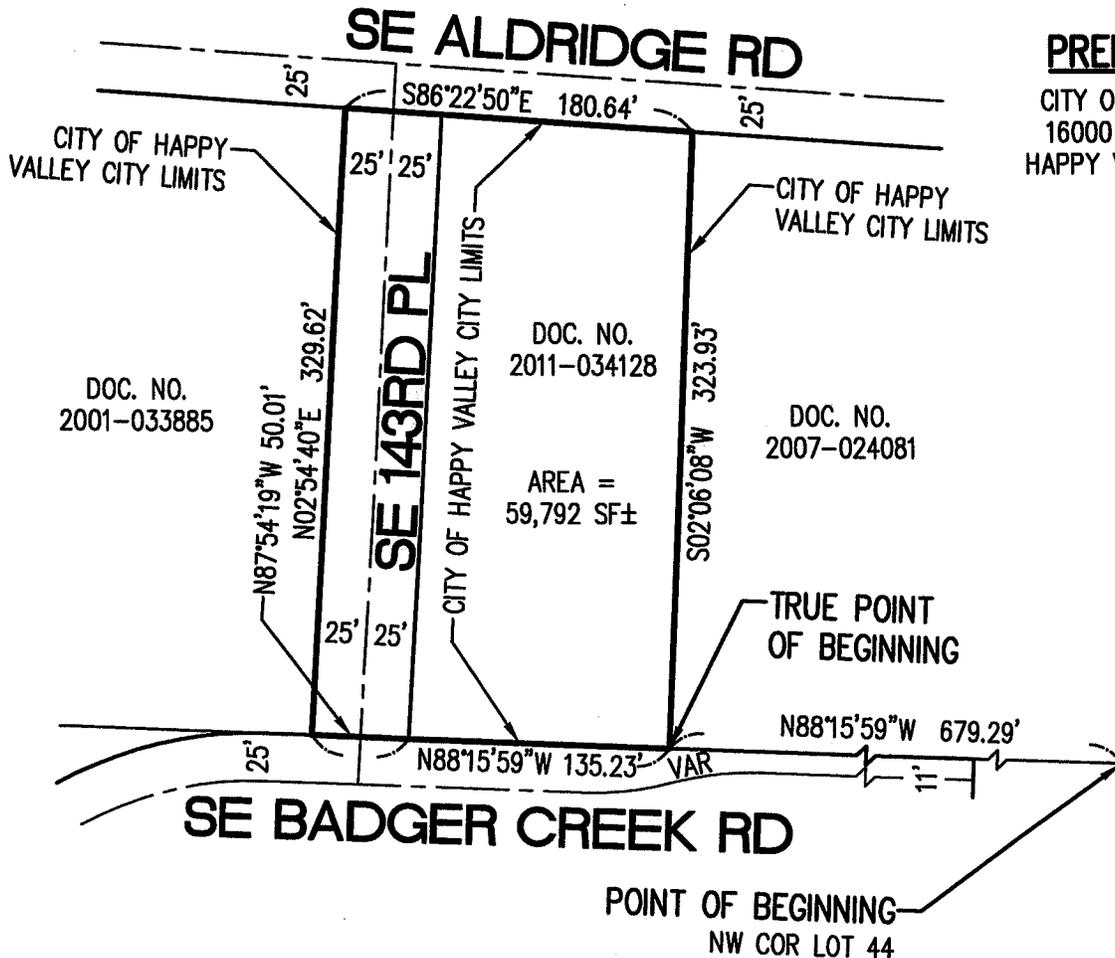
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PREPARED FOR
 CITY OF HAPPY VALLEY
 16000 SE MISTY DRIVE
 HAPPY VALLEY, OR 97086



SCALE 1" = 100 FEET



THE BASIS OF BEARINGS IS PER PLAT NUMBER 4197, CLACKAMAS COUNTY SURVEYOR'S OFFICE.

REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
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RENEWS: 6/30/12

JOB NAME: COHV ANNEX

JOB NUMBER: 2582

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 2582ANNO111

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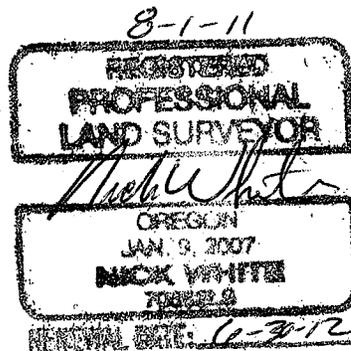
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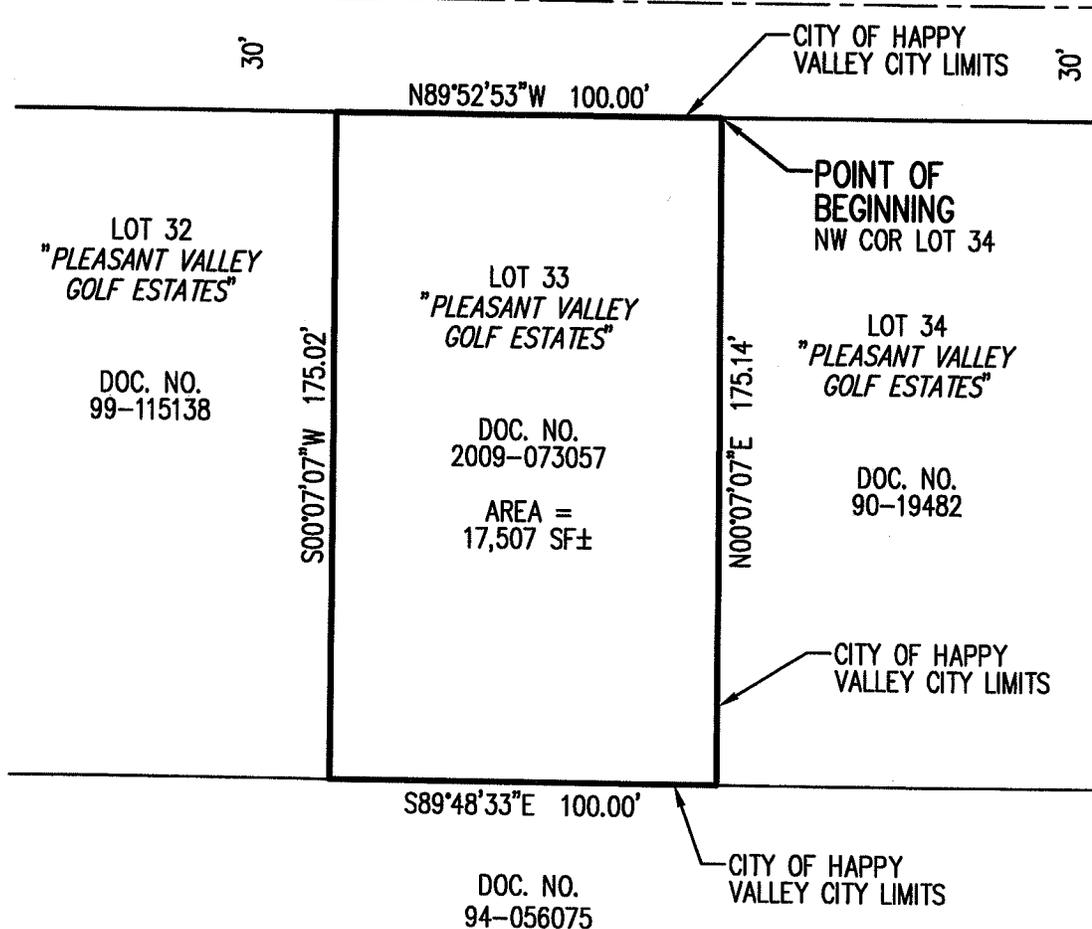
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SE HAGEN RD



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



SCALE 1" = 100 FEET



THE BASIS OF BEARINGS IS PER PLAT NUMBER 1355, CLACKAMAS COUNTY SURVEYOR'S OFFICE.

8-1-11

REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White

OREGON
 JANUARY 9, 2007
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OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

EC.31 T.1S. R.3E. W.M.
KAMAS COUNTY

3E 31C

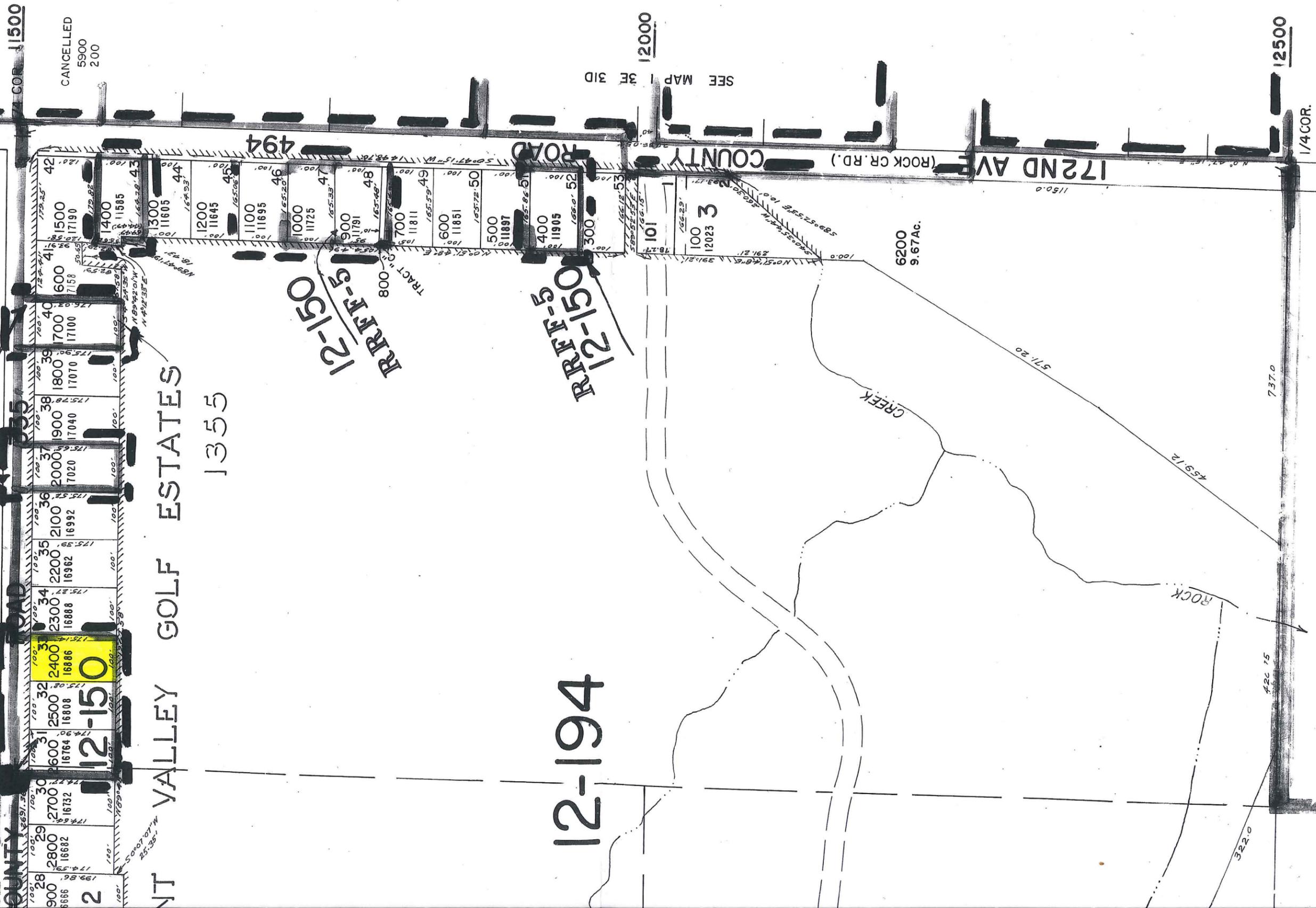
1"=200'

16700

SEE MAP 1 3E 31B.

REF-5

REF-5
12-150



17200

CANCELED
5900
200

VALLEY GOLF ESTATES

1355

REF-5
12-150

REF-5
12-150

12-194

SEE MAP 1 3E 31D

12000

6200
9.67Ac.

571.20

459.12

420.15

322.0

737.0

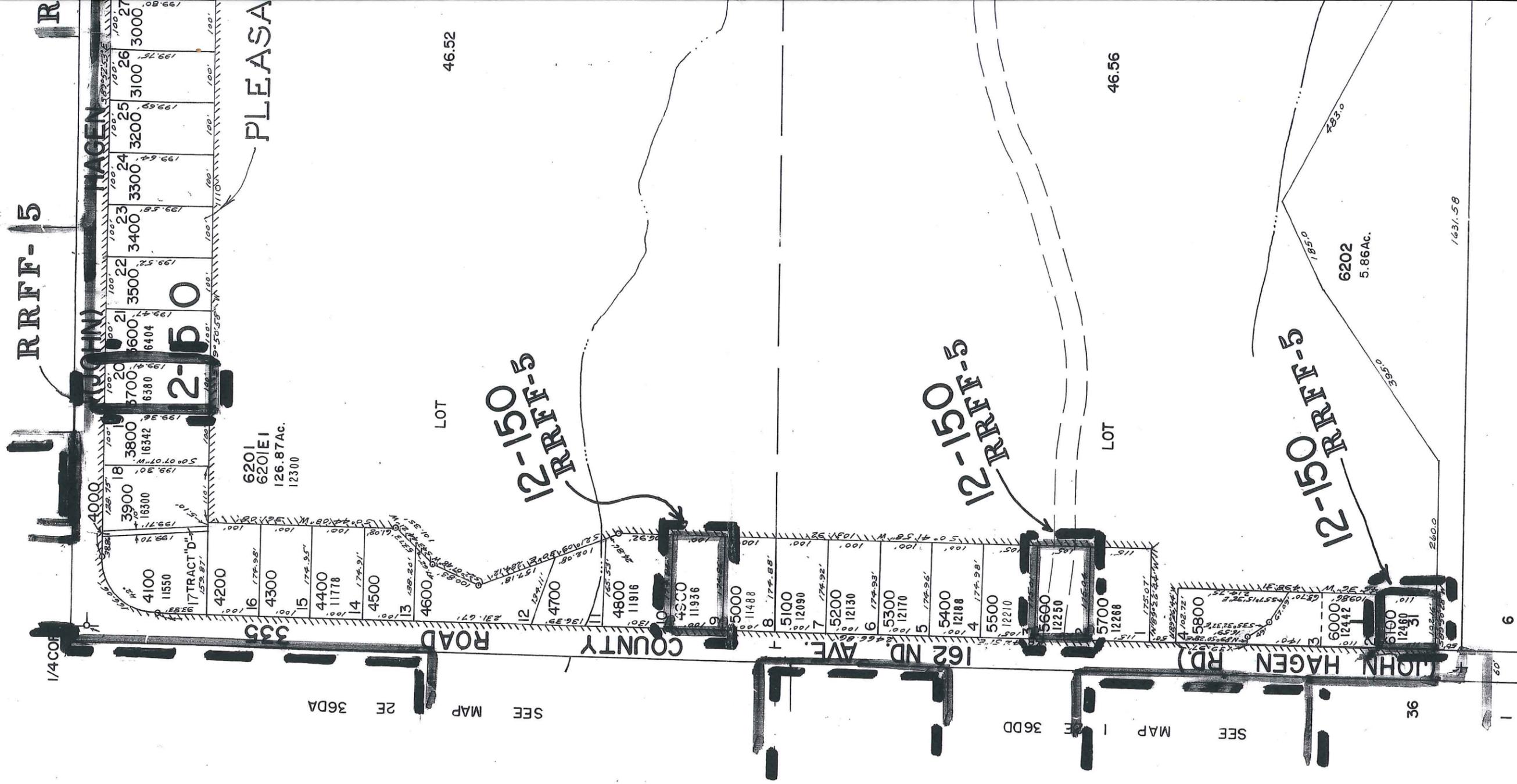
12500

1/4COR.

SEE MAP 2 3E 31A

This map was prepared for assessment purpose only.

16200



SEE MAP 2E 36DA

SEE MAP 1E 36DD

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SEE MAP 2 3E 6BB

