

Final Documents

For

Annexation to the
City of Happy Valley

CL0202
DOR 3-1535-2001
Ordinance #02-03
Sec. State: AN-2002-0043

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 2/11/02

Final to Secretary of State _____

Signature:

 _____

Date of
Mailing: 2/19/02

CL0202

Sent

Received

DOR:

2/11/02

2/19/02

Sec. State:

2/19/02

3/13/02

Assessor:

2/19/02

Elections:

2/19/02

Mapped:

Yes

Posted to Web:

3/15/02

Addresses:

12E26BD00900

9311 SE 132nd Ave

Proposal No. CL0202

1S2E26

Annexation to the City of Happy Valley

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or incidental inaccuracies. There are no

County lines

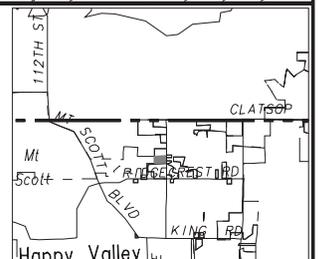
City

Annexation boundary

Urban Growth Boundary

Proposal No. CL0202
CITY OF HAPPY VALLEY
Figure 1

Scale: 1" = 250'



Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

March 13, 2002

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Martin:

Please be advised that we have received and filed on February 22, 2002 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
2002-02	Tigard	AN 2002-0039
02-03	Happy Valley	AN 2002-0043
5103	Hillsboro	AN 2002-0044

All the above Final Order(s) determination of the effective date is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750

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

Sincerely,

A handwritten signature in cursive script that reads "Rita F. Mathews".

Rita F. Mathews
Official Public Documents

cc: Washington County
Clackamas County
ODOT/Highway Dept
PSU/Population ResearchCtr.
Revenue Cartography Section

Notice to Taxing Districts

ORS 308.225



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

City of Hillsboro
 Planning Department
 123 W. Main St., Room 250
 Hillsboro, OR 97123

Description and Map Approved
February 19, 2002
As Per ORS 308.225

Description Map received from: METRO
 On: 2/12/02

This is to notify you that your boundary change in Clackamas County for
 ANNEX TO THE CITY OF HILLSBORO & WITHDRAWAL FROM SEVERAL DIST.

ORD. #5103

has been: Approved 2/19/02
 Disapproved

Notes:

Department of Revenue File Number: 3-1535-2002

Prepared by: Jennifer Dudley, 503-945-8666

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

RESOLUTION NO. 02 - 03

CITY OF HAPPY VALLEY

Authorization to receive consent petitions to annex properties adjacent to the city limits of the City of Happy Valley known as Annexation No. 01-2001.

WHEREAS, the annexation No. 01-2001, was initiated by petitions signed by the owners of 100% of the property to be annexed in the territory, representing 100% of the property owners located in said territory, and a majority of the registered voters within the area being annexed, have petitioned for annexation to the City under authority of ORS 222.170 and LDO Section 11.08.

WHEREAS, the Council on January 22, 2002, after giving due notice conducted a public hearing on this proposed annexation and directed (by Resolution 03-2002), the City Recorder to certify to the Clackamas County Clerk, a proposed annexation of 3.49 acres located in a northerly portion of the City, now therefore, the City of Happy Valley resolves as follows:

- Section 1.* The Council accepts the consent petitions signed by the property owners and registered voters for those properties on the attached map and legal description noted as Exhibit "A".
- Section 2.* The Council accepts and adopts, as findings, the Staff Report for this resolution, and finds that:
- a) The area to be annexed is located in the northerly portion of the City as noted on Exhibit "A". The territory (area) contains 3.49 acres, 1 (one) single-family dwelling, an estimated population of 2 (two), and has an assessed value of \$286,310.00.
 - b) The property owners desire to annex to the City of Happy Valley in order to receive urban services. The data for the area is noted in the attached staff report.
 - c) Metro has three adopted policies. The first of these policies states that Metro generally sees cities as the primary providers of urban services. Recognizing that growth of cities may cause financial problems for the districts, Metro states in the second policy that Metro will help find solutions to the problems. The third policy states that Metro may approve illogical boundaries in the short term if these lead to logical service arrangements in the long term. The City Council finds that this annexation complies with these proposals.
 - d) The territory to be annexed is within the regional Urban Growth Boundary and the boundary of Metro.
 - e) The area presently has County zoning designations as noted in the attached staff report. Upon annexation, the City will retain the present zoning.
 - f) The procedural requirements imposed on Annexations to the City imposed by Section 11.10 to the City's Land Division Ordinance are now moot inasmuch as the Portland Area Local Government Boundary Commission is no longer in existence.

- g) The effective date of this annexation will be February 1, 2002 as noted in the public staff report.

Section 3. The City Recorder shall place a certified copy of this resolution into the City's permanent records.

Section 4. This resolution is and shall be effective from and after its passage by the Council.

REASONS FOR THE DECISION

Based on the finding, the Council determined:

1. The proposal is consistent with the City of Happy Valley and Clackamas County Urban Growth Management Agreement.
2. The City can provide an adequate quantity of services to the area.
3. The proposal is consistent with Metro Policy.
4. The proposal is consistent with and meets the provisions of ORS 222.170.
5. The proposal is consistent with the Clackamas County Department of Transportation and Development requirements of January 31, 2001 and that prior to development of the proposed subdivision; the property is to be annexed to the City of Happy Valley.

First and second reading this 22nd day of January 2002.

Passed by the Council this 22nd day of January 2002.

Approved by the Mayor this 22nd day of January 2002.

ATTEST

ATTEST



Wanda Kuppler, City Recorder



Eugene Grant, Mayor

R 10

Existing City Limits

Area To Be Annexed

land

R 20 *

(R 10)

Ridgecrest Road

Existing City Limits

R 10

R 7

R 20

Mc. Scott Blvd

IPU

CITY OF HAPPY VALLEY
ANNEXATION PROPOSAL
NO. 01-2001

EXHIBIT A

GAYLORD LAND SURVEYING, INC.

2910 SE OAK GROVE BLVD. MILWAUKIE, OREGON 97267

PHONE (503) 654-1492 FAX (503) 654-7878

September 26, 2001

ANNEXATION DESCRIPTION FOR THE PROPOSED SUBDIVISION OF NORTH PLUMIE

LEGAL DESCRIPTION OF A PROPOSED SUBDIVISION BOUNDARY LOCATED IN THE NORTHWEST ONE QUARTER OF SECTION 26, T18S, R26E, W1K., CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF SAID SUBDIVISION BEING BASED ON A SURVEY FILED AS P.C. 28945, CLACKAMAS COUNTY SURVEY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD IN THE EXISTING HAPPY VALLEY CITY LIMITS AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 2, SCOTT CREST EAST, A DULY RECORDED PLAT IN CLACKAMAS COUNTY; THENCE ALONG THE NORTH LINE OF SE CALLAHAN ROAD AND THE SAID CITY LIMITS SOUTH $89^{\circ}19'00''$ EAST 497.93 FEET TO A AN IRON ROD IN THE WEST RIGHT OF WAY LINE OF SE 132ND AVENUE; THENCE ALONG THE SAID WEST RIGHT OF WAY LINE NORTH $00^{\circ}01'43''$ WEST 303.03 FEET TO AN IRON ROD AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED FROM KAREN L. PETERSEN TO ARNOLD L. PETERSEN, II AND KAREN L. PETERSEN, TRUSTEE(S) OF THEIR SUCCESSOR TRUSTEE(S) IN THE TERSEN TRUST U/D/T/ 5 3, 1990 AND ANY AMENDMENTS THERETO BY REF NO. 90-34885, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTH $89^{\circ}57'05''$ WEST ALONG THE SAID NORTH LINE OF DEED NO. 90-34885 AND THAT TRACT OF LAND CONVEYED FROM ARNOLD L. PETERSEN, II AND KAREN L. PETERSEN, TRUSTEE(S) OF THE PETERSEN RESIDENTIAL TRUST U/D/T/ 5 3/92 TO ARNOLD L. PETERSEN, II AND KAREN L. PETERSEN BY DEED NO. 95-009864, CLACKAMAS COUNTY DEED RECORDS, 495.75 FEET TO A POINT OF INTERSECTION OF THE HAPPY VALLEY CITY LIMITS AND THE PORTLAND CITY LIMITS AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, SCOTT CREST EAST; THENCE LEAVING THE HAPPY VALLEY CITY LIMITS ALONG THE EAST LINE OF BLOCK 2, SCOTT CREST EAST, SOUTH $00^{\circ}14'00''$ EAST 205.43 FEET TO THE POINT OF BEGINNING. THE PROPOSED ANNEXATION CONTAINING 3.49 ACRES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 10, 1995
PATRICK M. GAYLORD
#2767

EXHIBIT A

Adjoinder

TL 100

152E 26B D

BARGAIN AND SALE DEED-STATUTORY FORM
INDIVIDUAL GRANTEE

Karen L. Petersen Grantor,
conveys to Arnold L. Petersen, II and Karen L. Petersen, Trustee(s) or their
successor Trustee(s) in the Petersen Trust U/D/T 6/3, 1992 and any
amendments thereto Grantee, the following real property situated in Clackamas
County, Oregon, to-wit:

A part of the Northwest one-quarter of Section 26, Township 1 South, Range 2 East of the Willamette Meridian, described as beginning at the southeast corner of that tract conveyed to Royal W. Zinser and Esther L. Zinser on January 3, 1928, by deed recorded in Book 198, Page 52, Deed Records of Clackamas County, said point being in the east line of the Northwest one-quarter of Section 26, 990 feet Northerly from the center of Section 26; thence West along the South boundary of said tract 231 feet to a point; and the south boundary of said tract 231 feet to a point; thence north parallel with the east line of the northwest one-quarter of Section 26, 330 feet to a point; thence east parallel with the south boundary of said Zinser tract, 231 feet to the east line of the northwest one-quarter of Section 26; thence South along the east line 330 feet to the place of beginning.

The true consideration for this conveyance is \$ 0.00 (Here comply with the requirements of ORS 93.030)
True and actual consideration is other promises made and given.

Dated this 3rd day of June, 1992

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SICHING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Karen L. Petersen
Karen L. Petersen

STATE OF OREGON, County of Multnomah
This instrument was acknowledged before me on June 3, 1992
by Karen L. Petersen

My commission expires 5/31/93

BARGAIN AND SALE DEED
GRANTOR
KAREN L. PETERSEN
Petersen Trust U/D/T
6/3, 1992
GRANTEE
Lloyd R. Summers
Kelly, Alterman & Ronstein
1001 S.W. Fifth Avenue, #1800
Portland, Oregon 97204
no change

STATE OF OREGON
County of Clackamas
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of the County of Clackamas.

92 JUN -9 PM 12:48



John Kauffman
John Kauffman
County Clerk

Recording Certificate
92 34985

92 34985

Adjoiner
TL 101 152E 26 AD

FORM NO. 563 - WARRANTY DEED - STATUTORY FORM (Individual Grantor)

STEVENS PRESS AND PUBLISHING CO., PORTLAND, OREGON

WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

Arnold L. Petersen, II and Karen L. Petersen, Trustee(s) of
the Petersen Residential Trust, U/D/T 6/3/92 Grantor,
conveys and warrants to Arnold L. Petersen, II and Karen L. Petersen
Grantee, the following described real property free of encumbrances
except as specifically set forth herein situated in Clackamas County, Oregon, to-wit:

See attached Exhibit "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The property is free from encumbrances except

The true consideration for this conveyance is \$ -0- (Here comply with the requirements of ORS 93.030)
True and actual consideration is other promises made and given.

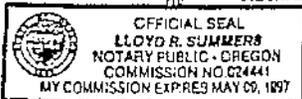
Dated this 17th day of May, 1994

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST HARBORS OR FOREST PRACTICES AS DEFINED IN ORS 30B03.

Arnold L. Petersen, II TRUSTEE
Karen L. Petersen TRUSTEE

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me on May 19th, 1994,
by Arnold L. Petersen, II and Karen L. Petersen



Notary Public for Oregon
My commission expires 5-9-97

WARRANTY DEED
Arnold & Karen Petersen, Trustees
in the Petersen Residential Trust,
U/D/T 6/3/92 GRANTOR
Arnold and Karen Petersen

After recording return to:

Lloyd R. Summers
Kell, Alterman & Runstein
1001 S.W. Fifth Avenue, #1800
Portland, Oregon 97204

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements
shall be sent to the following address:

no change

NAME, ADDRESS, ZIP

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of _____) ss.

I certify that the within instru-
ment was received for record on the
_____ day of _____, 19____,
at _____ o'clock _____ M., and recorded
in book/real/volume No. _____ on
page _____ or as fac/110/instru-
ment/microfilm/reception No. _____,
Record of Deeds of said County.

Witness my hand and seal of
County aforesaid.

By _____
NAME
95-009964

TRANSAMERICA
TITLE INSURANCE 441 742

PARCEL II

That part of the Northwest one-quarter of Section 26, Township 1 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

A part of the Northwest one-quarter of Section 26, Township 1 South, Range 2 East of the Willamette Meridian, described as beginning at the Southeast corner of that tract conveyed to Royal W. Zinser and Esther L. Zinser on January 3, 1928 by deed recorded in Book 198, Page 52, Deed Records of Clackamas County, said point being the East line of the Northwest one-quarter of Section 26 and 990 feet Northerly from the center of Section 26; thence West along the South boundary of said Tract 231 feet to a point which is the true point of beginning for the tract to be described herein; thence continuing West along the South boundary of said tract 297 feet to a 5/8 inch X 30 inch iron rod; thence North parallel to the East line of the Northwest one-quarter of Section 26, a distance of 330 feet to a 3/4 inch X 24 inch iron shaft, threaded both ends; thence East, parallel with the South boundary of said Zinser Tract, 297 feet to a point; thence South and parallel to the East line of the Northwest one-quarter of Section 26 to the point of beginning.

Together with a 25 foot roadway easement as disclosed by Warranty Deed between Royal W. Zinser and Esther L. Zinser to Gerald D. Brass and Beverly J. Brass recorded September 3, 1971 as Recorder's Fee No. 71 22006.

STATE OF OREGON 95-009964
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 15400 \$20.00
DATE AND TIME: 02/22/95 09:43 AM
JORN KAUFFMAN, COUNTY CLERK

2

HON. EUGENE L. GRANT
Mayor

ROBERT BROOKS
JEFF DULGICH
JONATHAN EDWARDS
ROB WHEELER

City Manager
WILLIAM H. BRANDON

City Recorder
WANDA M. KUPPLER

City of Happy Valley



12915 S.E. KING ROAD
HAPPY VALLEY, OR 97236-0208
TELEPHONE (503) 760-3325
FAX (503) 760-9397
Web site: www.happy-valley.org

STAFF REPORT

TO: Mayor and City Council

FROM: Bill Sanders,
Technical Services Advisor

DATE: January 16, 2002

ISSUE: **Annexation Proposal No. 01-2001**

Synopsis: Annexation Proposal No. 01-2001 was initiated by petition, signed by all the owners (100 per cent) of the involved properties. The petitions meet the requirements of Metro Ordinance No. 98-791, Chapter 3.09. If the City Council approves the proposal, the boundary change will become effective on February 1, 2002.

The territory to be annexed is situated adjacent to the City limits on three sides and fronts on SE Callahan Road (west side of SE 132nd Avenue) and SE 132nd Avenue.

The area of the tax lot is 3.49 acres, with one single-family residence on it with an estimated population of 2 (two) and has a total assessed value of \$286,510. At the present time, there is existing water and sanitary sewer service adjacent to the property.

This proposed annexation complies with the present agreements the City currently has with those various urban service providers. Following the annexation approval, the owners must annex their property to Service District No. 1 for sanitary sewer service and to Service District No. 5 for street lighting. The property is within the boundaries of the other service providers, i.e. water, fire, etc. In addition, the site is directly adjacent to the city limits of the City of Happy Valley and is within the designated dual interest area of the "City of Happy Valley and Clackamas County Urban Growth Management Agreement (UGMA). The annexation of this parcel is consistent with the provisions of the UGMA.

The site is adjacent to the Happy Valley city limits and lies within the Urban Growth Boundary. *Happy Valley Comprehensive Plan Policies 3 through 8* address urbanization of lands from rural to urban uses. The annexation application satisfies the applicable provisions of these policies by providing land for urban use that will be served by adequate levels of available service and facilities.

The Metro Regional Framework Plan contain standards and criteria guiding the management and expansion of the Urban Growth Boundary, but most are not directly applicable to this annexation application. Given that the site is currently within the Urban Growth Boundary, the Framework Plan does speak to the issues of annexation of properties to cities as appropriate to insure adequate government jurisdiction and public facilities review and approvals.

The Metro Urban Growth Management Functional Plan contains population and household growth figures each jurisdiction in the region is to accommodate over the next twenty (20) years, including the City of Happy Valley.

The approval of this annexation request will contribute land towards future urban-level uses at the densities specified in the functional plan. The proposed boundary change will result in the withdrawal of this parcel from the North Clackamas Parks and Recreation District. No other withdrawals from the other urban service providers are proposed.

The proposed development of this parcel will comply with all the applicable regional, county and city plans. The *Clackamas County Comprehensive Plan* designates the site as R-20 (20,000 sq. ft. minimum). The City of Happy Valley comprehensive plan was prepared to cover only the territory within the City limits when the plan was adopted. The plan does not provide for plan designations or zoning of land outside the City limits. For lands outside of the City, the County's plan is the applicable plan. ORS 215.130 provides that county land use and zoning ordinances shall apply to "the area within the County also within the boundaries of a city as a result of extending the boundaries of the city...unless or until the City has by ordinance or other provision provided otherwise.

Section 11.08 of the City's Development Code provides that: Whenever any property is annexed to the City, the action by the City Council to annex the property or area also include any action to amend the Clackamas County Comprehensive Plan designation to an appropriate designation of the Happy Valley Comprehensive Plan.

The owner applied to Clackamas County for and received a zone change from the current zoning of R-20 to R-8.5. The application was approved by the Clackamas County Hearings Officer on February 7, 2000.

BACKGROUND: The owners of this parcel desires to develop the property starting this year but need to annex to the City of Happy Valley in order to develop the property. They feel that this is a good time to get the annexation process behind them so they can concentrate on developing the property in the Spring of 2002. On December 14, 2000, the property owners made an application to Clackamas County for a proposed 14 lot subdivision (North Point) on their property. On March 19, 2001, the Clackamas County Hearings Officer approved their proposed subdivision.

RATIONALE: This parcel submitted an annexation application request (on City of Happy Valley forms) in accordance with Metro Chapter 3.09 regarding local government boundary changes.

RECOMMENDATION: Approve the annexation and authorize the City Recorder to notify the necessary parties.

OPTIONS:

- ◆ Approve the requested annexation and authorize the City Recorder to notify the necessary parties in accordance with Metro Chapter 3.09.
- ◆ Deny the annexation Requests and authorize the City of Happy Valley Recorder to notify the necessary parties.
- ◆ Continue the final decision to another time.