

Final Documents

For

Annexation to the
City of Happy Valley

CL1004
Ordinance No. 279
DOR 3-1619-2004
Sec. State: AN-2004-0082

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 3/30/04

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 4/9/04

CL1004

Sent

Received

DOR: 3/30/04 4/1/04

Sec. State: 4/9/04 4/22/04

Assessor: 4/9/04

Elections: 4/9/04

Mapped: Yes

Posted to Web: 4/23/04

Assessor Information:

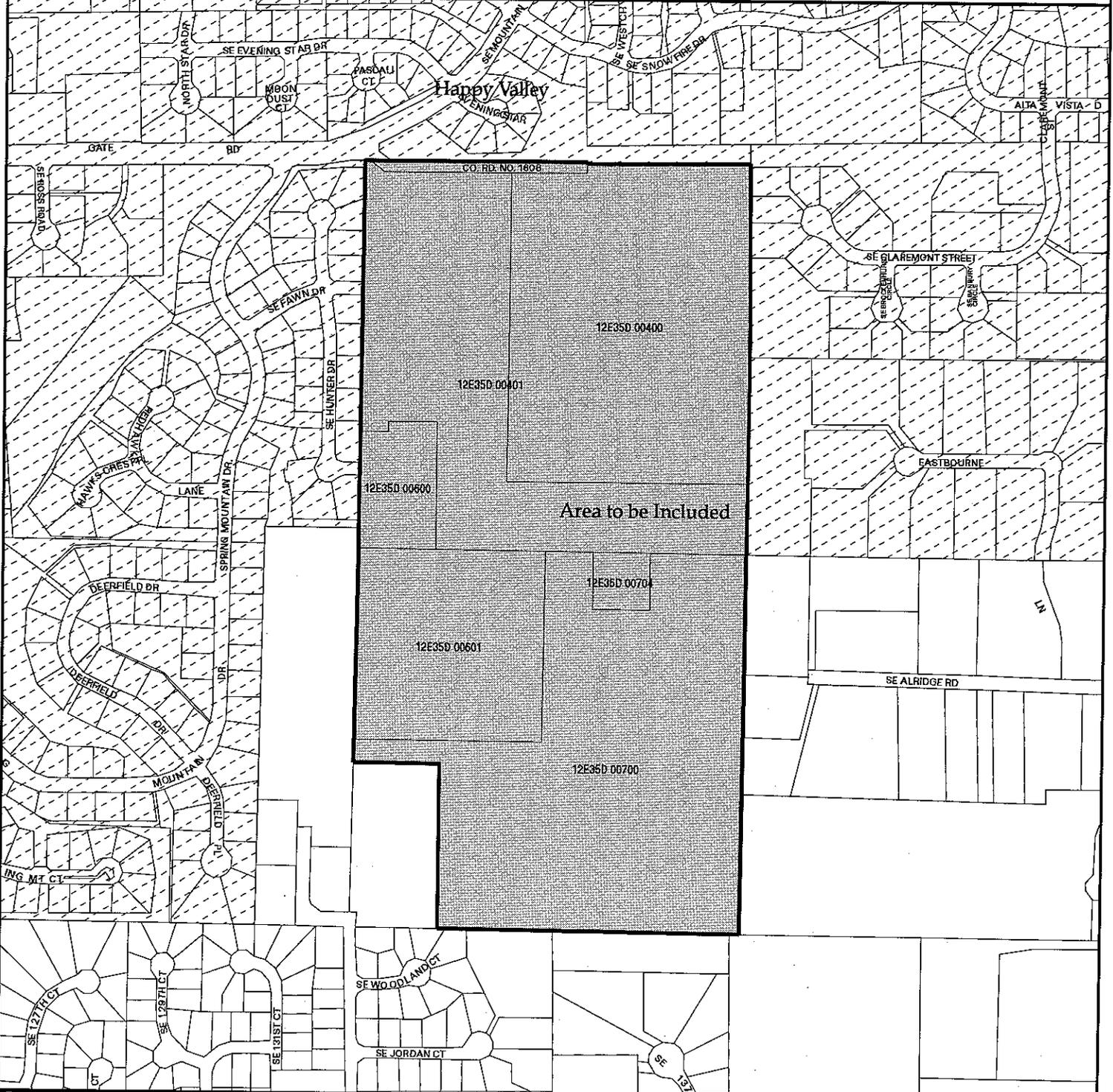
12E35D 00401	13000 SE Mountain Gate Rd
12E35D 00400	13280 SE Mountain Gate Rd
12E35D 00600	No Site Address
12E35D 00601	No Site Address
12E35D 00700	So Site Address
12E35D 00704	13600 SE Aldridge Rd

Proposal No. CL1004

1S2E35

Annexation to the City of Happy Valley

Clackamas Co.



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

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County lines

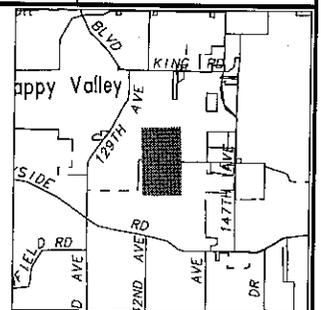
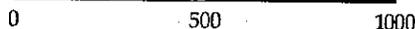
City

Annexation boundary

Urban Growth Boundary

Proposal No. CL1004
CITY OF HAPPY VALLEY
Figure 1

Scale: 1" = 500'



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

April 13, 2004

Metro
Robert Knight
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed on April 13, 2004 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
ORD NO 277	City of Happy Valley	AN 2004-0083
ORD NO 279	City of Happy Valley	AN 2004-0082

Determination of the effective date for all the above Final Order and 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,

Linda Bjornstad
Linda Bjornstad
Official Public Documents

cc: County Clerk
ODOT/Highway Dept
PSU/Population Research Ctr.
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 Happy Valley
Budget Officer
12915 SE King Rd.
Portland, OR 97236

Description and Map Approved
April 1, 2004
As Per ORS 308.225

Description Map received from: CITY
On: 3/30/2004

This is to notify you that your boundary change in Clackamas County for
ANNEX TO CITY OF HAPPY VALLEY

ORD. #279

has been: Approved 4/1/2004
 Disapproved

Notes:

PLEASE NOTE INCORRECT DEED CALL IN LINE 1.

Department of Revenue File Number: 3-1619-2004

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

ORDINANCE NO. 279
CITY OF HAPPY VALLEY

AN ORDINANCE ANNEXING CERTAIN PROPERTY INTO THE CITY OF HAPPY VALLEY PURSUANT TO ORS 222.170 AND CONSISTENT WITH CHAPTER 3.09 OF THE METRO CODE, THE HAPPY VALLEY COMPREHENSIVE PLAN AND THE STATEWIDE PLANNING GOALS

WHEREAS, the City of Happy Valley received a petition for annexation in October of 2003 (File No. ANN-02-03), for property comprised of approximately 77.20 acres located south of SE Mountain Gate Road and east of the Deerfield Park Subdivision; and

WHEREAS, the City provided notice for public hearings to consider the annexation petition before the Planning Commission and City Council consistent with: (1) Section 3.09.030 of the Metro Code ("MC"), (2) notice to Clackamas County consistent with Section 2(d) of the Urban Growth Management Agreement dated June 19, 2001, and (3) notice in a newspaper of general circulation in the City consistent with ORS 222.120(3); and

WHEREAS, the Planning Commission conducted a public hearing on March 9, 2004 and after consideration of the evidence and testimony in the record as a whole, the Planning Commission set forth in writing a RECOMMENDATION OF THE PLANNING COMMISSION approving the annexation signed and dated March 9, 2004; and

WHEREAS, the City Council conducted a second public hearing on the annexation of the property on March 16, 2004; and

WHEREAS, following the hearing and in consideration of the Recommendation of the Planning Commission and evidence and testimony in the record as a whole, the City Council determined that the annexation should be approved.

NOW THEREFORE, BASED ON THE FOREGOING,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The City Council hereby declares that the property described in Exhibit A and depicted in Exhibit B is annexed to the City of Happy Valley.
- Section 2. The City Council hereby adopts the following documents and the findings contained therein in support of the aforementioned annexation: ANNEXATION APPLICATION ANN-02-03 Staff Report to the City Council dated March 16, 2004, and incorporates same herein by reference.

Section 3. The City Recorder is hereby directed to:

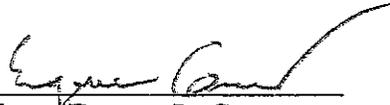
1. File a copy of this Ordinance and the statements of consent to annexation consistent with ORS 222.177 with the Secretary of State;
2. Mail a copy of this Ordinance to Metro including the required fee consistent with Metro Code 3.09.030(e); and
3. Mail a copy of this Ordinance to Clackamas County and any other necessary parties consistent with Metro Code 3.09.030(e) and state law, including ORS 222.005, via certified mail.

Section 4. This Ordinance shall become effective on April 15, 2004 consistent with Section 32 of the City Charter for the City of Happy Valley and ORS 222.180(2).

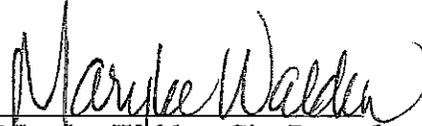
PASSED AND APPROVED THIS 16th DAY OF March 2004.

CITY OF HAPPY VALLEY

ATTEST:



Mayor Eugene L. Grant



Marylee Walden, City Recorder

Exhibit A

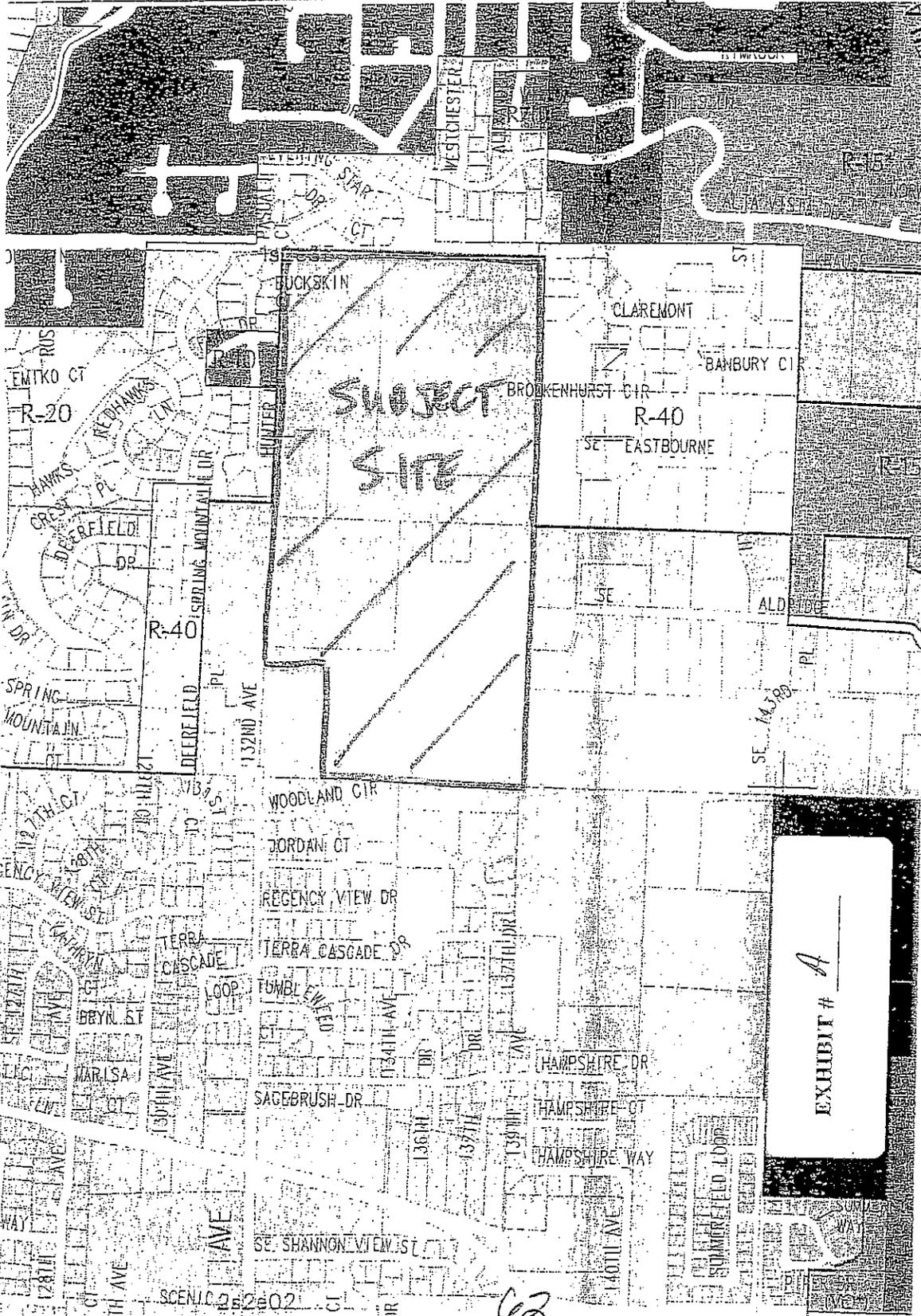


EXHIBIT # A

62

Root – Keller Annexation
Legal Description

A tract of land situated in Section 35, T1S, R2E, W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the southeast corner of Tract "H" of Deerfield Park No. 4, said point also being on the existing city limits of the City of Happy Valley;

1. Thence (leaving said City limits) South $0^{\circ}24' 53''$ East, 812.08 feet to the northwest corner of a tract of land recorded in Clackamas County deed reference No. 76-27874;
2. Thence North $89^{\circ}43'$ East, along the North line of said tract, 311.06 feet to the northeast corner of said tract;
3. Thence South along the east line of said tract, 580.14 feet to the southeast corner of said tract;
4. Thence East, 1010 feet to the southeast corner of a tract of land recorded in Clackamas County deed reference No. 2003-016175;
5. Thence North along the East line of said tract, 1320 feet to the northeast corner of said tract, said corner also being on the existing city limits of the City of Happy Valley and the southwest corner of Tract "B" of Eastbourne Downs;
6. Thence North $0^{\circ}06'39''$ West along said city limits and the west line of said tract "B", 656.75 feet to the southwest corner of Tract "B" of Claremont at Happy Valley;
7. Thence North $0^{\circ}07'36''$ West, along said city limits, and the west line of said Tract "B", 239.88 feet;
8. Thence North $0^{\circ}07'36''$ West, along said city limits and the east line of a tract of land recorded in Clackamas County deed reference No. 98-122157, 440.94 feet to the northeast corner of said tract;

Exhibit B

Page 2

Root - Keller Annexation

Legal Description

9. Thence North $89^{\circ}34'52''$ West, along the north line of said tract, and said city limits, 457.03 feet to the point of intersection with the terminus of Mountain Gate Rd.;
10. Thence North along said city limits and said terminus, 20.70 feet more or less to the point of intersection with the North line of said road;
11. Thence North $89^{\circ}32'33''$ West along said city limits and north line, 816.08 feet more or less to an angle point in said north line;
12. Thence Southwesterly, 48 feet more or less to the point of intersection with an angle point in the south line of Mt. Gate Rd.;
13. Thence South $89^{\circ}22'24''$ West, along said south line, 9.50 feet to the northeast corner of Tract "K" of Deerfield Park No. 5;
14. Thence South $0^{\circ}24'53''$ East, along said city limits and the east lines of Deerfield Park No. 5 & No. 4, 1292.99 feet to the point of beginning.

CITY COUNCIL MEETING
STAFF REPORT

Date: January, 2004

TO: Mayor & City Council

FROM: Bill Sanders – Technical Services Advisor

ISSUE: Annexation Proposal No. 02-2003

Synopsis: Annexation Proposal No. 02-2003 was initiated by petitions signed by the owners of 100% of the property involved, representing 100% of the property owners that represent 100% of the assessed value and a majority of the registered voters within the area being annexed. The petitions meet the requirement of Metro Ordinance No. 98-791 Chapter 3.09 and ORS 222.170. If the City Council approves receiving the consents petitions to the annex proposal, the boundary change could become effective on February 20th 2004. The territory to be annexed is adjacent to the northeasterly City limits as noted in Exhibits “A” and “B” attached.

The proposed annexation consists of five separate tax lots. The total area is comprised of 77.20 acres adjacent to the existing City limits of the City of Happy Valley, as depicted on attached Exhibit “B”.

The area to be annexed is presently zoned FU-10 and is within the present urban growth boundary and the existing conditions are as follows, as well selected features of the area include:

- The site contains slopes in excess of 20 percent in the south portion of the property.
- The site contains two single family dwellings that will remain with the proposed future development of the site.
- The site borders the City limits along three sides, with the major side being SE Mt. Gate Rd.
- There are three potential road connection points, with two of them being to the existing streets within the Deerfield Park Subdivision on the west. The third one is at the northwest corner of the property with a connection to Mt. Gate Rd.

Once annexed to the City, the owners must annex to Clackamas County Service District No. 1 for sanitary sewer service and to Clackamas County Service District No. 5 for streetlights. Once annexed to the City, the properties will remain in the North Clackamas Parks District until our agreement expires in May of 2004.

The City of Happy Valley will amend its comprehensive plan to accommodate this annexation.

Background: The petition for annexation was brought about by the six landowners sending signed petitions to the City.

Rationale: The petitions received for annexation are in accordance with Metro Chapter 3.09 and ORS 222.170 regarding local government boundary changes.

Recommendation: Authorize and approve receipt of the consents to annex as executed by a majority of the owners of the majority of the land in the area to be annexed, and authorize the City Recorder to place a certified copy of this resolution in the City's permanent records. The effective date of the annexation will be February 20th 2004.

Options:

- Approve the receipt of the consents to annex.
- Deny the receipt of the consents to annex.
- Continue the final decision to another time.

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Happy Valley contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME Elise Harvey
TITLE Cartographer 2
DEPARTMENT Assessment & Tax
COUNTY OF Clackamas
DATE December 9, 2003

*Owner means the owner of the title to real property or the contract purchaser of the real property.

CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Happy Valley contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME FLOYD THOMAS
TITLE DEPUTY CLERK
DEPARTMENT ELECTIONS
COUNTY OF CLACKAMAS
DATE 12-16-03

Floyd Thomas



CLACKAMAS COUNTY ELECTIONS
825 PORTLAND AVENUE
GLADSTONE, OR 97027

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 12E.35D 400, 401, 601, 700, 704) has been
704E1

checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Elsie Harvey

TITLE Cartographer 2

DEPARTMENT Assessment & Tax

COUNTY OF Clackamas

DATE December 9, 2003

PETITION TO ANNEX CITY OF HAPPY VALLEY

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:
<hr/> Street Address of Property (If address has been assigned)
<hr/> Legal Description (Subdivision Name, Lot Number(s))
<hr/> <div style="text-align: center;"> 12E 35D 00700 </div> Tax Map and Tax Lot Number

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

<i>Fay M. Keller</i>	JMK	JMK	9/29/03
Signature	Owner Initial	Voter Initial	Date

_____	_____	_____	_____
Signature	Owner Initial	Voter Initial	Date

_____	_____	_____	_____
Other Authorized Signature	Owner Initial	Voter Initial	Date

N/A	_____	_____
Street Address	Home Phone	Work Phone

13280 SE MOUNTAINBARK RD	_____		
Mailing Address	_____		
PORTLAND	OR	97236	_____
City	State	Zip	_____

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 [] until _____.

_____	_____	_____	_____
Signature	Date	Signature	Date

PETITION TO ANNEX CITY OF HAPPY VALLEY

KELLER

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:	
<u>13280 SE MOUNTAIN GATE RD. PORTLAND 97236</u>	
Street Address of Property (If address has been assigned)	
<u>PARCEL 2</u>	
Legal Description (Subdivision Name, Lot Number(s))	
<u>12E35D 00400</u>	
Tax Map and Tax Lot Number	

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

<u><i>Fay M. Keller</i></u>	<u><i>FMK</i></u>	<u><i>FMK</i></u>	<u>9/29/03</u>
Signature	Owner Initial	Voter Initial	Date
<u><i>OK</i></u>	<u><i>OK</i></u>	<u><i>OK</i></u>	<u>9/29/03</u>
Signature	Owner Initial	Voter Initial	Date

Other Authorized Signature	Owner Initial	Voter Initial	Date
----------------------------	---------------	---------------	------

<u>13280 SE MOUNTAIN GATE RD.</u>	Home Phone	Work Phone
Street Address		
<u>PORTLAND, OR, 97236</u>		

Mailing Address		
City	State	Zip

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 [] until _____.

Signature	Date	Signature	Date
-----------	------	-----------	------

PETITION TO ANNEX CITY OF HAPPY VALLEY

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:
<u>N/A</u> Street Address of Property (If address has been assigned)
Legal Description (Subdivision Name, Lot Number(s))
<u>12E35D 00601</u> Tax Map and Tax Lot Number

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

	ODK	ODK	9/29/03
Signature	Owner Initial	Voter Initial	Date

Jay M. Keller	JmK	JmK	9/29/03
Signature	Owner Initial	Voter Initial	Date

Other Authorized Signature	Owner Initial	Voter Initial	Date
----------------------------	---------------	---------------	------

N/A	Home Phone	Work Phone
Street Address	Home Phone	Work Phone

13280 SE MOUNTAINVIEW ROAD.	[]
Mailing Address	[]
PORTLAND OR 97236	
City State Zip	

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 [] until _____.

Signature	Date	Signature	Date
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PETITION TO ANNEX CITY OF HAPPY VALLEY

To the City Council of the City of Happy Valley, Oregon:

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The consent for annexation is for the following described property:
_____ Street Address of Property (If address has been assigned)
_____ Legal Description (Subdivision Name, Lot Number(s))
<u>12E35D 00601</u> Tax Map and Tax Lot Number

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

Signature	Doug Keller	DK	DK	9/29/03
	Owner Initial	Voter Initial	Date	

Signature	Victoria S. Keller	(VSK)	(VSK)	9-29-03
	Owner Initial	Voter Initial	Date	

Other Authorized Signature	Owner Initial	Voter Initial	Date
----------------------------	---------------	---------------	------

N/A Street Address	Home Phone	Work Phone
-----------------------	------------	------------

17754 TREE TOP LANE Mailing Address	_____ _____ _____
LAKE OSWEGO, OR 97034 City State Zip	_____ _____ _____

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 [] until _____.

Signature	Date	Signature	Date
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PETITION TO ANNEX CITY OF HAPPY VALLEY

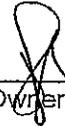
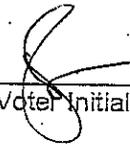
To the City Council of the City of Happy Valley, Oregon:

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:	
Street Address of Property (If address has been assigned)	
Legal Description (Subdivision Name, Lot Number(s))	
<u>12E35D</u>	<u>00601</u>
Tax Map and Tax Lot Number	

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

<u>A. Meade</u>	<u>AM</u>	<u>AM</u>	<u>9.29.03</u>
Signature	Owner Initial	Voter Initial	Date

			<u>9.29.03</u>
Signature	Owner Initial	Voter Initial	Date

Other Authorized Signature	Owner Initial	Voter Initial	Date
----------------------------	---------------	---------------	------

<u>N/A</u>	Home Phone	Work Phone
Street Address		

<u>3455 NE TILLAMOOK</u>	
Mailing Address	
<u>PORTLAND</u>	<u>OR.</u>
City	State
<u>97212</u>	
Zip	

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 [] until _____.

Signature	Date	Signature	Date
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PETITION TO ANNEX CITY OF HAPPY VALLEY

KELLEN

To the City Council of the City of Happy Valley, Oregon:

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The consent for annexation is for the following described property:
_____ Street Address of Property (If address has been assigned)
_____ Legal Description (Subdivision Name, Lot Number(s))
<u>12E35D 00601</u> Tax Map and Tax Lot Number

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

_____ Signature	<u>JK</u> Owner Initial	<u>JK</u> Voter Initial	<u>9/29/03</u> Date
_____ Signature	<u>SK</u> Owner Initial	<u>SK</u> Voter Initial	<u>Sept. 29, 2003</u> Date
_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

_____ Street Address	_____ Home Phone	_____ Work Phone
<u>12797 NW DIAMOND DRIVE</u> Mailing Address	_____ City State Zip	
_____ City	_____ State	_____ Zip

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 [] until _____.

_____ Signature	_____ Date	_____ Signature	_____ Date
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PETITION TO ANNEX CITY OF HAPPY VALLEY

To the City Council of the City of Happy Valley, Oregon:

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The consent for annexation is for the following described property:
<hr/> Street Address of Property (If address has been assigned)
<hr/> Legal Description (Subdivision Name, Lot Number(s))
<hr/> Tax Map and Tax Lot Number

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

Signature <i>John Men</i>	Owner Initial <i>JM</i>	Voter Initial	Date <i>12/8/83</i>
---------------------------	-------------------------	---------------	---------------------

Signature	Owner Initial	Voter Initial	Date
-----------	---------------	---------------	------

Other Authorized Signature	Owner Initial	Voter Initial	Date
----------------------------	---------------	---------------	------

Street Address	Home Phone	Work Phone
----------------	------------	------------

Mailing Address	[]	
City	State	Zip

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 [] until _____.

Signature	Date	Signature	Date
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Revised 11/11/03

TABLE OF CONTENTS

I. ANNEXATION PROPERTY INFORMATION..... 2

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES 3

III. CONCLUSION13

IV. APPENDIX

- A. Application for Annexation & List of Property Owners/Registered Voters
- B. Annexation Petitions
- C. Legal Description
- D. Official County Assessors Map
- E. Annexation/Zone Change Plans
- F. Owner Authorization (Purchase & Sale Agreements)
- G. Title Reports
- H. Mailing Labels & Map

I. ANNEXATION PROPERTY INFORMATION

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

- A. Land Area:** 77.2 acres (including Mt. Gate Rd. Co. ROW)
- B. General Description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal.)**

This project site is currently located in Clackamas County within the City's urban growth boundary. The site borders the City of Happy Valley on three sides. It is situated south of SE Mountain Gate Road and east of the Deerfield Park subdivision. A portion of unimproved County right-of-way for Mountain Gate Road extends across the northern boundary of the site and is included within this annexation. This right-of-way will be vacated through a future application to the City. The entire site, including the unimproved portion of Mountain Gate Road, consists of approximately 77 acres encompassing five tax lots.

The site slopes up toward the central/east portion of site from a low point of approximately 450 AMSL to a highpoint of approximately 860 AMSL. Approximately 70% of the site contains slopes, which are greater than 20%. The flatter portions of the site (w/approx. 10-15% slopes) are located in the northwest corner and central/east portion of the site. The northwest corner contains a storage hanger building in an open area that was previously used as an aircraft landing field. The higher central/east portion of the site includes two single-family homes and a Sunrise Water Authority water tank. The remainder of the site is undeveloped and contains vegetation, including second growth trees and brush. There are two drainage areas located in the northeast and southwest corners of the site respectively. The site contains three potential road connections: one from Mountain Gate Road to the north and two from the Deerfield Park subdivision to the west. Steep topography and drainage ways, as well as a lack of potential road connections within adjacent existing subdivisions, preclude any other possible road connections.

- C. Describe land uses on surrounding parcels. Use tax lots as reference points.**

North: To the north are single-family residential subdivisions known as McKenna Ridge and Red Rose Valley located in the City of Happy Valley.

South: To the south is a steep wooded slope and beyond on that is the Castlewood subdivision located in Clackamas County.

East: To the northeast is a single-family residential subdivision known as Claremont located in the City of Happy Valley. To the southeast is a single-family residential subdivision located in Clackamas County.

West: To the northwest is a single-family residential subdivision known as Deerfield Park located in the City of Happy Valley. To the southwest is an undeveloped wooded drainage ravine located in Clackamas County and further west is another phase of Deerfield Park.

D. Existing Land Use:

Number of Single Family Units: 2

Number of Multi-Family Units: 0

Number of Commercial Structures: 0

Number of Industrial Structures: 0

Public Facilities or other uses: Water Tower

What is the current use of the land to be annexed: Single Family Residential, vacant wooded tracts, & a Water Tower

E. Total current year Assessed Valuation: Land & Structures-\$2,910,808

F. Total existing estimated population: 4

G. Is the territory contiguous to the City Limits: Yes

H. Is the subject territory inside or outside of the Metro Regional Growth Boundary: Inside the UGB.

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

A. Metro Code 3.09.0050 (b) states that a boundary change proposal shall, address the following minimum criteria:

1. Consistency with directly applicable provisions of an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

Response:

The proposed annexation will be consistent with ORS 195.065 and Statewide Planning Goal 11 (see response to item #7 below for additional findings). ORS

195.065 establishes the provisions for the creation of urban service provider agreements between government agencies within an urban growth boundary that has a population of greater than 2,500 people and that are identified as appropriate parties by a cooperative agreement under ORS 195.020. Under ORS 195.065(4) urban services include sanitary sewer, water, fire protection, parks, open space, recreation and streets, roads, and mass transit.

The subject site to be annexed is both within the Metro regional urban growth boundary and Happy Valley's urban growth boundary and is adjacent to lands that are already served by public facilities. Therefore, it is planned that these properties will be developed to urban standards and that adequate services can or will be made available to serve the project site. The existing zoning for the properties in Clackamas County is FU-10, which is a land use designation used to identify properties that will be annexed into an urban area in the future and ultimately developed to urban densities. Densities on FU-10 zoned lands are limited to one unit per 10 acres. When the subject site is annexed into the City it will at the same time be rezoned (see zone change application under separate cover) to accommodate residential development at urban level densities and such development will be required to meet local development standards set forth by the city and local service providers.

The subject site would mostly remain within existing service districts. This includes the Sunrise Water Authority, Clackamas County Fire District #1, North Clackamas School District #12, North Clackamas Park District #2, Metro, Trimet, etc. However, annexation into Clackamas County Service District #1 (CCSD #1), which is the sanitary sewer and surface water management district, will be required. According to Clackamas County, the subject site is within an area that is included in an urban service provider agreement between CCSD #1 and the City of Happy Valley that stipulates that CCSD #1 will provide service to the territory once it is annexed into the City. The applicant will submit an application for annexation to CCSD #1 upon approval of the subject annexation to the City consistent with this agreement. Similarly, the site is presently not within a street lighting district. Therefore, the applicant will be required to annex into Clackamas County Service District #5, which will provide street lighting for the area.

2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195-065 between the affected entity and a necessary party;

Response:

The proposed annexation and any future development of the site will be consistent with the Happy Valley Comprehensive Plan, the Happy Valley

Development Code, the Transportation Systems Plan and Statewide Planning Goals 10, 12, and 14 (see response to item #7 below for additional findings). Upon approval of the annexation the site will be rezoned to accommodate residential uses (R-10 & R-15) and the existing water tower (IPU), which is a public use. The specific requirements of the Development Code can and will be met at the time of development review.

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

Response:

The Happy Valley Comprehensive Plan and the Happy Valley Development Code do not contain specific standards or criteria for boundary changes. Therefore, statewide planning goals apply. The proposed annexation does meet applicable statewide planning goals and requirements, as described below and in response to item #7, as well as Metro requirements.

As previously discussed, the site is presently zoned FU-10 in Clackamas County. This land use designation functions as a "holding area" for properties that are adjacent to existing urbanized areas and will eventually be annexed to a municipality and developed to urban densities. Once the subject properties are annexed into the City they will be assigned an urban land use designation consistent with the City's Comprehensive plan and land use development code. A concurrent zone change request for the subject site is being processed with the City (under separate cover).

Upon approval of a zone change for the project site, the existing Clackamas County zoning designation of FU-10 would change to R-10, R-15, and Institutional Public Use or IPU. The proposed residential zoning and maximum allowed densities for the site are compatible with the surrounding area and appropriate for the site characteristics consistent with the Happy Valley Comprehensive Plan and in keeping with Metro citywide average density requirements. Since the site contains large areas of slopes that exceed 20%, overall average site densities for the residential portion of the site will be reduced to an average of approximately 1.4 units per acre. These slopes limit the density of the site to less than what would be achieved without these topographic constraints. Therefore, it is expected that the overall density will be less than the state's minimum density allocation for new construction in Happy Valley of an average of six units per acre per ORS 660-007-0035 in order to protect these sensitive areas. The proposed zoning of the water tank property as IPU, is consistent with its anticipated function as a necessary public

facility and will assist in providing water service to the surrounding area as it develops.

4. Consistency with specific or directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

Response:

The proposed annexation is consistent with the Metro Regional Framework Plan and the Urban Growth Management Functional Plan as well as Statewide Planning Goals 10 and 14 (see response to item #7 below for additional findings). The Metro Regional Framework Plan incorporates goals, objectives and policies, which are established through existing Metro documents, including the 2040 Growth Concept and the Urban Growth Management Functional Plan (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 Urban Growth Management Functional Plan is Section 3.07 of the Metro Code. It provides tools that help meet goals in the 2040 Growth Concept, Metro's long-range growth management plan. The UGMFP stipulates that local jurisdictions increase densities within their jurisdiction consistent with the 2040 Growth Concept and that developable land within the existing Urban Growth Boundary (UGB) should be utilized prior to requesting UGB expansions.

The subject site is within the existing UGB; therefore, expansion of an existing UGB is not required. Happy Valley will be required to absorb its share of the increasing population in the region as projected in the 2040 Growth Concept. This is achieved through the subject annexation and associated zone change, which will provide land and corresponding zoning to accommodate a higher level of population density in an appropriate area within the existing UGB. The existing zoning of FU-10 allows for only one residential unit on one ten acre site; whereas the proposed zoning will result in an average density of 1.4 units per acre. Additionally, allowing residential development on this site is consistent with the Happy Valley Comprehensive Plan & Development Code and the City's planned zoning densities for the area.

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services;

Response:

The proposed annexation would not interfere with the provision of public services and is consistent with Statewide Planning Goal 11 (see response to item #7 below for additional findings). The approximately 77-acre subject site is largely undeveloped. The exception is two single-family homes, a hanger building, and the water tank. As previously stated, the site is located next to the City of Happy Valley on lands dedicated and planned for future urban expansion. Therefore, it is assumed that urban services would logically be extended to serve the site. Any future development of the site would be required to meet local building and development criteria. As previously described under item #1 above, the site is already included in a number of urban service districts. However, annexation into CCSD #1 for storm water and sewer and Clackamas County Service District #5 for street lighting would be required. Preliminary discussions with CCSD #1 indicate that there is capacity to provide sanitary sewer and storm water services to the subject site.

- 6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval:**

Response: The subject application does not involve annexation of territory to Metro; therefore, this criterion is not applicable.

- 7. Consistency with other applicable criteria for the boundary change in question under state and local laws;**

Response:

The proposed annexation is consistent with applicable state, regional, and local land use laws, as demonstrated in this application. The Clackamas County Comprehensive Plan and associated FU-10 zoning designates the site for future urban expansion. This designation assumes that the site will eventually be annexed to the City (as proposed) and developed to urban level densities. This is consistent with Metro's Regional Framework Plan and UGMFP, which require that cities increase density within existing urban growth boundaries prior to UGB expansion. Since the site is adjacent to the City of Happy Valley the orderly extension of public services can occur thus avoiding "leap frog" or incompatible development.

The subject annexation is also consistent with the following additional criteria that are applicable to the proposal:

- **Statewide Planning Goals (DLCD)**

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources (660-015-000(5))

Goal 5 establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource; allow proposed uses that conflict with it, or strike some sort of balance between the resource and the uses that would conflict with it.

Response:

The City of Happy Valley has inventoried and evaluated open spaces, scenic and historic areas and natural resources consistent with Goal 5 requirements. This information is contained in the City's 1984 Comprehensive Plan. The City and the other service providers (e.g. CCSD#1—a.k.a. Water Environment Services) have established standards and policies to protect these resources through the Happy Valley Development Code, CCSD#1 Surface Water Management Regulations, etc. These regulations address such things as stormwater management and water quality, protection of wetlands and riparian areas, development on steep slopes, tree preservation, and so forth. The Happy Valley development code also includes provisions for preservation of open space and natural areas within new developments (through Planned Unit Developments, Design Review, etc.). Any future development on the site would have to be compliant with these regulations, protecting identified Goal 5 resources. Therefore, the annexation will be in compliance with Goal 5.

Goal 10: Housing (660-015-000(10))

Goal 10 specifies that each city must plan for and accommodate needed housing types, such as multi-family 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 Happy Valley Comprehensive Plan (1984) includes an inventory of vacant buildable lands and projections regarding the future needs for such lands to provide housing in the City based on anticipated population growth. Based on that analysis, the City established a land use plan to accommodate a variety of housing types and densities appropriate for the physical characteristics and available service levels of affected lands. Residential uses will provide for the projected population increases for the 20-year planning period and corresponding housing needs within the Happy Valley UGB. The Land Conservation and Development Commission (LCDC) have acknowledged the Happy Valley Comprehensive Plan. LCDC determined that the plan provided

housing goals, policies and residential densities consistent with Oregon land use goals for housing. Therefore, annexation plans, including the subject annexation, which are consistent with the City's Comprehensive Plan, would also be consistent with statewide planning Goal #10.

The subject annexation is consistent with the Happy Valley Comprehensive Plan in a variety of ways. The most applicable housing policies contained in the plan are Policy #42 and #43 of the plan. Policy #42 is "To increase the supply of housing to allow for population growth and to provide for the housing needs of the citizens of Happy Valley." Policy #43 is "To develop housing in areas that reinforce and facilitate orderly and compatible community development." As previously described under item #4 above, the subject annexation, including approximately 76 acres for future residential development, will allow for an increase in the supply of housing to accommodate population growth in the City in an area designated for future residential development. Because these lands are within an existing urban growth boundary, adjacent to existing development within the City, the annexation will reinforce and facilitate orderly and compatible community development. This is also consistent with Metro's Regional Framework Plan and Urban Growth Functional Management plan for supplying housing and increasing density.

Goal 11: Public Facilities and Services ((660-015-000(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:

The Happy Valley Comprehensive Plan provides guidance to insure the provision and orderly extension of public facilities and services for new development in accordance with Growth Management Policies & Procedures. This includes coordination and agreements with the other agencies involved in providing needed facilities and services through facilities planning and development review.

Policy #47 of the Comprehensive Plan is applicable to the proposed annexation. "To locate land uses so as to take advantage of existing systems and physical features, to minimize development costs, and to achieve compatibility and to avoid conflicts between adjoining uses." As described above under item #1 in response to the Metro Code criteria, public facilities serve residential development that has already occurred adjacent to the proposed annexation area. Furthermore, extending public services to the annexation area is anticipated to occur, because it is within the urban growth boundary. The site

is already within a number of existing service districts. While the site is not currently in the CCSD #1 Service District, CCSD #1 has an agreement with the City to provide service to the subject area upon annexation in accordance with the urban service provider agreement between jurisdictions. Preliminary discussions with CCSD #1 indicate that there is capacity to provide sanitary sewer and storm water services to the subject site. Based on the foregoing, and findings provided elsewhere in this application in response to Metro criteria for annexations, the proposal is consistent with Goal 11.

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 proposed annexation will be consistent Goal 12 and the State's Transportation Planning Rule provided it complies with the City's Transportation Systems Plan (TSP), which addresses the capacity for urban transportation services. The Happy Valley TSP was adopted in 1998. It includes an inventory of the existing transportation system (i.e. functional classifications), summarizes needed improvements, and evaluates future needs for multi-modal transportation. The plan includes level of service standards that must be met when new development is proposed.

There are several existing public streets within the City that adjoin the site. These streets will be extended in to the site to provide pedestrian and vehicle access and circulation. The site contains three potential connections: one from Mountain Gate Road to the north and two from the Deerfield Park subdivision to the west. However, steep topography and drainage ways, as well as a lack of potential road connections within adjacent existing subdivisions, preclude any other possible road connections to the south. Similarly, existing subdivisions to the east do not include any street stubs abutting the project site; therefore, connections are precluded in that area.

Future development plans will include a full Traffic Impact Analysis, which will have to demonstrate compliance with level of service standards outlined in the TSP. Based on the anticipated density for the site, no changes are proposed to the functional classifications of any roadways. Based on the foregoing, the annexation will be in compliance with Goal #12.

Goal 14: Urbanization ((660-015-000(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:

As required by state law, the Happy Valley Comprehensive Plan (1984) established a UGB based on the criteria contained in Goal 14. As discussed under the response to item #4 above, UGB expansions are regulated by Metro through the 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. Specifically, developable land within the existing UGB should be utilized prior to any UGB boundary expansions. The subject annexation application uses land contained within an existing UGB, therefore, it is consistent with this provision. However, there are four criteria outlined in Goal 14 that describe when land can be converted from urbanizable to urban land within the UGB. These four criteria include:

- 1) Orderly, economic provision for public facilities and services;
- 2) Availability of sufficient land for the various uses to ensure choices in the market place;
- 3) LCDC goals or the acknowledged comprehensive plan; and
- 4) Encouragement of development within urban areas before conversion of urbanizable areas.

Regarding #1, our response to item #4 (Metro criteria) and Goal 11 above details how the annexation will provide for the orderly, economic provision for public facilities and services.

Regarding #2, the Happy Valley Comprehensive Plan designated lands for future development that will accommodate a variety of uses at varying densities to ensure choices in the marketplace. As described above under item #3, the subject annexation will provide for a considerable amount of new land, approximately 77 acres, to accommodate demand for new residential uses consistent with the marketplace.

Regarding #3, the Happy Valley Comprehensive Plan was acknowledged by LCDC in 1984. Since the proposed annexation is consistent with the Comprehensive Plan goals and policies, by inference, the proposed annexation would also be consistent with state land use planning goals. As demonstrated in this application, the proposal is consistent with the Happy Valley Comprehensive Plan.

Regarding #4, as described in detail under the response to item #4 above (Metro criteria), the proposed annexation is needed to accommodate the rapid population growth and demand for housing in the area. There is currently not an adequate supply of buildable land within the City limits to accommodate the demand for housing. Therefore, urbanizable land that is outside the City, but within the UGB, must be annexed into the City to meet the demand for vacant buildable lands that can be connected to urban services.

B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City: --	Fire Prot. Dist.: Clack. Fire Dist. #1
County: Clackamas	Sanitary District: --
Hwy Lighting: --	Water District: Sunrise Water Auth.
Grade Sch. Dist.: N. Clack #12	Drainage District: --
High Sch. Dist.: N. Clack #12	Park & Rec. Dist.: N. Clack. #2
Library Dist: --	Other: Tri-met, County Soil Conservation, Vector Control, Urban Renewal, Metro

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe: North Clackamas School District #12, Clackamas County Fire District #1. and Clackamas Park District #2 currently serve the property.

Applicant's Name: Pacific Lifestyle Development, Inc.
Mailing Address: 11815 NE 99 th Street, Suite 1200 Vancouver, Washington 98682
Telephone: 360-573-8081
Date: 10/27/03

Contact Person For Application: Michael Birndorf (MGH Associates)
Mailing Address: 104 West 9 th Street Suite 207 Vancouver, WA 98660
Telephone: 360-750-0399

III. CONCLUSION

Based on the foregoing, the subject annexation application meets the criteria for approval of an annexation. The annexation was initiated by petitions signed by owners of 100% of the properties involved and is consistent with the City's Comprehensive Plan, Metro criteria for approval of a boundary change, and State law. The proposal will allow for an increase in the supply of needed housing on lands within the City's urban growth boundary that are designated for future residential development.

Revised 11/11/03

TABLE OF CONTENTS

I. ANNEXATION PROPERTY INFORMATION..... 2

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES 3

III. CONCLUSION13

IV. APPENDIX

- A. Application for Annexation & List of Property Owners/Registered Voters
- B. Annexation Petitions
- C. Legal Description
- D. Official County Assessors Map
- E. Annexation/Zone Change Plans
- F. Owner Authorization (Purchase & Sale Agreements)
- G. Title Reports
- H. Mailing Labels & Map

I. ANNEXATION PROPERTY INFORMATION

EXISTING CONDITIONS IN AREA TO BE ANNEXED:

- A. Land Area:** 77.2 acres (including Mt. Gate Rd. Co. ROW)
- B. General Description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal.)**

This project site is currently located in Clackamas County within the City's urban growth boundary. The site borders the City of Happy Valley on three sides. It is situated south of SE Mountain Gate Road and east of the Deerfield Park subdivision. A portion of unimproved County right-of-way for Mountain Gate Road extends across the northern boundary of the site and is included within this annexation. This right-of-way will be vacated through a future application to the City. The entire site, including the unimproved portion of Mountain Gate Road, consists of approximately 77 acres encompassing five tax lots.

The site slopes up toward the central/east portion of site from a low point of approximately 450 AMSL to a highpoint of approximately 860 AMSL. Approximately 70% of the site contains slopes, which are greater than 20%. The flatter portions of the site (w/approx. 10-15% slopes) are located in the northwest corner and central/east portion of the site. The northwest corner contains a storage hanger building in an open area that was previously used as an aircraft landing field. The higher central/east portion of the site includes two single-family homes and a Sunrise Water Authority water tank. The remainder of the site is undeveloped and contains vegetation, including second growth trees and brush. There are two drainage areas located in the northeast and southwest corners of the site respectively. The site contains three potential road connections: one from Mountain Gate Road to the north and two from the Deerfield Park subdivision to the west. Steep topography and drainage ways, as well as a lack of potential road connections within adjacent existing subdivisions, preclude any other possible road connections.

- C. Describe land uses on surrounding parcels. Use tax lots as reference points.**

North: To the north are single-family residential subdivisions known as McKenna Ridge and Red Rose Valley located in the City of Happy Valley.

South: To the south is a steep wooded slope and beyond on that is the Castlewood subdivision located in Clackamas County.

East: To the northeast is a single-family residential subdivision known as Claremont located in the City of Happy Valley. To the southeast is a single-family residential subdivision located in Clackamas County.

West: To the northwest is a single-family residential subdivision known as Deerfield Park located in the City of Happy Valley. To the southwest is an undeveloped wooded drainage ravine located in Clackamas County and further west is another phase of Deerfield Park.

D. Existing Land Use:

Number of Single Family Units: 2
Number of Multi-Family Units: 0
Number of Commercial Structures: 0
Number of Industrial Structures: 0

Public Facilities or other uses: Water Tower

What is the current use of the land to be annexed: Single Family Residential, vacant wooded tracts, & a Water Tower

E. Total current year Assessed Valuation: Land & Structures-\$2,910,808

F. Total existing estimated population: 4

G. Is the territory contiguous to the City Limits: Yes

H. Is the subject territory inside or outside of the Metro Regional Growth Boundary: Inside the UGB.

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

A. Metro Code 3.09.0050 (b) states that a boundary change proposal shall, address the following minimum criteria:

1. Consistency with directly applicable provisions of an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

Response:

The proposed annexation will be consistent with ORS 195.065 and Statewide Planning Goal 11 (see response to item #7 below for additional findings). ORS

195.065 establishes the provisions for the creation of urban service provider agreements between government agencies within an urban growth boundary that has a population of greater than 2,500 people and that are identified as appropriate parties by a cooperative agreement under ORS 195.020. Under ORS 195.065(4) urban services include sanitary sewer, water, fire protection, parks, open space, recreation and streets, roads, and mass transit.

The subject site to be annexed is both within the Metro regional urban growth boundary and Happy Valley's urban growth boundary and is adjacent to lands that are already served by public facilities. Therefore, it is planned that these properties will be developed to urban standards and that adequate services can or will be made available to serve the project site. The existing zoning for the properties in Clackamas County is FU-10, which is a land use designation used to identify properties that will be annexed into an urban area in the future and ultimately developed to urban densities. Densities on FU-10 zoned lands are limited to one unit per 10 acres. When the subject site is annexed into the City it will at the same time be rezoned (see zone change application under separate cover) to accommodate residential development at urban level densities and such development will be required to meet local development standards set forth by the city and local service providers.

The subject site would mostly remain within existing service districts. This includes the Sunrise Water Authority, Clackamas County Fire District #1, North Clackamas School District #12, North Clackamas Park District #2, Metro, Trimet, etc. However, annexation into Clackamas County Service District #1 (CCSD #1), which is the sanitary sewer and surface water management district, will be required. According to Clackamas County, the subject site is within an area that is included in an urban service provider agreement between CCSD #1 and the City of Happy Valley that stipulates that CCSD #1 will provide service to the territory once it is annexed into the City. The applicant will submit an application for annexation to CCSD #1 upon approval of the subject annexation to the City consistent with this agreement. Similarly, the site is presently not within a street lighting district. Therefore, the applicant will be required to annex into Clackamas County Service District #5, which will provide street lighting for the area.

2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195-065 between the affected entity and a necessary party;

Response:

The proposed annexation and any future development of the site will be consistent with the Happy Valley Comprehensive Plan, the Happy Valley

Development Code, the Transportation Systems Plan and Statewide Planning Goals 10, 12, and 14 (see response to item #7 below for additional findings). Upon approval of the annexation the site will be rezoned to accommodate residential uses (R-10 & R-15) and the existing water tower (IPU), which is a public use. The specific requirements of the Development Code can and will be met at the time of development review.

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

Response:

The Happy Valley Comprehensive Plan and the Happy Valley Development Code do not contain specific standards or criteria for boundary changes. Therefore, statewide planning goals apply. The proposed annexation does meet applicable statewide planning goals and requirements, as described below and in response to item #7, as well as Metro requirements.

As previously discussed, the site is presently zoned FU-10 in Clackamas County. This land use designation functions as a "holding area" for properties that are adjacent to existing urbanized areas and will eventually be annexed to a municipality and developed to urban densities. Once the subject properties are annexed into the City they will be assigned an urban land use designation consistent with the City's Comprehensive plan and land use development code. A concurrent zone change request for the subject site is being processed with the City (under separate cover).

Upon approval of a zone change for the project site, the existing Clackamas County zoning designation of FU-10 would change to R-10, R-15, and Institutional Public Use or IPU. The proposed residential zoning and maximum allowed densities for the site are compatible with the surrounding area and appropriate for the site characteristics consistent with the Happy Valley Comprehensive Plan and in keeping with Metro citywide average density requirements. Since the site contains large areas of slopes that exceed 20%, overall average site densities for the residential portion of the site will be reduced to an average of approximately 1.4 units per acre. These slopes limit the density of the site to less than what would be achieved without these topographic constraints. Therefore, it is expected that the overall density will be less than the state's minimum density allocation for new construction in Happy Valley of an average of six units per acre per ORS 660-007-0035 in order to protect these sensitive areas. The proposed zoning of the water tank property as IPU, is consistent with its anticipated function as a necessary public

facility and will assist in providing water service to the surrounding area as it develops.

4. Consistency with specific or directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

Response:

The proposed annexation is consistent with the Metro Regional Framework Plan and the Urban Growth Management Functional Plan as well as Statewide Planning Goals 10 and 14 (see response to item #7 below for additional findings). The Metro Regional Framework Plan incorporates goals, objectives and policies, which are established through existing Metro documents, including the 2040 Growth Concept and the Urban Growth Management Functional Plan (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 Urban Growth Management Functional Plan is Section 3.07 of the Metro Code. It provides tools that help meet goals in the 2040 Growth Concept, Metro's long-range growth management plan. The UGMFP stipulates that local jurisdictions increase densities within their jurisdiction consistent with the 2040 Growth Concept and that developable land within the existing Urban Growth Boundary (UGB) should be utilized prior to requesting UGB expansions.

The subject site is within the existing UGB; therefore, expansion of an existing UGB is not required. Happy Valley will be required to absorb its share of the increasing population in the region as projected in the 2040 Growth Concept. This is achieved through the subject annexation and associated zone change, which will provide land and corresponding zoning to accommodate a higher level of population density in an appropriate area within the existing UGB. The existing zoning of FU-10 allows for only one residential unit on one ten acre site; whereas the proposed zoning will result in an average density of 1.4 units per acre. Additionally, allowing residential development on this site is consistent with the Happy Valley Comprehensive Plan & Development Code and the City's planned zoning densities for the area.

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services;

Response:

The proposed annexation would not interfere with the provision of public services and is consistent with Statewide Planning Goal 11 (see response to item #7 below for additional findings). The approximately 77-acre subject site is largely undeveloped. The exception is two single-family homes, a hanger building, and the water tank. As previously stated, the site is located next to the City of Happy Valley on lands dedicated and planned for future urban expansion. Therefore, it is assumed that urban services would logically be extended to serve the site. Any future development of the site would be required to meet local building and development criteria. As previously described under item #1 above, the site is already included in a number of urban service districts. However, annexation into CCSD #1 for storm water and sewer and Clackamas County Service District #5 for street lighting would be required. Preliminary discussions with CCSD #1 indicate that there is capacity to provide sanitary sewer and storm water services to the subject site.

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Response: The subject application does not involve annexation of territory to Metro; therefore, this criterion is not applicable.

- 7. Consistency with other applicable criteria for the boundary change in question under state and local laws;**

Response:

The proposed annexation is consistent with applicable state, regional, and local land use laws, as demonstrated in this application. The Clackamas County Comprehensive Plan and associated FU-10 zoning designates the site for future urban expansion. This designation assumes that the site will eventually be annexed to the City (as proposed) and developed to urban level densities. This is consistent with Metro's Regional Framework Plan and UGMFP, which require that cities increase density within existing urban growth boundaries prior to UGB expansion. Since the site is adjacent to the City of Happy Valley the orderly extension of public services can occur thus avoiding "leap frog" or incompatible development.

The subject annexation is also consistent with the following additional criteria that are applicable to the proposal:

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Goal 5 establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource; allow proposed uses that conflict with it, or strike some sort of balance between the resource and the uses that would conflict with it.

Response:

The City of Happy Valley has inventoried and evaluated open spaces, scenic and historic areas and natural resources consistent with Goal 5 requirements. This information is contained in the City's 1984 Comprehensive Plan. The City and the other service providers (e.g. CCSD#1—a.k.a. Water Environment Services) have established standards and policies to protect these resources through the Happy Valley Development Code, CCSD#1 Surface Water Management Regulations, etc. These regulations address such things as stormwater management and water quality, protection of wetlands and riparian areas, development on steep slopes, tree preservation, and so forth. The Happy Valley development code also includes provisions for preservation of open space and natural areas within new developments (through Planned Unit Developments, Design Review, etc.). Any future development on the site would have to be compliant with these regulations, protecting identified Goal 5 resources. Therefore, the annexation will be in compliance with Goal 5.

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Goal 10 specifies that each city must plan for and accommodate needed housing types, such as multi-family 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 Happy Valley Comprehensive Plan (1984) includes an inventory of vacant buildable lands and projections regarding the future needs for such lands to provide housing in the City based on anticipated population growth. Based on that analysis, the City established a land use plan to accommodate a variety of housing types and densities appropriate for the physical characteristics and available service levels of affected lands. Residential uses will provide for the projected population increases for the 20-year planning period and corresponding housing needs within the Happy Valley UGB. The Land Conservation and Development Commission (LCDC) have acknowledged the Happy Valley Comprehensive Plan. LCDC determined that the plan provided

housing goals, policies and residential densities consistent with Oregon land use goals for housing. Therefore, annexation plans, including the subject annexation, which are consistent with the City's Comprehensive Plan, would also be consistent with statewide planning Goal #10.

The subject annexation is consistent with the Happy Valley Comprehensive Plan in a variety of ways. The most applicable housing policies contained in the plan are Policy #42 and #43 of the plan. Policy #42 is "To increase the supply of housing to allow for population growth and to provide for the housing needs of the citizens of Happy Valley." Policy #43 is "To develop housing in areas that reinforce and facilitate orderly and compatible community development." As previously described under item #4 above, the subject annexation, including approximately 76 acres for future residential development, will allow for an increase in the supply of housing to accommodate population growth in the City in an area designated for future residential development. Because these lands are within an existing urban growth boundary, adjacent to existing development within the City, the annexation will reinforce and facilitate orderly and compatible community development. This is also consistent with Metro's Regional Framework Plan and Urban Growth Functional Management plan for supplying housing and increasing density.

Goal 11: Public Facilities and Services ((660-015-000(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:

The Happy Valley Comprehensive Plan provides guidance to insure the provision and orderly extension of public facilities and services for new development in accordance with Growth Management Policies & Procedures. This includes coordination and agreements with the other agencies involved in providing needed facilities and services through facilities planning and development review.

Policy #47 of the Comprehensive Plan is applicable to the proposed annexation. "To locate land uses so as to take advantage of existing systems and physical features, to minimize development costs, and to achieve compatibility and to avoid conflicts between adjoining uses." As described above under item #1 in response to the Metro Code criteria, public facilities serve residential development that has already occurred adjacent to the proposed annexation area. Furthermore, extending public services to the annexation area is anticipated to occur, because it is within the urban growth boundary. The site

is already within a number of existing service districts. While the site is not currently in the CCSD #1 Service District, CCSD #1 has an agreement with the City to provide service to the subject area upon annexation in accordance with the urban service provider agreement between jurisdictions. Preliminary discussions with CCSD #1 indicate that there is capacity to provide sanitary sewer and storm water services to the subject site. Based on the foregoing, and findings provided elsewhere in this application in response to Metro criteria for annexations, the proposal is consistent with Goal 11.

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 proposed annexation will be consistent Goal 12 and the State's Transportation Planning Rule provided it complies with the City's Transportation Systems Plan (TSP), which addresses the capacity for urban transportation services. The Happy Valley TSP was adopted in 1998. It includes an inventory of the existing transportation system (i.e. functional classifications), summarizes needed improvements, and evaluates future needs for multi-modal transportation. The plan includes level of service standards that must be met when new development is proposed.

There are several existing public streets within the City that adjoin the site. These streets will be extended in to the site to provide pedestrian and vehicle access and circulation. The site contains three potential connections: one from Mountain Gate Road to the north and two from the Deerfield Park subdivision to the west. However, steep topography and drainage ways, as well as a lack of potential road connections within adjacent existing subdivisions, preclude any other possible road connections to the south. Similarly, existing subdivisions to the east do not include any street stubs abutting the project site; therefore, connections are precluded in that area.

Future development plans will include a full Traffic Impact Analysis, which will have to demonstrate compliance with level of service standards outlined in the TSP. Based on the anticipated density for the site, no changes are proposed to the functional classifications of any roadways. Based on the foregoing, the annexation will be in compliance with Goal #12.

Goal 14: Urbanization ((660-015-000(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:

As required by state law, the Happy Valley Comprehensive Plan (1984) established a UGB based on the criteria contained in Goal 14. As discussed under the response to item #4 above, UGB expansions are regulated by Metro through the 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. Specifically, developable land within the existing UGB should be utilized prior to any UGB boundary expansions. The subject annexation application uses land contained within an existing UGB, therefore, it is consistent with this provision. However, there are four criteria outlined in Goal 14 that describe when land can be converted from urbanizable to urban land within the UGB. These four criteria include:

- 1) Orderly, economic provision for public facilities and services;
- 2) Availability of sufficient land for the various uses to ensure choices in the market place;
- 3) LCDC goals or the acknowledged comprehensive plan; and
- 4) Encouragement of development within urban areas before conversion of urbanizable areas.

Regarding #1, our response to item #4 (Metro criteria) and Goal 11 above details how the annexation will provide for the orderly, economic provision for public facilities and services.

Regarding #2, the Happy Valley Comprehensive Plan designated lands for future development that will accommodate a variety of uses at varying densities to ensure choices in the marketplace. As described above under item #3, the subject annexation will provide for a considerable amount of new land, approximately 77 acres, to accommodate demand for new residential uses consistent with the marketplace.

Regarding #3, the Happy Valley Comprehensive Plan was acknowledged by LCDC in 1984. Since the proposed annexation is consistent with the Comprehensive Plan goals and policies, by inference, the proposed annexation would also be consistent with state land use planning goals. As demonstrated in this application, the proposal is consistent with the Happy Valley Comprehensive Plan.

Regarding #4, as described in detail under the response to item #4 above (Metro criteria), the proposed annexation is needed to accommodate the rapid population growth and demand for housing in the area. There is currently not an adequate supply of buildable land within the City limits to accommodate the demand for housing. Therefore, urbanizable land that is outside the City, but within the UGB, must be annexed into the City to meet the demand for vacant buildable lands that can be connected to urban services.

B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City: --	Fire Prot. Dist.: Clack. Fire Dist. #1
County: Clackamas	Sanitary District: --
Hwy Lighting: --	Water District: Sunrise Water Auth.
Grade Sch. Dist.: N. Clack #12	Drainage District: --
High Sch. Dist.: N. Clack #12	Park & Rec. Dist.: N. Clack. #2
Library Dist: --	Other: Tri-met, County Soil Conservation, Vector Control, Urban Renewal, Metro

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe: North Clackamas School District #12, Clackamas County Fire District #1. and Clackamas Park District #2 currently serve the property.

Applicant's Name: Pacific Lifestyle Development, Inc.
Mailing Address: 11815 NE 99 th Street, Suite 1200 Vancouver, Washington 98682
Telephone: 360-573-8081
Date: 10/27/03

Contact Person For Application: Michael Birndorf (MGH Associates)
Mailing Address: 104 West 9 th Street Suite 207 Vancouver, WA 98660
Telephone: 360-750-0399

III. CONCLUSION

Based on the foregoing, the subject annexation application meets the criteria for approval of an annexation. The annexation was initiated by petitions signed by owners of 100% of the properties involved and is consistent with the City's Comprehensive Plan, Metro criteria for approval of a boundary change, and State law. The proposal will allow for an increase in the supply of needed housing on lands within the City's urban growth boundary that are designated for future residential development.

**Root – Keller Annexation
Legal Description**

A tract of land situated in Section 35, T1S, R2E, W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the southeast corner of Tract "H" of Deerfield Park No. 4, said point also being on the existing city limits of the City of Happy Valley;

1. Thence (leaving said City limits) South $0^{\circ}24' 53''$ East, 812.08 feet to the northwest corner of a tract of land recorded in Clackamas County deed reference No. 76-27874;
2. Thence North $89^{\circ}43'$ East, along the North line of said tract, 311.06 feet to the northeast corner of said tract;
3. Thence South along the east line of said tract, 580.14 feet to the southeast corner of said tract;
4. Thence East, 1010 feet to the southeast corner of a tract of land recorded in Clackamas County deed reference No. 2003-016175;
5. Thence North along the East line of said tract, 1320 feet to the northeast corner of said tract, said corner also being on the existing city limits of the City of Happy Valley and the southwest corner of Tract "B" of Eastbourne Downs;
6. Thence North $0^{\circ}06'39''$ West along said city limits and the west line of said tract "B", 656.75 feet to the southwest corner of Tract "B" of Claremont at Happy Valley;
7. Thence North $0^{\circ}07'36''$ West, along said city limits, and the west line of said Tract "B", 239.88 feet;
8. Thence North $0^{\circ}07'36''$ West, along said city limits and the east line of a tract of land recorded in Clackamas County deed reference No. 98-122157, 440.94 feet to the northeast corner of said tract;

Page 2
Root – Keller Annexation
Legal Description

9. Thence North $89^{\circ}34'52''$ West, along the north line of said tract, and said city limits, 457.03 feet to the point of intersection with the terminus of Mountain Gate Rd.;
10. Thence North along said city limits and said terminus, 20.70 feet more or less to the point of intersection with the North line of said road;
11. Thence North $89^{\circ}32'33''$ West along said city limits and north line, 816.08 feet more or less to an angle point in said north line;
12. Thence Southwesterly, 48 feet more or less to the point of intersection with an angle point in the south line of Mt. Gate Rd.;
13. Thence South $89^{\circ}22'24''$ West, along said south line, 9.50 feet to the northeast corner of Tract "K" of Deerfield Park No. 5;
14. Thence South $0^{\circ}24'53''$ East, along said city limits and the east lines of Deerfield Park No. 5 & No. 4, 1292.99 feet to the point of beginning.

12 E 35 D 703

FORM No. 713-BARGAIN AND SALE DEED (Rev. 10/01/99) (Contract)

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that PAUL M. STUART and MARIE J. STUART, husband and wife, for the consideration hereinafter stated, does hereby grant, bargain, sell, and convey unto CALEN H. COFFIN and BETH COFFIN, husband and wife, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the certain real property and the tenements, hereditaments and appurtenances therunto belonging or in anywise appearing, situated in the County of Clackamas, State of Oregon, described as follows, to-wit: AS ATTACHED EXHIBIT "A"

EXHIBIT "A"

A tract of land in the SE 1/4 of Section 35, R. 1S., R. 2E., W. 1/2, and being more particularly described as follows:

Beginning at the South one-quarter corner of Section 35, thence N. 0°22' West along the north-south center of Section line 50.00 feet to the true point of beginning, thence North 89°43' East, parallel with the South line of Section 35, 311.06 feet, thence North 0°22' West, parallel with the said north-south center of Section line 280.07 feet, thence South 89°43' West, parallel with the South line of Section 35, 311.06 feet to the center of section line, thence South 0°22' East, along the center of section line, 280.07 feet to the true point of beginning.

ALL TOGETHER WITH an easement for ingress and egress and a buy pump over a 50 foot wide strip of ground, being the area between the south line of the above described tract and the south line of said Section 35.

ALSO, TOGETHER WITH the use of one-third of the water from the well located on above 50 foot strip and TOGETHER WITH an easement over said 50 foot strip for necessary water pipe line to said well. Buyers agree to pay one-third of the cost of the pump and water pipe maintenance and one-third of the cost of electricity from the operation of the pump. It is further agreed that should water be furnished to said area, either by a water district or by any municipality, the sellers, their heirs and assigns, shall have the option to terminate the use by the buyers of the water from the well. Should the sellers, their heirs and assigns, exercise said option, the buyers thereat, shall have no further right, title interest or easement in and to the use of the water use of the well or use of the pipe crossing said property. Said option, if exercised by the sellers, their heirs and assigns, shall be by ninety days written notice.

Recording Service
Transcript Title Ins. Co.
11/14/03

718 2/1/04

To Have and to Hold the same unto the said grantee and grantees, heirs, successors, and assigns forever.
 The true and actual consideration paid for this transfer, stated in terms of dollars, is: \$ 17.00
 However, the actual consideration consists of or includes other property or value given or promised, which is the whole consideration (indicate which) (The sentence between the symbols @ if not applicable should be deleted) (RS 90.010)
 In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.
 In Witness Whereof, the grantor has executed this instrument this _____ day of AUGUST, 1976
 if a corporate grantor it has caused its name to be signed and seal affixed by its officers duly authorized thereto in order of its board of directors.

Paul M. Stuart
 Paul M. Stuart
Marie J. Stuart
 Marie J. Stuart

(If executed by a corporation
 affix corporate seal)

STATE OF OREGON }
 County of Clatsop } ss.
 August 10 1976

Personally appeared the above named
 Paul M. Stuart & Marie J. Stuart

and acknowledged the foregoing instru-
 ment to be their voluntary act and deed

Before me
Paul J. Gannon
 (OFFICIAL SEAL)
 Notary Public for Oregon
 My commission expires 11-18-79

PAUL M. STUART & MARIE J. STUART

GRANTOR(S) NAME AND ADDRESS
 GALEN H. COFFIN & BETH COFFIN

CHANGED NAME AND ADDRESS
 After recording return to:
 GALEN H. COFFIN, et ux
 2311 S. E. Courtney Avenue
 Portland, Oregon 97222

NAME ADDRESS
 Until a change is requested all for statements shall be made the following:
 GALEN H. COFFIN, ET UX
 2311 S. E. Courtney Avenue
 Portland, Oregon 97222

STATE OF OREGON County of _____) ss.
 Personally appeared _____ and _____

each for himself and not one for the other, and he that the same is the president and that he gives as the secretary of _____

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and each of them acknowledged said instrument to be their voluntary act and deed

Before me
 (OFFICIAL SEAL)
 Notary Public for Oregon
 My commission expires _____

STATE OF OREGON
 County of Clatsop
 I, _____ County Clerk ex officio by the Circuit Court for the State of Oregon in the County of Clatsop, do hereby certify that the within instrument of writing is duly made and recorded in the record of said county in _____

76-643-42

GALEN H. COFFIN & BETH COFFIN
 Recording Certificate
 76-643-42

2003-01617J

7L: 200

Clackamas County Official Records 2003-016175
Sherry Hall, County Clerk

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

02/07/2003 11:11:28 AM
\$36.00
00424419200300161750030030

GRANTOR'S NAME
Carl T. Coffman

D-D Carl's Strk3 BEVERLY
\$15.00 \$11.00 \$10.00

GRANTEE'S NAME
Mid Ohio Securities Corp Custodian FOB Fay M. Keller IRA

SEND TAX STATEMENTS TO:
Mid Ohio Securities
P.O. Box 1523e
Elyria, OH 44036

AFTER RECORDING RETURN TO:
Mid Ohio Securities
P.O. Box 1523a
Elyria, OH 44036

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Carl T. Coffman, Grantor, conveys and warrants to

Mid Ohio Securities Corp Custodian FOB Fay M. Keller IRA, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

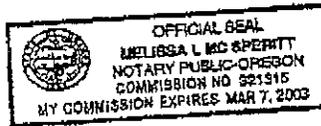
see attached

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

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$337,000.00 (See ORS 93.030)

DATED: January 16, 2003

[Signature]
Carl T. Coffman



STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me on

January 19, 2003

by Carl T. Coffman

[Signature]

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 3/7/2003

FIDELITY NATIONAL TITLE CO. 07-766-82

Escrow No. 07-700582-WDD-28
Title Order No. 00700582

EXHIBIT ONE

Parcel I:

The Southwest one quarter of the Southeast one quarter of Section 35, Township 1 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon.

EXCEPTING THEREFROM the Northwest one quarter of the Southwest one quarter of the Southeast one quarter of Section 35, Township 1 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon.

ALSO EXCEPTING THEREFROM the Southerly 580.14 feet of the Westerly 311.08 feet, and;

FURTHER EXCEPTING THEREFROM that 200 by 200 foot portion thereof conveyed to Mt. Scott Water District by deed recorded December 31, 1985, Recorder's Fee No. 85-46334.

PARCEL II:

An easement for access over the following described property:

A tract of land in the Southeast one quarter of Section 35, Township 1 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at the South one quarter corner of Section 35, which is the true point of beginning; thence North 0 degrees 22' West along the North-South center of Section line 50.00 feet; thence North 89 degrees 43' East, parallel with the South line of Section 35, a distance of 311.08 feet; thence South 0 degrees 22' East 50.00 feet to the South line of Section 35; thence South 89 degrees 43' West, along said South line, 311.08 feet to the true point of beginning.

EXCEPT that portion conveyed to the public by deed recorded in Book 655, Page 941.

2

SPECIFIC ITEMS AND EXCEPTIONS:

The herein described property has been classified as forest lands, as disclosed by the tax roll. In the event of declassification, the property may be subject to additional taxes and/or penalties.

Easement(s), together with a Well Agreement for the purpose(s) shown below and rights incidental thereto as granted in a document.

In Favor of: Adjacent property owners
Purpose: Water pipe
Recorded: September 14, 1988, Book 678, Page 744
Affects: Exact location not disclosed

Easement(s), together with a Well Agreement for the purpose(s) shown below and rights incidental thereto as granted in a document.

In Favor of: Adjacent property owners
Purpose: Water pipe
Recorded: December 8, 1986, Book 683, Page 228
Affects: Exact location not disclosed

Agreement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Purpose: Well purposes
Recorded: August 13, 1976, Fee No. 76-27873 & 76-27874

Agreement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Purpose: Roadway & utilities
Recorded: October 14, 1976, Fee No. 76-36567

Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Otto C. Keller and Fay M. Keller
Purpose: Utilities and improvements
Recorded: June 5, 1981, Fee No. 81-18548
Affects: The North 441 feet of the East 10 feet

Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Mt. Scott Water District
Purpose: Access and utilities
Recorded: December 31, 1983, Fee No. 83-48334
Affects: a 25 foot strip in the Northeastern portion of said premises

Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Mt. Scott Water District
Purpose: Underground water supply pipe lines or mains
Recorded: October 13, 1980, Fee No. 80-52205
Affects: A portion of the Northernly line of said premises

③

98-122157

76 401

200
201

Escrow Number: 4423493 **BARGAIN AND SALE DEED**
KNOW ALL MEN BY THESE PRESENTS, That Sonia M. Root, hereinafter called grantor,
for the consideration herein stated, does hereby grant, bargain sell and convey
unto
Byron L. Root and Peggy A. Root, Husband and Wife

hereinafter called grantees, and unto grantor's heirs, successors and assigns all of that certain real property with the
tenements, hereditaments and appurtenances appertaining thereto, situated in the County of ~~Washington~~ **CLATSOP**
State of Oregon, described as follows:

See Attached Legal Description ""

To Have and to Hold the same unto the said grantees and grantor's heirs, successors and assigns forever.
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0.

Dated this 17th day of December, 1998 ; If this deed is given by a corporate grantor, its name
is signed by its authorized officers by authority of the Board of Directors.
Sonia M. Root
Sonia M. Root

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 90.030.



STATE OF OREGON, County of **CLATSOP** STATE OF OREGON, County of
Personally appeared **Sonia M. Root** Personally appeared

Who, being duly sworn, each for himself and not one for the other, did say that
the former is the _____ part, & that the latter is the _____ secretary of

and acknowledged the foregoing instrument to be her voluntary act and deed. and that this instrument was signed on behalf of the corporation, by authority of
the board of directors and is acknowledged to be its voluntary act and deed.
Before me:

Walter Gannon
Notary Public for Oregon
My commission expires: 1-10-02

Notary Public for Oregon
My commission expires:

After recording return to:
Mr. and Mrs. Byron Root
13000 SE Mountain Gate Rd. 12042 SE
Portland, Oregon 97236 *Sunnyvale Rd. 444
Clatsop, OR
7115*

Until a change is requested all tax statements
shall be sent to the following address:
Mr. and Mrs. Byron Root
13000 SE Mountain Gate Rd. 12042 SE Sunnyvale
Portland, Oregon 97236 444
Clatsop

STATE OF OREGON.
County of _____
I certify that the within instru-
ment was received for record on the
_____ day of _____ 98-122157
at _____ o'clock
book/mes/volume No. _____ on
page _____ of as fee file instrument/
microfilm/reception No. _____
Records of Deeds of said county.
Witness my hand and seal of
County attixed.

NAME TITLE
BY _____ Deputy

TRANSACTION 02488907
TITLE INSURANCE 00000000

NOV. 13. 1998 8:24PM TRANSACTION TITLE

NO. 985 P. 4/8

DESCRIPTION:

Part of the Northwest one-quarter of the Southeast one-quarter of Section 35, Township 7 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southeast corner of said legal subdivision; thence North along the East line of said subdivision, 240 feet to the true point of beginning; thence West, parallel to the South line thereof, 808 feet to a point; thence North parallel to the East line thereof, 1080 feet to a point; thence East, parallel to the South line thereof, 808 feet to the East line of said subdivision; thence South along said East line 1080 feet to the true point of beginning.

STATE OF OREGON 98-122157
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT AND FEE: \$47.00 \$48.00
DATE AND TIME: 12/22/98 03:16 PM
JOHN KAUFFMAN, COUNTY CLERK

August 28, 1998

2

C219389NT

2

Assessor Information

=====
Tax Lot Number: 12E35D 00401
Property Address: 13000 SE MOUNTAIN GATE RD

Mailing Information:

ROOT BYRON L & PEGGY A
12042 SE SUNNYSIDE RD #441
CLACKAMAS OR
97015

Assessor Parcel Size: 19.82 (Acres)
Building Square Footage: 6522 (Square Feet)

Assessed Land Value: \$461368
Assessed Building Value: \$411340
Total Assessed Value: \$872708

Assessor Information

=====
Tax Lot Number: 12E35D 00400
Property Address: 13280 SE MOUNTAIN GATE RD

Mailing Information:

KELLER OTTO CHARLES & FAY
13280 SE MOUNTAIN GATE RD
PORTLAND OR
97236

Assessor Parcel Size: 20.18 (Acres)
Building Square Footage: 3528 (Square Feet)

Assessed Land Value: \$361567
Assessed Building Value: \$438480
Total Assessed Value: \$800047

Assessor Information

=====
Tax Lot Number: 12E35D 00600
Property Address:

Mailing Information:

Assessor Parcel Size: Number Null (Acres)
Building Square Footage: 0.00 (Square Feet)

Assessed Land Value: \$Number Null
Assessed Building Value: \$Number Null
Total Assessed Value: \$Number Null

Assessor Information
=====

Tax Lot Number: 12E35D 00601
Property Address: NO SITUS

Mailing Information:

KELLER OTTO & FAY
13280 SE MOUNTAIN GATE RD
PORTLAND OR
97236

Assessor Parcel Size: 10.00 (Acres)
Building Square Footage: 0 (Square Feet)

Assessed Land Value: \$170553
Assessed Building Value: \$0
Total Assessed Value: \$170553

Assessor Information
=====

Tax Lot Number: 12E35D 00700
Property Address: NO SITUS

Mailing Information:

MID OHIO SECURITIES CORP
PO BOX 1529E
ELYRIA OH
44036

Assessor Parcel Size: 24.93 (Acres)
Building Square Footage: 0 (Square Feet)

Assessed Land Value: \$334444
Assessed Building Value: \$0
Total Assessed Value: \$334444

Assessor Information

=====

Tax Lot Number: 12E35D 00704
Property Address: 13600 SE ALDRIDGE RD

Mailing Information:

MT SCOTT WATER DIST
10602 SE 129TH AVE
PORTLAND OR
97236

Assessor Parcel Size: 0.92 (Acres)
Building Square Footage: 0 (Square Feet)

Assessed Land Value: \$133056
Assessed Building Value: \$0
Total Assessed Value: \$133056