

Final Documents

For

Annexation to the
City of Happy Valley

CL1503
Ordinance #262
DOR 3-1599-2003
Sec. State AN-2003-0198

Final to DOR: _____

Signature:

Date of

Mailing: 9/15/03

Final to Secretary of State: _____

Signature:

Date of

Mailing: 9/18/03

CL1503

Sent

Received

DOR:

9/15/03

9/17/03

Sec. State:

9/18/03

10/3/03

Assessor:

9/18/03

Elections:

9/18/03

Mapped:

Yes

Addresses:

12E25 00200
12E25BC04600

9750 SE 145th Ave
No Site Address

Proposal No. CL1503

1S2E25

Annexation to the City of Happy Valley

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



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

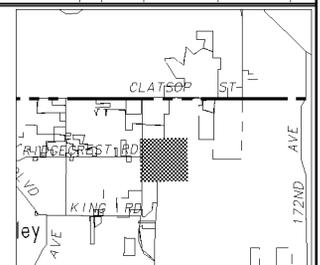
METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties expressed or implied. Clackamas County is not responsible for the accuracy of this map.

- County lines
- City
- Annexation boundary
- Urban Growth Boundary

Proposal No. CL1503
CITY OF HAPPY VALLEY
Figure 1

Scale: 1" = 750'





October 3, 2003

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed on September 22, 2003 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
2003-157	Clackamas Co. Service District #5	SD 2003-0111
262	City of Happy Valley	AN 2003-0198
03-101	Tualatin Hills Park & Rec. Dist	SD 2003-0112
03-102	Tualatin Hills Park & Rec. Dist	SD 2003-0113
03-100	Clean Water Services Dist.	SD 2003-0114
4261	City of Beaverton	AN 2003-0199
4262	City of Beaverton	AN 2003-0200

Determination of the effective date for all the above Final Order(s) 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,

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
September 10, 2003
As Per ORS 308.225

Description Map received from: CITY
On: 9/5/2003

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

ANNEX TO THE CITY OF HAPPY VALLEY

ORD. #262

has been: Approved 9/10/2003
 Disapproved

Notes:

Ord. #263 amended zoning.

Department of Revenue File Number: 3-1599-2003

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. 262
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 concurrently with a zone change request in May of 2003 (File No. ANN-01-03 and LDO-02-03 referred to herein as the "annexation/zone change");

WHEREAS, the City provided notice for a public hearing 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);

WHEREAS, the Planning Commission conducted a hearing on the proposed zone change on July 8, 2003 and continued both the annexation/zone change hearings to the next regularly scheduled meeting on July 22, 2003;

WHEREAS, after providing additional notice consistent HVCDC §16.40.040 the Planning Commission conducted an initial plenary hearing on the annexation and a second full hearing on the zone change request on July 22, 2003;

WHEREAS, 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 and zone change signed and dated July 29, 2003 ("RECOMMENDATION");

WHEREAS, the City Council continued the annexation hearing on July 15, 2003 until the next regularly scheduled City Council meeting on August 5, 2003;

WHEREAS, the City Council conducted a full plenary hearing on the annexation of the property on August 5, 2003;

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 approved the request for annexation.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby declares 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:

1. ANNEXATION APPLICATION ANN-01-03 and ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the City Council dated August 5, 2003;
2. RECOMMENDATION OF THE PLANNING COMMISSION Approving the Annexation and Zone Change signed and dated July 29, 2003; and
3. Application for a Zone Change Concurrent with Request for Annexation to the City of Happy Valley dated May 2003.

Any inconsistencies between the documents incorporated above shall be resolved in favor of the more recent document. An omission of findings is not an inconsistency and as such prior findings that are not specifically carried forward by subsequent documents shall be carried forward by this Ordinance.

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 222.180 with the Secretary of State and the Department of Revenue;
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).

Section 4. This Ordinance shall become effective thirty (30) days from the date of adoption consistent with Section 32 of the City Charter for the City of Happy Valley.

PASSED AND APPROVED THIS 5th DAY OF August, 2003.

CITY OF HAPPY VALLEY

ATTEST:



Mayor Eugene L. Grant



Wanda Kuppler, City Recorder

CITY OF HAPPY VALLEY - PARKER ANNEXATION

City of Happy Valley
Annexation No. 001-2003
(Poirier/Parker),

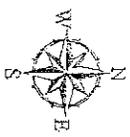
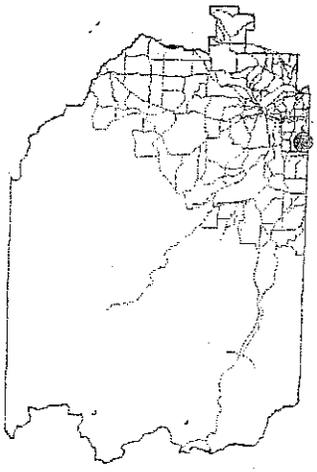
A tract of land situated in Section 25, T1S, R2E W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the northeast corner of Lot 1, Block 3, of the Christine Gross Addition, said corner also being on the existing City limits of the City of Happy Valley:

1. Thence (leaving said City limits) East along the south line of a tract of land conveyed to J.O. Poirier as recorded in Clackamas County deed reference Book 530, Page 732, 1,168.95 feet to the southeast corner of said tract;
2. Thence North along the east line of said tract, 1702.00 feet to the northeast corner of said tract;
3. Thence South $88^{\circ} 40'$ West along the north line of said tract, 897.74 feet to the southeast corner of the Monterra subdivision, said corner also being on the existing City limits of the City of Happy Valley;
4. Thence South $88^{\circ} 45' 16''$ West along said City limits and the south line of said subdivision and its westerly extension, 955.33 feet to a point on the east line of SE 145th Ave. (a 50 foot R/W to the south and a 63 foot R/W to the north), said point being South $88^{\circ} 45' 16''$ West and 13 feet in distance from the southwest corner of Tract "A" in said subdivision;
5. Thence South, along said right-of-way and said City limits, 652.0 feet more or less to the point of intersection with the easterly extension of the north line of SE Callahan (Ridgecrest) Rd (a 60 foot R/W);
6. Thence East, along said extension and said City limits 10 feet to the most easterly east line of SE 145th Ave. (a 60 foot R/W);
7. Thence continuing South, along the west line of said Poirier tract, the east line of said right-of-way and said City limits, 1015 feet more or less to the southwest corner of said tract and the northwest corner of Lot 12, Block 1 of the Christine Gross Addition;
8. Thence North $89^{\circ} 14'$ East along the south line of said tract, said City limits and the north line of the Christine Gross Addition, 650.00 feet to the point of beginning.

Exhibit "A"

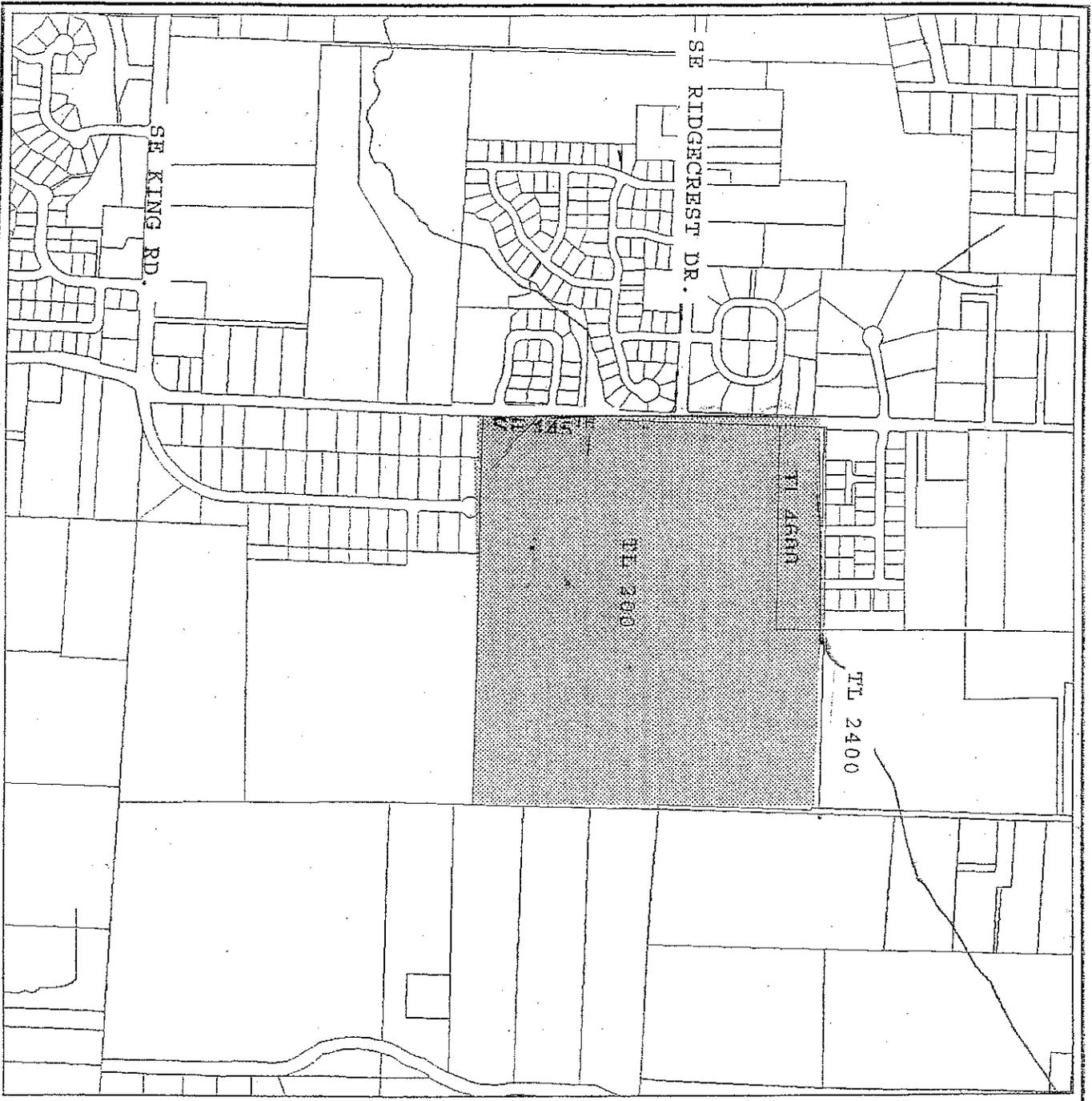
ANN-01-03
LDO-02-03
EXHIBIT "B"



Water Environment Services
9101 SE Sunnybrook Blvd.
Suite 441
Clackamas, OR 97015
(503) 353-4567

This map is intended for WES purposes only.
The information displayed on this map should be
field verified.

August 5, 2003 03:53 PM



BEFORE THE PLANNING COMMISSION
FOR THE CITY OF HAPPY VALLEY, OREGON

Annexation and Zone Change) LDO-02-03/ANN-01-03
Application)
)
Parker Development NW, Inc.) RECOMMENDATION OF THE
Applicant.) PLANNING COMMISSION
) Approving Annexation and Zone Change

An application for a "Zone Change Concurrent with Request for Annexation to the City of Happy Valley" was filed with the City in May of 2003. After providing notice of a public hearing to be held on July 8, 2003, the Planning Commission continued the hearing for the Annexation request only until the next regularly scheduled Planning Commission meeting at 7:00pm on July 22, 2003. Subsequent to continuing the annexation hearing, the Planning Commission conducted a public hearing on the proposed Zone Change request consistent with Section 16.40.040(C) of the Happy Valley Development Code ("HVDC"). After the hearing and upon unanimous motion of the Planning Commission the hearing for the Zone Change was continued until July 22, 2003. Additional notice of the Annexation and Zone Change hearing were sent by the City on July 9, 2003. On July 22, 2003 the Planning Commission held a hearing on both the Annexation and the Zone Change. At the continued hearing, the Planning Commission reviewed both requests for compliance with the following applicable criteria:

Zone Change: HVDC §16.40.040(C)(1) through (6)
Happy Valley Comprehensive Plan Policies 5, 42, 97, 99 and 102,
Statewide Planning Goals 5, 10, 11, 12, and 14

Annexation: ORS 222.120 and .170
Metro Code 3.09.050 (d) (1) thru (7)
Happy Valley Comprehensive Plan Policies 3, 42 and 43

RECOMMENDATION OF THE PLANNING COMMISSION - ANNEXATION AND ZONE CHANGE I
APPLICATION
ANN 01-03 AND LDO 20-03

Statewide Planning Goals 5, 10, 11, 12, and 14
Urban Growth Management Agreement dated June 19, 2001
Urban Services Agreement on Parks and Recreation and Open Space Services
dated April 4, 2000

After discussion and deliberation, the Planning Commission decided to recommend approval to the City Council consistent with HVDC §16.40.050 and .100.

I. DESCRIPTION OF THE APPLICATION

The applicant is proposing Annexation and Zone Change of approximately 72.03 acres of property currently located in Clackamas County. The total acreage is comprised of two (2) parcels, 66.49 acres and 5.25 acres respectively, and a 0.29 acre portion of a third parcel. The applicant is requesting an amendment to the Official Map #22, Development District Map (Zoning Map), from Clackamas County Future Urbanizable 10 Acre District (FU-10) to City of Happy Valley Medium Low Density Residential Development District (R-10) and Medium Density Residential Development District (R-15).

II. ADOPTION OF FINDINGS

The Planning Commission specifically adopts the following documents in support of this

RECOMMENDATION:

1. ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission dated July 8, 2003;
2. ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission ADDENDUM dated July 22, 2003;
3. CITY COUNCIL MEETING STAFF REPORT dated June 24, 2003;
4. ADDENDUM TO STAFF REPORT July 22, 2003: Annexation Application AN-01-

RECOMMENDATION OF THE PLANNING COMMISSION - ANNEXATION AND ZONE CHANGE APPLICATION
ANN 01-03 AND LDO 20-03

2

03; and

5. Application for a Zone Change Concurrent with Request for Annexation to the City of Happy Valley dated May 2003.

The "ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission" satisfies the investigation and report required by HVDC §16.40.040(D). Any inconsistencies between the findings of this RECOMMENDATION and the documents referred to above shall be resolved in favor of this RECOMMENDATION and between each document listed above in favor of the more recent findings. The following additional findings are adopted in support of the RECOMMENDATION for annexation:

MC §3.09.050(d)(1). This criterion does not apply. The City has not adopted either an urban service provider agreement or an annexation plan pursuant to ORS 195.065. Nor is such an agreement required prior to this annexation in order to comply with Goal 11. West Side Rural Fire Protection District v. City of Hood River, LUBA No. 2002-055 (2003).

MC §3.09.050(d)(2). There are two urban planning agreements that apply to annexation of property to the City of Happy Valley: (1) Urban Growth Management Agreement between the City of Happy Valley and Clackamas County dated June 19, 2001 ("UGMA") and (2) the Urban Services Agreement on Parks and Recreation and Open Space Services dated April 4, 2000 ("Park IGA").

The UGMA requires notice to the County 35 days prior to the hearing. The UGMA further states under #3:

"(c) The City may undertake annexations in the manner otherwise provided for by law. The city annexation proposals shall include adjacent road right-of-way to properties proposed for annexation.

* * *

(d) County local access, collector and local County roads will be transferred to the jurisdiction of the City upon annexation to the City."

The final ordinance prepared for the City Council will address whether the annexation legal description and proposed area include all necessary right-of-way. The Parks IGA states:

"The City agrees to waive its right under ORS 22.524, in the event of future annexations by the City into the area of the District, to withdraw the annexed portion from the District. The parties agree this waiver will enhance the ability of the District to engage in more effective long-term planning, as well as maintaining the financial integrity of the District."

Based on the Parks IGA this area will continue to be included within the North Clackamas County Park and Recreation District. The findings for Goal 11 in the "ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission ADDENDUM" are amended in that regard and the remainder incorporated herein by this reference.

MC §3.09.050(d)(4). There are no applicable criteria contained within the Metro Regional Urban Growth Goals and Objectives or the Metro Urban Growth Management Functional Plan. The City contacted Dick Benner, attorney for Metro, who reviewed the same and found no applicable policies, goals, objectives or other criteria that directly apply to annexation.

MC §3.09.050(d)(5). The findings provided under Goal 11 in the "ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission ADDENDUM" are incorporated herein by reference.

Statewide Planning Goals. The findings provided in the "ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission ADDENDUM" are incorporated herein by reference.

The following additional findings are provided in response to issues raised at the last public hearing regarding the proposed zone change:

1. Concerns were expressed regarding traffic impacts from potential development of the site based on the rezone including a through connection along the existing cul de sac on 147th Avenue adjacent to the property and nearby intersections.

Response: The findings in the "ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission ADDENDUM" addressing HVDC §16.40.040(D)(6) and Goal 12 are incorporated in response to this concern. In addition the Planning

Commission finds that this specific development impact can be addressed at the time an application for development is submitted to the City identifying the specific transportation infrastructure to be provided to serve the development. While HVDC §16.52.030(A)(1) requires the continuation of existing streets, the street design and construction standards adopted by the City will require sufficient capacity to accommodate increase traffic through this area. In addition other access points may serve the site further mitigating traffic concerns. There is no evidence presented that the proposed rezone will impact an existing intersection that is failing or otherwise decrease the function or capacity of existing intersections that are currently providing adequate capacity. As such the Planning Commission finds that the potential impacts to the adjacent cul de sac from a future street connection is not a sufficient basis to deny the request for an Annexation and Zone Change.

2. Concerns were expressed regarding public safety on the existing cul de sac on 147th Avenue adjacent to the property including increased vehicular traffic particularly given the composition of families within the area which include young children.

Response: Public safety and the preservation of neighborhood livability is preserved in large measure through the implementation of the Happy Valley Development Code. The regulations provided for Streets and Roads under Chapter 16.52 and the Development Standards and Requirements under Chapter 16.20 are intended to provide a flexible framework to permit the construction of safe and functional residential housing that is supported by adequate transportation facilities. There is no specific issue relating to this Annexation and Zone Change that is inconsistent with these standards. The impacts of growth on existing communities and the public safety concerns from increased traffic must be balanced with the City's obligation to provide opportunities for needed housing as required by state law and the Metro Code. This property is within the Metro Urban Growth Boundary and as such is intended to serve urban development needs within a twenty (20) year planning horizon. The Planning Commission finds this proposed annexation and zone change is not inconsistent with assuring adequate public safety precautions are addressed as development occurs.

3. Concerns were raised regarding the protection of steep slopes, aesthetic and scenic values, environmental values, maintaining the quality of the headwaters of Mt. Scott Creek on the property, preserving the water table, avoiding runoff, avoiding impacts to existing wetlands on-site and otherwise maintaining the quality of life in the neighborhood.

The findings provided in "ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission ADDENDUM" addressing Goal 5 are incorporated herein by this reference in response to this concern. In addition Chapter 16.56 governing storm

drainage requires the development to contain any additional runoff created by the development. HVDC §16.56.010(B). The surface water runoff and detention standards provided in the Development Standards and Requirements, HVDC §16.20.170, provide guidelines to minimize water quality degradation. Policy and Guidelines No. 2 provides:

“To retain and protect existing vegetation in steeply sloped (twenty (20) percent and above) and landslide prone areas, to decrease the potential for erosion, decrease the amount of surface water runoff to preserve areas of natural percolation and help stabilize landslide prone areas.”

The regulatory provisions that follow include submittal requirements and improvement standards to achieve this policy. HVDC §16.16.430 provides additional standards to improve water quality and protect stream corridors through the use of a water quality resource area overlay zone. While aesthetic values are not an applicable criterion for this application, the function and effect of these standards help preserve aesthetic as well as functional values of the City's natural resource areas. The Planning Commission finds these concerns are not a sufficient basis for denying the Annexation and Zone Change.

While the “ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission ADDENDUM” refers to the “annexation” the intent and purpose of those findings is to address the impacts from the proposed zone change as well.

III. RECOMMENDATION

The Planning Commission hereby recommends approval of the Annexation as provided in Exhibit A and B to the “ADDENDUM TO STAFF REPORT July 22, 2003: Annexation Application AN-01-03” and the Zone Change as provided in Exhibit #1 attached to the “ZONE CHANGE APPLICATION LDO-02-03 Staff Report to the Planning Commission.”

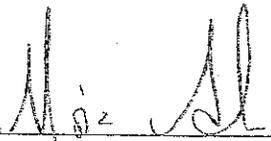
IV. CONCLUSION

City staff are directed to transmit this RECOMMENDATION along with the Staff Report, a copy of the recorded minutes and all evidence presented at the public hearing to the City Council consistent with HVDC §16.40.050.

RECOMMENDATION OF THE PLANNING COMMISSION dated this 22ND day of July, 2003.

PLANNING COMMISSION, CITY OF HAPPY VALLEY

By:



Moiz Ali, Chair of the Planning Commission

RECOMMENDATION OF THE PLANNING COMMISSION - ANNEXATION AND ZONE CHANGE
APPLICATION
ANN 01-03 AND LDO 20-03

7

HON. EUGENE GRANT
Mayor

ROBERT BROOKS
JEFF DULCICH
JONATHAN EDWARDS
ROB WHEELER

City Manager
CLINT HOLMES

Assistant City Manager
City Recorder
WANDA KUPPLER

August 11, 2003

City of Happy Valley



12915 S.E. KING ROAD
HAPPY VALLEY, OR 97236-6298
TELEPHONE (503) 760-3325
FAX (503) 760-9397
Web site: www.happy-valley.org

File # LDO-02-03, ANN-01-03
Annexation of 72.03 acres
Re-zoning from FU-10 to R10 & R15

NOTICE OF DECISION

This is official notice of action taken by the Happy Valley City Council at a public hearing on February 5, 2002, with regard to an application by Parker Development NW for an annexation and development district zone change to R-10 and R-15. The subject property is located at Tax Lot 25B, Tax Lots 200, 4600 and portions of 2400 and is within the FU-10 (Clackamas County) zone.

At the public hearing, the City Council formally approved the subject application based upon findings included within Staff Report dated August 5, 2003, public testimony and deliberations of the City Council.

Copies of the Staff Report and findings form ANN-01-03 and LDO-02-03, are available upon request.

This action of the City Council is subject to appeal to the State of Oregon Land Use Board of Appeals. An appeal of this decision must be filed within 21 days of the signing of the Ordinance. City Planning Department staff (760-3325) can provide information regarding forms, fees, and the appeal process. Issues, which may provide the basis for an appeal to the Oregon Land Use Board of Appeals shall be submitted in writing, accompanied by appropriate filing fees, prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the Oregon Land Use Board of Appeals to respond to the issue. If no appeal is filed by August 25, 2003, at 4:00 p.m., this decision shall be deemed final.



Jim Crumley
Community Development Director

cc: Interested Persons
Rhonda Huston, Permit Coordinator
File #LDO-02-03, ANN-01-03