

Final Documents

For

Annexation to the  
**City of Happy Valley**

CL1505

Ord.# 311

DOR: 3-1689-2005

Sec. State: AN-2005-0167

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

August 2, 2005

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

Dear Mr. Knight:

Please be advised that we have received and filed, as of July 25, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
OR NO 311 (City of Happy Valley)	AN 2005-0167
OR NO 312 (City of Happy Valley)	AN 2005-0168
OR NO 313 (City of Happy Valley)	AN 2005-0169

For your records please verify the effective date through the application of ORS 199.519.

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

Sincerely,

Linda Bjornstad  
Official Public Documents

COPY  
LBJ

# Notice to Taxing Districts

ORS 308.225



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

City of Happy Valley  
 Budget Officer  
 12915 SE King Rd.  
 Portland, OR 97236

**Description and Map Approved**  
**July 28, 2005**  
**As Per ORS 308.225**

Description     Map received from: CITY  
 On: 7/22/2005

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

ANNEX TO CITY OF HAPPY VALLEY; WITHDRAW FROM CLACKAMAS CO.  
 ENHANCED LAW ENFORCEMENT DIST.

ORD. #311 (ANN-01-05)

has been:     Approved            7/28/2005  
                    Disapproved

Notes:

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Department of Revenue File Number: 3-1689-2005

Prepared by: Carolyn Sunderman, 503-945-8882

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. 311**  
**CITY OF HAPPY VALLEY**

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,  
OREGON, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS  
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT AND DECLARING AN  
EMERGENCY

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100% of the owners of 100% of the properties with 100% of the assessed value of territory requesting annexation (File No.ANN-01-05) and

WHEREAS, the proposed annexation territory consists of 3 tax lots totaling 4.88 acres adjacent to existing City boundaries; and

WHEREAS, the City provided notice that the Planning Commission and City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) applicable provisions of Metro Code Chapter 3.09, (2) Section 2(d) of the Urban Growth Management Agreement dated June 19, 2001, and (3) applicable state law requirements; and

WHEREAS, the City has adopted an expedited decision process for annexations consistent with Metro Code Chapter 3.09.045; and

WHEREAS, the Planning Commission considered the proposed annexation at its regularly scheduled July 12, 2005 meeting, and recommended that the City Council approve the annexation; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on July 19, 2005 under the applicable provisions of Chapter 3.09 of the Metro Code, the Happy Valley Comprehensive Plan, and the applicable Statewide Planning Goals and state laws; and

WHEREAS, the Council finds that the proposed annexation is consistent with the City's Urban Growth Management Agreement and the approval of the voters and the consents of affected property owners; and

WHEREAS, the Council deems it in the public interest to declare an emergency so that this ordinance take effect as specified below, prior to the expiration of the 30-day period specified in the City Charter, because regional planning for the affected property is underway and the jurisdiction over the affected property should be established as soon as possible to facilitate the regional planning effort, as required by Metro.

Now, therefore, based on the foregoing,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The City Council declares the territory described in Exhibit A, depicted in Exhibit B and shown in Exhibit C is annexed to Happy Valley effective July 19, 2005.

Section 2. The City Council adopts the Annexation Application No. ANN-01-05 and the associated Staff Report to the City Council dated July 19, 2005 as its findings in support of this ordinance.

Section 3. The annexed territory is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective July 19, 2005.

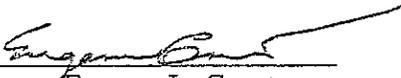
Section 4. The City Recorder is directed to:

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

Section 5. An emergency is declared to exist and as provided by Section 32 of the Happy Valley City Charter this Ordinance takes effect on July 19, 2005.

PASSED AND APPROVED THIS 19th DAY OF JULY, 2005.

CITY OF HAPPY VALLEY

  
Mayor Eugene L. Grant

ATTEST:

  
Marylee Walden, City Recorder

**CITY OF HAPPY VALLEY  
STAFF REPORT TO THE CITY COUNCIL  
JULY 19, 2005**

ANNEXATION APPLICATION (File No. ANN-01-05)

**I. GENERAL INFORMATION**

**PROPOSAL:**

The applicant seeks approval of annexation (No. 01-2005) of 3 parcel of land totaling approximately 4.88 acres in size.

**APPLICANT:**

City of Happy Valley  
12915 SE King Road  
Happy Valley, OR 97236

**PROPERTY OWNERS:**

See Attached List – Exhibit D

**APPLICABLE CRITERIA:**

Applicable Objectives and Policies from the City of Happy Valley Comprehensive Plan; Title 16 (Development Code) of the City of Happy Valley Municipal Code, including, 16.40.020, 16.40.030, 16.40.040, 6.40.041, 16.40.070, 16.40.100; Metro Code 3.09.05, and ORS 222.111, 222.125, and 222.170.

**BACKGROUND:**

The City of Happy Valley mailed the petitions for annexation to the property owners and the City has received a signed petition from the property owners.

## **GENERAL DISCUSSION:**

Annexation Proposal No. 01-05 was initiated by petitions signed by the owners of 100% of the property owners that represent 100% of the assessed value, that represent 100% of the property owners within the area being annexed as well as a majority of the registered voters. The petitions meet the requirements of Metro Ordinance No. 98-791 Chapter 3.09 and ORS 222.170. If the City Council approves the proposal, the boundary change will become effective on July 20, 2005.

The territory to be annexed is situated in 2 (two) locations adjacent to the existing City limits, as noted on Exhibit "A" attached. The legal descriptions for these two areas are attached as Exhibit "B". The annexation application data forms for the areas are attached as Exhibit "C".

The proposed annexation incorporates 3 (three) lots consisting of 4.88 acres adjacent to the existing city limits of the City of Happy Valley.

Tract "A" consists of two tax lots adjacent to SE Clatsop Street at its intersection with SE 150<sup>th</sup> Avenue. Both tax lots are located on county assessor's map 12E25BA.

Tract "B" consists of one large tax lot located on the east side of SE 147<sup>th</sup> Avenue approximately 200 feet south of SE Monner Road. The tax lot is located on county assessor's map 12E36CA.

This proposed annexation complies with the present agreements the City has with the various urban service providers. Following the annexation approval, the property owner must annex into Clackamas County Service District No.1 for sanitary sewer service as well as Service District No. 5 for street lighting. In addition, the property is directly adjacent to the city limits of the City of Happy Valley and is within the designated dual interest area of the City of Happy Valley and Clackamas County Urban Growth Management Agreement (UGMA).

Both the planning and public facilities provisions are contained within the City of Happy Valley/Clackamas County UGMA. The property being considered for annexation is not subject to any additional agreements between the City and other agencies that would affect planning or urban services to this area.

The properties are adjacent to the Happy Valley City limits and lie within the Urban Growth Boundary. Happy Valley Comprehensive Plan Policies 3 through 8 address urbanization of lands from rural to urban uses. The properties proposed for annexation

satisfy the applicable provisions of these policies by providing land for urban development that can be adequately served with Level 1 services and facilities.

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

The Metro Urban Growth Management Functional Plan contains population and household growth figures for each jurisdiction in the region, including the City of Happy Valley. These figures should be accommodated over the next twenty (20) years. The approval of this annexation request will contribute land towards future urban-level uses at the densities specified in the functional plan.

The proposed boundary change will result in the withdrawal of the tax lots from the Enhanced Law Enforcement District. No other withdrawals from the urban service providers are proposed. The newly annexed properties will be covered by the cities contract with the Sheriff's department.

Any development on the properties proposed for annexation will comply with all the applicable regional, County and City plans. The Clackamas County Comprehensive Plan designates the properties as RRFF5. The City of Happy Valley Comprehensive Plan was prepared to cover only the territory within the City limits when the plan was adopted. The Comprehensive Plan does not provide for zoning designations on land outside the City limits. For lands outside of the City, the County's plan is the applicable plan. ORS 215.130 provides that County land use and zoning ordinances shall apply to the boundaries of a City, unless or until the City has by ordinance or other provisions provided otherwise.

Because the properties proposed for annexation are within the newly expanded UGB area, the City is unable to apply City zoning designations prior to the completion of the Damascus-Boring Concept Planning Process. Upon completion of the concept planning, the City will begin the process of applying urban level zoning designations for the properties proposed for annexation.

## **FINDINGS**

### **Regional Land Use Requirement**

#### ***Metro Code 3.09.050***

*Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:*

- (1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;***

#### **Response:**

The proposed annexation would be consistent with ORS 195.065. As stated above, the parcels would generally remain within service districts already serving the site with the exception of the removal from the Enhanced Law Enforcement District. However, the parcel is not currently within a sewer service district and would be required to annex to Clackamas County Service District #1, which provides sewer collection and treatment for Happy Valley. Clackamas County Service District #1 would also provide stormwater services.

When annexed, the parcels would continue to be within the Sunrise Water Authority boundary, which provides water to the parcels. The parcels are not within a street lighting district. When annexed, the properties would be added to the Clackamas County Service District #5, which would provide street lighting upon development.

The criterion has been met.

- (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 City of Happy Valley has planning jurisdiction for land use and transportation actions within city limits. The proposed annexation is compliant with the Happy

Valley Comprehensive Plan and Development Ordinance. The properties are part of the expanded UGB and are also part of the Damascus/Boring Concept Planning process which will address land use, transportation, and service provision issues. See also responses to Goal 10, Goal 12, and Goal 14 below. The specific requirements of the Development Ordinance can and will be met at the time a development district designation is applied and development takes place.

The criterion has been met.

***(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 Development Code do not contain applicable standards or criteria for boundary changes. However, the proposed annexation does meet applicable Metro and statewide planning requirements as shown in this report.

The criterion has been met.

***(4) Consistency with specific 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 Regional Framework Plan and the Urban Growth Management Functional Plan, which is discussed in the response to Goal 10 and Goal 14, below.

***(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;***

**Response:**

The proposed annexation would not interfere with the provision of public facilities and services, as all facilities and services are currently available to the properties. Annexation of these sites will actually promote orderly and economic provision of public facilities, as they will be extended eastward as development occurs.

The criterion has been met.

***(6) The territory lies within the Urban Growth Boundary; and***

**Response:**

The subject property is within the existing Metro Urban Growth Boundary.

The criterion has been met.

***(7) Consistency with other applicable criteria for the boundary change question under state and local law.***

**Response:**

The proposed annexation is consistent with applicable state, regional, and local land use laws, as shown in this report.

The criterion has been met.

**STATEWIDE PLANNING GOALS (DLCD)**

**Goal 10: Housing (660-015-0000(10))**

*Goal 10 specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.*

**Response:**

The properties being annexed are located within the newly expanded Urban Growth Boundary Area. As a requirement of the Metro Functional Plan, the areas brought into the UGB must be concept planned prior to urban zoning and

development. This process is underway and is known as the Damascus-Boring Concept Planning Process. The Happy Valley Comprehensive Plan (1984) established a series of housing goals and policies to implement Goal 10, which was based on a vacant lands analysis and projected housing needs. Based on that analysis, the City established planned land uses through the Comprehensive Plan for a variety of uses including single-family and multi-family designations. As part of the concept planning process, the buildable lands will be inventoried and zoning will be planned to meet the housing needs for the next 20 years. Residential uses will provide for the projected population increases for the 20-year planning period and resulting housing needs within the Happy Valley UGB. The City will be updating its Comprehensive Plan to incorporate the results of the buildable lands inventory.

LCDC acknowledged the Happy Valley Comprehensive Plan, as it provided housing goals, policies and residential densities consistent with Oregon land use goals for housing.

The most applicable policies to the proposed annexation are Policy 42 of the Happy Valley Comprehensive Plan that states: "To increase the supply of housing to allow for population growth and to provide for the housing needs of the citizens of Happy Valley;" and Policy 43: "To develop housing in areas that reinforce and facilitate orderly and compatible community development." The proposed annexation would provide additional land for residential development adjacent to areas that have already developed as residential uses. The annexation would allow development to occur as planned in the Comprehensive Plan. The annexation is compliant with the City's acknowledged Comprehensive Plan and the UGMFP (see Compliance with Regional Goals) and therefore, is consistent with Statewide Land Use Goal 10.

The proposed annexation is consistent with Goal 10.

**Goal 11: Public Facilities and Services ((660-015-0000(11))**

*Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that the public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.*

**Response:**

Metro Code (3.09.050(b)(3)) requires that boundary change proposals meet

minimum criteria that include addressing the capacity for urban services. Boundary changes must be consistent with ORS 196.065 and regional and statewide land use goals, including Goal 11.

As stated above, the parcels would generally remain within service districts already serving the area. However, the parcels are not currently within a sewer service area and would be required to annex to Clackamas County Service District #1, which provides sewer collection and treatment for Happy Valley. The Clackamas County Service District #1 would also provide stormwater services.

When annexed, the parcels would continue to be served by the Sunrise Water Authority, which provides water to the properties. The parcels are not within a street lighting district and, upon annexation, would be added to the Clackamas County Service District #5, which would provide street lighting at the time of development.

This annexation proposal is consistent with Goal 11. Fire service will continue to be provided by Clackamas County Fire District #1 and police protection would be provided through the City's contract with the Sheriff's office. Extension of the public services to the properties will occur with development.

The proposed annexation 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:**

These properties are accessed via SE 147<sup>th</sup> Avenue which is a collector roadway. Through annexation and subsequent development, these properties will be required to participate in the improvements to this roadway which will include bike lanes and sidewalks. Also through the development process, traffic impact analysis will be completed which better enables the City to design the system to manage the increase in vehicular, pedestrian, transit and bicycle traffic while being safe, convenient and economical.

Future site development and associated transportation improvements will be in conformance with the adopted Happy Valley TSP, Comprehensive Plan, and

Development Ordinance.

The proposed annexation is consistent with Goal 12.

**Goal 14: Urbanization ((660-015-0000(14))**

*Goal 14 requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.*

**Response:**

The Happy Valley Comprehensive Plan (1984) established a UGB based on the seven criteria outlined in Goal 14. UGB expansions are also regulated regionally through the [Metro] Regional Framework Plan and UGMFP. The Regional Framework Plan stipulates that cities plan for growth and utilize available land in a manner that is consistent with the regional goals contained in the plan. The City has identified an area from the current City limits to SE 177<sup>th</sup> as the new UGB for the city. The properties proposed for annexation are within this identified area. The City is not proposing urban density zoning at this time. Zoning designations will be applied at the conclusion of the concept and comprehensive planning processes. There are four criteria identified in Goal 14 that describe when land can be converted from urbanizable land to urban uses within the UGB. These criteria will be applied when the properties are submitted for urban zoning.

The state has indicated minimum residential density allocation for new construction in Happy Valley to be 6 units to the acre. ORS 660-007-0035, **Minimum Residential Density Allocation for New Construction** indicates "The following standards shall apply to those jurisdictions which provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing: (1) The Cities of Cornelius, Durham, Fairview, Happy Valley and Sherwood must provide for an overall density of six or more dwelling units per net buildable acre. These are relatively small cities with some growth potential (i.e. with a regionally coordinated population projection of less than 8,000, persons for the active planning area)."

Happy Valley, as with the region, is expected to increase in population in the coming years, and will need to accommodate additional residential housing units.

The proposed annexation would meet Metro's goals for increasing density while accommodating the anticipated future population and housing growth within the existing UGB by providing adequate vacant land for residential development. Residential development within the city limits has occurred rapidly as demand for housing in the area increases, reducing the supply of vacant buildable land within the city limits. As the availability of vacant buildable decreases, urbanizable land outside of the city limits but within the existing UGB would be annexed to ensure an adequate supply of land for construction. Given the quick pace of development in Happy Valley, additional vacant buildable land, as proposed through this application for annexation, is justified.

The proposed annexation is consistent with Goal 14.

#### **Oregon Revised Statutes (ORS)**

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

#### **Response:**

This annexation was the result of petitions filed by two property owners who own property that is contiguous to the city limits of Happy Valley. The criterion has been met.

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

#### **Response:**

The application was initiated by petitions from owners of 100% of the land in the territory to be annexed and 100% of the electors in the territory to be annexed. The recommendation of the planning commission will move forward to the City Council for adoption by ordinance. The criterion has been met.

**ORS 222.170 – [...] (2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:**

- (a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city;**
- or**
- (b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.**

**Response:**

The annexation has not been submitted to the electors of the City of Happy Valley. The City has received petitions from 100% of the land owners in the areas to be annexed. These land owners represent 100% of the land in the territory to be annexed. The petitions were signed and submitted prior to the date of the first evidentiary hearing. The criterion has been met.

**Happy Valley Development Code**

**16.40 Amendments to the Comprehensive Plan, Land Use Map and Land Development Title of this Code**

**16.40.020 Initiation of a plan amendment**

**Any change in the text, map or implementing ordinance of adopted Happy Valley land use regulations may be initiated by the City, any resident of the city, property owners or authorized agent. ...A change in the map which involves properties and/or district boundaries must be initiated by at least**

**seventy-five (75%) percent of the property owners or authorized agents who own or represent at least seventy-five (75%) percent of the land area involved in the petition for change.**

**Response:**

The City of Happy Valley has initiated this annexation application based on the submittal of a petition by 100% of the property owners who own 100% of the land area.

The criterion has been met.

**16.40.040 Public Hearing and Notice**

**Response:**

The City provided notice to the Department of Land Conservation and Development 45 days prior to the first evidentiary hearing. The City also provided mailed notice to all properties within 300 feet of the subject site and to all affected governmental agencies 20 days prior to the first evidentiary hearing. Notice was also provided pursuant to Oregon State Statute.

The criterion has been met.

**16.40.041 Review Criteria**

- 1. The proposed amendment is consistent with and promotes the objectives of the plan of the city;**

**Objectives:**

- 1) To preserve the character of the valley;**
- 2) To improve the quality of existing and future development areas;**
- 3) To provide a coordinated direction to the conservation and development of the valley.**

**Response:**

This application is consistent with promoting the objectives of the plan of the City in that by annexing these properties and developing them through the City process, the character of the valley is maintained through enforcement of City ordinances. The quality of the development is maintained through that same avenue. By annexing these properties, it ensures that they will be developed within the City rather than in the County which will provide for a coordinated development process with the surrounding properties.

The criterion is met.

**2. There is a demonstrated public need for a change of the specific type proposed;**

**Response:**

The City has an obligation to maintain appropriate housing opportunities pursuant to Goal 10 and the Metro Functional Plan and to provide for appropriate development opportunities within the UGB. The public need in this case is to develop residential areas within the City. The City can control the appearance, timing and character of the development by annexing it to the City. The City can find that there is a demonstrated public need in the form of encouraging and providing for appropriate development within the City rather than development adjacent to the City over which it has no control.

The criterion has been met.

**3. That need will be best served by the amendment as proposed compared with other alternatives;**

**Response:**

This site best serves the public need as compared to other alternatives. No other alternatives exist with respect to encouraging development within the City and not adjacent to the City so that the City controls the appearance of the development and gains the benefit of development. These are appropriate sites for development given sanitary sewer, water, and storm drainage can be provided and appropriate transportation facilities exist adjacent to the site.

The criterion has been met.

**4. The proposed amendment is consistent with the use and implementation of growth management mechanisms and capital improvement programs of the city.**

**Response:**

The proposed amendment implements the growth management mechanism of annexation, which provides for City control of development adjacent to and around the City rather than allowing development outside the City. Annexation is a well-recognized growth management mechanism, which provides for control, timing and appropriate development to land. Upon development, the property will be required to participate in or contribute to the provision of Level I and Level 2 facilities which are part of the capital improvement program of the City.

The City of Happy Valley Comprehensive Plan establishes goals and policies to guide the quantity, type, costs, timing, and quality of development within the city. The applicable growth management mechanism policies related to the proposed project are Policies 97, 99, and 102.

Policy 97 states that the "City shall permit development on vacant buildable lands when all Level 1 facilities and services are available [including] sanitary sewer, water supply, storm drainage, fire protection, and streets and roads." Policy 99 is similar to Policy 97, although it refers to having adequate provisions for providing Level 2 services that include schools, police protection, parks and recreation, public transit, vector control, and city administrative services. Policy 102 requires city coordination with local service providers to ensure adequate services are available. Policy 102 states that the "city shall rely on a determination provided by the service providers and other affected agencies...Any determination shall be within the parameters of the providers' or agency's own standards, criteria, requirements or plans."

Generally, the parcels would remain within service districts currently serving the area. This includes the Sunrise Water Authority, Clackamas County Fire District #1, North Clackamas School District #12, Metro, Tri-met, etc. However, annexation into Clackamas County Service District #1 (CCSD #1), which is the sanitary sewer and surface water management district, will be required. 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. Preliminary discussions with CCSD #1 indicate that there is capacity to provide sanitary sewer and storm water services to the properties. Similarly, the sites are 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.

The most likely impacts on service providers would be providing adequate water supply, storm water, and wastewater collection and treatment. Discussions with local service providers and review of existing available utilities indicate that they would have adequate capacity to service potential residential development if the parcels are rezoned and annexed into the city. If the subject requests are approved, future residential development would meet local development standards set forth by the city and local service providers.

The criterion has been met.

**5. The proposed amendment can be implemented by this land development title and all other applicable codes, ordinances and regulations. The applicant bears the entire burden of proof of establishing to the planning commission that the proposed amendment meets the above requirements.**

**Response:**

Future development approval would require conformance with all applicable requirements of the codes, ordinances and regulations of the City of Happy Valley.

The criterion has been met.

**16.40.100 Annexation to the existing City**

**Response:**

The appropriate petitions were filed with the City. A hearing is being held before the Planning Commission, in which a recommendation will be formulated. A subsequent hearing will be held before the City Council who will make the final decision on the application.

The criterion has been met.

**CONCLUSION:**

Staff has determined that the above findings demonstrate that the proposed annexation satisfies the requirements of the City of Happy Valley Comprehensive Plan and Land Development Ordinance [Title 16], Metro Functional Plan, Metro Code 3.09, and Statewide Planning Goals. The Staff, therefore, **recommends that the City Council approve** annexation application ANN-01-05.

The Planning Commission unanimously **recommended approval** of ANN-01-05 at their meeting of July 12, 2005.

**EXHIBITS:**

- A. Legal Descriptions for the site
- B. Annexation area maps
- C. Annexation Application and Petition
- D. Property Owner List

ANN-01-05

Tax Lot	Name	Mailing Address	Zip	Acreage	Assessed Value
12E25BA 00500	Hudspeth, Grace & William	15102 SE Clatstop S	97236		174,972
12E25BA 00600	Hudspeth, Grace & William	15102 SE Clatstop S	97236		12,582
12E36CA 01900	Humble	11872 SE 147th Ave	97236		199,958

**City Of Happy Valley  
Annexation No. 01-05  
Legal Description**

A tract of land situated in Section 25, T1S, R2E and Section 36, T1S, R2E, W.M. Clackamas County Oregon and more particularly described as follows:

Tract "A"

All of lot 2, of Doretha Estates No. 1220 located in Section 25, T1S, R2E.

Tract "B"

A tract of land located in Section 36 and beginning at the northwest corner of parcel 2 of Partition Plat No. 1991-62, said point also being on the existing city limits of the City Of Happy Valley and the south line of Monner Rd. (a 60.51 foot R/W);

1. Thence South  $01^{\circ} 03' 45''$  West, along said city limits and the west line of said parcel, 480.05 feet to the southwest corner of said parcel;
2. Thence North  $88^{\circ} 56' 32''$  West, along said city limits, 411.94 feet;
3. Thence North  $01^{\circ} 16' 0''$  East, along said city limits, 182.16 feet;
4. Thence North  $88^{\circ} 44' 00''$  West, along said city limits, 225.18 feet to the east line of S.E. 147<sup>th</sup> Avenue (a 40 foot R/W);
5. Thence North  $01^{\circ} 16'$  East, along said city limits and east line, 190 feet more or less;
6. Thence (leaving said east line and city limits) South  $84^{\circ} 27'$  East, 626.04 feet;

**Exhibit "A"**

Annexation No. 01-05

Page 2

7. Thence North  $0^{\circ}46'$  East, 159.16 feet to the south line of Monner Rd.  
(a 60.51 foot R/W);
8. Thence South  $81^{\circ}44' 0''$  East, along said south line, 12.27 feet to the  
point of beginning;

**Exhibit "A"**

This map was prepared for assessment purpose only.

N.E. 1/4 NW. 1/4 SEC. 25 T.1S. R.2E. W.M.  
CLACKAMAS COUNTY

1"=100'

14700

15000

Exhibit #

B

15200

1 2E

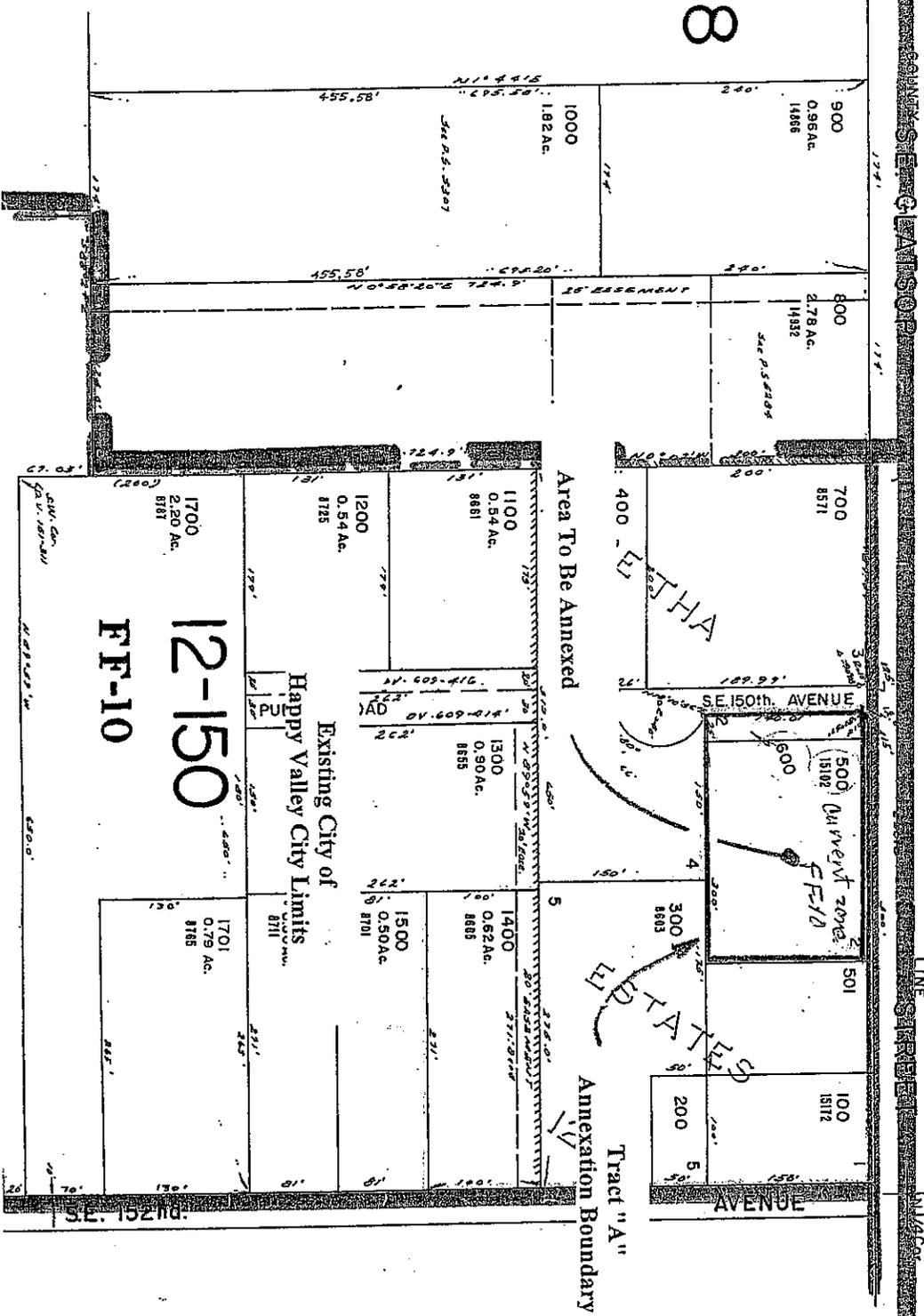
12E 25B4

M U L T I N O M A H

C O U N T Y

12-198

SEE MAP 1 2E 25BB



12-150  
FF-10

Existing City of  
Happy Valley City Limits

(BALFOUR ROAD) 147th.

VIEW

TOMNER

ACRES

1011

Annexation Boundary  
Tract "B"

Area To Be Annexed  
Diversif. zoning  
RRFF-5

RRFF-5

P  
P

P  
P

B

Exhibit #

R.D.

CO. RD. NO. 326

1991 - 62

1991 - 140

PARCEL 2

PARCEL 2

101  
3.10Ac.  
15000

201  
5.87Ac.  
14930

1900  
4.16Ac.  
11872

1800  
0.48Ac.  
11850

1700  
0.50Ac.  
14170

1600  
0.48Ac.  
14440

1500  
0.24Ac.

1400

900  
1.03Ac.  
14753

1000  
0.72Ac.  
14815

1100  
0.69Ac.  
14845

1200  
0.69Ac.  
14815

1300  
0.71Ac.  
14835

0.70Ac.  
11850

800  
0.85Ac.  
11880

1/16 Cor.

#3

#7

#10

132E 36CA

# PETITION TO AVOID VEX

## 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.

*William & Grace Hudspeth*

The consent for annexation is for the following described property:

*15102 SE Clatsop St.*

Street Address of Property (If address has been assigned)

*1-2E-25-BA 00500*

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

*Dorthea Estates Lot# 2*

Tax Map and Tax Lot Number

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

<i>X William A. Hudspeth</i>	<i>WAH</i>	<i>WAH</i>	<i>9-10-04</i>
Signature	Owner Initial	Voter Initial	Date

<i>X Grace E. Hudspeth</i>	<i>GH</i>	<i>GH</i>	<i>9/10/04</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 \_\_\_\_\_.

**Exhibit #**   C  

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.

*William & Grace Hudspeth*

The consent for annexation is for the following described property:	
<i>15102 SE Clatsop St.</i>	
Street Address of Property (If address has been assigned)	
<i>1-2E-25-BA-00600</i>	
Legal Description (Subdivision Name, Lot Number(s))	
<i>Dorthea Estates</i>	
Tax Map and Tax Lot Number	

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

<i>x William R Hudspeth</i>	<i>WRH</i>	<i>WRH</i>	<i>9-10-04</i>
Signature	Owner Initial	Voter Initial	Date
<i>x Grace E. Hudspeth</i>	<i>GH</i>	<i>GH</i>	<i>9/10/04</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

A legal description of the property must be submitted with this petition.

Exhibit #   C

**PETITION TO ANNEX  
CITY OF HAPPY VALLEY**

**RECEIVED BY**

MAR 23 2005

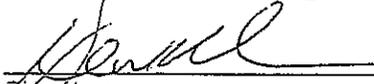
To the City Council of the City of Happy Valley, Oregon:

**CITY OF HAPPY VALLEY**

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.

<p align="center">The consent for annexation is for the following described property:</p> <p><u>11872 SE 147<sup>th</sup> AVE</u></p> <p align="center">Street Address of Property (If address has been assigned)</p> <hr/> <p align="center">Legal Description (Subdivision Name, Lot Numbers)</p> <p><u>LOT 12E36CA01900</u></p> <hr/> <p align="center">Tax Map and Tax Lot Number</p>
---

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

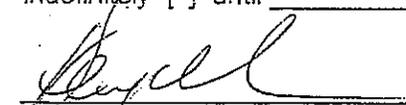
	<u>DAW</u>	<u>DAW</u>	<u>3-23-05</u>
Signature	Owner Initial	Voter Initial	Date
	<u>SBH</u>	<u>SBH</u>	<u>3-23-05</u>
Signature	Owner Initial	Voter Initial	Date

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

<u>11872 SE 147<sup>th</sup> AVE</u>	<u>(503) 558-0228</u>	<u>503 650-6116</u>
Street Address	Home Phone	Work Phone

<u>SAME</u>	Exhibit # <u>C</u>
Mailing Address	
<u>Portland OR 97236</u>	
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 \_\_\_\_\_.

	<u>3-23-05</u>		<u>3-23-05</u>
Signature	Date	Signature	Date

ANN-01-05

Tax Lot	Name	Mailing Address	Zip	Acreage	Assessed Value
12E25BA 00500	Hudspeth, Grace & William	15102 SE Clatstop S	97236		174,972
12E25BA 00600	Hudspeth, Grace & William	15102 SE Clatstop S	97236		12,582
12E36CA 01900	Humble	11872 SE 147th Ave	97236		199,958

Exhibit #

  D

**ORDINANCE NO. 311**  
**CITY OF HAPPY VALLEY**

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HAPPY VALLEY,  
OREGON, WITHDRAWING SAID TERRITORY FROM THE CLACKAMAS  
COUNTY ENHANCED LAW ENFORCEMENT DISTRICT AND DECLARING AN  
EMERGENCY

WHEREAS, pursuant to ORS 222.125 the City of Happy Valley received petitions signed by 100% of the owners of 100% of the properties with 100% of the assessed value of territory requesting annexation (File No.ANN-01-05) and

WHEREAS, the proposed annexation territory consists of 3 tax lots totaling 4.88 acres adjacent to existing City boundaries; and

WHEREAS, the City provided notice that the Planning Commission and City Council would consider the annexation petitions, consistent with the applicable notice requirements of (1) applicable provisions of Metro Code Chapter 3.09, (2) Section 2(d) of the Urban Growth Management Agreement dated June 19, 2001, and (3) applicable state law requirements; and

WHEREAS, the City has adopted an expedited decision process for annexations consistent with Metro Code Chapter 3.09.045; and

WHEREAS, the Planning Commission considered the proposed annexation at its regularly scheduled July 12, 2005 meeting, and recommended that the City Council approve the annexation; and

WHEREAS, the City Council considered the proposed annexation at its regularly scheduled City Council meeting on July 19, 2005 under the applicable provisions of Chapter 3.09 of the Metro Code, the Happy Valley Comprehensive Plan, and the applicable Statewide Planning Goals and state laws; and

WHEREAS, the Council finds that the proposed annexation is consistent with the City's Urban Growth Management Agreement and the approval of the voters and the consents of affected property owners; and

WHEREAS, the Council deems it in the public interest to declare an emergency so that this ordinance take effect as specified below, prior to the expiration of the 30-day period specified in the City Charter, because regional planning for the affected property is underway and the jurisdiction over the affected property should be established as soon as possible to facilitate the regional planning effort, as required by Metro.

Now, therefore, based on the foregoing,

**THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:**

- Section 1. The City Council declares the territory described in Exhibit A, depicted in Exhibit B and shown in Exhibit C is annexed to Happy Valley effective July 19, 2005.
- Section 2. The City Council adopts the Annexation Application No. ANN-01-05 and the associated Staff Report to the City Council dated July 19, 2005 as its findings in support of this ordinance.
- Section 3. The annexed territory is hereby withdrawn from the Clackamas County Enhanced Law Enforcement District effective July 19, 2005.
- Section 4. The City Recorder is directed to:
1. File a copy of this Ordinance and the statements of consent to annexation consistent with ORS 222.180 with the Secretary of State and Department of Revenue;
  2. Mail a copy of this ordinance to Metro including the required fee consistent with Metro Code Chapter 3.09.030(e); and
  3. Mail a copy of this Ordinance to Clackamas County and any other necessary parties consistent with Metro Code Chapter 3.09.030(e).
- Section 5. An emergency is declared to exist and as provided by Section 32 of the Happy Valley City Charter this Ordinance takes effect on July 19, 2005.

PASSED AND APPROVED THIS 19th DAY OF JULY, 2005.

CITY OF HAPPY VALLEY

ATTEST:

\_\_\_\_\_  
Mayor Eugene L. Grant

\_\_\_\_\_  
Marylee Walden, City Recorder

