

Final Documents

For

Annexation to the  
**City of Happy Valley**

CL4404

Ord.# 292

DOR: 3-1660-2004

Sec. State: AN-2004-0269

Final to DOR: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of

Mailing: 12/20/04

CL4204

Sent

Received

DOR:

10/17/04

12/16/04

Sec. State:

12/20/04

12/27/04

Assessor:

12/20/04

Elections:

12/20/04

Mapped:

Yes

Properties:

21E27 00200E1

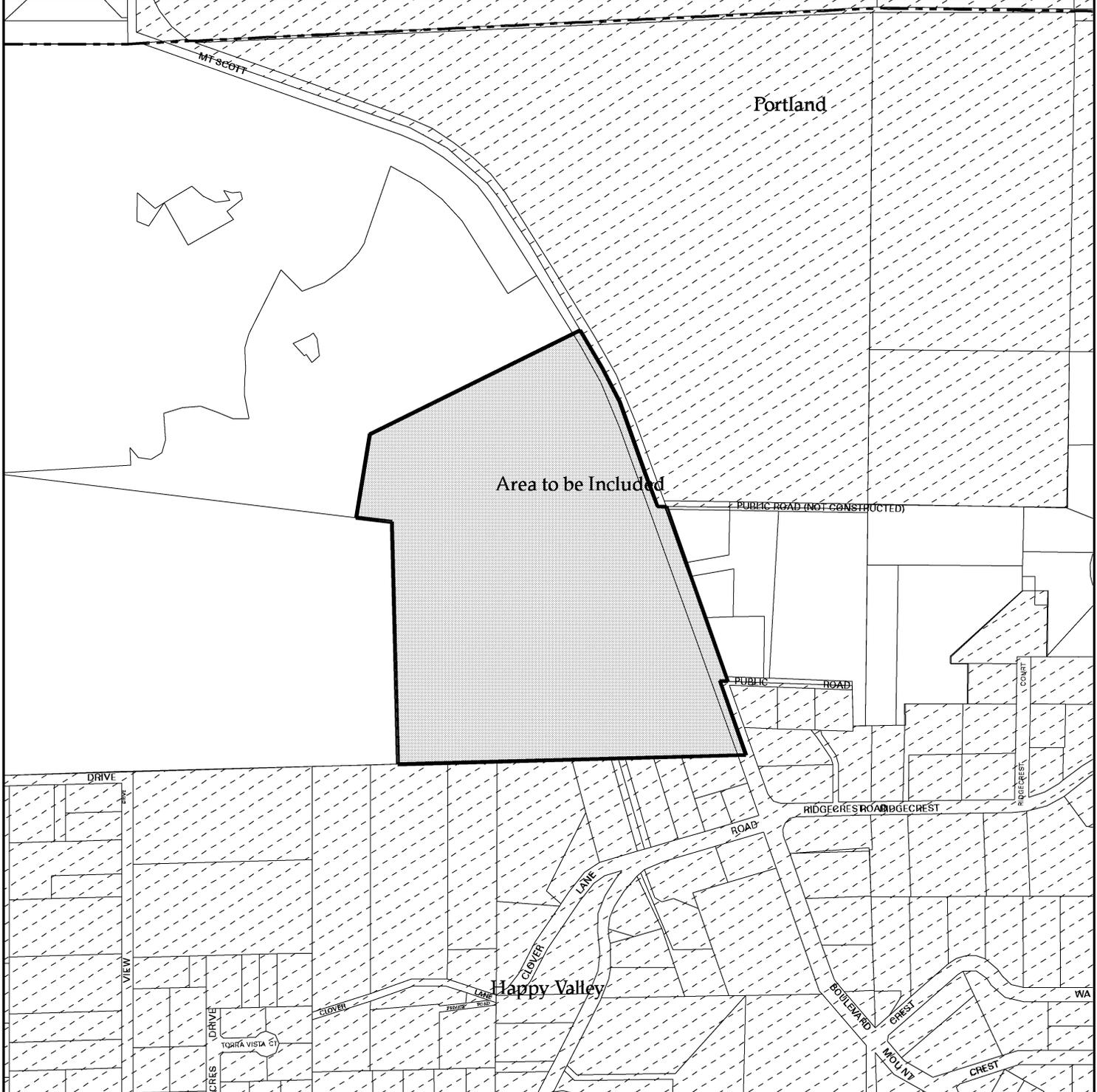
11801 SE Mt Scott Blvd

# Proposal No. CL4404

1S2E27

Annexation to the City of Happy Valley

Clackamas Co.



R E G I O N A L L A N D I N F O R M A T I O N S Y S T E M



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

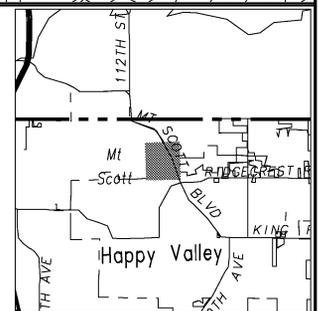
City

Annexation boundary

Urban Growth Boundary

Proposal No. CL4404  
CITY OF HAPPY VALLEY  
Figure 1

Scale: 1" = 500'



Office of the Secretary of State  
Bill Bradbury  
Secretary of State



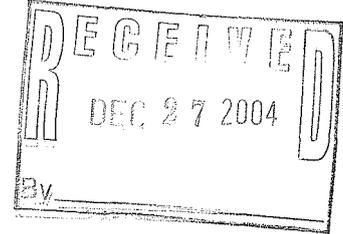
Archives Division  
ROY TURNBAUGH  
Director

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

Facsimile (503)373-0953

December 22, 2004

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



Dear Mr. Knight:

Please be advised that we have received and filed, as of December 22, 2004, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 04-11	AN 2004-0268 (Tigard)
ORD NO 292	AN 2004-0269 (Happy Valley)
ORD NO 2402	AN 2004-0270 (Lake Oswego)
ORD NO 178891	AN 2004-0271 (Portland)
ORD NO 5442	AN 2004-0272 (Hillsboro)
ORD NO 5444	AN 2004-0273 (Hillsboro)
ORD NO 5433	AN 2004-0274 (Hillsboro)
ORD NO 1175-04	AN 2004-0275 (Tualatin)

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

cc: Cities  
County Clerk(s)  
Department of Revenue  
ODOT  
Population Research Center

# Notice to Taxing Districts

ORS 308.225



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

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

**Description and Map Approved**  
**December 16, 2004**  
**As Per ORS 308.225**

Description     Map received from: METRO & CITY  
 On: 12/16/2004

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

ANNEX TO CITY OF HAPPY VALLEY

ORD. #292/ORD. #293

has been:     Approved            12/16/2004  
                    Disapproved

Notes:

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Department of Revenue File Number: 3-1660-2004

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. 292**  
**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 April of 2004 (File No. ANN-03-04/LDO-06-04), for property comprised of approximately 31.05 acres located north of Clover Lane and west of Mt. Scott Blvd. and further described as a portion of Clackamas County Assessor Map No. 12E27: Tax Lot 200E1; 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 public hearings 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 August 24, 2004; and

WHEREAS, the City Council conducted a second public hearing on the annexation of the property on October 5, 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 AND COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE APPLICATION ANN-03-04/LDO-06-04 Amended Staff Report to the Planning Commission dated August 24, 2004, ANNEXATION AND COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE APPLICATION ANN-03-04/LDO-06-04 Staff Report

to the City Council dated October 5, 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.

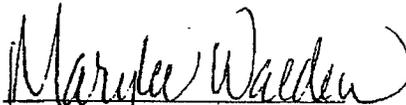
Section 4. This Ordinance shall become effective on November 18, 2004 consistent with Section 32 of the City Charter for the City of Happy Valley and ORS 222.180(2).

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF OCTOBER 2004.

CITY OF HAPPY VALLEY

ATTEST:

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

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

**BEFORE THE CITY COUNCIL  
FOR THE CITY OF HAPPY VALLEY, OREGON**

<b>Annexation and Zone Change</b>	)	<b>ANN-03-04/LDO-06-04</b>
<b>Application.</b>	)	
	)	
<b>SCI Oregon Funeral</b>	)	<b>DECISION OF THE CITY COUNCIL</b>
<b>Services Inc.,</b>	)	
<b>Applicant.</b>	)	

Pursuant to Happy Valley Development Code ("HVDC") §16.40.040 the City provided notice of a public hearing before the City Council. An affidavit of the notice of hearing is a part of the record. Staff reports were prepared and available to the public seven (7) days prior to the public hearing as required by state law.

After providing notice and staff reports, the City Council conducted an evidentiary hearing providing an opportunity to submit oral testimony and written evidence. The approval criteria for these applications include HVDC §16.40.040 (Public Hearing and Notice) § 16.40.080 (Designation upon annexation to the city); Metro Code 3.09.05; and applicable Statewide Planning Goals.

After discussion and deliberation, the City Council decided to approve ANN-03-04/LDO-06-04, given a change from a designation of Clackamas County Urban Low Density (R-20) to City Medium Density Residential (R-10).

## **I. DESCRIPTION OF THE APPLICATION**

The applicant is proposing Annexation and Zone Change of approximately 31.05 acres of property currently located in Clackamas County. The applicant seeks to annex the property and change the existing Comprehensive Plan Map designation and zoning from Clackamas County Urban Low Density (R-20) to City Medium Density Residential (R-10).

## **II. ADOPTION OF FINDINGS**

The City Council specifically adopts the STAFF REPORT TO THE PLANNING COMMISSION for ANN-03-04/LDO-06-04 dated August 24, 2004 including the findings and conditions contained within the Staff Report in support of this decision, as well as the FINDINGS OF FACT AND CONCLUSIONS OF LAW dated October 14, 2004. Any inconsistencies between the findings of this decision of APPROVAL and the documents referred to above shall be resolved in favor of this decision of APPROVAL.

## **III. ORDER**

The City Council hereby approves the SCI Funeral Services, Inc. Annexation and Zone Change Applications (ANN-03-04/LDO-06-04), based on the findings provided herein and specifically adopted under Section II.

ORDINANCE NO. 293  
CITY OF HAPPY VALLEY

AN ORDINANCE AMENDING THE CITY OF HAPPY VALLEY ZONING MAP TO  
APPLY CITY ZONING DESIGNATIONS FOLLOWING ANNEXATIONS

WHEREAS, the City of Happy Valley adopted Ordinance No. 292 approving annexation of property comprised of approximately 31.05 acres located north of Clover Lane and west of Mt. Scott Blvd. and further described as a portion of Clackamas County Assessor Map No. 12E27; Tax Lot 200E1; and

WHEREAS, the City received a concurrent application to apply city zoning to the property, which was zoned Clackamas County Urban Low Density (R-20) to City Medium Density Residential (R-10); and

WHEREAS, the City provided notice of public hearings to be conducted concerning the zone change application consistent with Section 16.40.040 of the Happy Valley Municipal Code and ORS 197.763; and

WHEREAS, the Planning Commission conducted public hearings on August 24, 2004 and September 14, 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 concerning the zone change signed and dated September 14, 2004; and

WHEREAS, the City Council conducted a second public hearing on the zone change on October 5, 2004, and received additional testimony and evidence; and

WHEREAS, following the hearing and in consideration of the evidence and testimony in the record as a whole, the City Council determined that the applicant's request for a zone change should be approved, subject to the Conditions of Approval found within the August 24, 2004 Amended Staff Report.

NOW THEREFORE, BASED ON THE FOREGOING,

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

Section 1. The Official Map #22, Development District Map (Zoning Map) for the City of Happy Valley is amended with respect to the subject property described in Exhibit A and depicted in Exhibit B, as follows: approximately 31.05 acres will be zoned Medium density residential (R-10).

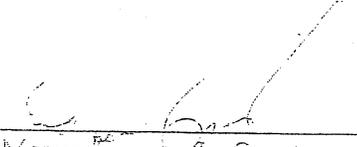
Section 2. The City Council hereby adopts the following documents and the findings contained therein in support of the zone change:  
ANNEXATION AND COMPREHENSIVE PLAN MAP  
AMENDMENT/ZONE CHANGE APPLICATION ANN-03-  
04/LDO-06-04 Amended Staff Report to the Planning Commission  
dated August 24, 2004, ANNEXATION AND

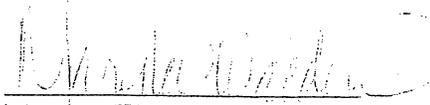
Section 4. This Ordinance shall become effective on November 18, 2004  
consistent with Section 32 of the City Charter for the City of  
Happy Valley and ORS 222.180(2).

PASSED AND APPROVED THIS 19<sup>th</sup> DAY OF October, 2004.

CITY OF HAPPY VALLEY

ATTEST:

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

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

**RESOLUTION No. 02-35**

**CITY OF HAPPY VALLEY**

**A RESOLUTION PROCLAIMING THE RESULTS OF THE NOVEMBER 5, 2002  
ELECTION: AUTHORITY TO ANNEX TERRITORY EAST OF THE CITY OF  
HAPPY VALLEY**

**WHEREAS**, the City Charter for the City of Happy Valley requires City voters to separately approve every annexation of property to the City; and

**WHEREAS**, the City Council referred City Measure 385 to the City's electors seeking a waiver of this Charter requirement for a limited period of time – five years - and for a limited area to the east of the City's current boundaries; and

**WHEREAS**, the City's electors approved Measure 385 at the November 5, 2002 general election.

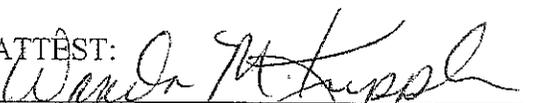
**THEREFORE, BE IT NOW RESOLVED:**

Section 1: The City Council of the City of Happy Valley hereby accepts and proclaims the results of the November, 5, 2002 general election as they relate to City Measure 385, as certified by the Clackamas County Elections official.

Section 2: The terms of this resolution shall be and are effective as of December 3, 2002.

**ADOPTED** this 3rd day of December 2002 by the Happy Valley City Council.

  
\_\_\_\_\_  
Eugene Grant, Mayor

ATTEST:  
  
\_\_\_\_\_  
Wanda Kuppler, City Recorder

# PETITION TO ANNEX CITY OF HAPPY VALLEY

Originals RECEIVED BY  
 APR 30 2004  
 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:**

11801 SE Mount Scott Blvd., Portland, OR 97266  
 Street Address of Property (If address has been assigned)

Lincoln Memorial Park  
 Legal Description (Subdivision Name, Lot Number(s))

12E27 00200E1  
 Tax Map and Tax Lot Number

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

SCI Oregon Funeral Services, Inc.

<u></u>			<u>7/28/03</u>
Signature <u>Curtis G. Briggs</u> Vice President	Owner Initial	Voter Initial	Date

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

<u> </u>			<u> </u>
Other Authorized Signature	Owner Initial	Voter Initial	Date

<u>1929 Allen Parkway</u>		<u>(713) 525-7380</u>
Street Address	Home Phone	Work Phone

<u>P.O. Box 130548</u>		
Mailing Address		
<u>Houston</u>	<u>TX</u>	<u>77219-0548</u>
City	State	Zip

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

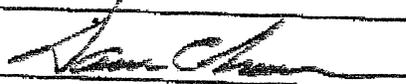


**REQUEST FOR EXPEDITED PROCEDURE  
FOR  
ANNEXATION TO THE CITY OF HAPPY VALLEY**

I (We), the undersigned *Principle Petitioners*, request this Annexation Proposal be approved in an expedited fashion without public hearing. This request is made pursuant to ORS 222.125 and Metro Code 3.09.045.

I (We) understand that a public hearing may be required if requested by a necessary party as defined in Metro Code 3.09.020(j).

This request is made in addition to and supplements all other requirements for filing an annexation petition.

Signature of Principle Petitioners	Address	Map and Tax Lot Number
1. 	P.O. Box 130538 Houston, TX 77219-0548	12E27 200E1
2.		
3.		
5.		
6.		
7.		
8.		

This form is NOT a petition for annexation. It is only a request to expedite the process. This form must be accompanied by a regular petition and the other forms normally submitted to initiate a proposal.



SCI ANNEXATION  
LEGAL DESCRIPTION  
ANNEXATION NO. 01-03

A tract of land situated in Section 27, T1S, R2E, W.M. Clackamas County Oregon and more particularly described as follows:

Beginning of the east quarter of Section 27;

1. Thence south 88° 43' 44" West, 427.56 feet more or less to the centerline of SE Mt. Scott Blvd., said point also being on the existing city limits of the City of Happy Valley and also being the true point of beginning;
2. Thence continuing along said city limits, South 88° 43' 41" West, 32.8 feet more or less to the west line of SE Mt. Scott Blvd, said point also being the initial point of Sky Haven Addition;
3. Thence continuing along said city limits, South 88° 43' 41" West, 1207.14 feet;
4. Thence, (leaving said city limits), North 01° 16' 19" West, 850.00 feet;
5. Thence North 82° 55' 59" West, 131.96 feet;
6. Thence North 07° 04' 01" East, 294.37 feet;
7. Thence North 66° 52' 01" East, 857.25 feet more or less to the centerline of SE Mt. Scott Blvd and the existing city limits of the City of Portland;
8. Thence South along said center line and said city limits, 505 feet more or less to the point of intersection with the westerly extension of the north line of a tract of land recorded in Clackamas County deed records No. 80-8108;
9. Thence South 88° 52' 30" East along said extension and city limits, 32 feet more or less to the east line of SE Mt. Scott Blvd and the northwest corner of said tract of land;
10. Thence (leaving said Portland city limits) South, along said east line, 680 feet more or less to the centerline of a 30 foot public road right-of-way and the existing city limits of the City of Happy Valley;
11. Thence North 87° 48' 30" West along said centerline and city limits, 32 feet more or less to the center line of Mt. Scott Blvd (a 60 foot R/W);
12. Thence South along said centerline and city limits, 278 feet more or less to the point of intersection with the easterly extension of the north line of Sky Haven Addition and the true point of beginning.

RECEIVED BY  
APR 30 2004  
CITY OF HAPPY VALLEY

