



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

April 5, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Happy Valley Plan Amendment
DLCD File Number 002-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 20, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Michael Walter, City of Happy Valley

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FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

MAY 31 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City Of Happy Valley Local File No.: LDO-20-04
(If no number, use none)

Date of Adoption: 3/21/06 (Must be filled in) Date Mailed: 3/30/06
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡

Incorporation of drive-thru financial institutions
as a Conditional use in the VO Zone.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Same

Plan Map Changed from: N/A to N/A

Zone Map Changed from: N/A to N/A

Location: VO Zone districts Acres Involved: _____

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 9

Was an Exception Adopted? Yes: _____ No: X

DLCD File No. 002-05 (14264)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No: If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:
Affected State or Federal Agencies, Local Governments or Special Districts: _____

City of Happy Valley

Local Contact: Michael D. Walter Area Code + Phone Number: 503 595-6172

Address: 12915 SE King St. City: Happy Valley, OR

Zip Code+4: 97236 Email Address: michaelw@ci.happy-valley.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption≡ is sent to DLCD.
6. In addition to sending the ANotice of Adoption≡ to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

CITY OF HAPPY VALLEY
ORDINANCE NO. 334

AN ORDINANCE AMENDING TITLE 16 (DEVELOPMENT CODE) OF THE CITY OF HAPPY VALLEY MUNICIPAL CODE, AS AMENDED – DRIVE-THRU FINANCIAL INSTITUTIONS AS A CONDITIONAL USE IN THE VILLAGE OFFICE ZONE

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application LDO-20-04 was a request to amend Title 16 (Development Code) of the Municipal Code as detailed within Attachment "A"; and

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on February 28, 2006; and

WHEREAS, the Planning Commission recommended by a vote of 4-1 that the proposed changes to Title 16 of the Municipal Code as detailed in the Staff Report dated February 28, 2006 be approved; and


WHEREAS, the City has forwarded a copy of the proposed amendments to the Oregon Department of Land Conservation and Development (DLCD) in a timely manner; and

WHEREAS, the City Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to amend Title 16 of the Municipal Code pursuant to the findings within Attachment "A" at the regular meeting of the City Council on March 21, 2006.

NOW, THEREFORE, it is hereby declared by the City Council of Happy Valley, Oregon, that the City's Development Code be amended as set forth as part of Attachment "A" and is fully incorporated herein.

BE IT FURTHER declared that this Ordinance shall become effective thirty (30) days after approval by the City Council.

READ for the first time at the regular meeting of the City Council of the City of Happy Valley, Oregon, on March 21, 2006 and read for the second time on March 21, 2006, and adopted by unanimous vote of the members of the City Council of the City of Happy Valley, Oregon.



Eugene Grant, Mayor

ATTEST:



Marylee Walden, City Recorder

DEVELOPMENT CODE AMENDMENT LANGUAGE IS NOTED IN **UNDERLINE**

"16.12.110 Village Office District (VO)

This section provides for a mixture of retail/office, commercial and business park uses. These uses are located in areas where suitable services and facilities are currently provided or can be provided as development occurs. In addition, this district allows for pedestrian friendly development with good connections via the sidewalks, trails and street system from residential areas to parks, open spaces, commercial and office uses.

A. General provisions.

1. *A Traffic Impact Analysis (TIA) shall be submitted with each development application per the City's Traffic Impact Study Guidelines. The TIA shall address, but is not limited to, the following Traffic Management mechanisms: physical site controls on existing traffic, p.m. peak hour existing traffic limitations, traffic monitoring, restrictions on the number of parking spaces, transportation/transit information center; flextime, staggered working hours, car and van pool spaces, and similar ride share programs.*
2. *The procedures and application requirements under Chapter 16.32 (Design Review) and Chapter 16.50 (General Site Design Standards) shall apply to all development in the Village Office District. If language within these sections conflicts with specific requirements and standards of the Village Office District, the standards within the Design Review and General Site Design Standards chapters shall prevail.*

B. Permitted uses.

The following uses will be allowed as primary uses in the Village Office District:

1. *Office uses:*
 - a. *Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturer's representatives, property management, corporate and administrative offices.*
 - b. *Medical and dental services, clinics or community health care programs, counseling services, and associated pharmacies.*
 - c. *Testing laboratories and facilities, provided no operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.*
 - d. *Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing and bookbinding services.*
 - e. *Light manufacturing, assembly, artisan, research and development uses which have physical and operational requirements which are similar to other office uses allowed in this district.*
 - f. *Banks, credit unions, savings and loan, brokerage, and other financial institutions, but not drive-in windows or drive through services.*
 - g. *Business services such as duplicating, photocopying, mailing and stenographic services, fax and computer facilities, employment agencies, office management services, notary public, business and communications equipment and service, and real estate offices.*
 - h. *Personal services: answering service, travel agent.*

- i. Any use that the Community Development Director or designee finds to be similar to one or more of those specified above.
- 2. Service commercial uses: The following service commercial uses may be provided within an office development, up to a maximum of twenty (20) percent of the gross floor area of the development:
 - a. Coffee shops; cafes and delicatessens which serve at least breakfast and/or lunch; and catering services. No drive-through window service shall be allowed.
 - b. Daycare facilities shall be permitted, provided they are integrated within office buildings and do not exceed 1,500 square feet or serve more than 13 children each.
 - c. Any use that the Community Development Director or designee finds to be similar to one or more of those specified above.
- 3. Wireless telecommunication facilities: Wireless telecommunication facilities are subject to the requirements of Chapter 16.59 (Wireless Communication Facilities).

[...]

D. Conditional uses.

- 1. Conditional uses may be allowed subject to review pursuant to Section 16.16.220 (Conditional use). In addition to the criteria for approval listed in that section, conditional uses in the VO District:
 - a. Shall address an existing neighborhood need, considering proximity of similar uses;
 - b. Shall not substantially increase traffic through the neighborhood, require an additional curb cut, or create greater noise or congestion than a permitted use;
 - c. Shall not diminish the amenities of the neighborhood; and
 - d. Shall be compatible in size, scale, general appearance, and building materials with surrounding buildings.
- 2. Uses allowed subject to the above conditions are:
 - a. Health and recreational facilities, such as exercise spas, gymnasiums, tennis and racquetball courts, swimming pools, saunas, and similar uses that exceed an accessory use;
 - b. Institutional uses; educational institutes and trade schools; art, music, or dance studios; radio and television studios, excluding transmission towers;
 - c. Cultural/public use; galleries and museums; small-scale (seating capacity up to 500) assembly or convention facilities and theaters for performing arts; exhibition halls; libraries; senior centers; and fraternal organizations.
 - d. Banks, credit unions, savings and loan, brokerage, and other financial institutions, including drive-thru facilities. Drive-thru facilities shall be subject to the following criteria:**
 - i. Drive-thru lanes shall not be located between a public street and the buildings primary entrance.**
 - ii. A drive-thru lane shall not cross the primary pedestrian walkway between the parking lot and the primary building entrance.**
 - iii. The applicant shall attempt to locate the drive-thru lane in the parking lot and not next to the building.” [...]**