



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## AMENDED NOTICE OF ADOPTED AMENDMENT

October 9, 2007

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 008-07



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: October 26, 2007**

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

<paa> ya

# FORM 2 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**



Jurisdiction: CITY OF HAPPY VALLEY Local file number: LDO-08-06  
Date of Adoption: 10/02/07 Date Mailed: 10/04/07  
Date original Notice of Proposed Amendment was mailed to DLCD: 07/06/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

CHANGES TO A VARIETY OF LAND DEVELOPMENT CODE SECTIONS INCLUDING SETBACKS, HOME OCCUPATIONS, EXPEDITED ANNEXATION, ETC...

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: N/A to: N/A  
Zone Map Changed from: N/A to: N/A  
Location: Various, see attached Acres Involved: 29.97  
Specify Density: Previous: N/A New: N/A  
Applicable Statewide Planning Goals: 1, 2, 10, 11 AND 14  
Was and Exception Adopted?  YES  NO

DLCD File No.: 008-07 (16231)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing?  Yes  No
- If no, do the statewide planning goals apply?  Yes  No
- If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

---

CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

---

Local Contact: MICHAEL WALTER Phone: 503 760 3325 Extension: \_\_\_\_\_

Address: 12915 SE KING ROAD City: HAPPY VALLEY

Zip Code + 4: 97086 - Email Address: michaelw@cl.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 Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice 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 [maria.ullosa@state.or.us](mailto:maria.ullosa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**Mayor**  
HON. EUGENE GRANT

**City Councilors**  
CHUCK DALICH  
LORI DEREMER  
JONATHAN EDWARDS  
ROB WHEELER



*City of Happy Valley*

12915 SE KING ROAD, HAPPY VALLEY, OREGON 97236-6298  
Telephone (503) 760-3325 ~ Fax (503) 760-9397  
Web Site: [www.ci.happy-valley.or.us](http://www.ci.happy-valley.or.us)

### *Fax Transmission*

To: Plan Amendment Specialist  
DLCD

From: Lynette Garbarino, Executive Asst.

Fax: 503-378-5518 Pages: (excluding cover) 22

Phone: 503-3730050 Date: 10/5/07

Re: Notice of Adoption LDO-08-06 CC:

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Please find attached the following:

Notice of Adoption for LDO\_08-06  
Text of Amendments  
Signed Ordinance No. 361

**DEPT OF**  
**OCT 05 2007**  
**LAND CONSERVATION  
AND DEVELOPMENT**

CITY OF HAPPY VALLEY  
ORDINANCE NO. 381

AN ORDINANCE AMENDING THE PLANNING COMMISSION BY-LAWS, TITLE 2 (ADMINISTRATION AND PERSONNEL), AND TITLE 16 (DEVELOPMENT CODE) OF THE CITY OF HAPPY VALLEY MUNICIPAL CODE – ADMINISTRATIVE AMENDMENTS AND DECLARING AN EMERGENCY

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, Application LDO-08-06 was a staff, Planning Commission and City Council initiated request to amend the Planning Commission By-Laws, Title 2 (Administration and Personell) and Title 16 (Development Code) of the Municipal Code as detailed within Exhibit "A"; and

WHEREAS a hearing was held before the City of Happy Valley Planning Commission on August 28, 2007; and

WHEREAS, the Planning Commission unanimously recommended the changes to the By-Laws, Title 2 and Title 16 of the Municipal Code as detailed in the Amended Staff Report dated August 28, 2007, including Exhibits; 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 Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to amend the By-Laws, Title 2 and Title 16 of the Municipal Code as detailed within Exhibit "A"; and

WHEREAS, the Council hereby adopts the proposed amendments as detailed in Exhibit "A", as supported by the Findings of Fact in Exhibit "B", at the regular meeting of the City Council on October 2, 2007; 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 affected properties that would have been reviewed by the Planning Commission 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 of Happy Valley declares that the Planning Commission By-Laws, Title 2 and Title 16 be amended as set forth as part of Exhibit "A" and is fully incorporated herein.

Section 2. An emergency is declared to exist and as provided by Section 32 of the Happy Valley City Charter this Ordinance takes effect on October 2, 2007.

PASSED AND APPROVED THIS 2nd day of October, 2007

CITY OF HAPPY VALLEY

  
\_\_\_\_\_  
Mayor Rob Wheeler

ATTEST:

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

**Amendments to Planning Commission By-Laws, Title 2 (Administration and Personnel) and Title 16 (Development Code) of the City of Happy Valley Municipal Code**

Language to be omitted is ~~struckthrough~~, proposed language additions are in underline.

(NOTE: The symbol [...] denotes that intervening code sections exist between those quoted, but are not specifically addressed as part of these findings).

**HAPPY VALLEY PLANNING COMMISSION BYLAWS**

**ARTICLE I - Mission Statement**

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. It is the principle decision-making authority for quasi-judicial and limited land-use applications. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan, Land Development Ordinance, Public Facilities Plan and other adopted codes and ordinances.

**ARTICLE II - Membership**

1. See Chapter 2.16 (PLANNING COMMISSION) of the City's Municipal Code ~~Refer to Ordinance No. 4, as amended.~~ (Appendix A).
2. If a member misses three consecutive, regularly scheduled, meetings or more than half of the meetings in any six month period, the membership of the Commissioner may be reviewed by the Planning Commission for referral to the City Council for reassessment of the appointment.
3. A quorum is established at not less than fifty (50) percent of the Commission.

**ARTICLE III - Election of Officers**

1. A quorum of the Planning Commission shall elect a Chair and a Vice-Chair annually during the first meeting of the calendar year.
2. The term of Chair and Vice-Chair shall be one year with a limit of two consecutive terms.
3. In the event that the Chair or Vice-Chair is unable to complete the specified term, an election shall be held for the completion of the term.
4. In the event the Chair cannot attend a scheduled meeting, the Vice-Chair shall act as presiding officer.

**ARTICLE IV -Duties of Officers**

1. The Chair or Vice-Chair, in addition to the duties in Article V shall preserve the order and decorum of the meeting.
  - A. At the beginning of the meeting, the Chair may assess the audience and, with the consent of the Commission, announce reasonable time limits.
  - B. At the conclusion of testimony, the Chair may summarize the issues to be addressed and the criteria to be applied.
  - C. At the conclusion of the hearing, the Chair may summarize the hearing results.
2. The Chair may ask for response and opinion from the members of the Commission.
3. ~~The Chair may mentor the Vice-Chair.~~ The Chair may appoint Commissioners to specific projects or committees with the consent of Commissioners.
4. The Chair, or Vice-Chair, may shall confer with the Community Development Planning Director on a regular basis outside of the scheduled meetings concerning the direction each expects of the Commission and Director.
5. The Chair, or Vice-Chair if the Chair is absent, shall preside over the meeting, generally following the procedure outlined in the City of Happy Valley's Public Hearing Format (Appendix B) and the parliamentary procedures based on Robert's Rules of Order with the notable exception that the Chair is a full voting member of the Commission.
6. The Chair, in conjunction with the Community Development Planning Director, shall orient new members.

**ARTICLE V - Duties of the Commission**

1. The Planning Commission shall adhere to the duties and responsibilities outlined in Chapter 2.16 (PLANNING COMMISSION) of the Municipal Code Ordinance No. 4. (Appendix A).
2. In order to assure the appearance of equal treatment to all that come before the Planning Commission, members are encouraged to address all those by common title (e.g. Mr., Mrs., Miss, Ms. etc.) and last names only, not by first name.
3. If a member is unable to attend a meeting, it is that member's responsibility to inform the Planning Department Staff and/or Planning Commission Chair of the fact prior to the meeting to be missed.
4. Planning Commissioners shall follow the guidelines for ex-parte contact and conflict of interest as outlined in Appendix C.

5. Prior to Planning Commission hearings, Commissioners are encouraged to visit sites that are subjects for land use actions.

#### **ARTICLE VI - Meetings and Public Hearings**

1. The Commission ~~may shall~~ meet at least once a month, on the ~~second fourth~~ Tuesday of each month. The Commission may also meet on the ~~fourth second~~ Tuesday of each month at the discretion of the Commission. Each meeting shall begin at 7:00 p.m. and end no later than 10:00 p.m. unless extended by a majority of Commissioners present. Each meeting shall be held at the Happy Valley City Hall, unless otherwise designated by the Commission or City Staff.
2. The above meetings may be set aside upon agreement of a quorum of the Planning Commission.
3. Special meetings may be called using the procedures established by the Oregon Revised Statutes.
4. If a quorum is not attained fifteen minutes following the scheduled time to call to order, the meeting may be canceled by the majority approval of the members present.

#### **ARTICLE VII - Goals and Objectives**

1. Planning Commission shall review City Council goals on a yearly basis.

#### **ARTICLE VIII - Amendments of By-Laws**

1. The By-Laws shall be reviewed once a year ~~in January~~ by the Commission for changes, additions, or deletions.
2. The By-Laws may be amended, repealed, or altered by a majority vote.

#### **Amendments to Title 2 (Administration and Personnel) of the City of Happy Valley Municipal Code**

#### **Chapter 2.16 PLANNING COMMISSION**

##### **2.16.010 Establishment.**

There continues to be a planning commission for the city. The commission shall be known as the Happy Valley planning commission. In addition, the planning commission shall serve as the urban forest board. The urban forest board shall reside as a board of the planning commission.



**2.16.020 Membership.**

The membership of the commission shall consist of not more than ~~seven~~ ~~nine~~ or less than ~~five~~ ~~seven~~ members, who shall be appointed by the city council. Prospective members must make application to the city for such appointment in the manner and by the deadline so announced. Not more than two members of the planning commission may be nonresidents of Happy Valley. One of these two members shall own a business or property within the City limits of Happy Valley. The membership of the urban forest board shall consist of the planning commission members, as decided by the city council at its first meeting every year and who shall be appointed by a vote of the city council.

**2.16.030 Compensation.**

Members of the commission serve as volunteers and do not receive compensation. ~~will receive a stipend for every regular commission meeting attended, as established by city resolution. (Ord. 177 § 4, 1998)~~

**2.16.040 Terms of office and vacancies.**

A. The members' term of office on the commission shall be for two years with no fewer than four (if a ~~seven or eight member commission~~) or ~~five members (if a nine member commission)~~ appointed in even numbered years and no less than three (if a seven member commission) or ~~four (if a eight or nine member commission)~~ in odd numbered years. Appointments to the commission shall be made at the January meeting of the city council or as soon thereafter as is otherwise practical. Member's ~~may shall~~ continue in office until their successors are appointed. Members may apply for reappointment.

B. Any vacancy occurring during a term shall be filled by the city council for the remainder of the term, and members may be removed by the city council for good cause shown by a vote at a city council meeting. The city council shall have final and exclusive discretion to determine whether "good cause" for removal exists. (Ord. 177 § 5, 1998)

[...]

**2.16.060 Meetings—Quorum.**

A. The Commission may shall meet at least once a month, on the second fourth Tuesday of each month. The Commission may also meet on the fourth second Tuesday of each month at the discretion of the Commission. Each meeting shall begin at 7:00 p.m. and end no later than 10:00 p.m. unless extended by a majority of Commissioners present. ~~Meetings shall be held twice per month on the second and fourth Monday unless otherwise directed by city council. Said meetings shall be advertised and shall be open to the public. An agenda will be provided by city staff for public posting prior to meetings.~~

B. A quorum shall exist when a majority of the voting members of the planning commission are present. (Ord. 177 § 7, 1998)

**2.16.070 Powers and duties.**

A. The commission is charged with the express duty of administering and enforcing the land development ordinances of the city shall have the powers and duties set forth in such ordinances and govern themselves accordingly; in addition the commission is charged with the duties given and powers provided as set forth in Oregon Revised Statutes Chapter 227 as may be applicable to planning commissions so formed, and in particular those enumerated in ORS section 227.090. At all times such commission shall act in a manner consistent with the laws of the United States, the state of Oregon, the charter and ordinances of the city. The commission shall make its decisions in accordance with the rules and regulations set forth in the city's land development ordinance.

**B. The commission, acting as the urban forest board, shall serve in an advisory capacity to the city council, through the planning department, unless otherwise deemed by city council in the following areas:**

**1. Determination of urban forest needs and recommendation of programs and ordinances to meet identified need.**

**2. Recommendations for the annual urban forest budget expenditures.**

**3. Recommendations for the implementation of the city of Happy Valley's urban forestry plan.**

**4. Recommendations on long-range planning for the urban forest.**

**5. Organization and administration of special city events such as Arbor Day plantings, Earth Day events, or other events approved by city council. Volunteers may be recruited as needed.**

**6. Organization and administration of special city programs such as the heritage tree program, tree education program, tree planting and maintenance programs and achieving and maintaining Tree City USA status, or other programs approved by council. Volunteers may be recruited as needed.**

**CB.** The commission may make and establish such rules, regulations or bylaws as prove necessary for its government and procedure consistent with the laws of the state and the charter and ordinances of the city. (Ord. 177 § 8, 1998)

**Chapter 2.20 PARK COMMISSION AND URBAN FOREST BOARD****2.20.010 Establishment.**

There continues to be established a city parks advisory committee for the city of Happy Valley, Oregon, and the name of this committee shall be the Happy Valley parks advisory committee. ~~There shall also be established a city urban forest board for the city, and the name of this board shall be the Happy Valley urban forest board. The urban forest board shall reside as a board of the parks advisory committee.~~

**2.20.020 Membership.**

The membership of the parks advisory committee shall consist of not less than five members and not more than nine members as decided by city council at its first meeting of every year and who shall be appointed by a vote of the city council. ~~The membership of the urban forest board shall consist of not less than five members and not more than nine members, a majority of whom shall be parks advisory committee members, as decided by city council at its~~

~~first meeting every year and who shall be appointed by a vote of the city council. Prospective members must make application to the city for appointment in the manner and by the deadline so announced. Members may request to be on the parks advisory committee and urban forest board simultaneously, or on either advisory committee or board individually. However, sufficient parks advisory committee members to constitute a majority on the urban forest board must also be members of the urban forest board. Not more than two members of either the parks advisory committee or urban forest board may be non residents of the city unless specifically approved by city council. (Ord. 217 § 3, 2001: Ord. 186 § 3, 1999)~~

**2.20.030 Compensation.**

~~Members of the parks advisory committee and urban forest board may receive a stipend for every regular monthly meeting attended, as established by city resolution. Members who serve on both the advisory committee and the board shall receive only one stipend per month. (Ord. 217 § 4, 2001: Ord. 186 § 4, 1999)~~

**2.20.040 Terms of office and vacancy.**

The terms of office of the parks advisory committee ~~and urban forest board~~ shall be for one year. Members may apply for re-appointment. Members shall continue in office until their successors are appointed. Appointments to the parks advisory committee ~~and urban forest board~~ shall be made at a January meeting of the city council or as soon thereafter as is otherwise practical. ~~An applicant may be appointed to both the parks advisory committee and the urban forest board or either the advisory committee or board individually.~~ Any vacancy occurring during a term shall be filled by a vote of the city council for the unexpired portion of the term, and members may be removed by the city council for good cause shown by a vote of the city council. (Ord. 217 § 5, 2001: Ord. 186 § 5, 1999)

**2.20.050 Officers and duties.**

The officers of the parks advisory committee ~~and urban forest board~~ shall be chairperson, vice-chairperson and secretary.

A. Chairperson. The city council shall appoint separate chairpersons for the parks advisory committee ~~and the urban forest board~~ who then become one of the respective advisory committee and/or board members. The chairpersons shall schedule and preside at all meetings of their respective committee or board. The chairpersons shall also serve as their respective committee or board liaison with city staff, city council, and city planning commission. The chairpersons of the parks advisory committee ~~and urban forest board~~ may be members and hold office of vice-chairperson or secretary of the other committee or board of which they are not chairperson.

B. Secretary and Vice-Chairperson. The committee shall elect a secretary and vice-chairperson for the parks advisory committee ~~and the urban forest board~~ from among the members of the respective committee or board at its first meeting of the year. The secretary and vice-chairperson may be the same for both. The secretary shall record the minutes of all meetings and provide copies of the minutes of such meetings in a timely manner to city staff and city council. The vice-chairperson shall preside over meetings in the absence of the chairperson. (Ord. 217 § 6, 2001: Ord. 186 § 6, 1999)

**2.20.060 Meetings—Quorum.**

Meetings shall be held at least once per month unless otherwise directed by city council, and shall be open to the public. ~~Parks advisory committee and urban forest board meetings may be held concurrently. Separate agendas shall be presented to city staff for public posting prior to the meeting.~~ A quorum shall consist of one more member than half the total number of members of the committee and board as decided by city council. (Ord. 217 § 7, 2001; Ord. 186 § 7, 1999)

**2.20.080 Powers and duties of the park advisory committee.**

The parks advisory committee shall serve in an advisory capacity to the city council, through the planning department, unless otherwise deemed by city council, in the following areas:

- A. Determination of park needs and recommendation of programs and ordinances to meet identified need.
- B. Recommendations for the annual park budget expenditures.
- C. Recommendations for development of current or future park land in accordance with and design previously approved by the council.
- D. Recommendations on long-range planning for parks.
- E. Recommendations to city staff for park reservation procedures. Recommendations to city council for park fees.
- F. Recommendations to the public works department for capital outlay expenditures within the limits of the appropriations of the city budget. In connection with approved capital improvements and maintenance of the park property, all bids and contracts shall be administered by the city public works department.
- G. Organization and administration of special city events such as city picnics, fireworks displays, Arbor Day plantings, Earth Day events, or other events or programs approved by city council. Volunteers may be recruited as needed.

The advisory committee may make and establish such rules and regulations as are necessary for their government and procedure, consistent with the city charter, city ordinances and directives of city council. (Ord. 217 § 9, 2001; Ord. 186 § 9, 1999)

**~~2.20.090 Powers and duties of the urban forest board.~~**

~~The urban forest board shall serve in an advisory capacity to the city council, through the planning department, unless otherwise deemed by city council, in the following areas:~~

- ~~A. Determination of urban forest needs and recommendation of programs and ordinances to meet identified need.~~
- ~~B. Recommendations for the annual urban forest budget expenditures.~~
- ~~C. Recommendations for the implementation of the city of Happy Valley's urban forestry plan.~~
- ~~D. Recommendations on long range planning for the urban forest.~~
- ~~E. Organization and administration of special city events such as Arbor Day plantings, Earth Day events, or other events approved by city council. Volunteers may be recruited as needed.~~
- ~~F. Organization and administration of special city programs such as the heritage tree program, tree education program, tree planting and maintenance programs and achieving and~~

~~maintaining Tree City USA status, or other programs approved by council. Volunteers may be recruited as needed.~~

~~\_\_\_\_\_The board may make and establish such rules and regulations as are necessary for their government and procedure, consistent with the city charter, city ordinances and directives of city council. (Ord. 217 § 10, 2001; Ord. 186 § 10, 1999)~~

**2.20.100 Report to planning department.**

The parks advisory committee ~~and urban forest board~~ shall forward a copy of their meeting minutes to the planning department, city council and the planning commission, and shall on or before the 15th day of March each year make and file with the planning department for presentation to the city council, report of its recommended project expenditures for the coming fiscal year of July 1 through June 30. On or before the 31st day of July each year, the parks advisory committee ~~and urban forest board~~ shall submit to the planning department, for presentation to city council, a report of all project transactions for the preceding year. (Ord. 217 § 11, 2001; Ord. 186 § 11, 1999)

**2.20.110 Expenses.**

Such incidental expenses as the parks advisory committee ~~and urban forest board~~ may lawfully incur by its members in the performance of their duties as members of the parks advisory committee ~~and/or urban forest board~~ shall be paid out of funds placed at the disposal of the committee ~~or board~~ as authorized by the city council; complete records shall be kept of all such expenses or disbursements and included in the financial reports of the city. (Ord. 217 § 12, 2001; Ord. 186 § 12, 1999)

**Amendments to Title 16 of the City of Happy Valley  
Municipal Code (Land Development Code)**

(Language to be omitted is ~~struck through~~, proposed language additions are in **bold underline**)

Amend Chapter 16.04 (INTRODUCTORY PROVISIONS), by making the following changes:

[...]

**16.16.280 Definitions.**

[...]

“Buffer” means an area established adjacent to a significant wetland which protects the resource from impacts. The buffer is measured thirty (30) feet horizontally from the outer boundary of the significant wetland. **Buffer areas shall be fenced per the requirements of Section 16.16.300(5).**

Amend Chapter 16.12 DEVELOPMENT DISTRICTS, by changing the following:

[...]

**16.12.030 Very low density residential.**

[...]

4. Minimum setbacks (measured to building foundation):

a. Front: **Twenty-five (25)** ~~Thirty two (32)~~ feet,

- b. Rear: **Twenty-five (25)** ~~Thirty-two (32)~~ feet,
- c. Interior side: **Fifteen (15)** ~~Twenty-two (22)~~ feet;
- d. Street side (corner lot): Fifteen (15) feet;

[...]  
**16.12.040 Low density residential.**

- [...]
4. Minimum setbacks (measured to building foundation):
- a. Front: **Twenty-five (25)** ~~Thirty-two (32)~~ feet,
  - b. Rear: **Twenty-five (25)** ~~Thirty-two (32)~~ feet,
  - c. Interior side: **Ten (10)** ~~Twelve (12)~~ feet,
  - d. Street side (corner lot): Fifteen (15) feet;

[...]  
**16.12.041 Medium-low density residential.**

- [...]
4. Minimum setbacks (measured to building foundation):
- a. Front: Twenty-two (22) feet,
  - b. Rear: Twenty-two (22) feet,
  - c. Interior side: **Seven (7)** ~~Twelve (12)~~ feet,
  - d. Street side (corner lot): Fifteen (15) feet;

[...]  
**16.12.050 Medium density residential.**

- [...]
4. Minimum setbacks (measured to building foundation):
- a. Front: Twenty-two (22) feet,
  - b. Rear: Twenty-two (22) feet,
  - c. Interior side: **Seven (7)** ~~Twelve (12)~~ feet,
  - d. Street side (corner lot): Fifteen (15) feet;

[...]  
**16.12.051 Medium-high density residential.**

- [...]
4. Minimum setbacks: (measured to building foundation):
- a. Front: Twenty-two (22) feet,
  - b. Rear: Twenty-two (22) feet,
  - c. Interior side: **Five (5)** ~~Seven~~ feet,
  - d. Street side (corner lot): Fifteen (15) feet;

[...]  
**16.12.060 High density residential.**

- [...]
4. Minimum setbacks (measured to building foundation):
- a. Front: Twenty-two (22) feet,
  - b. Rear: Twenty-two (22) feet,
  - c. Interior side: **Five (5)** ~~Seven~~ feet,
  - d. Street side (corner lot): Fifteen (15) feet;

**16.12.80 Institutional and public use – IPU**

[...]

C. The following Are Uses Permitted with Conditional Approval:

**1. Cemeteries, Mortuaries and Funeral Homes**

Amend Chapter 16.14 (MISCELLANEOUS PERMITS) by changing the following:

[...]

**Section 16.14.020 Home occupation permits**

A. Purpose. The purpose of this section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. In addition, the purpose of this section is to establish approval criteria and standards to ensure that home occupations are conducted as lawful uses which are subordinate to the residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

B. Exemptions. Exemptions from the provisions of this chapter are:

1. Short term personal sales (such as a garage sale or the sale of an individual personal item such as furniture or a bicycle) from a residence. The maximum duration of garage/yard sales is three consecutive days and/or ten (10) days total in a calendar year;
2. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises;
3. Hobbies which do not result in payment to those engaged in such activity;
4. Proven nonconforming home occupations as per Chapter 16.24 (Nonconforming Uses, Structures and Lots).

C. Nonconforming Uses. On-going home occupations may be granted nonconforming status provided that they were:

1. Permitted under county authority prior to annexation to the city and have been in continuous operation since initial approval;
2. Permitted under city authority prior to 1983 and have since been in continuous operation.

D. Governing Regulations. Nonconforming home occupations will be regulated as a nonconforming situation, per the following:

1. A nonconforming situation may continue until the use is expanded or altered so as to increase the level of noncompliance with this title;
2. The burden of proving a home occupation's nonconforming status rests with the property owner or tenant;
3. Violations. Home occupations without city or county approval which cannot prove nonconforming status shall be considered in violation of this chapter and shall cease until the appropriate approvals have been granted.

E. General Approval Criteria and Standards. All home occupations except those that have proven nonconforming status shall observe the following criteria in addition to the

standards established for Type I and Type II uses described in Section 16.14.020(E) of this chapter.

1. Home occupations may be undertaken only by the principal occupant(s) of a residential property **or their immediate family member.**

2. No deliveries shall be made to the residence other than by traditional small-scale means normally found in a residential area, such as the United States Postal Service, UPS, Federal Express, messenger services, etc. There shall be no commercial vehicle deliveries during the hours of 10:00 p.m. to 7:00 a.m.

3. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the operation.

4. The home occupation shall be operated entirely within the dwelling unit and a conforming accessory structure. ~~The total area which may be used in the accessory building for either material product storage and/or the business activity shall not exceed five hundred twenty-eight (528) square feet. Otherwise, the~~ home occupation and associated storage of materials and products shall not occupy more than fifty (50) percent of the combined residence and accessory structure gross floor area, ~~but in no case shall the portion of the home occupation occupying the accessory use exceed five hundred twenty-eight (528) square feet.~~ The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health and housing codes.

5. There shall be no change in the most current One and Two-Family Dwelling (CABO) Code occupancy classification of the dwelling unit or any portion of the dwelling unit, including the garage.

6. More than one business activity constituting two or more home occupations shall be allowed on one property only if the combined floor space of the business activities does not exceed the limitation of space imposed in subsection (E)(4) of this section. Each home occupation shall apply for a separate home occupation permit, if required as per this chapter, and each shall also have separate city business license.

7. There shall be no storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgment of the fire marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. Those individuals that are engaged in home occupations shall make available to the fire marshal for review the material safety data sheets which pertain to all potentially toxic and/or flammable materials associated with the use.

8. No **Type I** home occupation shall require any on or off-street parking other than that normally required for a residence. **In addition, no commercially marked vehicles of any kind shall be utilized in conjunction with a Type I home occupation.**

9. The following uses are not allowed as either Type I or Type II home occupations:

- a. Auto-body repair and painting;
- b. On-going mechanical repair conducted outside of an entirely-enclosed building;
- c. Junk and salvage operations;
- d. Storage and/or sale of fireworks;
- e. Ambulance service;
- f. Animal hospital or veterinary services;
- g. Any activity involving on-site retail sales is prohibited, except that the sale of

items that are incidental to a permitted home occupation is allowed. For example, the sale of



lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed.

F. Type I and II Home Occupations Defined. Home occupations shall be administered as either Type I or Type II uses. A separate home occupation permit and/or fee are required for each property on which a Type II home occupation is undertaken. For the purposes of this section, "home" refers to the residential location, including a single-family dwelling unit, accessory dwelling unit, multifamily unit, condominium unit, etc. In addition to the general criteria outlined in subsection (E) of this section, home occupations shall observe the following additional standards.

1. Type I Home Occupations. The following characteristics of a Type I home occupation shall be prohibited:

- a. Outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises;
- b. Exterior signs which identifies the property as a business location;
- c. **More than three** clients or customers to visit the premises **per day** for any reason;
- d. Exterior storage of materials.

2. Type II Home Occupations. Property on which a Type II home occupation is located may show evidence that a business is being conducted from the premises. Therefore the following is allowed for Type II home occupations:

- a. One nonilluminated sign, not exceeding one and one half (1.5) square feet, which shall be attached to the residence or accessory structure or placed in a window;
- b. No more than three outside volunteers or employees who are not a principal resident of the premises;
- c. No more than six daily customers or clients. Customers and clients may not visit the business between the hours of 10:00 PM and 8:00 AM and shall not generate excessive traffic or monopolize on-street parking (the generation of excessive traffic or monopolization of on-street parking shall be at the sole discretion of the community development director or designee);
- d. Storage of materials, goods, and equipment which is screened entirely from view by a solid fence. Storage shall not exceed five percent of the total lot area and shall not occur within the front yard or the required side yard setback.
- e. Off-Street Parking. Two on-site parking spaces shall be provided for the home occupation in addition to those spaces already required for the dwelling. No more than two customer vehicles may visit the home occupation at any one time and these must use the **legal**, designated parking spaces outside. No commercially licensed vehicle in excess of three-quarter-ton manufacturer's rating shall be utilized or parked at the dwelling unit by any resident or employee in connection with the home occupation, unless parked or stored in a fully enclosed building that is screened from adjacent residentially zoned lands by a fence or solid vegetative screen a minimum of six feet in height. In no case shall more than two commercial grade vehicles in excess of one-and-one-half-ton manufacturer's rating be parked or stored within the fully enclosed structures;
- f. Kennels, animal boarding, and commercial animal breeding activities, though the minimum land area (either by lease or ownership) associated with the Type II home occupation

that includes these uses shall equal one acre of land, and the total number of animals boarded at any one time shall not exceed twenty-five (25).

G. Permit Procedures for Type I and Type II Home Occupations.

1. Type I Home Occupation Permit. A Type I home occupation permit will be processed by means of an administrative decision, after a demonstration that the proposal complies with all development criteria within Section 16.14.020.

2. Type II Home Occupation Permit. A Type II home occupation permit will be processed by means of a quasi-judicial procedure, and is subject to review by the planning commission, per the requirements of Chapter 16.48 (Administrative Procedures).

3. Conditions of Approval. Staff may recommend, and the planning commission may impose, conditions upon the approval of a Type II home occupation permit to ensure compliance with the requirements of this chapter. These conditions may include, but are not limited to, the following:

- a. Further limiting the hours, days, place and manner of operation;
- b. Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
- c. Requiring additional building setbacks, and increased lot area, depth or width;
- d. Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;
- e. Designating the size, number, location and design of vehicle access points;
- f. Requiring street right-of-way to be free at all times of vehicles associated with the home occupation;
- g. Requiring landscaping, buffering and/or screening, of the home occupation from adjoining uses and establishing standards for the continued maintenance of these improvements;
- h. Requiring storm drainage improvements, and surfacing of parking and loading areas;
- i. Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
- j. Limiting or setting standards for the location and intensity of outdoor lighting;
- k. Requiring and designating the size, height and location of fences and materials used for their construction;
- l. Requiring the protection and preservation of existing trees, and other vegetation, watercourses, slopes, wildlife habitat areas and drainage areas;
- m. Limiting the type and number of vehicles or equipment to be parked or stored on the site; and
- n. Any other limitations which the staff and planning commission considers to be necessary or desirable to make the use comply with this section.

**o. Any limitations or conditions imposed by the City's service providers, including but not limited to Sunrise Water Authority, CCFD#1, CCSD#1, CCSD#5, etc.**

H. Revocation and Expiration of Home Occupation Permits. Grounds for Revocation. The community development director may:

1. Revoke a home occupation approval if the conditions of approval have not been or are not being complied with and the home occupation is otherwise being conducted in a manner contrary to this chapter;

2. The community development director shall approve the use as it exists, revoke the home occupation permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this section after reviewing a complaint. Complaints may be originated by the city of Happy Valley or the public. Complaints from the public shall clearly state the objection to the home occupation, such as:

- a. Generation of excessive traffic,
  - b. Exclusive use of on-street parking spaces,
  - c. Other offensive activities not compatible with a residential neighborhood;
3. Cessation of Home Occupation Pending Review. If it is determined by the

community development director in exercise of reasonable discretion, that the home occupation in question will affect public health and safety, the use may be ordered to cease pending planning commission review and/or exhaustion of all appeals;

4. Waiting Period for Re-Application. When a home occupation permit has been revoked due to violation of these standards, a minimum period of one year shall elapse before another application for a home occupation on the subject parcel will be considered;

5. Invalidation of Permit. A home occupation permit shall become invalid if the applicant moves his or her residence.

I. Business License Required. Besides meeting the requirements of this section, the business or commercial use of any home for a home occupation must be supported by an active city business license. No business license will be issued for a home occupation until:

1. The person wishing to engage in a Type I home occupation pays the one-time review fee and agrees to comply with the provisions of this chapter; or

2. The applicant for a Type II home occupation has been approved and the application certifies that the home occupation will be operated in strict compliance with the provisions of this chapter and the conditions of approval.

Amend Section 16.16.300 (Maintenance and management procedures) by adding the following:

[...]

**16.16.300 Maintenance and management procedures.**

A. The following activities are prohibited in the regular maintenance of significant natural resource areas and their buffers:

1. The removal of native vegetation shall not be permitted from a significant natural resource or its buffer unless:

a. A permit has been issued by the city in accordance with the land development title, or

b. Species to be removed are on the city's nuisance plant list (refer to Section 16.16.420).

2. No herbicides or pesticides shall be used in a significant natural resource or its buffer except for control of nuisance plants as identified in the nuisance plant list. Glyphosate-based herbicides are the only type of herbicide that can be used in a significant natural resource area or its buffer. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used;

3. No stockpiling of fill materials, parking, or storage of equipment shall be allowed within a significant natural resources or its buffer;

4. The types, sizes and intensities of lights must be placed so that they do not shine directly into the significant natural resource or its buffer.

B. To aid in the protection and preservation of significant natural resource areas and their buffers, the following standards ~~are suggested to property owners~~ **shall apply:**

1. Only plants listed in the nuisance plant list shall be controlled or removed from significant natural resource areas or their buffers;
2. The control or removal of nuisance plants should primarily be by mechanical means (e.g., hand-pulling);
3. If mechanical means fail to adequately control nuisance plant populations, a glyphosate-based herbicide is the only herbicide that can be used in a significant natural resource area or its buffer;
4. Herbicide applications should be made early in the morning or during windless periods at least four hours before probable rainfall.

**5. All significant natural resource areas and their associated buffers shall be permanently fenced. Fencing shall be placed prior to construction inspection by the City. The developer shall be responsible for the replacement of any damaged fencing prior to acceptance by the City. Fencing may include one of the following options:**

- a. **Minimum 4-foot tall white vinyl split rail fence;**
- b. **Minimum 4-foot tall black vinyl-coated chain link fence;**
- c. **An alternate design proposed by the applicant that is approved by the**

**Planning Commission and/or Community Development Director.**

Amend Chapter 16.20 (DEVELOPMENT STANDARDS AND REQUIREMENTS) by changing the following:

[...]

**16.20.160 Improvement and upgrading of public facilities and services.**

A. Whenever any property within the city is developed, the improvement and upgrading of public facilities and services which directly serve the subject property and require improvement and upgrading as a result of the development of the property shall be paid for directly by the landowner or developer or by other means as arranged between the developer and the provider. Where physical or topographical conditions or other factors make the extension of a public facility or facilities concurrent with development impractical, the ~~community development~~ **public works** director or designee may require a cash payment to the city in lieu of the extension of the facility or facilities, the amount of which shall be equal to ~~the estimated~~ **125 percent of a city reviewed and approved engineer's estimate for the** cost of the extension(s) ~~under more suitable conditions~~, or the developer's proportional share thereof as calculated by the city pursuant to subsection C of this section. **Said monies may be utilized by the city to complete the necessary improvements at a future date, or may be transferred to a subsequent developer that is extending the necessary facility in order to serve an adjacent development.**

B. The need to improve or upgrade the public facilities and services as a result of the development of property shall be determined solely by the city or supplier of the facility or service. If the city makes such a determination for a city-provided facility or service, such determination may be appealed per the provisions of Section 16.48.050. Decisions on other determinations made by public or private utility companies, service districts, commercial businesses or other companies, agencies or organizations are outside the jurisdiction of the city and cannot be appealed to the council nor held binding by this section.

C. A developer may also be held responsible for a "fair share" part of the larger local improvement which is required as a result of the development of which the developer's proposal is a part and the resultant pressures for increased, extended or improved facilities and services. Such "fair share" may be assessed and collected by the appropriate company, agency, organization or governmental unit.

D. The city shall be held harmless in any improvement or upgrading activity carried on by the developer, even though such activity was required or approved by the city. The developer shall sign such an agreement as provided by the city attorney.

[...]

**16.52.030 Street and road standards.**

[...]

18. In order to provide adequate travel lanes and stormwater drainage, roadway improvements that are constructed within areas abutting multiple properties are required to construct "three-quarter" streets along the applicable frontage of a subject site (curb, gutter, sidewalk, planter strip and a full paved section designed to accommodate stormwater drainage per CCSD#1 specifications). Half-streets are generally considered unacceptable. However, where the review authority finds that due to extenuating circumstances a half-street improvement is approved, it shall conform to the following standards:

- a. Minimum pavement width:
  - i. Neighborhood collector: Twenty-four (24) feet;
  - ii. Residential: Twenty (20) feet.
- b. Intersection improvements adequate to provide turn lanes shall be provided as follows:

- i. Parkway: Forty (40) feet paved for two hundred fifty (250) feet beyond the centerline of intersecting streets;
- ii. Neighborhood collector: Thirty-six (36) feet paved for one hundred fifty (150) feet beyond the centerline intersecting streets.
- c. A reserve or access control strip.

In cases where unimproved (gravel) or under-improved (paved section width less than that required by street classification) public right-of-way serves a proposed development, off-site improvements shall at a minimum, include the construction of a full paved section per the applicable street standard and the Engineering Design and Standard Details Manual, designed to accommodate stormwater drainage per CCSD#1 specifications. Such improvements shall continue to an adequately improved public right-of-way, as determined by the city engineer.

19. **As-Built Drawings.** Upon completion of the work, the design engineer shall submit the original or mylar copies and electronic copies as detailed within the Engineering Design and Standard Details Manual of "as-built" drawings. Information to be included in the as-built drawings shall encompass field notes and measurements furnished by the design engineer, inspector, contractor or others.

20. **Miscellaneous Information.** The expense related to modification of an existing street to accommodate proposed access, including all traffic control devices and lighting, shall be paid for by the developer.

21. In cases where physical or topographical conditions or other factors make the extension of public or private streets, sidewalks, planter strips, multi-use paths or

**pedestrian paths concurrent with development impractical for greater than five feet of lineal distance, or \$10,000 in construction costs, the public works director or designee may require a cash payment to the city in lieu of the extension of the facility or facilities, the amount of which shall be equal to 125 percent of a city reviewed and approved engineer's estimate for the cost of the extension(s). Said monies may be utilized by the city to complete the necessary improvements at a future date, or may be transferred to a subsequent developer that is extending the necessary facility in order to serve an adjacent development. The public works director or designee must concur that physical or topographical conditions or other factors make these improvements impracticable.**

Amend Chapter 16.64 (MODEL HOMES) by changing the following:

[...]

**16.64.040 Approval criteria.**

A model home may be constructed and occupied only for the purpose set forth in this chapter and consistent with its definitions prior to final plat recording and subject to the following approval criteria:

A. The lot and home foundation for the proposed model home must be surveyed by a person who is registered in Oregon as a land surveyor and holds a valid certificate consistent with state law. The surveys must establish the location of the model home structure consistent with the dimensional requirements of the underlying development district pursuant to Chapter 16.12 or as otherwise provided in this title.

B. The proposed model home shall be in compliance with all applicable dimensional requirements including but not limited to maximum height, maximum lot coverage, minimum setbacks and minimum lot size.

C. Adequate parking shall be available to serve the model home site. No model home may be occupied where on-street parking is not available on a public right-of-way or private street that is immediately adjacent to the lot. Where adjacent on-street parking is inadequate, additional temporary off-street parking may be required. Temporary off-street parking must be removed and adequate landscaping installed consistent with this title prior to any sale of the model home or lot. At least four parking spaces shall be provided for each model home.

D. Adequate emergency vehicle access shall be provided to each model home lot, as approved by the city public works director.

E. Adequate water supply for fire fighting, as approved by the city public works director, shall be provided to each model home lot prior to installation of combustible materials.

F. All required public and private utilities within the public right-of-way or private street shall be installed and at least a first lift of asphalt provided to the model home lot prior to occupancy of the model home. All utility installation must be inspected and approved by the city consistent with this title. This provision is in addition to any other requirements for public utility improvements as may be provided in this title or other applicable law.

G. The number of model homes in a residential subdivision may be allowed as follows:

1. Between one and fifty (50) residential lots, ~~one~~ **two** model homes;
2. Between fifty-one (51) and one hundred (100) residential lots, ~~two~~ **three** model

homes;

- 3. Between one hundred one (101) and one hundred ninety-nine (199) residential lots, ~~three~~ six model homes;
- 4. Two hundred (200) or more residential lots, ~~four~~ eight model homes.
- H. If more than one model home is proposed, the lots on which the model homes are to be located shall be contiguous to one another and within the first phase of development.
- I. No variances under Chapter 16.28 shall be permitted to accommodate the model home.
- J. The applicant and the city have entered into the agreement required by Section 16.64.050.

Amend Chapter 16.40 (AMENDMENTS TO THE COMPREHENSIVE PLAN, LAND USE MAP AND LAND DEVELOPMENT TITLE OF THIS CODE) by changing the following:

[...]

**16.40.040 Public hearing and notice.**

- A.** Any proposed change to the adopted Happy Valley land use regulations shall follow the stated scheduling, notification and procedure.
  - 1. **Process.**
    - a. The first evidentiary hearing shall occur before the planning commission, who may make a recommendation to the city council to approve, approve with conditions, or deny subject requests. The city council shall be the final local review authority, and shall decide to approve, approve with conditions, or deny subject requests.
  - 2. **Notice.**
    - a. All affected governmental agencies shall be notified by mail. Failure to receive such notices shall not invalidate the application, public hearing or other proceedings.
    - b. Continued hearings may be held on any application without giving further notice as outlined above, provided that the date and time of additional or continued hearings are given during the first public hearing or subsequent hearing on the subject preceding the additional or continued hearing.
    - c. Notice of all non-site-specific proposed plan text, map or implementing ordinance amendments shall be provided pursuant to the city charter and applicable state statutes.

**B. Any proposed annexation to the City via an expedited process shall follow the stated scheduling, notification and procedure.**

- 1. Process.**
  - a. **Expedited annexations shall be processed as an ordinance per chapter eight of the City's Charter, effective January 1, 2001. The final decision shall occur before the City Council. The City Council shall be the only local review authority, and shall decide to approve, approve with conditions, or deny subject requests.**

**2. Notice.**

- a. **All interested and necessary parties, as defined by the Metro Code Section 3.09.020, shall be notified by mail. Failure to receive such notices shall not invalidate the application, final decision or other proceedings.**
- b. **Continued hearings may be held on any application without giving further notice as outlined above, provided that the date and time of additional or continued hearings are given during the first public hearing or subsequent hearing on the subject preceding the additional or continued hearing.**

[...]

**16.40.100 Annexation to the existing city.**

For any proposed annexation to the city, application shall be made directly to the city of Happy Valley on the appropriate forms and accompanied with the required fee. Upon receipt of a copy of the form, the city shall schedule a public hearing before the planning commission, which shall make a recommendation to the city council. The city may utilize any lawful annexation process under state, regional or local law, including the expedited annexation process established in the Metro Code. **An expedited annexation process shall be sent directly to the City Council for review. Expedited annexations shall be processed as an ordinance per the City of Happy Valley Charter.**