



**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)



**NOTICE OF ADOPTED AMENDMENT**

07/31/2012

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** City of Happy Valley Plan Amendment  
DLCD File Number 006-12

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:** Wednesday, August 15, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Michael Walter, City of Happy Valley  
Gordon Howard, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst  
Gary Fish, DLCD Transportation Planner

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FORM 2

DLCD

## Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	<b>DEPT OF</b>
	<b>JUL 27 2012</b>
	<b>LAND CONSERVATION AND DEVELOPMENT</b>
For Office Use Only	

Jurisdiction: **City of Happy Valley**

Local file number: **CPA-05-12/LDC-05-12**

Date of Adoption: **7/20/2012**

Date Mailed: **7/25/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 5-3-12

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Adopted amendments within the Rock Creek Employment Center area from Industrial Campus (IC) to Institutional & Public Use (IPU) zoning on approximately 76.1 acres and from IC to Mixed Use Employment (MUE) on 60.1 acres, paired with corresponding amendments within Title 16 (Development Code) of the City's Municipal Code. In addition, miscellaneous administrative amendments within other areas of the Development Code were adopted.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **See Attached**

to: **See Attached**

Zone Map Changed from: **See Attached**

to: **See Attached**

Location: **See Attached**

Acres Involved: **136.20**

Specify Density: Previous: **N/A**

New: **See Attached**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

DLCD File No. 006-12 (19326) [17116]



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**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Clackamas County, Metro

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Local Contact: **Michael D. Walter Eco & Com DevDir** Phone: (503) 783-3839 Extension:

Address: **16000 SE Misty Drive**

Fax Number: **503-658-5174**

City: **Happy Valley**  
**valley.or.us**

Zip: **97086-**

E-mail Address: **michaelw@ci.happy-**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

CITY OF HAPPY VALLEY  
ORDINANCE NO. 427

AN ORDINANCE INCORPORATING AMENDMENTS TO TITLE 16 OF THE CITY'S MUNICIPAL CODE (DEVELOPMENT CODE); AND, COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENTS IN ORDER TO IMPLEMENT CHANGES ENVISIONED WITHIN THE ROCK CREEK EMPLOYMENT CENTER (RCEC) PLAN AREA, AS WELL AS MISCELLANEOUS ADMINISTRATIVE AMENDMENTS. DUE TO THE NEED TO IMPLEMENT THESE AMENDMENTS IN A TIMELY MANNER, AN EMERGENCY IS DECLARED.

THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

WHEREAS, the City has coordinated with the Oregon Department of Transportation (ODOT); Oregon Department of Conservation and Development (DLCD); Metro; and, Clackamas County in the development of the proposed amendments within the RCEC Area; and

WHEREAS, incorporation of the RCEC changes requires amendments to the Comprehensive Plan/Zoning Map and a number of changes within the City's Land Development Code that have been discussed in a citizen involvement process that included direct mail (including Measure 56 Notice), an Open House and the Planning Commission public hearing on June 12, 2012; and

WHEREAS, the Planning Commission recommended the City Council approve the amendments associated with the RCEC and miscellaneous Development Code amendments as detailed in the Staff Report to the Planning Commission dated June 12, 2012; and

WHEREAS, the Council of the City of Happy Valley, Oregon, has determined that it is reasonable, necessary and in the public interest to make the proposed amendments as detailed within Staff Report to the Planning Commission dated June 12, 2012 and as discussed at the regular meeting of the City Council on July 17, 2012; and

NOW, THEREFORE, based on the foregoing,

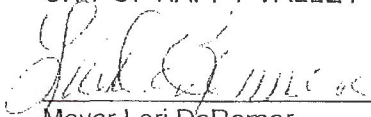
THE CITY OF HAPPY VALLEY ORDAINS AS FOLLOWS:

- Section 1. The City of Happy Valley declares that the incorporation of the changes envisioned within the RCEC area are supported by the proposed amendments to the City's Comprehensive Plan/Zoning Map and Land Development Code, to be amended as set forth within the Staff Report to the Planning Commission dated June 12, 2012.
- Section 2. The City of Happy Valley declares that the Findings of Fact included within the Staff Report to the Planning Commission dated June 12, 2012 are hereby adopted in conjunction with this Ordinance.
- Section 3. The City of Happy Valley declares that the changes to the RCEC area are adopted and that the comprehensive plan designations/zoning districts be applied to the properties illustrated in Exhibit "A" that are currently annexed within the existing city limits.
- Section 4. An emergency is declared to exist and as provided by Section 17 of the Happy Valley City Charter this ordinance takes effect on July 17, 2012.

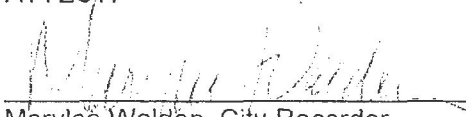
COUNCIL APPROVAL AND UNANIMOUS ADOPTION AT ONE MEETING: [July 17, 2012]



CITY OF HAPPY VALLEY

  
\_\_\_\_\_  
Mayor Lori DeRemer

ATTEST:

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

## NOTICE OF PUBLIC HEARING

### CITY OF HAPPY VALLEY PLANNING COMMISSION AND CITY COUNCIL

**THIS IS TO NOTIFY YOU THAT THE CITY OF HAPPY VALLEY SEEKS TO IMPLEMENT A PLAN AND/OR LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY.**

This notice is provided in order to comply with Ballot Measure 56 - approved by Oregon voters on November 3, 1998. Ballot Measure 56 requires the City to print the following sentence: "The City has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property."

Notice is hereby given that the

**HAPPY VALLEY PLANNING COMMISSION** will hold a  
**PUBLIC HEARING on**  
**TUESDAY, JUNE 12, 2012** and the **HAPPY VALLEY CITY COUNCIL** will  
hold a subsequent **PUBLIC HEARING on TUESDAY, JULY 17, 2012** both  
hearings to commence **at 7:00 p.m.**

The hearings will be held at the Happy Valley City Hall  
16000 SE Misty Drive,  
Happy Valley, OR, 97086

The purpose of these hearings is to consider public testimony on:

Analysis of the Rock Creek Employment Center area has produced proposed amendments from Industrial Campus (IC) to Institutional & Public Use (IPU) zoning on approximately 76.1 acres and from IC to Mixed Use Employment (MUE) on 60.1 acres, paired with corresponding amendments within Title 16 (Development Code) of the City's Municipal Code. In addition, administrative amendments are proposed within the use and development standards tables of EC, IC, MUC and various residential zones. You are receiving this notice due to the fact that your property is currently encumbered with one or more of these land use zones that are proposed for amendment.

On June 12, 2012 and July 17, 2012, the City of Happy Valley will hold public hearings regarding proposed amendments to the City's Comprehensive Plan/Zoning Map (Local File No. CPA-05-12/LDC-05-12). Please see the attached materials. ***The City of Happy Valley has determined that adoption of this plan may affect the permissible uses of your properties and may change the value of your property.*** In broad terms, the proposed change to MUE zoning for a portion of the lands in the RCEC area represent what is typically referred to as an "up-zone" for properties subject to zone change, the IPU zoning is to be applied to the existing schools and park, other changes affect permitted and conditional uses within existing zones. The file is available for inspection at the City of Happy Valley City Hall located at 16000 SE Misty Drive, Happy Valley, OR 97086. A copy of the entire file may be obtained electronically (by e-mail); for the cost of electronic transfer to a writable CD; or, copying costs for paper copies. All written comments must be received by Friday, June 1, 2012 at the above address. For additional information concerning the file, please contact Michael D. Walter, AICP at 503-783-3839, or write to [michaelw@ci.happy-valley.or.us](mailto:michaelw@ci.happy-valley.or.us). The Planning Commission holds a first evidentiary public hearing in regard to the proposed map/text amendments, followed by a recommendation to the City Council. The City Council is the final local review authority and will consider the map amendments and an Ordinance at the subsequent public hearing. Applicable criteria for this review are generally set forth in:

- Happy Valley Comprehensive Plan Policies;
- Happy Valley Development Code
- Metro Urban Growth Management Functional Plan; and,
- Oregon Statewide Planning Goals and Statutes.

**Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if requested at least 72 hours prior to the meeting. To obtain such services, please contact Marylee Walden, City Recorder, at 503.783.3800**



## Proposed Map Amendments



**FINAL MUNICIPAL CODE TEXT AMENDMENTS  
JULY 17, 2012**

**2.16.070 Powers and duties.**

Each committee shall serve in an advisory capacity to the city council in their respective scope as defined in the committee's by-laws and in concert with the city council's mission statement. Each committee shall communicate those recommendations upon which they reach consensus to the city council for consideration. Each committee member is required to adhere to the city rules governing city volunteer committees.

A. Planning Commission Powers and Duties.

1. The planning commission is charged with the express duty of administering and enforcing the **Land Development Code** ~~land development ordinances~~ of the city and shall have the powers and duties set forth in **this Title and the Land Development Code** ~~such ordinances~~ and govern themselves accordingly. In addition, the planning 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, and the charter and ordinances of the city. The planning commission shall make its decisions in accordance with the rules and regulations set forth in the **Land Development Code** ~~city's land development ordinance~~.

[...]

B. Design Review Board Powers and Duties.

1. The design review board will administer and enforce the **Land Development Code** ~~land development ordinances~~ of the city and is delegated the powers and duties set forth in **the Land Development Code** ~~these ordinances~~. In addition, the board has the powers and duties of ORS Chapter 227 applicable to design review boards. The design review board must make its decisions in accordance with state and federal law and the **Land Development Code** ~~city land development code~~.

2. The design review board will serve as expert professional advisors to aid in the review of certain development applications which will be processed in accordance with the administrative procedures and design review regulations in the **Land Development Code** ~~city development code~~.

[...]

**16.22.020 Very low density residential zones.**

[...]

**Table 16.22.020-1 Very Low Density Residential (R-40, R-20, R-15) Permitted Uses**

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	R-40	R-20	R-15
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Land Use	R-40	R-20	R-15
<b>Residential</b>			
One single-family frame dwelling, modular dwelling unit or manufactured home per lot	P	P	P
Single-family attached dwelling units, duplexes, multiple family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130	P	P	P
Accessory dwelling units complying with Section 16.44.050	P	P	P
Temporary manufactured home to allow for care of an aged or infirmed relative, provided that adequate water, sewage, disposal and fire protection are available, and that tongue, undercarriage and axles remain intact on the unit. Undercarriage wheels and supporting base must be covered with a full ground length sign-obscuring skirting around the entire circumference of the manufactured home.	C	C	C
Residential care home	P	P	P
Residential care facilities	C	C	C
Home occupation as defined in Section 16.12.030, per the provisions of Section 16.69.020	P	P	P
<b>Commercial</b>			
Commercial daycare facilities	C	C	C
Special event centers for hosting functions such as weddings, anniversary celebrations, corporate parties and similar events	C	C	C
<b>Institutional/Utilities</b>			
Public and semi-public buildings and functions	C	C	C
Public utility substations or other function	C	C	C
Cemeteries	C	C	C
Church, synagogue, temple or other place of worship	C	C	C
Public or private school(s)	C	C	C
<b>Other</b>			
Agriculture and related activities, not to include the commercial processing of any type of agricultural products, whether animal or vegetable	P	P	P
Public or private open spaces, parks and playgrounds, tennis courts and similar outdoor recreational activity areas and recreational buildings, facilities and grounds, which include fully or partially enclosed structures for the primary or secondary use	P	P	P
Large scale recreational facilities such as golf courses, aquatic centers, aquariums, amusement parks and similar uses	C	C	C
Temporary use of a trailer, mobile home, or other building for a use incidental to construction work provided that: The maximum time period is six months, with a maximum extension for another six months; The trailer, mobile home, or other building is connected to an approved sewage disposal system; A building permit for a permanent structure has been issued;	C	C	C

Land Use	R-40	R-20	R-15
The temporary home or building shall be removed upon completion or abandonment of construction; and No reasonable alternative, such as the availability of nearby rental housing exists.			
Wireless communication facilities, not to include antenna support structures, subject to the provisions of Section 16.44.020 of this title.	C	C	C
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P	P	P
Any accessory structure which is customarily incidental to any of the permitted uses, located on the same lot	P	P	P
Solar energy collection apparatus	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
NOTES: <sup>1</sup> Permitted only as an accessory use, subject to applicable building height maximum.			

[...]

#### 16.22.030 Low density residential zones.

[...]

**Table 16.22.030-1 Low Density Residential (R-10, R-8.5 R-7) Permitted Uses**

P=Permitted; C=Conditional Use; X=Prohibited

Land Use	R-10	R-8.5	R-7
<b>Residential</b>			
One single-family frame dwelling, modular dwelling unit or manufactured home per lot	P	P	P
Single-family attached dwelling units, duplexes, multiple-family units or manufactured housing, approved as part of a PUD application pursuant to Section 16.63.130	P	P	P
Two-family attached dwelling units (duplexes) in a subdivision not approved as a PUD and not to exceed the allowable density of the district <sup>1</sup>	P	P	P
Multifamily dwellings not approved as a PUD. Density calculation as defined in Section 16.63.020 may be used where applicable	X	X	X
Accessory dwelling units complying with Section 16.44.050	P	P	P
Temporary manufactured home to allow for care of an aged or infirmed relative, provided that adequate water, sewage, disposal and fire protection are available, and that tongue, undercarriage and axles remain intact on the unit. Undercarriage wheels and supporting base must be covered with a full ground length sign-obscuring skirting around the entire circumference of the manufactured home.	C	C	C
Residential care home	P	P	P
Residential care facilities	C	C	C
Manufactured home parks, subject to the provisions of Section 16.44.040	P	P	P



<b>Land Use</b>	<b>R-10</b>	<b>R-8.5</b>	<b>R-7</b>
Home occupation As defined in Section 16.12.030, per the provisions of Section 16.69.020	P	P	P
<b>Commercial</b>			
Commercial daycare facilities	C	C	C
Special event centers for hosting functions such as weddings, anniversary celebrations, corporate parties and similar events	C	C	C
<b>Institutional/Utilities</b>			
Public utility substations or other function	C	C	C
Church, synagogue, temple or other place of worship	C	C	C
Public or private school(s)	C	C	C
<b>Other</b>			
Public or private open spaces, parks and playgrounds, golf courses, tennis courts and similar outdoor recreational activity areas and recreational buildings, facilities and grounds, which include fully or partially enclosed structures for the primary or secondary use.	P	P	P
Large scale recreational facilities such as golf courses, aquatic centers, aquariums, amusement parks and similar uses	C	C	C
Temporary use of a trailer, mobile home, or other building for a use incidental to construction work provided that: The maximum time period is six months, with a maximum extension for another six months; The trailer, mobile home, or other building is connected to an approved sewage disposal system; A building permit for a permanent structure has been issued; The temporary home or building shall be removed upon completion or abandonment of construction; and No reasonable alternative, such as the availability of nearby rental housing exists.	C	C	C
Wireless communication facilities, not to include antenna support structures, subject to the provisions of Chapter 16.44.020 of this title.	C	C	C
Construction of new streets and roads, including the extensions of existing streets and roads, that are included with the adopted transportation system plan	P	P	P
Any accessory structure which is customarily incidental to any of the permitted uses, located on the same lot	P	P	P
Solar energy collection apparatus	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
NOTES: <sup>1</sup> Location: Duplexes and triplexes must be located on a corner lot or adjacent to the intersection of two streets. <sup>2</sup> <del>Permitted only as an accessory use, subject to applicable building height maximum.</del>			

[...]

**16.22.040 Medium density single-family residential zones.**

[...]

**Table 16.22.040-1 Medium Density Single-Family Residential (R-5 and MUR-S) Permitted Uses**

P=Permitted; C=Conditional Use; X=Prohibited

<b>Land Use</b>	<b>R-5</b>	<b>MUR-S</b>
<b>Residential</b>		
One single-family frame dwelling or modular dwelling unit per lot	P	P
Two-family attached dwelling units (duplexes), and multiple-family dwellings up to a triplex. Density calculation as defined in Section 16.12.030 may be used where applicable. <sup>1</sup>	P	P
Accessory dwelling units, complying with Section 16.44.050	P	P
Residential care home	P	P
Residential care facilities	C	C
Manufactured home parks subject to the provisions of Section 16.44.040	C	P
<b>Commercial</b>		
Commercial daycare facilities	C	C
Home occupation as defined in Section 16.12.030, per the provisions of Section 16.69.020	P	P
Special event centers for hosting functions such as weddings, anniversary celebrations, corporate parties and similar events	C	C
<b>Neighborhood Commercial Uses</b>		
Coffee shops, cafes, sandwich shops and delicatessens, restaurants (no drive-through service allowed)	X	P <sup>2</sup>
Florists	X	P <sup>2</sup>
Grocery, food, specialty foods, and produce stores	X	P <sup>2</sup>
Laundromats and dry cleaners	X	P <sup>2</sup>
Personal services (e.g., barbershops, hair salons, spas)	X	P <sup>2</sup>
Yogurt and ice cream stores	X	P <sup>2</sup>
Video rental stores	X	P <sup>2</sup>
Retail and service commercial uses similar to those above but not listed elsewhere in this section upon administrative determination through the design review process.	X	P <sup>2</sup>
<b>Institutional/Utilities</b>		
Church, synagogue, temple or other place of worship	C	C
Public or private school(s)	C	C
Utility facilities (telecommunication, pump stations, substations)	C	C
<b>Other</b>		
Public or private open spaces, parks and playgrounds, tennis courts, and similar outdoor recreational activity areas and recreational buildings, facilities and grounds, which include fully or partially enclosed structures for the primary or secondary use	P	P
Large scale recreational facilities such as golf courses, aquatic centers, aquariums, amusement parks and similar uses	C	C
Wireless communications facilities not to include antenna support	P/C	P/C



CITY OF H  
16000 SE  
PY VALLEY, OREGON 97086



DEPT OF  
JUL 27 2012  
LAND CONSERVATION  
AND DEVELOPMENT

Plan Amendment Specialist – Angela Houck  
Dept. of Land Conservation & Development  
635 Capital Street NE, Suite 150  
Salem, OR 97301-2540